



# The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress

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October 22, 2012

Congressional Research Service

7-5700

[www.crs.gov](http://www.crs.gov)

R42592

## The Balanced Budget Amendment, 1975-1983

Although amendments to control federal spending or cap federal budget deficits were introduced in Congress as early as the 1930s, the first organized movement to call an Article V Convention to consider a balanced budget amendment got under way in the mid-1970s.

According to several accounts, the impetus was provided by the National Taxpayers Union (NTU), which describes itself in its contemporary literature as “a nonprofit, non-partisan citizen group whose members work every day for lower taxes and smaller government at all levels.” NTU used its staff and resources to promote the concept of an Article V balanced budget convention, preparing model legislation and establishing informal networks of supportive state legislators. Throughout the decade of the 1970s, a widespread wave of public interest in restraining tax increases provided a favorable environment for the movement. In California and Massachusetts, ballot initiatives setting limits to state and local tax levels and increases were approved; California Governor Edmund G. “Jerry” Brown endorsed the idea in his 1979 inaugural address; and Senator Robert Dole recommended it for its potential value in “prodding” Congress to give serious consideration to a congressionally proposed amendment. Four states joined the drive in 1975, followed by eight in 1976, five in 1977, five in 1978, and eight more in May 1979, for a total of 30 applications, four fewer than the constitutional threshold. Most of the state applications calling for a balanced budget convention during this period were conditional, calling on Congress to propose an amendment, and stating that if Congress failed to do so, then the resolution should be considered a state application for an Article V Convention.

As the number of state applications mounted, critics mobilized to oppose the campaign; a counter-convention group, Citizens for the Constitution, was established to make the case against an Article V balanced budget amendment convention. The newly formed organization described that effort as a stealth campaign: Vice President Walter Mondale’s chief of staff asserted that, “They were remarkably successful until it became known what they were doing.... Nobody was paying any attention.” Some opponents claimed that a balanced budget amendment would place federal finances in a “straight jacket,” while others warned against the dangers of a runaway convention. Supporters of the convention accused the opposition of using “scare tactics,” but the campaign appeared to lose momentum. New applications “no longer breezed through state legislative chambers, but on the contrary, faced tough, extended debate as lawmakers realized their votes mattered.”

The change in climate was reflected in state actions; no applications were filed with Congress in 1980 or 1981, and those of Alaska in 1982 and Missouri in 1983 proved to be the campaign’s high water mark—no further applications were made for a convention to consider a balanced budget amendment. Notwithstanding its failure to meet the constitutional hurdle, the campaign arguably contributed to a congressional response: acting in the context of the Article V Convention campaign, the 97th Congress (1981-1982) gave serious consideration to relevant proposals, culminating in the Senate’s passage of a balanced budget amendment, S.J.Res. by a bipartisan vote of 69-31 on August 4, 1982. A majority of Representatives favored the House version of the amendment, H.J.Res. 350, when it came to the floor on October 1, 1982, but the vote of 236 to 187 failed to meet the constitutional requirement of passage by two-thirds of Members present and voting.

Although partisans of the Article V Convention, supported by President Ronald Reagan, continued to press for additional support from the states, the 33rd and 34th applications remained elusive, and supporters increasingly turned to legislative alternatives. In 1985, the 99th Congress passed the 1985 Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act (GRH), claiming that this legislation would serve the same purpose as an Article V Convention with less risk. Concerns about a runaway convention and hopes that the 1985 passage of the Gramm-Rudman-Hollings Act would lead to a balanced federal budget have been credited with forestalling additional state applications for a convention.<sup>59</sup> Some years later, a balanced budget amendment proposal was included in the House Republicans’ “Contract with America” policy manifesto in the 1994 congressional elections campaign. This measure, introduced as H.J.Res.1 in the 104th Congress, passed in the House of Representatives by a vote of 300-132 on January 26, 1995;

On March 2, 1995, however, the Senate voted 65 to 35 in favor of the resolution, a margin that fell two votes short of the constitutionally mandated requirement that two-thirds of Members present and voting approve a proposed amendment.