



**Testimony for the Education, Health, and Environmental Affairs
Committee**

March 5, 2020

**SJ 2 – United States Constitution – Amendments Convention –
Democracy Amendment**

OPPOSE

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The American Civil Liberties Union of Maryland (ACLU) opposes SJ 2, which calls for an amendments convention under Article V of the U.S. Constitution. A convention poses a great risk that it may be co-opted for purposes other than the purpose for which it has been called.

The absence of rules governing constitutional conventions necessitates caution in calling for a convention. It is entirely possible that a constitutional convention may result in a range of unintended and unforeseeable reforms. As former Chief Justice Warren Burger articulated, “a Constitutional Convention today would be a free-for-all for special interest groups.”¹

A constitutional convention may not be confined to a single subject, nor is there any way to protect against a convention rewriting our nation’s founding document wholesale. This means that those calling for various rights-limiting constitutional amendments in years past will undoubtedly advocate for additional changes on subjects as varied as reproductive rights and gun control.

Moreover, there are no standards governing the conduct and procedures of a constitutional convention; there is no way to ensure that delegates will truly represent the will of the people; and there is no mechanism for ensuring that the rules governing the convention’s conduct are fair.

The ACLU of Maryland fully recognizes the improper role that money plays in politics and has long supported campaign finance reforms.

¹ Chief Justice Warren Berger, in a letter to Phyllis Schlafly, June 22, 1988 (available at <https://www.i2i.org/files/2013/11/Burger-letter2.pdf>).

However, a federal constitutional convention is a misguided remedy to the failings of our current system.

For the foregoing reasons, the ACLU of Maryland urges an unfavorable report on SJ 2.

