



## AP Article: “Budget Hawks Hatch Plan to Force Constitutional Convention”

### Q & A

1. Does the U.S. Constitution provide for a “constitutional convention” as suggested by the title of the Article?

Ans: NO; [Article V](#) of the U.S. Constitution does not provide for a “constitutional convention.” Rather, it authorizes a “Convention for proposing Amendments.” The 1787 conclave was the only meeting that can be accurately described as a “Constitutional Convention.”

2. Is the following statement accurate? *“The 1787 convention was called to amend the Articles of Confederation but resulted in a whole new national constitution.”*

Ans: NO; as an examination of the [state delegate instructions](#) to the 1787 Constitutional Convention shows, 11 of the 12 state delegations voted in accordance with their state’s instructions: *“to render the Federal Constitution (meaning, at that time, “Federal government”) adequate to the exigencies of the Union.”* Only the Massachusetts delegation voted contrary to their state’s instructions that: *“the convention be limited only to amending the Articles.”*

3. Are the “critics” of an Article V Convention for proposing Amendment(s) correct when they suggest that “a convention could decide to take on topics beyond a balanced budget and propose other big constitutional changes”?

Ans: YES; but only if State Convention Delegates are willing to:

1. Violate their oath of office,
  2. Disobey state legislature’s recall orders and
  3. Successfully challenge in federal court the state laws prohibiting Article V Convention Delegates from proposing amendments unrelated to the subject of the state’s application and instructions. (Note: The Supreme Court recently upheld state recall and vote-nullification laws in a unanimous decision, prohibiting “faithless” Presidential Electors from violating their oath of office.)
4. Would a Supreme Court decision to “call” an Article V Convention for Proposing Amendments: “overturn decades of legal precedents on the separation of powers for the federal judiciary”?



Ans: NO; quite the contrary. It is The Supreme Court's responsibility protect the U.S. Constitution's ultimate "separation of powers" in Article V which mandates that: "Congress shall call the Convention for proposing Amendments...upon the Application of two-thirds (34) of the states." (Note: In contrast to the [law counting State Amendment Ratification Resolutions](#) as old as [202 years](#), Congress has unconstitutionally avoided counting any of the 700+ Article V Applications passed by the states since 1789.)

5. Would "a federal balanced budget amendment necessitate," as critics contend, "draconian spending cuts, steep tax increases, or both – potentially causing a prolonged national recession"?

Ans: YES; if Congress were constitutionally mandated to spend no more than annual projected revenues, as has been debated (but never proposed) by Congress.

Ans: NO; if the Balanced Budget Amendment Convention were to propose a spending-growth-limit similar to the [Swiss Debt Break](#), which was approved by 85% of Swiss voters in 2001. With the Debt Brake in place for almost two decades, Switzerland's record shows no spending cuts, tax increases or man-made national recession. Quite the contrary, Switzerland boasts the world's [fourth highest GDP/capita](#) and has been ranked the [most credit worthy country in the world](#), able to pay down their national debt most years since 2003.

6. Is the following statement correct? "Once you have the convention, it is subject to nobody's control.?"

Ans: NO; State [Article V Convention Commissioners will be controlled](#) by their oath, legislative instructions and state laws.

7. Is the statement that the Article V Convention "makes its own agenda" correct?

Ans: NO; the [Article V Convention's "agenda"](#) is determined by a majority of state delegations who are limited by their oath, the state's Article V Application and state legislature's instructions on the federal problem(s) which need a proposed constitutional solution.



8. Are the following statements regarding an Article V Convention accurate?  
“...the field will be thrown wide open for constitutional rewrites...it’s not going to be an exercise in popular democracy”?

Ans: NO; a “Convention for proposing Amendments” cannot ratify an amendment. However, “an exercise in popular democracy” can! The 21<sup>st</sup> Amendment, [repealing Prohibition](#), was ratified by a majority vote of the people in three-quarters of the states via “Yes-Pledged” Delegates to State Ratification Conventions.