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<https://www.foxnews.com/politics/house-measure-congress-obligation-call-convention-balance-budget-amendment>

## House measure says Congress obligated to call convention for fiscal responsibility amendment

Rep. Jodey Arrington, R-Texas is set to introduce bill calling for fiscal responsibility amendment Tuesday

In 1979 – amid soaring inflation– well over the required two-thirds of states called for a fiscal responsibility amendment. With prices again rising sharply, Rep. Jodey Arrington, R-Texas, is set to introduce a measure on Tuesday requiring Congress fulfill an obligation in calling a convention of the states.

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%."

By that year, 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 34 states, required.

However, Congress took no action. Since that time, five other states have passed similar measures calling for an amendment to either balance the federal budget or control federal spending to a certain rate of the economy.

"With the current leadership in the House, I don't expect it to go anywhere this session, but we are hopeful for next session," David M. Walker, former U.S. comptroller general under Presidents Clinton and George W. Bush, told Fox News Digital. "If Congress just sits on it well into next session, I think it's very likely that one or more states will bring a mandamus case that would ultimately go to the Supreme Court and force them to do something."

Article V provides two avenues for amending the Constitution. One is through a super majority in Congress. The other is that Congress, "on the application of the legislatures of two thirds of the several states, shall call a Convention for proposing Amendment."

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All previous constitutional amendments were passed through a two-thirds vote in Congress.

As comptroller general, Walker ran the Government Accountability Office, a federal watchdog agency that monitors waste and fraud. Walker, now an advocate with the Let Us Vote for a Balanced Budget Amendment Citizen's Campaign, said, "the time has come to defuse our ticking debt bomb."

"We can give Congress the benefit of the doubt and say nobody was keeping score and nobody was making a record, so maybe they didn't know," Walker said of Congress ignoring its obligation. "At the same point, we know they don't want this to happen."

Walker stressed this could not lead to a "runaway" convention where delegates would make radical changes to the Constitution. That is because 32 of the 40 states filed single issue amendment applications on federal spending for a constitutional convention. Also, whether Congress or a convention votes to amend the Constitution, 38 states—or three-quarters of the states—would still have to ratify the proposed amendment.

Since the Constitution says Congress "shall" call a convention if two-thirds of the states call for it, this should be a mandatory, non-discretionary, and ministerial duty of the Congress, said David Biddulph, co-founder of the Let Us Vote for a Balanced Budget Amendment Citizen's Campaign, Inc.

"I was a portfolio manager in the 1970s and the mood in America was awful, and we are right back where we were, and it really strikes me as tragic for our country, that we are repeating the mistakes of the 70s in our current times because Congress didn't do its job in calling convention to propose a fiscal responsibility amendment in 1979," Biddulph told Fox News Digital.

"America today is feeling the decline in prosperity of families because of inflation at 9%," Biddulph added. "The really incredibly good news is that our founders put in a mechanism to bypass Congress's failure to address issues important to the American people such as inflation that is reducing our standard of living."

## The Greatest National Security Threat No One Is Talking About | Opinion

BILL OWENS, DAVID M. WALKER, AND BARRY W. POULSON | ON 9/1/22 AT 7:12 AM EDT

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During the American Revolution our country almost defaulted on its debt, leaving the Continental Army unable to buy what it needed to conduct the war. The only reason that we didn't default is because France saved our bacon, extending a loan in hard currency to back up our own worthless currency. It is not surprising that George Washington and other founders of our nation perceived excessive debt to be a threat to our national security. They believed that the federal government could incur debt during periods of war but should restore fiscal sanity and reduce debt burdens during peacetime.

But in the 21st century, legislation and good sense have clearly failed. Federal elected officials from both major parties have abandoned fiscal responsibility principles and have become addicted to recurring deficits and mounting debt burdens. Through their actions they have put our nation's future economic and national security at risk to the tune of \$31 trillion, owed to lenders both domestic—and foreign.

From an economic perspective, some self-professed Keynesians now argue that the idea of debt as a threat to national security is a 'bad idea'. They argue that concern about debt prevents the government from using fiscal stimulus to achieve enhanced economic growth and full employment. For example, they assert that the tepid fiscal response to the financial crisis in 2008 resulted in a slow recovery and less robust economic growth over the past decade. They assert that when interest rates are low the government can incur deficits forever, without increasing the debt to GDP ratio.

But Keynes never asserted that all deficits are good. He believed they were understandable in times of war, economic contraction, or national emergency, but that government should run surpluses in times of peace and prosperity to keep debt burdens at a reasonable level. These pseudo-Keynesians advocate for the first part but have forgotten the second part of the Keynes economic theory. They are proponents for the flawed and failed Modern Monetary Theory (MMT).

These MMT proponents have certainly gotten their wish during the Biden administration. Excessive federal spending has contributed to excess inflation, rising interest rates, and economic contraction. Total federal debt to GDP has hit record levels and is headed much higher based on current federal tax and spending policies. Higher interest rates are causing borrowing costs—and thus the base-line deficit—to increase. Interest costs are now the fastest growing federal expense for which we get nothing! Over the past 50-years interest costs averaged about 2 percent of GDP. The Congressional Budget Office (CBO) now projects that interest costs on government debt as a share of GDP will increase to 3.3 percent over the next decade, and to 7.2 percent by mid-century. CBO also projects that interest costs will exceed spending on national defense within 10 years.

If, in a time of war during the next few years, it becomes necessary to borrow even more to fund our defense, will investors line up to lend us money when we are consumed by paying back what we already owe? But it isn't necessary to wait to see the problem clearly. In fact, we saw it clearly more than 10 years ago. Mounting debt burdens are having an impact on our national security. Larger deficits have caused investors to demand ever-higher interest rates. When the Federal Reserve starts to divest itself of its trillions in U.S. Treasury securities, the upward pressure on interest rates is likely to increase further. Paying more for interest reduces the ability to fund national security and other important federal initiatives.

The relationship between higher debt to GDP ratios and higher interest rates is non-linear. A shock, such as a war—or even a battle over the debt ceiling—can cause interest rates to rise abruptly, leading to a crisis of confidence and a serious economic contraction. A nation in the midst of a depression makes a tempting target.

Today we face a major peer competitor, China, changing global alliances against U.S. interests, and a range of new national security challenges. At the same time, mounting debt to GDP burdens will serve to reduce economic growth and further reduce our ability to fund national security and other important federal initiatives. Our current fiscal path is irresponsible, unsustainable, and immoral. It's time to change course and restore fiscal sanity.

Since our current legislators are unable to show fiscal restraint, it's clear they must be given clear rules by which to govern. A constitutional amendment that would stabilize public debt at a reasonable and sustainable percentage of GDP will provide that restraint and help restore both fiscal sanity, economic growth, and the nation's security. We call on the Congress, the states, and the people to support such an amendment.

*Bill Owens is a retired admiral and former vice chairman of the Joint Chiefs of Staff. David M. Walker is a former comptroller general of the United States. Along with Barry W. Poulson, they are founders of the Federal Fiscal Sustainability Foundation.*

# The New York Times

<https://www.nytimes.com/2022/09/04/us/politics/constitutional-convention-republican-states.html>

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## A Second Constitutional Convention? Some Republicans Want to Force One

WASHINGTON — Representative Jodey Arrington, a conservative Texas Republican, believes it is well past time for something the nation has not experienced for more than two centuries: a debate over rewriting the Constitution. “I think the states are due a convention,” said Mr. Arrington, who in July introduced legislation to direct the archivist of the United States to tally applications for a convention from state legislatures and compel Congress to schedule a gathering when enough states have petitioned for one. “It is time to rally the states and rein in Washington responsibly.”

To Russ Feingold, the former Democratic senator from Wisconsin and president of the American Constitution Society, a liberal judicial group, that is a terrible idea. Mr. Feingold sees the prospect of a constitutional convention as an exceptionally dangerous threat from the right and suggests it is closer to reality than most people realize as Republicans push to retake control of Congress in November’s midterm elections.

“We are very concerned that the Congress, if it becomes Republican, will call a convention,” said Mr. Feingold, the co-author of a new book warning of the risks of a convention called “The Constitution in Jeopardy.” “This could gut our Constitution,” Mr. Feingold said in an interview. “There needs to be real concern and attention about what they might do. We are putting out the alert.”

While the rise of election deniers, new voting restrictions and other electoral maneuvering get most of the attention, Mr. Feingold rates the prospect of a second constitutional convention as just as grave a threat to democratic governance. “If you think this is democracy’s moment of truth, this is one of those things,” he said.

Elements on the right have for years been waging a quiet but concerted campaign to convene a gathering to consider changes to the Constitution. They hope to take advantage of a never-used aspect of Article V, which says in part that Congress, “on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments.”

Throughout the nation’s history, 27 changes have been made to the Constitution by another grindingly arduous route, with amendments originating in Congress subject to ratification by the states. With sharp partisanship making that path near impossible, backers of the convention idea now hope to harness the power of Republican-controlled state legislatures to petition Congress and force a convention they see as a way to strip away power from Washington and impose new fiscal restraints, at a minimum.

“We need to channel the energy to restore and reclaim this country’s traditional values and founding principles of limited government closest to the people and individual freedom and responsibility,” Rick Santorum, the former Republican senator from Pennsylvania who has become a convention champion, told a conservative conference this spring in the state. Mr. Santorum was pushing for Pennsylvania to become the 20th state to formally call for a convention in recent years, out of the 34 states required. But it is not clear exactly how many states have weighed in, since not all have adopted the same language and some petitions were submitted decades or longer ago and may even have been rescinded.

Mr. Arrington believes that when pending petitions are fully tallied, the 34-state goal might already have been exceeded. His legislation would require the archivist to “authenticate, count and publish” applications by the states, forcing Congress to act. “The problem is that they haven’t had a ministerial, clerical mechanism for the archivist to keep a count and report to Congress,” Mr. Arrington said. “I do believe we have crossed that threshold, and it is not congressional discretion — it is a constitutional mandate — that Congress should pick a date and a place for the convention.”

Like others, the proposal by Mr. Arrington, a deficit hawk who hopes to become Budget Committee chairman next year, would seek to confine the convention to consideration of fiscal matters to serve as a check on federal spending and taxation.

Russ Feingold, a former Democratic senator from Wisconsin and leader of the American Constitution Society, sees the prospect of a constitutional convention as a dangerous threat. But Mr. Feingold and his co-author, the constitutional scholar Peter Prindiville, say the problem is that there is no certainty that the convention could be forced to stick to a defined agenda. They say that a “runaway” proceeding would be a distinct possibility, with delegates seizing the opportunity to promote wholesale changes in the founding document and veer into areas where they would seek to restrict federal power governing the environment, education and health care, among other issues.

“A convention by its very definition is a free-standing, distinct constitutional body,” Mr. Prindiville said. “It would be the ultimate high-risk gathering.” They say that the reliance on language calling it a “convention of the states” is misleading — “ahistoric” in the view of Mr. Feingold and the book, which lays out the history behind Article V and previous attempts to invoke it. “Despite convention proponents’ claims of legal certainty, the most important questions about how a convening held under Article V would be called and how it would function are unsettled,” the authors write in the book. “The framers left no rules. In this uncertainty lies great danger and, possibly, great power.”

What also worries the authors is that the leading proponents of the convention idea come from the right and include representatives of the Tea Party movement, the Federalist Society, grass-roots right-wing activists and figures allied with former President Donald J. Trump such as John Eastman, the lawyer who wrote a memo for Mr. Trump outlining how he could seek to overturn the 2020 election.

But support and opposition for a convention do not break completely along partisan lines. Some Republicans have resisted appeals at the state level to pass resolutions in support of a convention, worried that such a gathering could open the door to a weakening of the Second Amendment and a rollback of gun rights.

And some liberals have welcomed the idea of a convention as a way to modernize the Constitution and win changes in the makeup and power of the Supreme Court, ensure abortion rights, impose campaign finance limits and find ways to approach 21st-century problems such as climate change. “There are smart people and a few on the progressive side who are willing to roll the dice,” Mr. Feingold said. “For me, it is crazy to take the chance.”

Mr. Arrington said he saw the fears of a runaway convention as overblown and noted that even if the gathering were to arrive at a set of contentious changes, they would still require approval by 38 states — a daunting task in itself. He said his hope was that the threat of a convention could force Washington to get more serious about fiscal responsibility. “Ultimately, just having the conversation, having it become more real in the minds of Congress, I hope will light a fire,” he said.

Mr. Feingold and Mr. Prindiville say they hope the prospect of a convention engineered by conservatives sparks a different kind of fire — one aimed at finding a better way of altering the Constitution to meet the contemporary moment. While a convention is a bad idea, they say, accepting that the Constitution remains chiseled in stone is almost as troubling. They argue for a discussion on new ways to move forward with constitutional change.

“The time has come to begin a serious national conversation regarding the future of the Constitution in American public life,” their book says. “We must reclaim the founding generation’s belief in bloodless revolution, reforming Article V to provide an amendment procedure fit for a modern, democratic society.”

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