

This Constitution Day, states should finally unwrap the gift of Article V

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Sept. 17 is Constitution Day, when Americans commemorate the signing of the U.S. Constitution. Hence, there is no better time to reexamine the true intentions of the founding fathers on the power of the national government.

Despite popular conceptions that the Constitutional Convention lacked conflict, the founding fathers often debated the balance of power between the national and state governments, among many other issues. As ratification hung in the balance, two factions emerged: Federalists, who supported the Constitution and a strong central government, and anti-Federalists, who supported strong state governments.

To placate the anti-Federalists and ensure ratification, the Federalists promised to pass a Bill of Rights to protect individual liberty and state sovereignty. Despite the anti-Federalist fears of a tyrannical central government, the Constitution does include another safeguard against this affront to liberty: Article V.

Although never implemented, Article V gives states significant power that can — and should — be used today. Since the federal government continues to usurp power and excessively spend taxpayers' money, there is no time like the present for states to put this to an end.

Article V allows state legislators to propose amendments to the Constitution. For this to take place, two-thirds of the states must submit applications to Congress for a convention of states

to be called. After a convention is called, states can pass amendments to the Constitution without congressional approval. These amendments then need to be ratified by three-fourths of the states.

Over the course of American history, several attempts to enact Article V have taken place. However, none have been successful. Currently, one of the foremost issues garnering support for an Article V convention is the need for a balanced budget amendment (BBA). This legislation dates back to the 1950s. Through the decades, this movement has flourished and fizzled. However, as Congress continues to spend into oblivion, the movement has had a recent resurgence. Currently, 28 states support the BBA.

Another amendment goes a step further, calling for a convention to “impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of congress.” So far, 12 states have active applications.

The imposition of fiscal restraints shouldn't come to anyone's surprise — the national debt is reaching epic proportions. As of now, the national debt stands at a mind-boggling \$21.4 trillion. Although the debt is daunting — the annual federal budget deficit is even more alarming. According to the Congressional Budget Office (CBO), the deficit “was \$895 billion for the first 11 months of fiscal year 2018 ... \$222 billion more than the shortfall recorded during the same period last year.” This astronomical number is skyrocketing and will surpass \$1 trillion before 2020, as previously reported by CBO.

The federal debt and deficit severely impact the states, as they rely on federal funding, with “federal aid [making] up nearly a third of all states' general fund revenues in fiscal year 2015.” Major items for funding include “transportation, Medicaid and other social assistance programs.” The federal government has also “promised” to cover future liabilities, such as Medicaid expansion costs, but given CBO's projections, it is unlikely the federal government will be able to meet these obligations.

Critics of an Article V convention fear a runaway convention, in which appointed delegates pass amendments beyond those specifically stated in the application. However, these fears are unfounded. Constitutional law scholar Rob Natelson argues there are “redundant protections against a runaway convention,” including political factors, provisions in states' applications, possible lawsuits, and “the potential for more judicial challenge, at every step of the process.”

As Americans celebrate the signing of the Constitution, all policymakers should adhere to the principles of the Constitution. Furthermore, state legislators must hold the federal government accountable — and they can do so through Article V. As the deficit and debt continue to spiral out of control, federal lawmakers' ambivalence is shocking. Fortunately, the founding fathers anticipated the likelihood of a tyrannical, spend-thrift central government — it is for incumbent state legislators to utilize the power granted to them under Article V to put the nation back on a fiscally sustainable path.

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