

HJ 0010 Amendments Convention - Democracy Amendment
Unfavorable

Honorable Chairmen and Delegates, 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.

While I applaud this 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.

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. Now the proponents of this bill will tell you not to worry, the Delegates to such a Convention can be controlled by you the legislators. Let gather some insight on this question from some seasoned minds.

Brilliant men have warned that Delegates to a convention can't be controlled. During April 1788, our 1st US Supreme Court Chief Justice John Jay wrote that another convention would run an "extravagant risque."

In Federalist No. 49, James Madison said a convention is neither proper nor effective to restrain government when it encroaches.

In his Nov. 2, 1788 letter to Turberville, Madison said he "trembled" at the prospect of a 2nd convention; and if there were an Article V convention: "the most violent partizans", and "individuals of insidious views" would strive to be delegates and would have "a dangerous opportunity of sapping the very foundations of the fabric" of our Country.

In Federalist No. 85 (last para), Hamilton said he "dreads" the consequences of another convention because the enemies of the Constitution want to get rid of it.

Justice Arthur Goldberg said in his 1986 editorial in the Miami Herald that "it cannot be denied that" the Philadelphia convention of 1787 "broke every restraint intended to limit its power and agenda," and "any attempt at limiting the agenda [at an Article V convention] would almost certainly be unenforceable."

Chief Justice Warren Burger said in his June 1988 letter to Phyllis Schlafly: "...there is no effective way to limit or muzzle the actions of a Constitutional Convention... After a Convention is convened, it will be too late to stop the

Convention if we don't like its agenda... A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn..."

Justice Scalia said on April 17, 2014 at the 1:06 mark of this video: "I certainly would not want a Constitutional Convention. I mean whoa. Who knows what would come out of that?"

Other eminent legal scholars have said the same – Neither the States nor Congress can control the Delegates.

Yet convention supporters ridicule these warnings as "fear mongering."

Ask yourself, "Is it possible that James Madison, Alexander Hamilton, Chief Justice Jay, Justice Goldberg, Chief Justice Burger and Justice Scalia understood something about the plenipotentiary powers of Delegates to an Article V convention which the pro-convention lobby hasn't grasped?"

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 JH0010.

Thank you.