

## **Why the Compact for a Balanced Budget is Far Safer than the Political Status Quo**

- **The political status quo is exceedingly dangerous.**
  - The status quo is a runaway convention in Washington.
  - Keeping the locus of power in Washington will eventually destroy the Constitution.
  - Not using Article V is unilateral disarmament.
    - Not using Article V does not make it go away. It does not disable anti-constitutionalists from using it. It only hobbles constitutionalists and forces them to be reactive rather than proactive. This is a losing strategy.
    - Right now there are anywhere from 200 to 400 Article V resolutions in existence. If the states don't mass political will behind their own Article V effort, what stops Congress from simply calling a puppet Article V convention tomorrow?
  
- **The Compact is exceedingly safe.**
  - All of Eagle Forum's famous 20 questions about the Article V amendment process have been answered by reference to specific provisions in the Compact (including the identity of delegates, voting procedures, rules, location of convention, etc.).
  - Not a single delegate of a single member state can participate in the convention the Compact organizes unless the rules specified in the Compact requiring an up or down vote on the contemplated Balanced Budget Amendment are adopted as the first order of business.
    - If any delegate tries to violate this prohibition, all delegates of that delegate's member state are automatically recalled, attorneys general in 38 states are commanded to enforce that recall immediately (in the jurisdiction that is most favorable to constitutionalists-Texas), and that member state's legislature is immediately empowered to select and send new delegates.
  - No convention is ever convened before 38 states and simple majorities of Congress settle their differences and agree on the Compact.
    - This ensures that the federal courts would not only have to disregard their constitutional duty in tolerating a runaway convention, but also a united front among Congress and supermajorities of the states and the American people.
  - The power of nullification is used to deem "void ab initio" any runaway convention and any runaway proposal.
  - The Compact self-repeals in 7 years from its first enactment (April 12, 2021).

- **A “runaway convention” under the Compact is utterly implausible if the Nation is not already lost.**  
All of the following fourteen events would somehow have to happen for one to occur:

**Unlikely Event #1.** Delegates from 50 states show up at Convention, including at least 38 designated by the Compact to represent at least 38 compacting states. But the supermajority of delegates who are bound to the Compact for a Balanced Budget under state and federal law, as well as by the U.S. Constitution’s Contracts Clause, refuse or fail to vote the Compact rules and limited agenda into place (presumably because at least 14 member states’ delegates defect to join the non-member states in opposing the same).

**Unlikely Event #2.** Member state legislatures refrain from recalling or replacing the 14 or more rogue delegates.

**Unlikely Event #3.** The Chair of the Convention and the Compact Commission, which have the power to relocate the Convention as needed to ensure it proceeds under the rules and limited agenda specified in the Compact, do not exercise this power.

**Unlikely Event #4.** At least 14 rogue delegates join the delegates from non-member states to vote in a wide open agenda. They do this knowing that the ratification referral contained in the counterpart congressional resolution, which called the Convention in the first place, will thereby be rendered inoperative (necessitating a return to Congress for ratification referral that could have been avoided by sticking with the Compact’s rules and limited BBA agenda).

**Unlikely Event #5.** Attorney generals (also known as “Aspiring Governors”) from 38 or more compacting states, all of whom are bound to enforce the Compact’s rules and limited agenda, either stand down (knowing their political rivals will seize the opportunity to embarrass them) or fail to secure an injunction as required under the Compact to nullify further proceedings.

**Unlikely Event #6.** Political rivals of the rogue delegates stand down and take no action to restrain them.

**Unlikely Event #7.** The Convention emerges with one or more proposed amendments that are different than the BBA and therefore void ab initio under the Compact as a matter of state and federal law.

**Unlikely Event #8.** Attorney generals from all of the compacting states again either stand down or fail to secure an injunction under the Compact to nullify ratification referral of the rogue amendment(s).

**Unlikely Event #9.** The same Congress that called the Convention in accordance with the Compact elects not to regard the rogue amendments as void ab initio, as required by the Compact under state and federal law, and refers the amendment(s) out for ratification.

**Unlikely Event #10.** All non-compacting states ratify the rogue amendment(s).

**Unlikely Event #11.** Fewer than 13 of compacting states stay true to the Compact’s binding obligation to nullify the rogue amendments and refuse to ratify anything other than the BBA.

**Unlikely Event #12.** Attorney generals from all of the compacting states yet again either stand down or fail to secure an injunction to block ratification in 13 compacting states.

**Unlikely Event #13.** Despite the entire amendment process being void ab initio under the Compact’s terms, no one succeeds in securing an injunction to nullify the subsequent enforcement of the rogue amendment(s).

**Unlikely Event #14.** The process and end result are somehow accepted peacefully by the American people as legitimate; and the Nation yields to an obviously lawless amendment process.

To fret about the foregoing extremely unlikely, if not politically impossible, events, while holding out hope for “nullification” or “culture change” to save our Nation is completely unrealistic and illogical. Simply put, it is absurd to think that the same elected officials who apparently will violate and ignore all manner of state and federal law set out in the Compact, together with the citizens who tolerate such behavior, will be valiant or engaged enough to find some other means of saving our Nation. No one can really believe the Compact for a Balanced Budget’s numerous safeguards will be violated and the country can still be saved by other means at the same time. The Nation would already be lost.

But our Nation is not already lost. Supermajorities of the American People have been clamoring for a federal Balanced Budget Amendment for decades. There is no sign that will change in the next seven years (before the Compact self-repeals). Unprincipled elected officials will go where the votes are—and the votes are still firmly in favor of fiscal sanity.