

Note: An effective “first” letter to a legislator on any topic should be short and contain these three elements in order:

1. State clearly your position (e.g., “I oppose any Balanced Budget Amendment to the Constitution”).
2. Provide 1 to 3 reasons to support your position, (e.g., “Such an amendment would do nothing to force a Congress that regularly ignores the limits of the Constitution to do otherwise and reverse the decades of accumulation of unconstitutional programs and departments – the real problem”).
3. Politely ask your legislator to do something (e.g., “Please assure me of your strong opposition to an Article V convention”).

### **Talking Points**

In support of your position, select 2 or 3 of the talking points below. Feel free to reword any of the talking points. In your selection, if you are a member of a Chapter, try not to duplicate the selections of other members of your Chapter (or else word your selections differently). This means working with your Chapter Leader.

1. Forcing Congress to pass a Balanced Budget Amendment to the Constitution is a misleading solution to the wrong problem. It blames the Constitution for the *unconstitutional spending* regularly approved by both houses.
2. A simple majority in either chamber of Congress could demand a balanced budget whenever it had the will to do so. What is needed is to build informed pressure from back home to force Congress to roll back and eliminate unconstitutional overreach.
3. Past constitutional conventions at the state level have proven impossible to keep out of the control of special, powerful interests (e.g., the Utah convention that ratified, ironically, the repeal of Prohibition). How can we glibly assume that this danger will not derail an Article V convention?
4. State conventions happen all the time, and they are always understood to be based on the people’s power to change their (state) constitutions and (state) governments. [You, as a state legislator, know this.] The state conventions between the time of the Declaration and our U.S. Constitutional Convention show clear signs that this was the assumption even back then. So that is the understanding, and context, behind Article V: the people can alter their Constitution any way they please, their conventions are not limited or controlled by Congress, NOR by any state legislature, which after all they created themselves.
5. Despite its promoted objectives, a modern Con-con would most assuredly play into the hands of the enemies of limited government. In 1987, Leftist Gore Vidal wrote: “I am

one of the few people outside of an institution who would like to see a new constitutional convention.”

6. America’s Founders feared a second Con-con. Deputy Charles Pinkney of South Carolina insisted: “Conventions are serious things and ought not to be repeated.” In a 1788 letter, “Father of the Constitution” James Madison wrote: “Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a second....”
7. America is suffering from very real problems stemming largely from a failure of government to respect the limits of the Constitution. America desperately needs real leadership to solve these problems. Instead, America is receiving false leadership that is deceptively pushing for a second constitutional convention as the remedy.
8. Popularized “conservative” media personalities have falsely maintained that amending the Constitution through an Article V Convention is a last great opportunity to rein in out-of-control government. Instead, the people must force Congress to obey constitutional limits that have been widely ignored for decades.
9. Advocates of a modern Con-con have falsely assured their followers that legislatures can limit an Article V contention to single topics and that there is no danger of a runaway convention. But, as Senator Sam Irwin who researched the subject concluded in 1967: “We the People cannot be held to any single issue once we convene our convention. If we so choose, the entire Constitution could be rewritten.” Many other top legal scholars have concurred.
10. The enticing promise of a quick fix via a state-initiated Con-con relies on an entirely false premise that there is little outside stubborn Washington politics standing in the way of making sound change. Such a convenient view ignores the massive influences that have labored for decades to push America off track and centralize more and more unconstitutional power in Washington.
11. The forces of revolution that dominate the major media and influence the thinking of millions of Americans will not be defeated by any quick fix, in particular by a modern Con-con. In fact, they would most likely dominate the environment in which a modern Con-con would do its work.
12. What America faces is an enforcement problem with the Constitution as it is written. The size and scope of our federal government has exploded precisely because most of what it now does is not permitted by the Constitution. Passing more laws to address a failure to enforce existing laws makes no sense.
13. A federal government that fails to obey the Constitution as it is now written will not be reined in by adding restraints to the document when the politicians and media never mention existing limits that have been ignored.

14. The Constitution is not responsible for out-of-control spending and government. There is absolutely no constitutional authorization for a Department of Education or a Department of Housing and Urban Development, or for federal involvement in health care and countless other areas.
15. The demand for a Balanced Budget Amendment ignores the origins of a debt problem that did not exist for the majority of our nation's history. Adherence to the Constitution is the original balanced budget mechanism.
16. Most of the champions of a Balanced Budget Amendment have no intention of forcing the federal government to live within the limits prescribed by the Constitution. Merely forcing the federal government to spend no more than it takes in in taxes does not address the need to roll back federal overreach and pay down the national debt.
17. The idea that the federal government should spend "only as much as the people can afford to pay in taxes" is a dangerous argument that would lead to more taxation while obscuring the real problem — a federal government that does not respect the limits of the Constitution.
18. The Constitution gives the House of Representatives power over the purse. With this power alone a determined House could force a roll back of unconstitutional government. No Balanced Budget Amendment is needed.
19. A Balanced Budget Amendment is no cure for out-of-control government nor a serious method for imposing fiscal restraint. Most Balance Budget Amendment proposals still allow deficits in time of war, serious military conflict, or even a 3/5 vote of Congress. When in recent times has the nation not been involved in some foreign conflict?
20. State legislatures cannot rely on ratification as a protection against anything ill-advised coming out of a convention. As an example, repeal of prohibition (the 21st amendment) was approved in Utah (the non-drinking Mormon state) via public conventions that bypassed its State Legislature. Moreover, a constitutional convention can change the mode of ratification, as did the original convention.
21. The BBA amendment proposal is a deceitful ploy to placate the people with the promise of a long-term solution (ratification could take up to seven years, once a proposed amendment is delivered to the states) while the problem grows even worse. By contrast, Congress could balance the budget in the next fiscal year, using the Constitution as the standard and its power of the purse, if it had the support of an informed public.
22. Many false statements about the purpose of Article V circulate, often with outrageous misquotes of George Mason. Mason viewed Article V, not as a means to control "an out-of-control" federal government (the Constitution was written to do this) but rather a remedy should Congress refuse to introduce amendments desired by the people.