

Midlands Voices: Convention path reckless, dangerous

By DiAnna Schimek | Posted: Monday, February 15, 2016 1:00 am

The author, of Lincoln, served as a Nebraska state senator from 1989 to 2009.

A Feb. 1 Midlands Voices essay (“Focus convention solely on budget”) supported calling for a constitutional convention of the states and encouraged those seeking such a convention to limit the scope to passage of a balanced budget amendment.

This is a somewhat dangerous and reckless path to take — both in calling the convention and the idea of a balanced budget amendment on the federal level.

A constitutional convention is unwise because — despite the claims to the contrary — it cannot be limited in scope. If a convention of states were to be held, the U.S. Constitution in its entirety would be open for debate.

Secondly, a balanced budget amendment is a restrictive and dangerous policy on the federal level, with repercussions beyond the halls of Congress. Hamstringing the federal budget with such a restriction has the potential to wreak havoc on Nebraska communities.

The proponents for calling a convention of states declare that a limited scope for such a convention is possible, yet legal experts disagree. Several leading scholars, including those as well-versed in the Constitution as former U.S. Supreme Court Chief Justice Warren Burger and former Supreme Court Justice Antonin Scalia, warned against such a convention.

Beyond the words that allow for such a convention, the Constitution provides no guidance, no framework, no instruction on how such a convention would operate.

In the legislative hearing last February on Legislative Resolution 35, which would put Nebraska on record in favoring a constitutional convention, the answer to many questions concerning holding a convention was: “I don’t know.”

Such uncertainty about how such a convention would really work concerned people across the political spectrum who testified.

A convention of states is a last resort. When it comes to making a decision whether to authorize a



The Nebraska State Capitol

The State Capitol in Lincoln.

convention to significantly alter our founding legal principles, “I don’t know” is troubling.

Turning to the concept of a balanced budget amendment, I want to remind fellow Nebraskans of the most recent recession.

In his Midlands Voices essay, author Bartholomew L. McLeay said he believes a balanced budget amendment will force our lawmakers to be “creative.” But it is naïve to believe that such creativity includes the best interests of citizens.

As a former state senator, I am familiar with the impact that a balanced budget requirement has on lawmakers.

We have a balanced budget provision in our Nebraska Constitution, but the federal government plays a very different role than a state does.

The state doesn’t fund military forces or veteran benefits. We don’t pay in full for Medicaid and unemployment, or provide farm subsidies and crop insurance. In fact, on average, 30 percent of Nebraska’s state government revenue is actually federal dollars. That number reached 35 percent during the height of the recent recession.

Yes, the federal government increased its budget deficit during the recession, but that was necessary to cover rises in unemployment benefits and other social safety nets.

Failing to take these steps, which a balanced budget amendment would have prohibited, likely would have turned our recession into a depression.