



Written by [William S. Hahn](#) on July 26, 2022

Con-Con Introduced, Time to Act! Says JBS

When daily life in America looks grim and the future under big government policies look even worse, why would anyone go to big government and ask them to fix it? Since 1787, the track record of the federal government has only gotten worse due to its not following the limitations of the Constitution. Yet, there are some in Congress and across the country that have bought into a false solution that if we just held a constitutional convention, amendments to the Constitution will fix our predicament.



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We'll clear up the very dangerous misconceptions of the federal government calling a convention in this episode and offer a much safer, quicker, and constitutional method of solving what ails America.

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[Foxnews.com](#) reported this week,

House measure says Congress obligated to call convention for balance budget amendment."

The resolution says, "beginning in 1979, when Congress appears to have failed in its constitutional duty to count applications and call a 'convention for proposing amendments,' the nation's debt has increased to more than \$30 trillion from \$830 billion while the value of the dollar has declined by over 70%."

First of all, Congress has been very derelict in not following the Constitution, but calling a convention as specified in Article V is not one of them. Article V gives us a threshold of two-thirds of the states, meaning that 34 states have to apply to Congress for Congress to call a constitutional convention.

FoxNews then reported, pulling some of this from the resolution, "By that year [1979], 39 states had approved measures calling for a convention of the states, or an Article V convention. That is more than the two-thirds, or 32 states, required."

Again, 34 states are required, not 32 according to the Constitution. Plus, 39 states is not an accurate count. The highest number of states that applied for a constitutional convention call for a Balanced Budget Amendment was 32 in 1983. We should know, as The John Birch Society and Eagle Forum led the charge in 1983 to stop this dangerous tactic and have worked since then to get many of these applications rescinded. The count currently stands at 26 states.

We've heard this same number and line of inaccurate reasoning from some convention supporters. They



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suggest that if a state applies for a call, then it stands forever until Congress calls the convention. They do not take rescissions into consideration. This is similar to thinking that if a state passes a law, then it can never be changed. However, government represents We The People. If We The People change a law, then it is changed due to the will of the people. Do convention supporters recognize the repeal of prohibition? Then why wouldn't they recognize rescissions?

To cut to the quick, a Balanced Budget Amendment sounds like a great idea, but in practice would fail to accomplish the task. Why? It doesn't take into consideration a crucial factor: unconstitutional spending.

How would you balance your budget in either your home or business? You're in control of two variables: income and expenses. Either you control them or they will control you. You want to ensure you have more income than expenses, either by increasing your income or decreasing your expenses.

Congress doesn't have a track record of decreasing expenses by cutting its own reckless spending, so to balance the budget, Congress will have to raise taxes.

Plus, these types of amendments can have loopholes that specify Congress can ignore the amendment in times of war. When hasn't the federal government been at war? Whether it's a war on poverty, climate change, terrorism, a virus, or whatever may be the scare-flavor of the day, the federal government will find ways around the amendment to ensure spending is as wasteful as possible.

In 2017, we exposed these loopholes in an [online article](#) at TheNewAmerican.com. We reported,

Of the various proposed BBAs in Congress over the past few years, virtually all of them allow for deficit spending based upon an agreement of a 60 percent or 67 percent approval of both legislative chambers, the House and Senate.

Virtually every proposed BBA includes an even larger loophole making it easier for Congress to not have to balance the budget.... All it would take constitutionally to not balance the budget is a declared national emergency.... If a national emergency is required to not balance the budget under a BBA, then would not Congress likely follow suit in order to avoid the hard task of balancing the budget?"

So does that mean The John Birch Society is against reining an out-of-control federal government, or that we're against fiscal responsibility? No, we are for tools that work. Here's the clincher: A balanced budget amendment misses the real problem, which is the constant disobedience of constitutional limitations.

If Congress was following the Constitution by adhering to its limitations, then its spending would be under control as the Constitution only authorizes Congress certain powers as mostly found in Article I, Section 8. In other words, the vehicle to restrain government spending and to rein it in already exists! Amending the Constitution will only legitimize unconstitutional spending.

Besides, using a constitutional convention as provided for in Article V of the Constitution is a dangerous tool to use in an era when those who cannot define a woman have their hands on the controlling levers of the government.

Oh, but you may say, there is a fail-safe for that. The Constitution requires three-quarters of the states to ratify any proposed amendments and conservatives have the numbers to stop any bad ones. Really?



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Then explain to me 1913. In that year alone, the 16th and 17th Amendments were finally ratified. Republicans were not able to stop those. In fact, some supported those progressive ideas. On the whole, Republicans have yet to be able to effectively organize and implement any coherent plan to stop the advancement of socialism and restore the American Republic.

Plus, at the last Constitutional Convention in 1787, the ratification method was completely changed to make it easier for the new Constitution to be adopted. Article XIII of the Articles of Confederation made clear that changes to the document were to be agreed upon by all states. However, the Founders used the power of the convention to their advantage. This could certainly be done again. Whose to prove that the ratification method wouldn't be changed to majority rule from the general population. If you don't trust Congress, how can you trust the general population that thinks we are a democracy?

Also, if we are not confident that our elections are secure, what makes us think a convention, which could rewrite the Constitution, just as it did in 1787, could be controlled to follow the rules or limit itself to specific topics? So far, the convention bill's sponsors are not providing for the will of the people or even the modicum of safeguards.

Their scheme, of which we [exposed earlier this year](#) online at [TheNewAmerican.com](#) is to aggregate or combine state applications of more than one topic and general convention applications to get to the threshold number of 34. Yet, when state legislatures debated and passed these applications, they reflected the will of the electorate to limit the application to one amendment topic, not to have a convention in which many topics may be discussed and several amendments proposed.

The [proposed resolution](#) states, "Congress hereby calls a Convention for proposing amendments to the Constitution of the United States."

This means it is not a convention for a specific topic, but a general convention that pitches any and all amendments. If you enjoy the Bill of Rights, especially the First and Second Amendments, then this should scare you into action.

The convention is not the right tool at this time. It has the power to destroy the Bill of Rights. That may not be the intent of supporters, but it certainly could be an outcome.

To sum this up, the Constitution already limits the federal government, and if the Constitution was obeyed, the federal government would be cut in size, scope, and cost by 80 percent, allowing us to cover our constitutional obligations, reduce taxes, eliminate deficit spending, and pay off the debt.

Working together, the 10th Amendment and Article VI can be used to nullify unconstitutional actions of the federal government. This is actually the safest constitutional tool to use, and has been used countless times in the past — most recently to refuse enforcement of Covid mandates and related tyranny. Nullification doesn't rely on Congress to call a convention, and it doesn't rely on other states to call a convention. State legislatures can act quickly to pass a resolution and then offer immediate relief to their constituents.

There is so much more that can be said, but we recommend familiarizing yourself and then distributing to others our key tools on this, including a [Special Report](#) from *The New American* magazine that covers this topic from head to toe, our [booklet on Article VI](#), and other items that specifically address a Balanced Budget Amendment, located at our Stop the Con Con action project page on [JBS.org](#).

While there's not much chance of this passing, this gives us an opportunity to expose the scheme, the dangers of a convention and to build support for obeying the Constitutional limitations, instead of



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rewriting them. Use our [free online tool](#) to contact your Congressmen to have them vote against it if it does come up for a vote, and use our educational tools to explain how nullification works at the state level for state legislators.

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I'm Bill Hahn for The John Birch Society and until next time, stay informed, stay active, and get organized patriots!



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