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**Before the Senate Education, Health, and Environmental Affairs Committee
Hearing on SJ 2
March 5, 2020**

**Written Testimony in Support of SJ 2: Democracy Amendment Resolution
Rev. Delman Coates, Ph.D., Senior Pastor, Mt. Ennon Baptist Church (Clinton, MD)**

Time and time again we see the cost of corruption, as multinational corporations and wealthy individuals spend billions on political campaigns to influence policy decisions that will be in their best interests, but often negatively affect the American people as a whole.

The share of pretax national income going to the richest 0.1 percent has roughly quadrupled since the 1970s. Wealth inequality has reached the point of theft. African Americans and other minority groups lost much of their wealth in the financial crash, yet the political system allowed the criminal behavior in corporate finance go unpunished. Wall St. got bailed out and main street got sold out. To add insult to injury, we have more than 20 states engaging in active voter suppression to erase the voting power of minority and younger voters.

Our system is fragmented. When it is time to spend on wars or provide tax cuts for wealthy individuals, no one ever asks where the money is coming from. However, when communities need vital resources, such as jobs, healthcare, and education, the question is posed, "How are we going to pay for it." And the fact of the matter is that the deficit is just a record of our spending. We cannot truly live in a democratic society if the political pipeline is corrupted by special interests.

Our church has partnered with Get Money Out MD to sign thousands of petitions to stop big money in politics. We will continue to fight until the political system is no longer marred by the financial coercion of big companies and billionaires in the democratic process.

Respectfully,

Rev. Delman Coates, Ph.D.
Senior Pastor, Mt. Ennon Baptist Church

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**Testimony before the Senate Education, Health, and Environmental Affairs
Committee in Support of SJ 2 – U. S. Constitution – Amendments Convention
Democracy Amendment**

March 5, 2020

The Vicious Cycle

Politics in the United States has been characterized by a vicious cycle of economic inequality, political spending by elite donors, followed by corrupt benefits flowing to those elites. In addition, voter suppression and so-called corporate constitutional rights provide alternative ways for the wealthy to maintain and increase their advantage. All this leads to even more inequality and continuation of the cycle.

The donor class gets tax subsidies and contracts for goods and services without regard to “Justice, Tranquility, or the General Welfare.” Please see the attached sheet entitled “Costs of Corruption,”ⁱ which documents some of the major ways in which income, wealth and well-being are transferred from the working class to the wealthy. With direct and indirect fossil fuel subsidies, lower tax rates for investment income compared to wages, high costs for drugs and health insurance, and other tax subsidies, we have calculated that this *partial* list of corporate welfare benefits comes to nearly \$6,000 per person annually – almost \$15,000 for a typical household.

According to renowned scholars at U.C. Berkeley and the Paris School of Economics, the bottom 50% of the U.S. population have no net worth – collectively, they’re about \$103 billion in debt.ⁱⁱ On the other hand, “The top 1% saw their share of wealth rise to 38.6% in 2016 [while] the share of wealth held by the bottom 90% of Americans has been falling steadily for 25 years, hitting 22.8% in 2016 from 33.2% in 1989.”ⁱⁱⁱ Since total net worth is almost \$100 trillion, the top 1% of households control almost \$40 trillion in wealth.^{iv}

Minorities lost much of their wealth in the financial crash due to outright corruption and profound failure of regulatory agencies, yet the political system let criminal behavior of corporate finance go unpunished. Meanwhile, we have more than 20 states engaging in active voter suppression to erase the voting power of minority and younger voters.

The constellation of forces now in place portends disaster for the interests of almost every citizen, except for a tiny elite who benefit from the policies favored by the major donors and spenders. Letting this corruption of our elections – through voter suppression, corporate rights, and big money – continue unchecked is a very frightening prospect. It is, by far, the most dangerous force in our political system.

The Article V path incorporated in SJ 2 uses the method of organizing from the bottom up. This is the best way that the People can overcome the money advantage of the super-wealthy and save our democratic republic.

Money in Politics

This year we observed the tenth anniversary of *Citizens United v. FEC*. Since this disastrous decision kicked the era of big money into overdrive, we have seen the following in federal elections:

- \$1 billion in dark money;
- \$4.5 billion in outside money and no effective coordination enforcement at the federal level;
- Spending by for-profit corporations is unknown due to dark channels;
- Foreign money is unchecked (see below).

Michael Bloomberg's net assets are reported to be around \$62 billion – almost ten times the entire campaign spending in the 2016 federal election. His candidacy in the Democratic presidential primaries highlights a number of issues:

- He has spent an unprecedented amount on TV ads – \$409 million as of February 20.^v
- The Bloomberg campaign is cornering the market on campaign staff nationwide – offering field organizers, ... [\\$6,000 per month](#) and guaranteed pay through November.... The above-market pay often comes with housing included, as well as a laptop and an iPhone....^{vi}
- A candidate for a Connecticut House seat lost a special election by 79 votes after her campaign manager was hired by Bloomberg less than 3 weeks before election day.

There is a paradox in considering the U.S. campaign finance system. The money usually required to win office is daunting to almost anyone who considers running for office. At the same time, it is chicken feed compared to the accumulated wealth – \$40 trillion – of the top 1% of households. The impact of money is felt most forcefully in primaries. Talented candidates without access to big money are excluded in most instances.

Please look at the table below from SBE tallying Maryland election contributions and spending and imagine that an individual or a consortium of wealthy individuals who live outside our State decided to do in Maryland what Mr. Bloomberg is doing on a national scale. The impact could be devastating to our collective belief that we are in charge of our democracy.

Election Cycle Name	Contributions		Expenditures
	Total \$ Amount Received	Total Number Received	
2007-2010	\$172,889,991	993,025	\$170,097,985
2011-2014	\$282,994,431	1,630,774	\$299,997,637
2015-2018	\$268,144,309	2,092,938	\$246,680,320

The current U.S. Treasury Department is opening the door to dark money and foreign money. In the 2018 federal election cycle, almost \$180 million was spent from undisclosed sources. This “dark money” can be spent directly by non-profit corporations or funneled through Super PACs.

Regulations were recently proposed so that even the IRS will not know the source of the 501(c)(4) funds, raising a serious question as to how the ban on election spending by foreign businesses and governments can be enforced.^{vii}

Public Opinion

When our election finance system is swamped with money from financial elites, business interests, wealthy ideologues, and sometimes even foreign businesses or national interests, the result is that policies favor those interests.

The result is that tax and labor policy, trade policy, financial and environmental regulation or lack thereof, and federal spending are all tilted toward entrenched interests who spend on elections.

The average citizen – whether they are a voter or whether they have given up on voting – may not know the details of the policies arrayed against them, and they may not know the statistics of income and wealth inequality. But they know that the cards are marked, and the game is rigged.

In the fall of 2017, the *Washington Post* and the University of Maryland conducted a poll on dysfunction in the U. S. political system. Ninety-six percent (96%) blamed big money for dysfunction in our political system,^{viii} the highest percentage of any factor in the poll.

More recently, the Center for Public Integrity found that “three-fourths of survey respondents – including 66 percent of Republicans and 85 percent of Democrats – back a constitutional amendment overturning *Citizens United*.”^{ix}

A U. S. Constitutional Amendment Is Necessary

Statutory remedies – either at the Federal or State levels – cannot fix the problems created by a string of perverse Supreme Court decisions because the court has twisted the meaning of the First Amendment to make billionaire’s and artificial entities’ “right” to spend money more important than the citizens’ right to equal representation.

It is necessary to amend because a long series of decisions by the Supreme Court - *Buckley v. Vallejo* (1976) – *Citizens United v. FEC* (2010) – *Arizona Free Enterprise Club v. Bennett* (2011) – *American Tradition Partnership, Inc. v. Bullock*, (2012) – *McCutcheon v. FEC* (2014), has systematically removed nearly all limits on corporate, union and non-profit spending to influence our elections.

The 2011 case overturned aspects of Arizona’s public campaign financing law and the 2014 case nullified Maryland’s limits on aggregate campaign contributions. In the 2012 case, the Supreme Court threw out huge chunks of Montana’s state campaign finance laws without even granting a hearing.

The current Supreme Court is certainly not about to change its interpretation of the “Constitutional Rights of Corporations.” We are not about to get a more balanced Supreme Court, not for many years. The Roberts court exercised breathtaking activism in the *Citizens United* case, A case that started as a non-profit advocacy group objecting to a statute limiting spending was expanded by the court to grant for-profit corporations the right to spend from their treasuries. No plaintiff even requested this expansion.^x

With the present complement of justices on the Supreme Court, it appears that the court will not be favorable to the interests of the average voter for decades. Even good reform laws passed by Congress or the states will be subject to the Court's zeal for protecting the "fragile" rights of the ultra-wealthy.

The Convention Is Much Safer than Failing to Amend

Every reform movement has factions and disagreements about the best way to achieve democratic changes. This was true in the Abolition movement, the civil rights movement and the movement for women's suffrage. Fear of the unknown and the untried is common and can be paralyzing.

While many people discuss the fear of a runaway convention, the most reliable sources say this fear is not justified.

In 1979, Justice Antonin Scalia, who is often quoted out of context when referring to an Article V Convention, said "If the only way to get that convention is to take this minimal risk then I think it is a reasonable risk to be undergone. The alternative is continuing with a system that provides no means of obtaining a constitutional amendment except through the kindness of Congress." He knew the difference between a Constitutional Convention and an amendment Convention under Article V.

In 1987, the US Department of Justice concluded that Congress "may decline to designate a mode of ratification" of a proposal if it is outside the scope of the convention's original subject matter.

In 2011, Prof. Laurence Tribe, who is also often quoted out of context, referring to Article V conventions on exactly this topic of big money in politics, said "I think we're at least in the territory where I think there's perhaps a plausible systemic case for a limited purpose convention..."

In 2016, the Congressional Research Service concluded that a call for an Article V Convention can be disapproved by Congress for "a departure from the policy issue for which the convention had been called".

And most recently, in December 2019, the first Report of the Citizens Commission Concerning a Constitutional Amendment for Government of the People for the Commonwealth of Massachusetts concluded that "After significant review of a broad collection of materials, the Commission supports the approach for a limited-purpose convention under Article V." This Commission was created by the voters of the Commonwealth by referendum, and its members were appointed by the Governor, Attorney General, Secretary of the Commonwealth, Speaker of the House, and Senate President. The Commission went on to say, "After significant review of a broad collection of materials, the Commission supports the approach for a limited-purpose convention under Article V. The intent is to either propose the amendment or to force the issue in Congress."

The Commission endorsed resolutions similar to SJ 2 that are pending in the Massachusetts legislature. On February 26, a joint committee of the Massachusetts House and Senate reported favorably on these resolutions.

Opponents state that this hypothetical convention of states, which has never happened, will occur with dangerous chaotic results. But many hundreds of convention applications have been

filed by states. Often, these applications had no effect, but in several foundational cases, they have led to Congress proposing amendments that broadened and deepened our democracy. When weighing a hypothetical risk versus the real and present danger of big money in politics, you must choose bold action for reform.

Here's what's not hypothetical. In 1913, we got the 17th amendment – Direct Election of Senators – when the states were one state short of the required number to call a convention. That's the model that moves us. Build the calls, state by state and build a movement, a reform movement of like-minded citizens who with their state legislatures put Congress on notice that our democracy is broken, and we want it fixed.

Additional Provisions

The version of this legislation that passed the House of Delegates in 2018 limited the topic of an amendment convention to authorizing Congress and the states to regulate the contributing and spending of money intended to affect the outcome of elections.

In this version we have added two other possible topics of critical import to democracy: the affirmative right to vote of every citizen and limiting constitutional rights to human beings.

Corporations, unions and other artificial entities are created by statute. We strongly believe that their rights and responsibilities should likewise be laid out in statute.

The affirmative right to vote was written into the very first version of this legislation by then state Senator and constitutional scholar Jamie Raskin. USLegal.com, a service that provides a collection of legal guides and handbooks that detail laws and legal processes states, “The right to vote is not granted or secured by the Constitution of the U.S. The right of exemption from prohibited discrimination is secured by the Constitution.”

The American Bar Association published an article on February 10, 2020 about “purging voters from the rolls for flimsy reasons.” This is only one of many voter suppression techniques that have arisen in the wake of another Supreme Court decision, *Shelby County v. Holder*. The ABA author stated, “State election officials do, of course, have the obligation to try to keep voter registration records up to date.... But a minority of states go further and engage in a practice that ought to be seen as glaringly unconstitutional—purging people from the rolls solely because they have skipped voting in several consecutive elections and they have not responded to a letter asking them to confirm where they live.

“This practice results in the deletion of hundreds of thousands of registrants each year. Very often, those people get energized to vote in a given election but find when they show up at the polls that they are no longer registered and cannot cast a ballot.”

On a more current note, last week one of our Board members heard a radio interview with Stacey Abrams, recent candidate for Governor of Georgia, whose loss was widely attributed to voter suppression efforts by her Secretary-of-State opponent. When asked by the interviewer, “What Amendment would you put into the Constitution if you could add just one?” Without hesitation, Ms. Abrams said, “I’d add every citizen’s affirmative right to vote in every Local, State and Federal election. Only then will we have the basis to finally eliminate all the forms of voter suppression which create the inequality we are fighting against.”

We Ask for Your Favorable Report

Opponents cite public financing as the election reform that will address the problems unleashed by SCOTUS in *Citizens United* and other rulings. While we enthusiastically support public campaign financing as an important reform with numerous benefits, it will not be able to completely stop the flood of dark money or challenge the effects of big money in the media marketplace. The Supreme Court struck down aspects of Arizona's public financing law and could go further.

Rep. Raskin reminds us that *state legislators are the people who can actually amend the Constitution*. It is the State Legislatures that can, based on Article V, call for an Amendment-Proposing Convention, and it is the State Legislatures that ultimately are the ones who can ratify any amendments to the Constitution.

We ask you to please take this important step towards restoring our democracy and vote favorable for SJ 2, the Democracy Amendment Resolution.

i

https://d3n8a8pro7vhmx.cloudfront.net/getmoneyoutmd/pages/223/attachments/original/1582926617/MIPFlyer_0120_v2.pdf?1582926617

ii <https://wid.world/data/>, Alvaredo, Chancel, Piketty, Saez, Zucman, et. al.

iii <https://www.cnn.com/2017/09/27/the-top-1-percent-of-americans-now-control-38-percent-of-the-wealth.html>

iv <https://www.brookings.edu/blog/up-front/2019/06/25/six-facts-about-wealth-in-the-united-states/>

v <https://www.reuters.com/article/us-usa-election-bloomberg-spending/bloomberg-presidential-campaign-reports-409-million-in-total-spending-so-far-idUSKBN20E2M0>

vi <https://theintercept.com/2020/02/13/bloomberg-spending-local-state-campaigns/>

vii <http://www.nonprofitlawblog.com/treasury-eliminates-donor-information-disclosures-by-501c4-and-501c6-organizations/>

viii https://www.washingtonpost.com/page/2010-2019/WashingtonPost/2017/10/28/National-Politics/Polling/release_497.xml

ix <https://publicintegrity.org/federal-politics/study-most-americans-want-to-kill-citizens-united-with-constitutional-amendment/>

xx https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2954&context=journal_articles

SJ2_GMOM_FAV_AddendumI_030520_CostsCorruption

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GET MONEY OUT Maryland

We must amend the Constitution because political corruption costs us trillions every year!

www.GetMoneyOutMD.org
www.facebook.com/GetMoneyOutMD
twitter.com/GetMoneyOutMD
[Instagram.com/GetMoneyOutMaryland](https://www.instagram.com/GetMoneyOutMaryland)

Big money in politics corrupts our democracy—at taxpayer expense, and 96% of Americans are concerned about its corrosive effects.¹ Multinational corporations and wealthy individuals spend billions on political campaigns, much of it untraceable. Corporate lobbyists write legislation governing the industries they represent. Congress rubber-stamps it, and the rest of us foot the bill. The items identified here come to almost \$6,000 per person, per year. Elimination of just these rotten fruits of big money in politics would be enough to raise a typical 2.5-person household income from \$63,000 to almost \$78,000 – a 24% increase. Each item is listed with its approximate **per person** toll.

Fossil fuel interests have won direct and indirect subsidies as calculated by International Monetary Fund.²



Wealthy elites have won lower tax rate for dividends and capital gains compared to wages.³



Health insurance industry holds onto excess profits. Medicare pays out 98% of revenue in health benefits while private insurance pays 85%.⁴



\$1,966

\$1,919

\$1,161

Pharma influence has raised U.S. drug prices much higher than in other wealthy nations.⁵



Individuals and corporations make big campaign donations and hide wealth in foreign tax havens.⁶



Business influence won a lowered corporate tax rate of 21% as well as subsidies that drop actual average tax rate paid to only 11%.⁷

2018 Tax Subsidy in \$ Billions	
Company	Amount
Bank of America	\$5.6
JP Morgan Chase	\$3.7
Wells Fargo	\$3.2
Amazon	\$2.4

\$350

\$337

\$225

Sum of items in this partial list of corrupt subsidies and corporate welfare.

\$5,958 per person



It's worse than this! The \$2 trillion listed here does not include:

- Low wages and union busting
- Failure to regulate banks and guns
- Unnecessary treatment and other health care waste
- Corrupt weapons contracts
- Human suffering and \$6 trillion spent in Mideast wars
- Reductions in the inheritance tax in the past 20 years and special loopholes on capital gains for heirs

¹ <https://www.washingtonpost.com/graphics/2017/national/democracy-poll/> ² [Rolling Stone](#), 5/8/19 and [Vox](#), 5/17/19. ³ [Bankrate.com](#), 3/30/15.
⁴ [politifact.com](#), 9/20/17 ⁵ [Vox.com](#), 11/30/16 ⁶ [Forbes](#), 1/26/16 ⁷ [Washington Post](#), 12/16/19

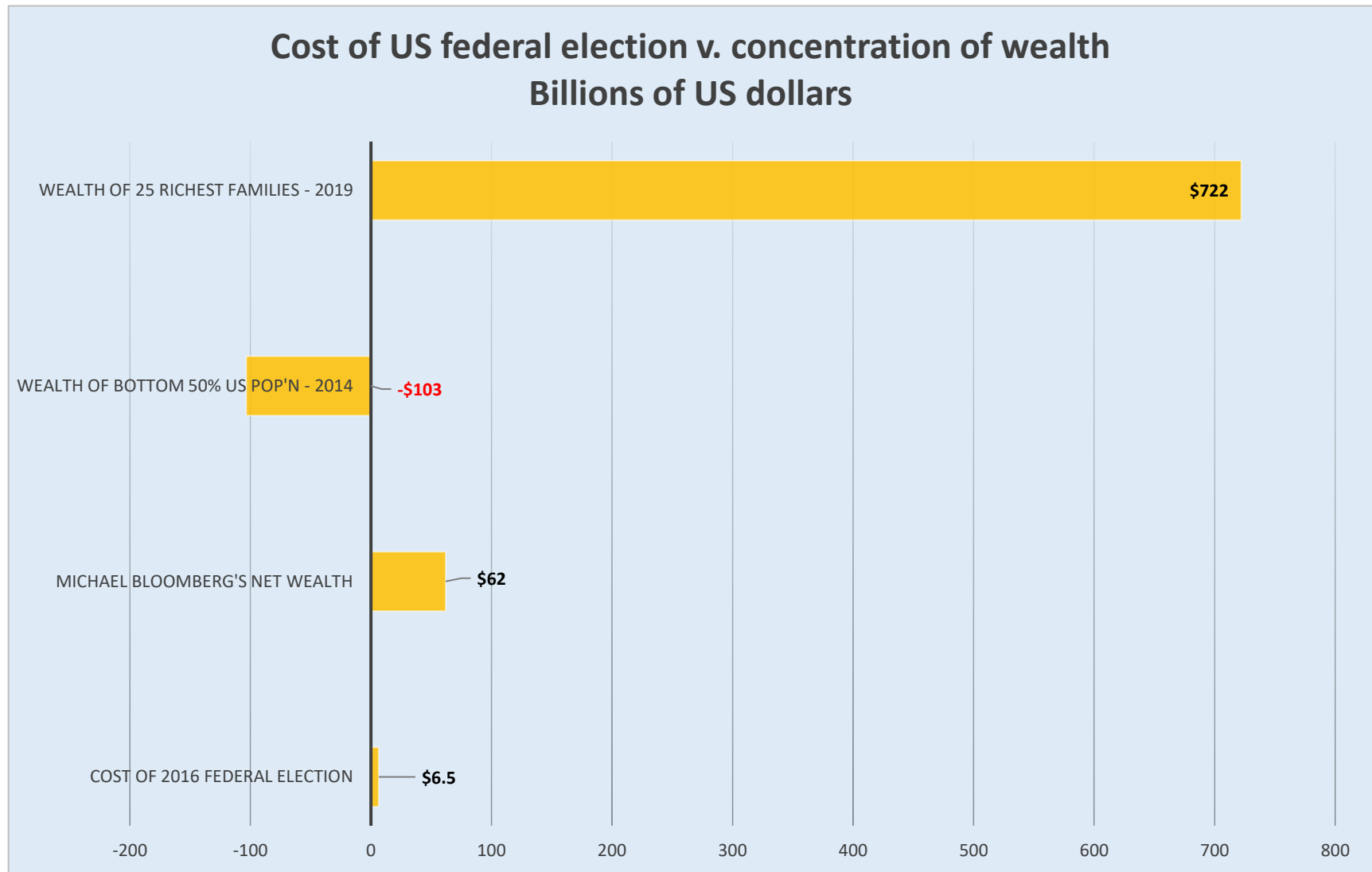
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Addendum II

Concentrated Wealth versus Election Campaign Costs



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AUTHORITATIVE SOURCES ON A LIMITED ARTICLE V CONVENTION
FEBRUARY 18, 2019

Can an Article V convention be limited to one topic? Because having factual information is so critical to democratic decision-making, arguments in favor of or opposed to such a convention should be based on peer-reviewed articles and major institutional and governmental reports:

SOURCE & DATE	STATEMENT
American Bar Association, 1973	"... we believe that a substantively-limited Article V convention is consistent with the purpose of the alternative method since the states and people would have a complete vehicle other than the Congress for remedying specific abuses of power by the national government "
US Department of Justice, 1987	"The paper concludes that Article V permits the states to apply for, and the Congress to call, a constitutional convention for limited purposes, and that a variety of practical means to enforce such limitations are available."
Congressional Research Service, 2016	"Clearly intended by the framers as a balance to proposal of amendments by Congress, it was included to provide the people, through applications by their state legislatures, with the means to call a convention having the authority to consider and propose changes to the Constitution, particularly if Congress proved incapable of, or unwilling to, initiate amendments on its own."
Marquette Law Review, Prof. Ronald Rotunda, 1996	"Given the numerous safeguards built into the convention method of amending the Constitution under Article V, fears regarding the use of this method are unfounded. In fact, the convention method provides greater protection than the Congressional method. The convention method, favored by people such as President Lincoln, is subject to many constraints, but Congress may propose an amendment to the states at any time with no limits on the subject matter of those amendments."
Harvard, Prof. Laurence Tribe, 2011	"I would also object very much to someone who says that because I don't know the answers to all of the questions about an Article V convention, I would be opposed to ever having one, and that's why I've made very clear that I don't take that view."
Rep. Jamie Raskin, 2019	"...Senate Joint Resolution 1...not only specifically limits the scope of the called-for Convention to campaign finance law but forbids Maryland's delegates to support any Amendment proposed <i>outside</i> this purview in the event there were to be a renegade move to promote one."
First Report by the Commonwealth of Massachusetts Citizens Commission Concerning a Constitutional Amendment for Government of the People December 31, 2019	"After significant review of a broad collection of materials, the Commission supports the approach for a limited-purpose convention under Article V. The intent is to either propose the amendment or to force the issue in Congress. In the final report, the Commission intends to outline this option and make direct recommendations to the Commonwealth on how it might proactively accelerate this initiative, but in the meantime, the Commission is supportive of any efforts in the Legislature, or the Commonwealth more broadly."

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Addendum IV: What Did Laurence Tribe and Antonin Scalia *Really* Say about an Article V Convention?

Professor Tribe

It has been claimed that Professor Laurence Tribe, perhaps the most highly respected constitutional law professor of our time, is opposed to the use of an amendment-proposing Article V convention. *This is not true*, and he has said so very clearly.

In a discussion moderated by Prof. Lawrence Lessig in 2011, Prof. Tribe was discussing the pros and cons of an Article V amendment-proposing convention:



"[T]here may be certain kinds of systemic breakdowns where a large majority of the people of the United States want something to happen. For example (and I take this just as an example), they want to limit the ability of amassed corporate wealth to dominate American politics. Now, I count myself as part of

that group. [...] But it may be the case that the very things that make us want to change the influence of corporate money on politics will make it essentially inconceivable that Congress would propose that amendment to the states. Now, if we get that kind of lock down, [...] then I think we're at least in the territory where I think there's perhaps a plausible systemic case for a limited purpose convention [...]"



And to remove any lingering doubt, later in that same discussion Professor Tribe made it abundantly clear that he is not opposed to the use of Article V conventions:

"I would also object very much to someone who says that because I don't know the answers to all of the questions about an Article

V convention, I would be opposed to ever having one, and that's why I've made very clear that I don't take that view."

Justice Scalia



The late Justice Antonin Scalia has also been misquoted as being opposed to the use of Article V conventions. This is untrue.

During a debate in 1979 Justice Scalia was very much in favor of using an Article V Convention: *"I really want to see the process used responsibly on a serious issue so*

that...we can learn how to use the process responsibly in the future." He also said this:

"The Congress is simply unwilling to give attention to many issues which it knows the people are concerned with," Scalia explains. *"Which issues involve restrictions upon the federal government's own power. I think the founders foresaw that, and they provided this method in order to enable a convention to remedy that."*

"If the only way to get that convention is to take this minimal risk then I think it is a reasonable risk to be undergone."

Justice Scalia clearly understood the difference between a Constitutional Convention, to which he was very much opposed, and an amendment-proposing Article V Convention, which he supported.

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THE 191ST GENERAL COURT OF THE
COMMONWEALTH OF MASSACHUSETTS

Bills & Laws

Budget

Legislators

Hearings & Events

Committee

★

RESOLUTION H.3208

191st (Current)

RESOLUTIONS FOR A UNITED STATES CONSTITUTIONAL AMENDMENT AND A LIMITED AMENDMENT PROPOSING CONVENTION

By Messrs. Gentile of Sudbury and Vieira of Falmouth, a petition (accompanied by resolutions, House, No. 3208) of Carmine Lawrence Gentile, David T. Vieira and others for the adoption of resolutions memorializing the Congress of the United States to call for a convention to propose amendments in order to address concerns about the integrity of our elections and the ability of the people to participate in effective self-government. Veterans and Federal Affairs.

Displaying 4 actions for Resolution H.3208

Date	Branch	Action
1/22/2019	House	Referred to the committee on Veterans and Federal Affairs
1/22/2019	Senate	Senate concurred
8/30/2019	Joint	Hearing scheduled for 09/24/2019 from 11:00 AM-05:00 PM in Gardner Auditorium
2/26/2020	House	Resolutions reported favorably by committee and referred to the committee on House Steering, Policy and Scheduling



























On February 26, 2020, H.3208 was reported favorably by the Joint Committee on Veterans and Federal Affairs to the House Steering, Policy, and Scheduling Committee

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Organizations Supporting an Article V Convention

The following Maryland groups endorse the Democracy Amendment Resolution (HJ 10 and SJ 2).	We, the undersigned, believe unlimited spending in our elections by Super PACs, corporations, billionaires, and special interest groups has eroded the American political system, and we must use every available tool of democracy to correct the course of our nation.
<div data-bbox="175 495 326 562"></div> <div data-bbox="418 495 748 562">Chesapeake Climate Action Network</div> <div data-bbox="204 583 298 646"></div> <div data-bbox="418 596 782 630">Baltimore Nonviolence Center</div> <div data-bbox="217 676 282 718"></div> <div data-bbox="418 684 807 718">Lower Shore Progressive Caucus</div> <div data-bbox="168 760 331 806"></div> <div data-bbox="418 768 688 802">Maryland Green Party</div> <div data-bbox="162 844 337 890"></div> <div data-bbox="418 852 561 886">Our Money</div> <div data-bbox="207 919 295 1020"></div> <div data-bbox="418 936 805 1003">Prince George's County Peace & Justice Coalition</div> <div data-bbox="168 1045 331 1117"></div> <div data-bbox="418 1066 711 1100">Don't Shop on Tuesdays</div> <div data-bbox="214 1142 285 1213"></div> <div data-bbox="418 1146 685 1209">Baltimore County Our Revolution</div> <div data-bbox="204 1234 298 1302"></div> <div data-bbox="418 1234 792 1302">Maryland United for Peace and Justice</div> <div data-bbox="155 1331 347 1373"></div> <div data-bbox="418 1339 727 1373">Mt. Ennon Baptist Church</div>	<div data-bbox="954 495 1052 562"></div> <div data-bbox="1198 512 1425 546">American Promise</div> <div data-bbox="935 596 1071 630"></div> <div data-bbox="1198 596 1490 630">Take Back Our Republic</div> <div data-bbox="906 672 1101 726"></div> <div data-bbox="1198 684 1360 718">RepresentUS</div> <div data-bbox="935 764 1071 806"></div> <div data-bbox="1198 768 1458 802">Brand New Congress</div> <div data-bbox="971 835 1039 898"></div> <div data-bbox="1198 852 1409 886">Stamp Stamped</div> <div data-bbox="941 932 1065 1008"></div> <div data-bbox="1198 919 1503 1024">The National Association of Nonpartisan Reformers (NANR)</div> <div data-bbox="948 1041 1058 1125"></div> <div data-bbox="1198 1066 1448 1100">Election Justice USA</div> <div data-bbox="876 1150 1130 1205"></div> <div data-bbox="1198 1146 1494 1213">The Progressive Change Campaign Committee</div> <div data-bbox="967 1234 1039 1302"></div> <div data-bbox="1198 1251 1373 1285">Change Roots</div> <div data-bbox="941 1331 1065 1377"></div> <div data-bbox="1198 1339 1442 1373">Fix Democracy First</div> <div data-bbox="954 1411 1052 1482"></div> <div data-bbox="1198 1415 1383 1482">We the People Massachusetts</div> <div data-bbox="961 1507 1045 1583"></div> <div data-bbox="1198 1512 1516 1583">New Mexicans for Money Out of Politics (NM MOP)</div> <div data-bbox="941 1604 1065 1659"></div> <div data-bbox="1198 1617 1425 1650">Wyoming Promise</div> <div data-bbox="961 1688 1045 1759"></div> <div data-bbox="1198 1701 1477 1734">Our Revolution Hawaii</div> <div data-bbox="935 1772 1071 1848"></div> <div data-bbox="1198 1776 1481 1848">Our Revolution Kansas City</div> <div data-bbox="961 1864 1045 1940"></div> <div data-bbox="1198 1885 1321 1919">Wolf-PAC</div>

Patric Enright _FAV_SJ0002

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Position: FAV

5 March 2020

From: Patric S. Enright

To: Education, Health, and Environmental Affairs Committee, Maryland Senate

Subject: Support for Senate Joint Resolution-2 (SJR-2) (2020)

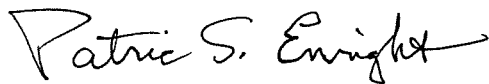
Yet again, I find myself compelled to address this session's version of the petition to Congress addressing, mainly, regulations concerning control of contributions and expenditures intended to influence elections. I totally support this effort to convene an Article V Amendments Convention for the purposes stated in SJR-2.

My purpose today is to help dispel the fears, however unfounded, that the call for an Amendments Convention is the same as calling for a Constitutional Convention. A successful convening of the latter is absolutely unnecessary, and could prove to be catastrophic. The convening of the former to introduce a proposed amendment to address the issues articulated in SJR-2 is a good procedure. Otherwise, why would this option be included in our Constitution by the framers? In addition, the proposition of such an amendment has to go through a lengthy process of presentation and ratification before it becomes part of our Constitution. The restrictions, protections, and protocols set forth in SJR-2 to focus such a Convention on a narrow and singular topic, I believe, are necessary and sufficient to constrain Maryland's participation in such a Convention.

I urge you to quell any fears, presented by naysayers, of an out-of-control Convention by considering the statement of one of our greatest presidents in his first inaugural address. President Abraham Lincoln, a courageous, resolute and desperate man in his time preferred the method of an Amendments Convention, under Article V of the Constitution as opposed to Congressional proposition. He was not afraid to prefer and propose such a solution and neither should this Committee.

Take heart and please render a favorable report for SJR-2 and support its passage by the Senate.

Respectfully submitted,

A handwritten signature in black ink that reads "Patric S. Enright". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Patric S. Enright

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SJ 2 - Common Cause MD - Unfavorable

Uploaded by: antoine, joanne

Position: UNF

March 5, 2020

**Testimony on SJ 2 –
United States Constitution – Amendments Convention – Democracy Amendment
Education, Health, and Environmental Affairs**

Position: Unfavorable

Common Cause Maryland opposes SJ 2, which would call for a national constitutional convention. If successful, this effort would result in the nation's first constitutional convention since the 1787 convention which adopted the Constitution. Because there are no rules in place, it also would create the opportunity for wealthy interests to manipulate the process in the exact way proponents argue is unacceptable in our current politics and would place every constitutional right and protection currently available to American citizens in jeopardy.

The Constitution provides that Congress "on the Application of the Legislatures of two thirds of the several states, shall call a Convention for proposing Amendments." Regardless of any limits that are being placed in the state calls for a constitutional convention, it is widely believed that once a convention is called there is no way to limit the constitutional amendments that the convention can consider and on which they can act.

Several constitutional scholars, including scholars that proponents have cited supporting a Convention, have weighed in on the perils of a constitutional convention. We cite some of that language in an addendum to this testimony.

There are no rules on what would happen if and when a convention is called: no rules on how delegates are chosen, how voting occurs at the convention, how money can be spent to choose and influence delegates, or how the convention would operate.

This means that any existing constitutional right and protection could be up for consideration and revision by a convention. This includes constitutional protections for civil rights, civil liberties, voting rights, freedom of religion, freedom of speech and privacy, among others. The role of the courts in protecting the constitutional rights of individuals and minority interests would also be up for consideration and revision.

Furthermore, any actions taken at such a wholly unprecedented convention could create additional strain on the integrity of our union. Already at a precarious place in our history, the last thing the American people need is for our cohesion to be further destroyed by a process without rule or precedent.

A constitutional convention would put at risk the constitution our Founding Fathers created and the constitutional rights and protections that exist today. While we are sympathetic to the goals of this legislation and would support a traditional call for Congress to pass an amendment on the issue, we oppose the convention and strongly urge an unfavorable report on SJ 2.

Legal Scholars Warn of the Dangers of an Article V Convention

"[T]here is no way to effectively limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or one issue, but there is no way to assure that the Convention would obey." – [Warren Burger](#), Chief Justice of the U.S. Supreme Court (1969-1986)

"I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?" – [Antonin Scalia](#), Associate Justice of the U.S. Supreme Court (1986-2016)

"There is no enforceable mechanism to prevent a convention from reporting out wholesale changes to our Constitution and Bill of Rights." – [Arthur Goldberg](#), Associate Justice of the U.S. Supreme Court (1962-1965)

"First of all, we have developed orderly procedures over the past couple of centuries for resolving [some of the many] ambiguities [in the Constitution], but no comparable procedures for resolving [questions surrounding a convention]. Second, difficult interpretive questions about the Bill of Rights or the scope of the taxing power or the commerce power tend to arise one at a time, while questions surrounding the convention process would more or less need to be resolved all at once. And third, the stakes in this case in this instance are vastly greater, because what you're doing is putting the whole Constitution up for grabs." – [Laurence Tribe](#), professor of constitutional law at Harvard Law School

"The bigger threat is that a constitutional convention, once unleashed on the nation, would be free to rewrite or scrap any parts of the U.S. Constitution. Do we really want to open up our nation's core defining values to debate at a time when a serious candidate for the White House brags about his enthusiasm for torture and the surveillance state, wants to "open up" reporters to lawsuits, scoffs at the separation of powers and holds ideas about freedom of religion that are selective at best?" – [David Super](#), professor of law at Georgetown University

"Note what [Article V] does not say. It says not a word expressly authorizing the states, Congress, or some combination of the two to confine the subject matter of a convention. It says not a word about whether Congress, in calculating whether the requisite 34 states have called for a convention, must (or must not) aggregate calls for a convention on, say, a balanced budget, with differently worded calls arising from related or perhaps even unrelated topics. It says not a word prescribing that the make-up of a convention, as many conservatives imagine, will be one-state-one-vote (as Alaska and Wyoming might hope) or whether states with larger populations should be given larger delegations (as California and New York would surely argue)." – [Walter Olson](#), senior fellow at the Cato Institute's Center for Constitutional Studies

"Danger lies ahead. Setting aside the long odds, if California and 33 more states invoke Article V, there's a risk that we'd end up with a "runaway" convention, during which delegates would propose amendments on issues including abortion, gun rights and immigration." – [Rick Hasen](#), Chancellor's Professor of Law and Political Science at the University of California, Irvine

"Holding a Constitutional convention when the U.S. is embroiled in extremely toxic, uninformed and polarized politics is a really, really bad idea." – [Shelia Kennedy](#), professor of law and policy at Indiana University Purdue University Indianapolis

"But no rule or law limits the scope of a state-called constitutional convention. Without established legal procedures, the entire document would be laid bare for wholesale revision. Article V itself sheds no light on the most basic procedures for such a convention. How many delegates does each state get at the convention? Is it one state, one vote, or do states with larger populations, like California, get a larger share of the votes? The Supreme Court has made at least one thing clear — it will not intervene in the process or the result of a constitutional convention. The game has neither rules nor referees." – [McKay Cunningham](#), professor of law at Concordia University

"The result will be a disaster. I hate to think of the worst-case scenario. At best, the fight over every step along the way would consume our country's political oxygen for years." – [David Marcus](#), professor of law at the University of Arizona



"At present, there are no rules regarding who can participate, give money, lobby or have a voice in a constitutional convention. There are no rules about conflicts of interest, disclosure of who is giving or expending money. No rules exist that address political action committees, corporate or labor union involvement or how any other groups can or should participate. Not only might legitimate voices of the people be silenced by convention rules, but special interests may be given privilege to speak and affect the deliberations...there are no rules limiting what can be debated at a constitutional convention. Given the potential domination by special interests, who knows the result?" - [David Schultz](#), **political science and election law professor at Hamline University**

"An Article V convention might propose an amendment to restore or expand the liberties of the American people, but it also could propose an amendment that diminishes the liberties of the American people, or of some of the people. " – [John Malcolm](#), **director of the Heritage Foundation's Edwin Meese III Center for Legal and Judicial Studies**

"But nothing in the Constitution limits such a convention to the issue or issues for which it was called. In other words, anything and everything could be on the table, including fundamental constitutional rights. Nor are there any guarantees about who would participate or under what rules. Indeed, for these reasons, no constitutional convention has been called since the first in 1787." - [Helen Norton](#), **professor and Ira C. Rothgerber, Jr. Chair in Constitutional Law at the University of Colorado**, and [David Super](#), **professor of law at Georgetown University**

"The lack of clear rules of the road, either in the text of the Constitution itself or in historical or legal precedent, makes the selection of the convention mechanism a choice whose risks dramatically outweigh any potential benefits." – [Richard Boldt](#), **professor of law at the University of Maryland**

"We live in deeply partisan times. There are no certainties about how a constitutional convention would play out, but the most likely outcome is that it would deepen our partisan divisions. Because there are no clear constitutional rules defining a convention's procedures, a convention's "losers" may deem illegitimate any resulting changes. Regardless of the ultimate outcome, the process itself would likely worsen our already vicious national politics." – [Eric Berger](#), **associate dean professor of law at the University of Nebraska College of Law**

"There are no such guarantees. This is uncharted territory...We should not now abandon the very document that has held us together as a nation for over two and one quarter centuries. Rewriting the Constitution is a dangerous errand that would not only unravel the legal ties that have kept us together for so long but would also undermine our sense of national identity and the way that view ourselves as a people." – [William Marshall](#), **professor of law at University of North Carolina**

"Terrible idea...Today's politicians don't have the timeless brilliance of our framers. If we were to rewrite our constitution today, we wouldn't get a particularly good one." – [Adam Winkler](#), **professor of constitutional law and history at the University of California, Los Angeles**

"I believe it's a time for constitutional sobriety. It's a time to keep our powder dry and not to move on an uncharted course. We are not the founding fathers. This would be disastrous." – [Toni Massaro](#), **constitutional law professor at the University of Arizona**

"Having taught constitutional law for almost 40 years, and having studied constitutions from around the globe, I have difficulty imagining anything worse." - [Bill Rich](#), **professor of law at Washburn University in Topeka, Kansas**

"There are no constitutional limits on what the convention could do, no matter what the states say going into it." - [David Schwartz](#), **professor of law at the University of Wisconsin Law School**

"The Constitution allows for the calling of conventions on a petition of enough states, but not limited conventions of enough states. If the delegates decide they don't want to be bound by the (state) resolution, they are right that they can't be bound." - [Richard H. Fallon Jr.](#), **constitutional law professor at Harvard University**

"Once you open the door to a constitutional convention, there are no sure guidelines left. This is the constitutional equivalent of opening a can of worms." - [Miguel Schor](#), **constitutional law professor at Drake University School of Law**



"Thus, neither the states nor Congress may limit the convention to specific subjects. While the goal to propose a balanced budget amendment may provide guidance to the convention, it would not have the force of law...Put simply, the rewards of any constitutional change is not worth the risks of a convention. " - [Sam Marcossan](#), professor of law at the University of Louisville

"Even more frightening is that the entire Constitution will be in play during a convention. The First Amendment could disappear, so could gun rights. There is no guarantee that any of our current constitutionally protected rights would be included in a new constitution. The only guarantee is that all of those rights would be imperiled." - [Mark Rush](#), the Waxberg Professor of Politics and Law at Washington and Lee University in Lexington

"Most significantly, we advise the Legislature that a federal constitutional convention called with this resolution could potentially open up each and every provision of the United States Constitution to amendment or repeal. In other words, a federal constitutional convention could propose amendments to eliminate the protections of free speech; the protections against racial discrimination; the protections of freedom of religion; or any of the other myriad provisions that presently provide the backbone of American law." – [March 2018 legislative testimony](#) of Russell Suzuki, Acting Attorney General, and Deirdre Marie-Iha, Deputy Attorney General, of the state of Hawaii

"Whatever one thinks about these proposed amendments, trying to pass them through an Article V convention is a risky business. The Constitution does not specify how the delegates for such a convention would be chosen, how many delegates each state would have, what rules would apply at the convention or whether there would be any limits on what amendments the convention could consider. A convention that was called to address a specific issue, such as budget deficits, might propose changes to freedom of speech, the right to keep and bear arms, the Electoral College or anything else in the Constitution. There is no rule or precedent saying what the proper scope of the convention's work would be." - [Allen Rostron](#), associate dean for students, the William R. Jacques Constitutional Law Scholar, and a professor at the University of Missouri

"Whether I like or dislike the specific proposal is not the point — the point is that a constitutional convention is a risky and potentially dangerous way to propose amendments." - [Hugh Spitzer](#), professor of law at the University of Washington School of Law



SJ 2- SEUI - Article V Convention OPPOSED 03052020

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Position: UNF



SEIU MARYLAND & DC STATE COUNCIL

Testimony in OPPOSITION to SJ2

United States Constitution -Amendments Convention

Senate Education, Health, and Environment Committee

March 5, 2020, 1:00 PM

Submitted by Terrence Cavanagh, Executive Director

Service Employees International Union, Maryland & DC State Council, urges you to oppose SJ 2, also known as an **Article V Convention** of the US Constitution.

With over two million members, the SEIU is the largest union in North America. We are focused on uniting workers in the health care, public services, and property services sectors to improve lives and the services we provide. We represent over 45,000 workers in Maryland and Washington, DC.

Advocates of SJ 2 say this is the best course to change the Constitution and protect against the unlimited corporate contributions that are threatening our democracy allowed by the U.S. Supreme Court in the *Citizens United* decision. They also say that the threat of a Constitutional Convention is the best way to get Congress to pass an amendment limiting campaign contributions.

We believe *Citizens United*, a 5-4 decision, was badly decided and should be overturned. Although our union has spent very significant sums on campaigns over the years, and is continuing to do so, we also support public financing of federal, state and local elections.

Although we have many allies who support this approach, including the sponsor and several co-sponsors, we respectfully disagree that this is a wise option. The only precedent for a Constitutional Convention was the one that rewrote the Articles of Confederation in 1787 in Philadelphia. Once the delegates to that convention gathered, there was no restriction on what changes they could make. We believe there is a significant risk of a new convention doing likewise – although with results that may not be as fruitful. Who is to limit what delegates to a convention may do?

We believe that a more practical approach to the issue of concern, is for the Congress to take action and a President to appoint judges with a better understanding of the affects money has on politics.

We ask you to give a unfavorable report to SJ 2.

Thank you.

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SJ2 - Defend our Constitution - Unfavorable

Uploaded by: Coalition, Defend Our Constitution

Position: UNF

Constitutional Rights and Public Interest Groups Oppose Calls for an Article V Constitutional Convention

Calling a new constitutional convention under Article V of the U.S. Constitution is a threat to every American's constitutional rights and civil liberties.

Article V convention proponents and wealthy special interest groups are dangerously close to forcing the calling of a constitutional convention to enact a federal balanced budget amendment (BBA). This would be the first constitutional convention since the original convention in 1787 — all constitutional amendments since then have been passed first by Congress and then approved by three-fourths of the state legislatures. There are no rules and guidelines in the U.S. Constitution on how a convention would work, which creates an opportunity for a runaway convention that could rewrite any constitutional right or protection currently available to American citizens.

Under Article V of the U.S. Constitution, a convention can be called when two-thirds of the states (34) petition for a convention to enact amendments to the constitution. States can also rescind their calls by voting to rescind in the state legislature. Just a few states short of reaching the constitutionally-required 34 states to call a convention, Article V and BBA advocates have recently increased their efforts to call a new convention.

An Article V convention is a dangerous threat to the U.S. Constitution, our democracy, and our civil rights and liberties. There is no language in the U.S. Constitution to limit a convention to one issue and there is reason to fear that a convention once called will be able to consider any amendments to the constitution that the delegates want to consider. There are also no guidelines or rules to govern a convention. Due to the lack of provisions in the Constitution and lack of historical precedent, it is unknown how delegates to a convention would be picked, what rules would be in place, what would happen in the case of legal disputes, what issues would be raised, how the American people would be represented, and how to limit the influence of special interests in a convention.

Because there is no way to limit a convention's focus, any constitutional issue could be brought up for revision by a convention. This includes civil rights and civil liberties, including freedom of speech, freedom of religion, privacy rights, the guarantee of equal protection under law, the right to vote, immigration issues, and the right to counsel and a jury trial, among others. Basic separation of executive, legislative, and judicial powers would be subject to revision as well. A convention might not preserve the role of the courts in protecting our constitutional rights. Even the supremacy of federal law and the Constitution over state laws could be called into doubt.

A 2016 *USA Today* editorialⁱ correctly stated that calling for a constitutional convention is “an invitation to constitutional mayhem” and “could further poison our politics and hobble American leaders at moments of crisis.” Notable legal scholars across the political spectrum agree. One of the nation's most esteemed constitutional law scholars, Professor Laurence Tribe of Harvard Law School, has said a constitutional convention would put “the whole Constitution up for grabs.”ⁱⁱ

Georgetown University Law professor David Super wrote “a constitutional convention would circumvent one of the proudest democratic advances of the last century in America: one-person, one-

vote. Without a precedent, no one really knows how a convention would unfold, but proponents predict that each state would have an equal vote in whatever they got up to.”ⁱⁱⁱ

Former Supreme Court Chief Justice Warren Burger shared similar concerns, writing, “[T]here is no way to effectively limit or muzzle the actions of a constitutional convention. The convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or one issue, but there is no way to assure that the convention would obey.”^{iv}

The late Supreme Court Justice Antonin Scalia also warned of the dangers of a constitutional convention. “I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?,” Scalia said in 2014.^v

The undersigned organizations strongly urge state legislatures to oppose efforts to pass a resolution to call for a constitutional convention. We also strongly urge state legislatures to rescind any application for an Article V constitutional convention in order to protect all Americans’ constitutional rights and privileges from being put at risk and up for grabs.

National organizations:

African American Health Alliance
African American Ministers In Action
AFSCME Retirees
Alliance for Justice
American Federation of Labor and Congress of Industrial Organizations (AFL–CIO)
American Federation of State, County and Municipal Employees (AFSCME)
American-Arab Anti-Discrimination Committee
Americans for Democratic Action (ADA)
Asian and Pacific Islander American Vote
Bend the Arc Jewish Action
Brennan Center for Justice
Campaign Legal Center
Center for American Progress
Center for Community Change
Center for Law and Social Policy (CLASP)
Center for Media and Democracy
Center for Medicare Advocacy
Center for Popular Democracy
Center on Budget and Policy Priorities
Children's Defense Fund
Citizens for Responsibility and Ethics in Washington (CREW)
Coalition on Human Needs
Common Cause
Communications Workers of America (CWA)
Community Advocates Public Policy Institute
Daily Kos
Democracy 21
Democracy For America

Dream Defenders
Earthjustice
Eclectablog
Economic Policy Institute
EMILY's List
Every Voice
Fair Elections Center
Faith in Public Life
Family Values at Work
Food Research & Action Center (FRAC)
Franciscan Action Network
Greenpeace USA
International Association of Fire Fighters
Jobs With Justice
Leadership Conference on Civil and Human Rights
League of Women Voters of the United States
Main Street Alliance
Mi Familia Vota
NAACP
National Asian Pacific American Families Against Substance Abuse
National Association of Social Workers
National Council of Asian Pacific Americans
National Council of Jewish Women
National Council of La Raza Action Fund
National Disability Institute
National Disability Rights Network
National Education Association (NEA)
National Employment Law Project (NELP)
National Fair Housing Alliance

National Korean American Service & Education Consortium (NAKASEC)
National Partnership for Women & Families
National WIC Association
National Women's Law Center
People Demanding Action
People For the American Way
ProgressNow
Service Employees International Union (SEIU)
Sierra Club
Sisters of Charity of Nazareth Congregational Leadership

State and local organizations:

Alabama

Fair Housing Center of Northern Alabama

Alaska

Alaska AFL-CIO

Arkansas

OMNI Center for Peace, Justice & Ecology

Arizona

AFSCME 2960
AFSCME Retirees Chapter 97
Arizona Advocacy Network
Phoenix Day
Southwest Fair Housing Council

California

California Common Cause
City of Chino Housing Division
Courage Campaign
Fair Housing Advocates of Northern California

Colorado

ACLU of Colorado
America Votes Colorado
Colorado AFL-CIO
Colorado Common Cause
Colorado Ethics Watch
Colorado Fiscal Institute
Colorado People's Alliance
Colorado Sierra Club
Colorado WINS
New Era Colorado
League of Women Voters of Colorado
ProgressNow Colorado
SEIU Colorado

Social Security Works
State Innovation Exchange
The Arc of the United States
The Forum for Youth Investment
The Public Interest
The Voting Rights Institute
UNITE HERE
United Food and Commercial Workers (UFCW)
Voice for Adoption
VoteVets Action Fund
Women's Voices Women Vote Action Fund
Working America

Connecticut

Common Cause Connecticut
Connecticut Fair Housing Center, Inc.
Planned Parenthood of Southern New England
Holy Family Home and Shelter, Inc

Delaware

Common Cause Delaware

Florida

Common Cause Florida
Faith in Florida
Florida Consumer Action Network
Progress Florida

Georgia

9to5 Georgia Chapter
Black Voters Matter Fund
Common Cause Georgia
Georgia Coalition for the People's Agenda
Georgia STAND-UP
League of Women Voters of Georgia
Partnership for Southern Equity

Hawaii

Americans for Democratic Action Hawaii
Hawaii Alliance for Progressive Action
Hawaii Appleseed Center for Law & Economic Justice
Hawaii Government Employees Association
Common Cause Hawaii
League of Women Voters of Hawaii
League of Women Voters of Honolulu
League of Women Voters Hawaii Island
Life of the Land

Idaho

ACLU of Idaho
Better Idaho
Idaho AFL-CIO

Illinois

Common Cause Illinois
Oak Park River Forest Food Pantry
Project IRENE

Indiana

Common Cause Indiana
Fair Housing Center of Central Indiana

Iowa

AFSCME Iowa Council 61
Congregation of the Humility of Mary
Iowa AFL-CIO

Kansas

Kansas AFL-CIO

Kentucky

Common Cause Kentucky
Jefferson County Teachers' Association
Kentucky AFL-CIO
Kentucky Center for Economic Policy
UFCW Local 227

Louisiana

Greater New Orleans Fair Housing Action Center

Maine

Disability Rights Maine
Maine AFL-CIO

Maryland

ACE-AFSCME Local 2250
AFSCME Council 3
AFSCME Council 67
Baltimore Neighborhoods, Inc.
Benedictine Sisters of Baltimore
Common Cause Maryland
Disability Rights Maryland
League of Women Voters of Maryland
Maryland Center on Economic Policy
Public Justice Center
The Xaverian Brothers

Massachusetts

Massachusetts AFL-CIO

Michigan

Common Cause Michigan
Fair Housing Center of West Michigan
Progress Michigan

Minnesota

Alliance of Chicanos, Hispanics and Latin
Americans (Rochester, MN)
Common Cause Minnesota
Indivisible Minnesota Local
League of Women Voters of Minnesota
Minnesota AFL-CIO
Minnesota Citizens for Clean Elections
TakeAction Minnesota
Women & Advocates Minnesota

Mississippi

Common Cause Mississippi
Mississippi AFL-CIO

Missouri

Vision for Children at Risk

Montana

Montana AFL-CIO

Nebraska

Common Cause Nebraska
Nebraskans for Civic Reform

New Hampshire

New Hampshire AFL-CIO

New Jersey

CWA Local 1081
New Jersey Association of Mental Health and
Addiction Agencies, Inc.
Monarch Housing Associates

New Mexico

ACLU of New Mexico
AFSCME Council 18
Common Cause New Mexico
League of Women Voters of New Mexico
New Mexico Hospital Workers Union (1199NM)

New York

CNY Fair Housing, Inc
Common Cause New York
Disabled in Action of Greater Syracuse Inc.

Long Island Housing Services, Inc.
Schenectady Inner City Ministry
Solidarity Committee of the Capital District

Nevada

AFSCME 4041
AFSCME Nevada Retirees
Battle Born Progress
Culinary Workers' Union Local 226
Let Nevadans Vote coalition
Nevada AFL-CIO
Nevada Conservation League
Nevada State Education Association (NSEA)
SEIU Nevada 1107

North Carolina

Common Cause North Carolina
Disability Rights North Carolina
Independent Living Resources (Durham, NC)

North Dakota

North Dakota AFL-CIO

Ohio

Cleveland Nonviolence Network
Common Cause Ohio
Equality Ohio
Ohio Voice
ProgressOhio
Toledo Fair Housing Center
Toledo Area Jobs with Justice

Oklahoma

Oklahoma AFL-CIO
Oklahoma Policy Institute

Oregon

Common Cause Oregon
Disability Rights Oregon

Pennsylvania

Bhutanese Community Association of Pittsburgh
Common Cause Pennsylvania
Community at Holy Family Manor (Pittsburgh, PA)
Just Harvest (Pittsburgh, PA)

Rhode Island

Common Cause Rhode Island

South Carolina

South Carolina AFL-CIO

South Dakota

South Dakota AFL-CIO

Tennessee

Common Cause Tennessee
Nashville CARES

Texas

Clean Elections Texas
Common Cause Texas
Harlingen Community Development Corporation

Utah

Tabitha's Way

Vermont

Downstreet Housing & Community Development
P.S., A Partnership

Virginia

The Commonwealth Institute
Virginia AFL-CIO
Virginia Civic Engagement Table

Washington

Conscious Talk Radio
Washington AFL-CIO
Washington Community Action Network
Fuse Washington

Wisconsin

Access to Independence, Inc. (Madison, WI)
AFSCME Council 32
AFSCME Retirees Chapter 32
Citizen Action of Wisconsin
Common Cause Wisconsin
End Domestic Abuse Wisconsin
Grandparents United for Madison Public Schools
Independence First
League of Women Voters of Wisconsin
Madison-area Urban Ministry
Metropolitan Milwaukee Fair Housing Council
Midstate Independent Living Consultants
One Wisconsin Now
Options for Independent Living Inc (Green Bay, WI)
School Sisters of Saint Francis (Milwaukee, WI)
Survival Coalition of Disability Organization of
Wisconsin
The Arc Wisconsin
Wisconsin AFL-CIO

Wisconsin Aging Advocacy Network
Wisconsin Coalition of Independent Living Centers,
Wisconsin Community Action Program Association
Wisconsin Council on Children and Families
Wisconsin Democracy Campaign
Wisconsin Faith Voices for Justice
Wisconsin Voices
National Association of Social Workers, WI Chapter

Dominicans of Sinsinawa - Leadership Council

West Virginia

West Virginia Citizen Action Group

Wyoming

Wyoming AFL-CIO

ⁱ *USA Today*, “Marco Rubio’s very bad idea: Our view,” January 6, 2016, available at <http://www.usatoday.com/story/opinion/2016/01/06/marco-rubio-constitutional-convention-balanced-budget-editorials-debates/78328702/>

ⁱⁱ Michael Leachman & David A. Super, “States Likely Could Not Control Constitutional Convention on Balanced Budget Amendment and Other Issues,” Center for Budget and Policy Priorities, July 6, 2014, available at <http://www.cbpp.org/sites/default/files/atoms/files/7-16-14sfp.pdf>.

ⁱⁱⁱ David Super in *The Chicago Tribune*, “Don’t even think about ‘updating’ the Constitution,” March 19, 2017, available at <http://www.chicagotribune.com/news/opinion/commentary/ct-constitutional-convention-amendments-20170319-story.html>

^{iv} Letter from Chief Justice Warren Burger to Phyllis Schlafly, June 22, 1988, available at <http://constitution.i2i.org/files/2013/11/Burger-letter2.pdf>.

^v Marcia Coyle, “Scalia, Ginsburg Offer Amendments to the Constitution,” *Legal Times*, April 17, 2014, available at <http://www.nationallawjournal.com/legaltimes/id=1202651605161/Scalia,-Ginsburg-Offer-Amendments-to-the-Constitution?slreturn=20140421101513>.

This statement was released in April 2017 and the list of signers was updated in March 2019.

MDDCAFLCIO_EDWARDS_UNF_SJ2

Uploaded by: Edwards, Donna

Position: UNF



MARYLAND STATE & D.C. AFL-CIO

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Secretary-Treasurer
Gerald W. Jackson

SJ 2 – United States Constitution – Amendments Convention – Democracy Amendment Senate Education, Health, and Environmental Affairs Committee March 5, 2020

OPPOSE

**Donna S. Edwards
President
Maryland State and DC AFL-CIO**

Chairman and members of the Committee, thank you for the opportunity to provide testimony in opposition to SJ 2 – United States Constitution – Amendments Convention – Democracy Amendment. My name is Donna Edwards, President of the Maryland State and DC, AFL-CIO. On behalf of the 340,000 union members in the state of Maryland, I offer the following comments.

While the State Federation fully supports the goal of SJ 2 – to bring our Democracy to the people and out of the hands of wealthy corporate donors – an Article V Constitutional Convention would inject chaos and uncertainty into our government, and, ironically, would allow those corporate donors to run roughshod over our Democracy. A convention opens the door to massive changes to our Constitution, without any clear direction or understanding of the consequences of those changes.

There is no precedent for an Article V Convention. No judicial, legislative, or executive body would have clear authority to settle disputes, should any arise. We have no idea how the rules would even be set for the proceedings of a convention, or who would ultimately be in charge.

An Article V Convention opens up the field for special interests to involve themselves in the process. Wealthy lobbyists could, quite literally, create amendments to the Constitution that benefits them at the detriment of the citizenry.

All of our civil liberties would be open to debate and change; citizenship, civil rights, privacy rights, etc. These could all be open for massive negative changes. Our right to Free Speech, Assembly, and Freedom of Religion would all be fair game during a convention.

America already stands perilously close to convening an Article V Constitutional Convention, and with SJ 2, we move one more vote closer

For these reasons, we urge an unfavorable report on SJ 2

Linda Liotta_UNF_SJ0002

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Position: UNF

**TESTIMONY AGAINST SJ-0002
AN AMENDING CONVENTION—TO OVERTURN
THE SUPREME COURT RULING IN CITIZENS UNITED**

OPPOSE SJ 0002

Linda Liotta

Hearing Date: MARCH 5, 2020

DEAR CHAIRMAN PINSKY AND MEMBERS OF THE SENATE EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE,

I COME BEFORE YOU TODAY TO ASK ALL OF YOU TO **VOTE “NO” TO SJ 2.**

MY NAME IS LINDA LIOTTA. I AM CURRENTLY A RESIDENT OF BETHESDA, MARYLAND AND A MARYLANDER BY BIRTH.

I GREW UP IN A CIVICLY MINDED, POLITICAL FAMILY. MY FATHER, WALTER BROOKS BRADLEY, NOW DECEASED, WAS A BUSINESSMAN. HE WAS AWARDED A BRONZE STAR AND LEGION OF MERIT FOR HIS SERVICE IN WWII. HE WAS INVOLVED, AS A MEMBER OF THE JUNIOR CHAMBER OF COMMERCE IN THE POST-WWII URBAN RENEWAL OF BALTIMORE CITY, INCLUDING BEING INVOLVED IN SUPPORT FOR BUILDING MEMORIAL STADIUM AND CONTRIBUTING THE SAND FROM THE D-DAY, NORMANDY BEACHES, WHICH USED TO BE IN THE BRONZE URN AT THAT STADIUM. HE HELD ELECTED OFFICE IN BALTIMORE COUNTY AND WAS ASKED TO RUN FOR MARYLAND GOVERNOR IN THE 1960s.

I HAVE BEEN ACTIVE IN MY OWN COMMUNITY OF BETHESDA/POTOMAC, SINCE 1976 AS: PTA PRESIDENT & MATH-SCIENCE LAB COORDINATOR; HEAD OF AN ART APPRENTICESHIP GROUP WITH MARYLAND AND VIRGINIA ARTISTS; JURIED ARTIST-IN-RESIDENCE AT THE ARTS BARN IN THE KENTLANDS; SIGNATURE MEMBER OF THE BALTIMORE WATERCOLOR SOCIETY; ART DESIGNER/COORDINATOR OF A 155-CANVAS COLLAGED (8'X15') MURAL MADE FROM CHILDREN'S ARTWORK FOR A BETHESDA CHURCH; PRESIDENT/VICE PRESIDENT OF THE FALLSBERRY HOA FOR 12 YEARS, HELPING TO AVERT 2 COSTLY LAWSUITS FOR THE HOA; FREELANCE JOURNALIST AND POLITICAL ACTIVIST IN U.S. AND AT INTERNATIONAL MEETINGS (ex.: Gorbachev State of the World Forum in San Francisco and the United Nations Habitat II Conference in Istanbul and follow-up meeting for local elected officials at the UN in NY) COVERING INTERNATIONAL POLICIES AND HOW THEY BY-PASS CONGRESS TO BECOME PART OF LAW IN THE U.S. AND STATE AND LOCAL GOVERNMENTS; ADVISOR TO A MARYLAND LEGISLATOR AT AN ALEC MEETING ON A CONSTITUTIONAL MATTER; GRASS-ROOTS LOBBYIST OPPOSING ARTICLE V CONSTITUTIONAL CONVENTIONS, and SMART GROWTH AND RURAL LEGACY, etc., since 1994.

Thank you for this opportunity today to provide important information on why I oppose SJ 2, as well as any calls for an Article V Constitutional/Amending Convention, including HJ 5, HJ10 and HJ11—as not only unnecessary, but, much more importantly, very dangerous to the very existence of the United States of America, itself.

Please see my more detailed testimony AGAINST SJ 2, which follows. Thank you.

REMEMBER:

THE FORM OF GOVERNMENT IN USE IS VITAL TO EITHER PROTECTING
THE WELL-BEING AND FREEDOM--OR CONTRIBUTING TO THE POVERTY AND LOSS OF
FREEDOM--FOR THE PEOPLE OF THE UNITED STATES.

THE UNITED STATES' FORM OF GOVERNMENT IS A CONSTITUTIONAL REPUBLIC WITH BUILT-
IN CHECKS AND BALANCES—IT IS NO ORDINARY DEMOCRACY, AS MANY REFER TO IT
TODAY--NOR IS IT A PARLIAMENTARY FORM OF GOVERNMENT.

There are two categories of reasons to oppose SJ Res 0002, “The Democracy Amendment.” The first is Surface. The second is deep and very serious. The first is the window dressing to distract from the real reason. The second category is the real reason.

CATEGORY ONE

So, Let's begin with the first category:

The stated, **Surface (face-value) objectives** of SJ Res 2 are to:

#1 Make elections free of the influence of excessive campaign spending by outside interests and fair enough that any citizen can run

(Consider: Just this week, Michael Bloomberg who spent ½ of a billion \$ in a month lost all the super Tuesday primary races and dropped out. The people self-regulate. More of a problem is the media and its promotion of certain candidates.)

#2 Reserve constitutional rights to natural persons (overturn Supreme Court's decision in Citizens United)

(Consider: Non-person companies and corporations contributing to candidates is centuries old. You yourselves received such monies to get elected to the Maryland Senate. Money always finds a way because it's necessary to running an election campaign.)

#3 Authorize the regulation of contributions and expenditures intended to influence elections

(Consider: Sitting here, today, we have absolutely no way of knowing what this means, nor how damaging it could be to the rights of regular Americans and our election system.)

The Surface Problems with Category One:

***Structure of Wolf-PAC clearly shows hypocrisy and deceit in light of the legislation its pushing.**

***Cenk Uyger admits that Wolf Pac is a SUPER PAC!**

Wolf Pac is run by Cenk Uyger of Young Turks.

Both organizations receive funding from George Soros.

The kind of special interest money that funds Super PACs is what Wolf PACS' legislation (via the extreme measure of an Article V “amending” convention) is what they claim to want to stop.

The term “Young Turk” is now used to signify “a progressive, revolutionary, or rebellious member of an organization, political party, etc, especially one agitating for **radical reform**.” From Dictionary.com (10th ed.)

***Money will always find a way to buy influence.** That phenomenon cannot be squashed.

When, since the beginning of politics, millennia ago, has this not been true?

Does anyone believe that George Soros is actually upset about Citizen United?

If it floats a rightwing boat, his will float too. The Wolf PAC Super PAC proves that.

*If an amendment were to be passed to permit the federal government to “regulate contributions and expenditures to influence elections”, there is no way that this would be drafted to protect citizens, since wealth always find a way to influence outcomes.

*Granting the Federal Government, via a Constitutional amendment, any extended power over 1st amendment rights would GROSSLY EXPAND THE POWER OF THE FEDERAL GOVERNMENT!
You could make the case, perhaps, that the Supreme court “legislated from the bench”, by giving legal entities the rights usually given to human beings. However, under the Constitution the Federal Government has NO AUTHORITY to meddle with 1st amendment rights.
Therefore, this amendment can have no standing in the federal government and the Congress, who is the body who calls the convention, has no authority to consider it under an Article V convention call.

*Overturning Citizens United is a smoke screen for calling an Article V “Amending Convention.
A myriad of politicians, who lost elections due to big money influence, could pool their money and file a **class action suit**, which could make its way to the Supreme Court.
Surely some set of attorneys would happily take the case pro bono.
This is the normal process.

*The Citizens United decision is NOT really the problem and WolfPAC knows it.

Uyger reports in one of his videos about forming Wolf PAC that everything was going swimmingly from 1930-1978, during the period called “The Great Society”.
(That’s when Marxism got a real toe-hold in the U.S.: all of FDR’s programs including Social Security, Medicare/Medicaid under LBJ, the UN, UNESCO, IMF, WORLD BANK w/ U.S. tax payers paying the largest share, just to name some of the notable ones.)
Then in the mid 1970s Big Money got involved and began to target the U.S. Supreme court.
Remember- there was very BIG Money during The Great Society period, as well.
Translation: The wrong flavor of Big Money began to push in.
But did it really?

As I have said, Big Money influencing politics is nothing new at all.

People only complain when they feel that Big Money is hurting the issues they care about.

WE’RE NOT IN KANSAS ANY MORE, DOROTHY.

WE LIVE IN A NEW WORLD TODAY.

A Prince of Wales Business Leaders Forum report states at we are now seeing the “*merger of communism and capitalism*”, which they expound as a great thing. Their view point is trending.

The big money behind all the pro-Article V Convention groups know all about this new philosophy and the following facts, as well.

*Corporations are already a key player in the new global “governance scheme” of public private partnerships (PPPs)—so opposing them is passé and surely Soros and Uyger know that.

Corporations bring the money to the economics of keeping things going and making wealth for Big Money.

Communist governments fail without corporations generating cash flows and wealth. So the USSR was allowed to fail to end communism. China has permitted corporations.

Everyone is pushing PPPs from the UN to national governments to state and local governments, and formerly communist countries are too—so is the World Economic Forum.

PPPs reduce and diminish the power of the People by diluting our representative government.

In this way:

PPPs resemble the three-ring design of Pretzels:

Elected officials---Corporations---Nonprofits (which are funded by corporations)

Now, with 3 “stakeholders”, 2 of which are not unelectable writing legislation and funding it, too, voters are left impotent to stop or prevent corruption.

This is precisely how ALEC and NCSL operate.

PPPs were the main focus at the UN in its New York follow-up to the UN Habitat II meeting in Istanbul in 1996.

Do you see the deceit behind the Wolf-PAC, et al?

Voting for SJ Res 2 would be very unwise and might have all sort of other consequences, when trying to institute any of its amendments, leading to Category 2.

WHAT’S BEHIND THE DECEIT?

CATEGORY 2:

The REAL reason to vote “NO” on SJ Res 2 and all calls for an Article V Convention.

(A.) Our legal system operates under **precedent** and the **Rule of Law**, defined as:

1.) *...rule according to law, under law, or rule according to a higher law...The rule of law requires the government to exercise its power in accordance with **well-established** and **clearly written rules**...and **legal principles**...(legal-dictionary.thefreedictionary).*

2.) Key *legal principles*, which are germane, here, were established from the beginning of our country

(B.) We all must assume that any Article V “Amending” Convention would possess the legal power to do exactly what the “Amending” Convention of 1787 did: which was to—

- throw out our existing Constitution (instead of amending it, as was the directive)
- create an entirely new constitution
- create a new form of government
- overthrow the old government. (essentially, a coup d’etat)
- establish a vital **legal precedent** for all future Constitution conventions

1.) This **legal precedent** was based on a key, pre-existing principle undergirding the entire existence of the United States of America from then, ‘til now. It was the very Founding Principle that justified and fueled our right to overthrow the throne of England in our Revolutionary War in 1776.

It is the Founding Principle, which by the 1787 Constitutional Convention, had already been declared in the Declaration of Independence. The Declaration of Independence, which put words to and enshrined this **Founding Principle: self-evident Right of the People to throw off their government and set up a new government.**

As they did in declaring war in 1776, many of the same Founders, now being delegates to the 1787 “Amending” Convention, itself, used that same the *legal precedent*, philosophical underpinning, key to rule of law, and *legal precedent*, which would apply to any Article V “Amending” Convention of today.

2.) Interestingly, Madison often stands upon the Declaration of Independence to make his arguments, when defending the right of delegates to the proposed 1787 Constitutional convention to draft a new document, rather than to amend the old. In Federalist 53.2 he wonders why, “The important distinction so well understood in America, between a Constitution established by the people and unalterable by the government, and a law established by the government and alterable by the government, seems to have been little understood and less observed in any other country”.

And in Federalist 40.19 he wrote about the citizens that, “*They must have reflected, that in all great changes of established governments, forms ought to give way to substance; that a rigid adherence in such cases to the former [Articles of Confederation], would render nominal and nugatory the transcendent and precious right of the people to “abolish or alter their governments as them shall seem most likely to effect their safety and happiness,” since it is impossible for the people spontaneously and universally to move in concert towards their object; and it is therefore essential that such changes be instituted by some informal and unauthorized propositions, made by some patriotic and respectable citizen or number of citizens*”.

3.) Today’s philosophy of Government has radically changed from that in 1787. In 1787 it was the Rights of Mankind over the Divine Rights of Kings. People were throwing off the ragged mantle of suppression of one ruler to subjugate them.

4.) However, soon, two other concepts arose. Even as the new United States was getting going, the ink barely dry on the Constitution, already the forces seeking to undo the U.S. constitutional republic were being birthed. Alexander Hamilton, an orphaned raised and school in Europe, proposed our first bank, modeled after those in Europe. It was our first public-private partnership (PPP). The U.S. was a minority shareholder. The other shareholders were private individuals. That bank did not last (1791-1811). The deep-pocketed Federal Reserve Bank was created, eventually, by the U.S. Senate in 1913.

5.) Then, Karl Marx wrote his Communist Manifesto in 1848. The United States was only 72 years old. Whereas the U.S. used it’s Constitutional Republic and Constitution to permit and encourage free enterprise, through the prowess of the individual and, through another rebellion of the People, overthrew slavery, Marx’s ideas called for the opposite. They were like a return to the old subjugation under kings. This time Marx called for people to think of themselves as a collective, not individuals. Their worth predicated upon what they could produce for society. What was good for society was determined by government. The promise was that their hard work for the collective would lead equality and harmony.

6.) Philosophically:

Nation States are viewed by globalists as *passé*. Regionalism is *du jour*.

Representational, elected government is out. Appointed officials are in.

Small government (like our sovereign States) is out. Big government is in.

7.) Today, the United Nations global government and philosophy is based on Marxism. All secretary generals are required to be members of Socialists International. Socialism, especially creeping kind, such as Fabian Socialism, has replaced the bloody Communist (socialist) takeovers in Russia and China. It's marketed in people-friendly ways and taught in schools and universities and colleges, as though that's the way it should be.

To illustrate my point a colleague, journalist Joan Veon, interviewed Mayor Schmoke, then mayor of Baltimore, after he testified in Annapolis for Smart Growth and Rural Legacy (SG&RL), Marxian land-use policies. Smart Growth puts a "belt" around cities and regions to prevent outward growth. Rural Legacy trades full property values and rights to development for owners of farms in exchange for lower tax rates. Often public private partnership are struck with the land owners and NGOs like the Nature Conservancy. I'm sure that all Maryland legislators are very familiar with this legislation.

We had seen Mayor Schmoke at the UN Habitat II meeting on Sustainable development in Istanbul in 1996. He seemed eager for the interview, once Joan said that she'd been at Habitat II. Back then, there was a lot of new jargon about how the UN was implementing its socialist agenda: Sustainable development, public/private partnerships, human capital, social capital, governance. While UN and other officials were open to answering questions at the overseas meetings, back in the U. S. it was swerve and avoid. However, Mayor Schmoke very openly explained that under SG&RL "private property rights had to yield to collective rights" for the sake of sustainable development.

8.) It's become all too normal and commonplace to hear the U.S. criticized and trashed, daily IN the U.S. People who want to keep the United States intact are openly mocked.

9.) People, judges, elected officials ignore and/or frequently violate the Constitution. Citizens and State legislatures seek ways to undo the electoral college. The State legislatures have and are already seriously wrecking the balance of power between the federal government and States: the Constitutional amendment that changed how U.S. Senators are elected—from by the State legislatures to by the people. Now, the States have no representation in Congress. That's a terrible thing! Another terrible thing is how States agree to be bribed into taking federal money in exchange for adopting unconstitutional programs into their States. This alone is heavily responsible for the gross and unconstitutional expansion of the size and reach of the federal government.

10.) Federal elected officials are negotiating and passing dreadful treaties, which undermine national sovereignty: NAFTA, its replacement-the USMCA-which is even worse at subjugating U.S. laws to International laws, U.N. bodies and courts, The Free Trade of the Americas (FTAA)- being implemented out side of congress, through the executive branch-homogenizing policies and practices, the North American Union-seeking to merge U.S., Mexico and Canada.

11.) New States Constitution already drafted, as sample of what WE MIGHT EXPECT.
Eliminates States and creates regions.

12.) Alvin and Heidi Toflers book, *Creating A New Civilization*; preface by Newt Gingrich;
published by (Ted) Turner Publishing:

To the Founding Parents: You are the revolutionists dead...Listening to the sounds of tomorrow, you sensed that a civilization was dying and a new one was being born. You are the inventors of a future that became our present...That piece of paper with the Bill of Rights added in 1791, is clearly one of the stunning achievements of human history. We conclude that you were driven to it—were compelled, carried along by the tidal force of events, fearing the collapse of an ineffective government paralyzed by inappropriate principles and obsolete structures. Even now your principles move us...the Constitution of the United States needs to be reconsidered and altered—not to cut the federal budget or to embody this or that narrow principle...to create a whole new structure of government...we thank Mr. Jefferson, who helped create the system that served us so well for so long and that now must, in its turn die and be replaced. Chap. 9, pp 89-99.

SJ 2_UNF_ACLUMD_Nalley

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Position: UNF



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

March 5, 2020

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

OPPOSE

JUSTIN NALLEY
POLICY ANALYST,
EDUCATION

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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.

SJ2-AFSCME-UNFAV

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Position: UNF



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South St. Paul, MN

TESTIMONY SJ2 United State Constitution - Amendments Convention Democracy Amendment Rules and Executive Nomination March 2nd, 2020

Position: Unfavorable

AFSCME representing 45,000 employees in Maryland State's and local government, stands in opposition to SJ2 calling for an application to the U.S. Congress for an amendment convention called under Article V of the U.S. Constitution. We all agree with the concept that our campaign finance system is out of balance and big money has too much power in our politics, but we believe exposing our Constitution with an untested, risky process may not be the best way to attack this issue.

AFSCME is part of a growing list of coalition partners who are concerned about the call for constitution conventions for any reason. But more specifically, we view these types of actions as way for groups such as Wolf-PAC whom support runaway conventions as opportunities to break the unions. They were strong supporters of the Janus vs AFSCME Supreme Court Case and behind the fight in Wisconsin where union members lost their rights to have a voice and join a union.

While the bill includes language that The State of Maryland intends to retain the ability to restrict or expand the power of its delegates within the limits expressed in the bill, that still gives us no guarantee. We are not yet convinced that there are any rules in the U.S. Constitution to protect us, if a convention were to happen. Our understanding is that there are no limit on the scope of amendments proposed and no guarantee the convention will be representative of all the people. Regardless of any limits that are being placed in the state calls for a constitutional convention, it is widely believed that once a convention is called there is no way to limit the constitutional amendments that the convention can consider and on which they can act.

Again, while the intentions of the bill are to limit the power of money in our politics, in our current environment of unlimited political spending, a convention could allow special interests to re- write the rules governing our system of government. Instead, we should use the safer process we have always used by moving an amendment through Congress and then sending it to the states for ratification.

In the meantime, there are plenty of impactful money in politics reforms state legislators should consider that give everyday voters a bigger voice in politics, including strengthening disclosure, creating new ethics laws that hold lawbreakers accountable, and small donor public financing which is available in Montgomery, Howard, and Prince George's Counties. We welcome the opportunity to work with groups to figure our less risky ways to go about this issue.

For these reasons, we request and **unfavorable** reporting on SJ2.

LWVMD_NancySoreng_UNFAV_SJ02

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Position: UNF



TESTIMONY TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

SJ 2 United States Constitution - Amendments Convention - Democracy Amendment

POSITION: Oppose

BY: Lois Hybl and Richard Willson, Co-Presidents

DATE: March 5, 2020

While the League of Women Voters is thoroughly sympathetic with the desire to get rid of the flood of money in politics that the Citizens' United decision enables, we strongly oppose calling for an Article V Amendments Convention as this legislation proposes.

After two years of study and consensus about amending the constitution, in 2016 the following position was announced: *"The League of Women Voters is concerned that there are many unresolved questions about the powers and processes of an Article V Constitutional Convention."*

The League believes that such a convention should be called only if the following conditions are in place:

- *The Constitutional Convention must be transparent and not conducted in secret. The public has a right to know what is being debated and voted on.*
- *Representation at the Constitutional Convention must be based on population rather than one state, one vote, and delegates should be elected rather than appointed. The delegates represent citizens, should be elected by them, and must be distributed by U.S. population.*
- *Voting at the Constitutional Convention must be by delegate, not by state. Delegates from one state can have varying views and should be able to express them by individual votes.*
- *The Constitutional Convention must be limited to a specific topic. It is important to guard against a "runaway convention" which considers multiple issues or topics that were not initiated by the states.*
- *Only state resolutions on a single topic count when determining if a Constitutional Convention should be called. Counting state requests by topic ensures that there is sufficient interest in a particular subject to call a Convention and enhances citizen interest and participation in the process.*
- *The validity of state calls for an Article V Constitutional Convention must be determined by the most recent action of the state. If a state has enacted a rescission of its call, that rescission must be respected by Congress.*

Congress has taken no action to make sure that the safeguards outlined above are in or will be in place.

The House of Representatives has passed HR1. Among its features are: improvements to Automatic Voter Registration, public financing of elections through small donor matching funds, and **overturning Citizens United**. We are hoping that the Senate might see its way to pass such fundamental reforms in the future. We believe this is a safer way to improve democracy.

Therefore, we strongly urge an unfavorable report on SJ 2.

The undersigned organizations strongly urge state legislatures to oppose efforts to pass a resolution to call for a constitutional convention. We also strongly urge state legislatures to rescind any application for an Article V constitutional convention in order to protect all Americans' constitutional rights and privileges from being put at risk and up for grabs.

African American Health Alliance

African American Ministers In Action

AFSCME Retirees

Alliance for Justice

American Federation of Labor and Congress of Industrial Organizations (AFL–CIO)

American Federation of State, County and Municipal Employees (AFSCME)

American-Arab Anti-Discrimination Committee Americans for Democratic Action (ADA)

Asian and Pacific Islander American Vote

Bend the Arc Jewish Action

Brennan Center for Justice

Campaign Legal Center

Center for American Progress

Center for Community Change

Center for Law and Social Policy (CLASP)

Center for Media and Democracy

Center for Medicare Advocacy

Center for Popular Democracy

Center on Budget and Policy Priorities

Children's Defense Fund

Citizens for Responsibility and Ethics in Washington (CREW)

Coalition on Human Needs

Common Cause

Communications Workers of America (CWA)

Community Advocates Public Policy Institute

Daily Kos

Democracy 21

Democracy For America

Dream Defenders

Earthjustice

Eclectablog

Economic Policy Institute

EMILY's List

Every Voice

Fair Elections Center
Faith in Public Life
Family Values at Work
Food Research & Action Center (FRAC)
Franciscan Action Network
Greenpeace USA
International Association of Fire Fighters
Jobs With Justice
Leadership Conference on Civil and Human Rights
League of Women Voters of the United States
Main Street Alliance
Mi Familia Vota
NAACP
National Asian Pacific American Families Against Substance Abuse
National Association of Social Workers
National Council of Asian Pacific Americans
National Council of Jewish Women
National Council of La Raza Action Fund National Disability Institute
National Disability Rights Network National Education Association (NEA)
National Employment Law Project (NELP) National Fair Housing Alliance
National Korean American Service & Education Consortium (NAKASEC)
National Partnership for Women & Families National WIC Association
National Women's Law Center People Demanding Action People For the American Way
ProgressNow
Service Employees International Union (SEIU) Sierra Club
Sisters of Charity of Nazareth Congregational Leadership
Social Security Works State Innovation Exchange
The Arc of the United States
The Forum for Youth Investment The Public Interest
The Voting Rights Institute UNITE HERE
United Food and Commercial Workers (UFCW) Voice for Adoption
VoteVets Action Fund
Women's Voices Women Vote Action Fund Working America

IOTC_DAVID WHITNEY_UNF_SJ0002

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Position: UNF

SJ 0002 Amendments Convention - Democracy Amendment

Opposed

Honorable Chairmen and Senators, I am Pastor David Whitney Senior Instructor at Institute on the Constitution where I teach the only course offered anywhere on the Maryland State Constitution. I had the privilege of developing this course with the help of scholars and attorneys and I have taught this to many citizens in our Old Line State. The Student Manual contains a detailed outline of each of the lectures I deliver along with reading assignment for the student in its 283 pages.

While I applaud every attempt to reign in our Federal government, I oppose this bill as it places us in a greater danger from the Article V Convention which it calls for.

Our Maryland State Constitution begins with a Declaration of Rights which reads,

We, the People of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:

Then Declaration of Rights Article 6 reads,

That all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, and, as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Because the people have this right to establish a new Government, a Convention such as this bill calls for is unable to prevent the delegates to that Convention from doing exactly that, forming a new government.

Our Declaration of Independence recognizes that a People have the "self-evident Right" to throw off their government and set up a new government. As a people we have already invoked that Right twice: In 1776 we invoked it to throw off the British Monarchy; and in 1787, James Madison invoked it to throw off our first

Nothing in Article V, US Constitution permits the federal or state governments to control the Delegates to an Article V convention. As Sovereign Representatives of "We the People," the Delegates have the power to do whatever they want, including proposing a new Constitution with a new mode of ratification. Our Declaration of Independence recognizes the "self-evident Right" of a people to throw off one government and set up a new one with a new and easier mode of ratification.

We can fix the issues we are facing by learning and applying our existing Constitution. There are many more effective means to reigning in the Federal Government that are contained in our State Constitution. As Senior Instructor I would like to offer our Maryland Constitution Course free to any elected or appointed official in Maryland.

I ask for an unfavorable report on this bill SJ0002.

Thank you.

W E I T E R E S T U D I U M V E R B O D E N D E T E S T E N

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