



Written by [Joe Wolverton, II, J.D.](#) on March 29, 2011

McConnell Gathering Allies for Battle for a Balanced Budget Amendment

Senate Majority Leader Mitch McConnell (R-Ky., pictured) is not giving up on his quest to enact a balanced budget amendment (BBA). Word from D.C. indicates that the five-term lawmaker is actively assembling a cohort of advocates of the amendment to the Constitutional that would require Congress to zero the federal balance sheet.

Politico.com [reported](#) Sunday that McConnells efforts are bearing fruit. Says the Politico story:



Senate Minority Leader Mitch McConnell and other senior Republicans are building a united front behind a constitutional amendment that would require a balanced federal budget, a measure that could serve as a bargaining chip in the debate over raising the debt ceiling.

While there is significant disagreement among the GOP minority in the Senate regarding the merits of the balanced budget amendment, McConnell is not dissuaded and has circulated a cache of documents to all his Republican colleagues hoping to convince them to put aside their differences and unite behind a compromise version of the measure.

The Majority Leaders ability to convince Republican Senators to coalesce behind his plan is crucial to the proposed amendments legislative viability. Again from the Politico.com story:

If all 47 members sign onto the plan, it could give Republicans new leverage to demand a Senate vote as a condition for agreeing to take up the politically thorny issue of raising the national debt limit. Such a deal could help shield Republicans from the ensuing political blowback. Many in the party acknowledge they must vote to raise the federal borrowing limit this spring in order to prevent the United States from defaulting on its creditors.

What of this balanced budget amendment? Where did the concept begin and for how long have Congressmen regarded such a mandate as an effective tool in building a fiscally responsible federal budget?

[Article 1, Section 8](#) of the Constitution authorizes Congress to borrow money on the credit of the United States. This grant of power was nearly identical to a similar provision of the [Articles of Confederation](#) which endowed the Continental Congress with power to borrow money, or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted.



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The cost of fighting an eight-year war against Great Britain for the restoration of our right of self-government was exorbitant. The new republic found itself owing money to a long slate of creditors. Dutifully, lawmakers wrestled with the best way of settling these debts.

In 1798, Thomas Jefferson offered his opinion on the matter in a letter he wrote to John Taylor of Caroline. Said the Sage of Monticello:

I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government; I mean an additional article taking from the Federal Government the power of borrowing. I now deny their power of making paper money or anything else a legal tender. I know that to pay all proper expenses within the year would, in case of war, be hard on us. But not so hard as ten wars instead of one. For wars could be reduced in that proportion; besides that the State governments would be free to lend their credit in borrowing quotas.

It took nearly 70 years for the matter to be addressed through any sort of amendment. The [14th Amendment](#) says in section 4:

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

Since that time, numerous attempts have been made to pass an amendment to the Constitution requiring Congress to balance the federal budget. On May 4, 1936, Representative Harold Knutson (R-Minn.) introduced a resolution in support of a constitutional amendment that would have placed a per capita ceiling on the federal debt in peacetime.

More recently, in 1997 Senator Orrin Hatch (R-Utah) led the fight for passage of a balanced budget amendment that ultimately fell one vote short of approval in the Senate.

The iteration of the BBA being flogged by Senator McConnell would require the President to submit a balanced budget each fiscal year that caps federal expenditures at 18 percent of the Gross Domestic Product (GDP). Hatch's plan set the expenditure ceiling at 20 percent of GDP.

In a desperate plea to garner support of some sort of solution, Senator Hatch told reporters:

Our national debt is over \$14 trillion, and its clear Washington can't fix this problem on its own. We need a constitutional amendment to force Washington to live within its means.

There are others similarly searching for a way to relieve this crushing burden of decades of fiscal malfeasance. Under the auspices of Article V of the Constitution, several states have submitted petitions calling for a constitutional convention for the purpose of considering a balanced budget amendment. While the validity of these applications is questionable, they do evince a sense in the states that something must be done to impose rigid restraints on the spending power of the federal government.

Seemingly, there is an aspect of all of these plans that is going unnoticed by the array of advocates.

Rather than forcing Congress to withdraw back into the sphere of authority set for it by the enumerated powers of the Constitution, a balanced budget amendment would obliterate all concept of enumerated powers by permitting Congress to spend money on anything, no matter how unconstitutional, so long as the amount doesn't exceed the 18% (or 20%, depending on the version) of GDP limit.

Of course, what is even more evident given a brief glance at the history of the legislative branch to



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completely ignore all constitutional fetters on its power, is that Congress would continue spending on projects and programs not authorized by the Constitution and would eventually approve this or that measure granting to themselves temporary authority to spend more than the statutory limit.

As of now, Senator McConnell and his allies are busy counting votes in their favor on a bill that would forever eliminate the core constitutional principle of enumerated powers. Sadly, the piece in Politico indicates that:

the latest plan has won support from conservatives like Florida Sen. Marco Rubio, South Carolina Sen. Jim DeMint, Kentucky Sen. Rand Paul, Louisiana Sen. David Vitter and Wyoming Sen. Mike Enzi. But it also has won support of moderates like Mark Kirk of Illinois and Olympia Snowe of Maine.

Constitutionalist constituents of these senators can persuade them to reject the BBA in any form and to further commit to confining their spending only to those areas already authorized by the Constitution.



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