

Case for Amending U.S. Constitution: Limiting the Power of the Federal Government

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Overview. This short paper attempts to provide an overarching view for amending the U.S. Constitution, and it centers around limiting the power of the federal government. It provides broad topics for some potential amendments.

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The United States has reached a critical historical point where federal power has become very centralized, and it is necessary to amend the U.S. Constitution in order to bring power closer to the states and the American people. Grassroots activism is the core approach to achieve this accomplishment. In other words, it simply requires American citizens to take action to seek change in the structure of the federal government as established by “We the People.”

By the design of the U.S. Constitution, the American people allow and limit power of the federal government, and two amendment methods exist through the process of the U.S. Constitution as described in Article V. First, Members of Congress can propose amendments by two-thirds majority in both chambers. Second, two-thirds of state legislatures (34 of 50) can pass a resolution to form an Article V convention to propose amendments. In both methods, any proposed amendments are then sent to the states where three-fourths of the states (38 of 50) must ratify the amendments to change the U.S. Constitution.

Historically, Members of Congress have become the primary method to propose amendments, and every American citizen has three voices in Congress through one U.S. Representative and two U.S. Senators. Any American can write, speak, and engage his or her voices in Congress with a proposed amendment to the U.S. Constitution. If this method does not work effectively, then any American can write, speak, and engage his or her state legislator with a proposed resolution to call an Article V convention in order to amend the U.S. Constitution. The second method of calling an Article V convention appears to be the preferred method this current day in age, and it firmly illustrates the grassroots activism approach.

There are multiple amendments to potentially add to the U.S. Constitution, and there are some that specifically limit power of the federal government. For instance, Members of Congress currently have no time restrictions on their length of service as long as they are reelected. The more time a Member of Congress is able to serve means more power. Thus, an amendment that places term limits on Members of Congress is a clear way to limit power of the federal government. As another example, the federal government also has broad powers with respect to the federal budget process, and it does not have the same restrictions such as state governments or the free enterprise system of America. For this reason, a series of disciplined and fiscal restraint amendments involving timing and a balanced budget place bounds on the federal government budget process that does not currently exist.

- Timing Amendment. Dictates a strict deadline for passing an annual federal budget and enforces a significant consequence if failed to pass on time.
- Balanced Budget Amendment. Defines a balanced budget where total outlays do not exceed total receipts. Provides flexible exceptions where a supermajority vote is required in both chambers of Congress. Aligns with Article I Section 8 of the U.S. Constitution.

A case for each of these amendments is possible, and a simple and objective explanation can be the basis for each one. Both historical data analysis and current day knowledge can inform the case for each amendment, and it can serve as a reference point to inform further discussion and development of the final amendment structure. It is better to have a starting point for potential amendments with some basis to them rather than nothing at all.

In his farewell address published in September 1796, George Washington stated: “If, in the *opinion of the people*, the distribution or modification of the constitutional powers be in any particular wrong, let it be *corrected by an amendment in the way which the Constitution designates*.”¹ When James Madison was developing the initial Bill of Rights (or first 10 Amendments) in May 1789, he faced heavy resistance within the U.S. Congress. It was a serious challenge to the preservation of the newly formed union under the U.S. Constitution. Madison asked President George Washington for assistance, and Washington wrote a letter to Congress stating the amendments “are importantly necessary” and “have my wishes for a favorable reception in both houses.” Without Washington’s help, “Madison’s crusade for what has become a constitution cornerstone would have been hopeless.”²

Likewise, Abraham Lincoln stated: “This country, with its institutions, *belongs to the people* who inhabit it. Whenever they shall grow weary of the existing government, *they can exercise their constitutional right of amending it*, or their revolutionary right to dismember, or overthrow it...In your hands, my dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war. The government will not assail you. You have no conflict, without being yourselves the aggressors. *You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to ‘preserve, protect, and defend’ it*.”³ Before the outbreak of the Civil War, President Lincoln understood there were two ways angry Americans could change their government: amend it or overthrow it. He preferred to amend it, and the critical issue of slavery was the division facing the nation. Even though the Civil War broke out, Lincoln viewed the passage of a constitutional amendment eradicating slavery once and for all was “a King’s cure for all the evils.”⁴ In other words, it took the 13th Amendment to the U.S. Constitution to help heal the nation, and Lincoln’s efforts to pass it were vital.

Thus, the American nation can simply learn from George Washington as the Father of the United States and Abraham Lincoln as the Savior of the United States in order to resolve grave issues and heal the country. This is the essence of grassroots activism, and both of these former Presidents understood this principle. Most importantly, amending the U.S. Constitution will bring back a balance of power between the federal government, the states, and the American people.

¹ *Farewell Address*, paragraph 25, September 1796.

² *Washington: A Life*, Ron Chernow, Penguin Books Ltd: 2010, page 607.

³ *Lincoln’s 1st Presidential Inauguration Address*, March 4, 1861. Note: this was one month before first shots were fired at the onset of the Civil War at Fort Sumter, South Carolina.

⁴ *Team of Rivals: The Political Genius of Abraham Lincoln*, Doris Kearns Goodwin, Simon and Schuster: 2005, page 686.