



A powerful constitutional tool

Amendment proposal under Article V of U.S. Constitution would give state legislatures say in controlling federal debt

by North Dakota Sen. Curtis Olafson (colafson@nd.gov)

For the last year, it has been my privilege to serve as the national spokesman for the National Debt Relief Amendment (NDRA).

The NDRA is a state-initiated, nonpartisan effort invoking the rights of state legislatures to propose and ratify amendments to the U.S. Constitution using the process our Founding Fathers wisely provided in Article V of the Constitution.

This experience has led me to conclude that we who serve as state legislators should fully understand the powerful tool we have at our disposal in Article V. If we are to restore and preserve our great republic, we must be willing to use it.

The NDRA is a simple 18-word amendment that is easy to understand. As I travel the country and visit with citizens and state legislators, I have found that our challenge lies not with convincing people to like the amendment. The challenge is to overcome the fact that a majority of state legislators are unfamiliar with the amendment process.

Concerns based on fear, not fact

That unfamiliarity prompts concerns that are founded in fear of the unknown, and not in fact. Once people understand the state-initiated amendment process, their concerns are resolved and their fears are allayed.

Under Article V, there are two methods by which an amendment can be proposed for state ratification: Either Congress can propose an amendment by a two-thirds vote of both chambers, or two-thirds of the state legislatures (currently 34) can join together in making “application” to Congress to issue a call for a time and a place for a convention of the states.

If the convention comes to an agreement (and it has no obligation to do so), Congress must specify

that ratification be decided either directly by the state legislatures or by popular conventions within each state as regulated by state law. (All of the amendments added to date except one have been ratified by the state legislatures.)

Whether amendments are proposed by Congress or by an amendments convention, three-fourths of the states must ratify the proposed amendment(s) before it can become part of our Constitution.

Other than the limited powers given to Congress to call for the place and date of a convention and to choose one of two ratification methods, the states control the process and decide the outcome. The Supreme Court, the president and state governors play no role in the application process or in convention deliberations.

Thus, the only authority in our republic that has the power to both propose and ratify amendments is the several states. The Founding Fathers did not give that power to Congress, the Supreme Court or to governors. They intended that the amendments-

Amendment effort invokes states’ rights in bid to help right nation’s fiscal ship

The National Debt Relief Amendment (NDRA) is a nationwide effort invoking states’ rights under Article V of the U.S. Constitution to propose an amendment to our Constitution. The proposed amendment reads, “An increase in the federal debt requires approval from a majority of the legislatures of the separate states.”

This idea was first formulated by a Texas-based nonprofit, nonpartisan corporation, RestoringFreedom.Org. The NDRA has been thoroughly researched and strongly endorsed by the Goldwater Institute, which has called it the most powerful amendment proposal the group has seen.

The NDRA is a nonpartisan proposal for the simple reason that the federal debt crisis is not a partisan issue, and the amendment does not dictate policy. The federal debt has increased under the control of both political parties. People from all parts of the political spectrum are rightly concerned about the federal debt.

The U.S. federal debt at the time of this writing stood at \$15.7 trillion, which translates to over \$50,000 per person or \$138,000 per taxpayer. Our debt-to-GDP ratio is at 104 percent. We will soon be borrowing 50 percent of the money we “need” to fund our insatiable appetite for spending. This is clearly an unsustainable course that threatens the security of our country.

The NDRA has been approved in North Dakota and Louisiana and passed by wide margins in both chambers of both states with bipartisan support. The Louisiana House passed the NDRA by a unanimous vote. The NDRA currently has prime sponsors in 23 additional states.

It is clear that Congress will not act to restrain itself. The only option we have left is for the states to exercise their constitutional role in our republic under Article V. For more information, please visit our website at www.restoringfreedom.org.

— North Dakota Sen. Curtis Olafson

convention process would provide a check and balance whenever federal power was misused.

I believe that our Founding Fathers intended that we, as state legislators, would not only understand that we have the right to use Article V, but moreover, that we have a duty to do so when we see serious challenges facing our nation that are not being solved by our federal government.

The most common concern legislators have is that the convention will “run away” — and in the most

extreme scenario, rewrite the entire Constitution. This has been repeated so often that it has achieved “urban legend” status and become accepted as true, even though it has no basis in fact or historical perspective.

Constitutional

scholars such as Rob Natelson of the Independence Institute and Nick Dranias of the Goldwater Institute, who have studied the process thoroughly, have published research that convincingly debunks these myths. Some of their work on Article V can be found on our website at www.restoringfreedom.org and elsewhere.

There are multiple layers of protection in the Article V process that make it politically impossible for a convention to “run away” or to propose extreme or radical amendments. Those who preach fear about the process pose what they claim are “unanswerable questions,” all of which can readily be answered.

The best example is their question of who will choose the convention delegates. The answer is that delegates are chosen in the manner the state legislatures direct — not by Congress, not by the president, and not by nefarious bogeymen the scare-mongers conjure up to paralyze legislators into inaction.

The ultimate protection built into the Article V process is the high hurdle for ratification. Unless

and until 38 states ratify a proposed amendment, the Constitution remains unchanged.

If our Founding Fathers could stand before state legislators today, I believe they would demand to know why we are not using the constitutional tool they provided for us. The NDRA is by no means the only good idea that could be advanced using Article V. There are others. Winston Churchill said, “I never worry about action, but only inaction.”

The time for action is now. A runaway amendments convention is a myth. A runaway \$16 trillion federal debt is a reality. ★

Sen. Curtis Olafson, a Republican from Edinburg, was first elected to the North Dakota Senate in 2006.

7 Table Topics featured at meeting

At the Midwestern Legislative Conference Annual Meeting, Sen. Olafson led a Table Topic breakfast discussion on Article V. Initiated and led by legislators, Table Topics are an opportunity to discuss issues of interest in an informal setting.

Seven Table Topic discussions were held at the meeting. The other six were as follows:

- South Dakota Rep. H. Paul Dennert on agricultural land taxation;
- Indiana Rep. Jud McMillin on state entitlement reform;
- Illinois Rep. Norine Hammond on the conversion of non-recycled plastics into fuel;
- Indiana Rep. Ed Soliday on the future of state transportation infrastructures; and
- South Dakota Sen. Frank Kloucek on two issues, horse processing and the future of cellulosic ethanol.

This FirstPerson page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of The Council of State Governments or the Midwestern Legislative Conference. For more information, or to make a submission, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.

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