

Mr. Chairman, members of the committee, my name is Loren Enns. I run the national campaign for a Balanced Budget Amendment to the U.S. Constitution. I am president of the Center for State-led National Debt Solutions. Our Board of Directors includes former governors such as Mike Huckabee, Scott Walker and North Dakota's own Ed Schafer. It also includes former U.S. Senators such as George Allen and Judd Gregg. [www.csnds.org/leadership](http://www.csnds.org/leadership)

As you might imagine, I stand in opposition to SCR 4004 which would rescind North Dakota's 2015 call for a convention strictly limited to the proposal of a Balanced Budget Amendment. Presently, 28 of the 34 required states have passed matching convention calls.

### First point:

The primary purpose of this campaign is NOT to call a convention. The goal is to use the looming threat of a convention to pressure Congress to propose a Balanced Budget Amendment.

This strategy has two highly authoritative sources:

- (1) **Ronald Reagan** – President Reagan supported the state-led Balanced Budget Amendment campaign in the 1970s and 80s in hopes that it would reach 33 states, just one shy of the 34 required to call a convention. Upon reaching 33 states, he intended to use the looming threat of a convention to pressure Congress to propose a Balanced Budget Amendment. Unfortunately, the campaign stalled out at 32 states in 1983.

Direct proof of this can be found in a letter Ronald Reagan wrote to a Montana State Senator in 1987. The most important part can be found highlighted below. The full letter can be seen at the end of this document.

I therefore believe that further action by the States, and particularly by the Montana Legislature, in petitioning Congress to call for a constitutional convention for the sole purpose of writing a balanced budget amendment will go far towards convincing Congress to pass and submit to the States an amendment for this purpose. If your effort is successful, Montana would be the 33rd State to pass such a resolution, just one short of the 34 required to call a constitutional convention. I believe this may finally convince Congress to act on an amendment of its own, which has always been my goal.

I hope these views will be helpful to you as you continue your deliberations.

Sincerely,



The Honorable Gary Aklestead  
Minority Leader  
Montana State Senate  
Helena, Montana 59620

- (2) **The 17<sup>th</sup> Amendment** – The 17<sup>th</sup> amendment was only proposed by Congress after the states came within one state of calling for a convention to propose it in 1911. Direct proof of this can be found on the 17<sup>th</sup> amendment page on the National Archives website. Read the highlighted text below.

The screenshot shows the National Archives website interface. At the top, there is a search bar and navigation links for "Blogs", "Bookmark/Share", and "Contact Us". Below the search bar is a navigation menu with categories: "RESEARCH OUR RECORDS", "VETERANS' SERVICE RECORDS", "EDUCATOR RESOURCES", "VISIT US", and "AMERICA'S FOUNDING DOCUMENTS". The main header reads "The Center for Legislative Archives". Below this, a breadcrumb trail indicates the current page: "Home > The Center for Legislative Archives > Featured Congressional Documents > 17th Amendment to the U.S. Constitution: Direct Election of U.S. Senators".

On the left side, there is a sidebar menu with sections: "Legislative Archives" (including About Us, Advisory Committee on the Records of Congress, Internships), "Research" (including Search Our Records, Browse Our Records, About Our Records, Getting Started with Your Research, Congressional Web Harvest, Researcher Talks), and "Resources" (including Lesson Plans, Congress Creates the Bill of Rights App, eBooks, Exhibits, Congress on DocsTeach, Distance Learning, Featured Documents).

The main content area features a "National Archives Closures" notice due to the coronavirus emergency. Below this is the title "17th Amendment to the U.S. Constitution: Direct Election of U.S. Senators" with an "En Español" button. The text explains that Americans did not directly vote for senators for the first 125 years of the Federal Government. A highlighted paragraph states: "During the 1890s, the House of Representatives passed several resolutions proposing a constitutional amendment for the direct election of senators. Each time, however, the Senate refused to even take a vote. When it seemed unlikely that both houses of Congress would pass legislation proposing an amendment for direct election, many states changed strategies. Article V of the Constitution states that Congress must call a convention for proposing amendments when two-thirds of the state legislatures apply for one. Although the method had never previously been used, many states began sending Congress applications for conventions. As the number of applications neared the two-thirds bar, Congress finally acted." This is followed by a paragraph about the 1911 House Joint Resolution 39 and its subsequent adoption by the Senate in 1911.

Below the text are several document thumbnails with captions:
 

- House Resolution to amend the Constitution, February 14, 1826
- Untitled [Senatorial Deadlocks] Cartoon by Clifford Berryman, February 4, 1911
- Petition of the State Grange of Illinois, December 29, 1887
- Petition of the State Grange of Illinois, January 1, 1898
- Resolutions of the Utah State Legislature and Governor, March 6, 1897
- Application of the Colorado State Legislature for a Convention to Propose a Constitutional Amendment, April 1, 1901

\*\*\* This is the historic precedent that moved Ronald Reagan to support the use of the same strategy when it came to attaining the proposal of a Balanced Budget Amendment by Congress.

## **Second point:**

Even if a convention were called, it is perfectly safe – despite the claims made by convention opponents. They typically base their claims that a convention would “run away” on the U.S. Constitution’s (1) lack of rules for a convention, and (2) lack of procedures by which the state legislatures would commission their convention delegations.

The reason that our founding fathers didn’t put anything specific about the convention in the U.S. Constitution is because they didn’t have to. They were absolute pros at holding conventions. During the colonial and founding eras, our founders held more than 30 conventions. They didn’t need any instructions and they knew that we wouldn’t either because we’d have the historic record they left behind.

We have copies of the rules they used at dozens of conventions. We also have copies of the legislative resolutions which each colony/state used to commission its convention delegation.

Convention opponents claim that we don’t know how a convention would be run or how the states would select their delegations. Clearly, that is false. They simply haven’t done their research.

To conduct a modern convention, all we’d have to do is go back to the historic record left behind by the brilliant men who founded our country and the 30+ conventions they held.

**Ultimately, I would ask that you vote NO on SCR 4004 in order to preserve North Dakota’s 2015 call for a Balanced Budget Amendment to the U.S. Constitution. That concludes my remarks.**

THE WHITE HOUSE  
WASHINGTON

March 16, 1987

Dear Senator Aklestead:

I am pleased to respond to your request for my views on the resolution now before the Montana Legislature, petitioning Congress to call for a constitutional convention for the purpose of drafting an amendment that would require a balanced Federal budget.

I have long supported an amendment to the Constitution that would require the Federal budget to be balanced. I have championed that cause in Congress on several occasions, calling on the public and State officials and legislators to make their views known. Thus far, all of these efforts have not been successful in persuading Congress, although last year such an amendment failed to gain the necessary two-thirds affirmative vote in the Senate by the slimmest margin of one vote. It has now become obvious that without further State initiatives Congress will not act to impose a limit on its own spending.

I therefore believe that further action by the States, and particularly by the Montana Legislature, in petitioning Congress to call for a constitutional convention for the sole purpose of writing a balanced budget amendment will go far towards convincing Congress to pass and submit to the States an amendment for this purpose. If your effort is successful, Montana would be the 33rd State to pass such a resolution, just one short of the 34 required to call a constitutional convention. I believe this may finally convince Congress to act on an amendment of its own, which has always been my goal.

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