

# **testimony 2-16-21 dem amnd.pdf**

Uploaded by: Athey, Jean

Position: FAV



*Anne Arundel County Peace Action, Baltimore Peace Action, Howard County Peace Action, Maryland United for Peace and Justice, Peace Action Montgomery, Prince George's County Peace and Justice Coalition, Frederick Peace Action*

**TESTIMONY IN SUPPORT OF SJ 7  
The Democracy Amendment Resolution**

TO: Sen. Paul Pinsky, Chair, and Members of the Education, Health, and Environmental Affairs Committee.

FROM: Jean Athey, Executive Director, Maryland Peace Action

DATE: February 16, 2021

Mr. Chair, Members of the Committee:

My name is Jean Athey. I am representing the 1000 members of Peace Action in Maryland, who are also members of our seven local Maryland Peace Action chapters. I am a resident of Baltimore, and I submit this testimony in support of SJ 7, the Democracy Amendment Resolution.

The Democracy Amendment addresses the three most critical threats to our democracy—restrictions on voting, money as speech, and the treatment of powerful multinational corporations as persons. Arguably, we have just lived through the gravest risk to democracy in our nation's history. We almost lost it, as our own Jamie Raskin so clearly and brilliantly demonstrated in the recent impeachment trial of former president Donald Trump.

How did the nation get to this terrifying state? We believe it all goes back to the attacks on democracy that are addressed in this resolution.

*Voting:* Multiple attacks were made in the recent election on people's right to vote, and if the potential voters were Democrats, and especially if they were people of color, every trick was utilized to prevent them from being able to vote--from legalistic, to subterfuge and lies, to threats of violence. The most basic tenet of democracy is that every citizen should have the right and the ability to vote. Yet we do not actually have this right.

*Money as Speech:* When money becomes speech, it is the voices of the wealthy that are heard, not the voices of the rest of us. Money drives policy and the needs of the people are ignored--democracy dies.

*Corporations as Persons:* It is shocking that organizational entities, many of them multinational, have accrued the rights of people in our democracy. It mocks the belief that our government is of the people, by the people, and for the people. We have come to see that our government is now of the corporations, by the corporations, and for the corporations. This is a travesty of democracy.

You may be wondering why Maryland Peace Action, which is an organization focused primarily on foreign policy issues, is testifying to you on this resolution. It is because we have plenty of

evidence that our country's basic lack of real democracy has distorted our actions abroad, in opposition to the will of the people of this country. Few individuals want the U.S. to engage in the endless wars of the past seventy years—we know this from multiple polls. But these wars have greatly enriched the “military-industrial complex,” and the wars and the weapons manufactured are in their corporate interest.

When average people are told of the massive amounts of money that flow to multinational corporations for needless and highly destructive weapons and for “wars of choice,” they are rightly appalled. It is not what we, as Americans, want. But under the current campaign finance laws, campaign contributions from weapons manufacturers ensure that members of Congress will continue to support them, and we will continue to be the country that the majority of the world considers to be the greatest threat to world peace.

Please vote for the Democracy Amendment to restore real democracy to our nation, and a hope for international peace.

## **1.16.21.SJ 7. Md. Gen. Assembly The Democracy Amen**

Uploaded by: Coates, Delman

Position: FAV



## **Statement to the Education, Health and Environmental Affairs Committee. Please Vote Favorable on SJ 7 – The Democracy Amendment Resolution**

2007-8 Our families lost their homes in a mortgage crisis that was directed to lure minority buyers into dangerous loans. Yet no wealthy bankers or Wall Street speculators were prosecuted; they were bailed out by working class taxpayers.

Now our families have been vulnerable to the pandemic – losing their health, their jobs, and their last shred of financial security. Meanwhile, 660 billionaires have seen their assets increase by over \$1 trillion. That happened because there is a Federal Reserve to inject money into asset markets. This money flows without red tape and arbitrary dates while our families wait in line for unemployment insurance – which sometimes never comes.

We know that money in politics forms a key link in the chain of influence that causes our working-class, minority congregants to suffer.

People are very upset and are looking for signs that politicians understand the depth of the crisis. A Constitutional Amendment to promote voting rights, put people over corporations, and regulate big money in our elections provides the signal we need.

Please report favorably on SJ 7, the Democracy Amendment Resolution.

Sincerely,

Delman Coates,  
Senior Pastor, Mt. Ennon Baptist Church  
Clinton, MD

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### **Testimony before the Senate Education, Health, and Environmental Affairs Committee in Support of SJ 7 – U. S. Constitution – Amendments Convention Democracy Amendment**

February 18, 2021

#### **The Vicious Cycle**

In previous testimony in favor of this resolution we have described the decades-long cycle of worsening income and wealth inequality caused principally by political corruption of policymakers who are dependent on wealthy donors for campaign financing. We've graphically shown you the immense scale of elite fortunes and the mass collective indebtedness of the of bottom half of the U.S. households. We've documented an incomplete list of corporate welfare or subsidies for wealthy taxpayers that, nevertheless, total almost \$6,000 per person per year.

Now, partially as a result of the pandemic, all these trends have worsened frighteningly. Fifteen billion dollars (\$15 billion) was spent on the 2020 federal election compared to \$7 billion in 2016 and \$5.3 billion in 2008.

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 of the super-rich.

As of 2018, the top 0.1% are estimated to control about 17% of the total wealth<sup>i</sup> of \$98 trillion.<sup>ii</sup> Then we have learned that the top households have experienced a windfall of increased asset value<sup>iii</sup> after the Federal Reserve Board of Governors poured \$3 trillion into asset markets causing a stock boom – or some might call it asset inflation. “The combined fortune of the nation’s 660 billionaires as of Monday, January 18, 2021 was \$4.1 trillion, up 38.6% from their collective net worth of just under \$3 trillion on March 18, 2020.” There is a similar trend during this COVID-19 pandemic for income inequality to widen.

Another irony is that ultimately the money used to make big expenditures and contributions wielded against the 99% comes from consumers themselves or – in many cases – from the taxpayers themselves. Energy companies can use revenues from customers or ratepayers to gain access to officials and government contractors such as weapons-makers can use revenue from the contracts to spend on elections. Buying products we need or paying our taxes forces us to finance the big-money interests that work to erode our right to representation.

As wealth and income get more and more concentrated among the elite, our government becomes less able to hear the will of the people. Big money doesn't guarantee a candidate's election, but it creates a huge barrier to candidates without connections to wealth – especially in primary elections, and it buys huge influence on policymakers after an election.

In the 2020 cycle, Democrats and Democrat-leaning groups outspent Republicans by \$700 million – and that doesn't include the \$1.4 billion that Tom Steyer and Mike Bloomberg spent on their own campaigns.<sup>1</sup> The Brennan Center recently said that dark money may be underestimated by 650% - they coined the term “black hole money” to describe this trend.

### **The Public Is Fed Up with Money Corruption in Politics**

Through their political spending, lobbying, and control of media, the corporate elite gain advantage that has caused the ever-increasing and disproportionate wealth and income gaps. They have defanged anti-trust enforcement. We all live under their monopoly realm and we suffer from the tax and labor policies, trade policies, financial and environmental regulation, or lack thereof, and misguided federal spending that results.

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 that cost them \$6,000 per year, 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,<sup>iv</sup> 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*.”<sup>v</sup>

Listen to this from a West Virginia group that held 10,000 conversations with voters in 2020:

*There was one answer that came up 5 times more often than anything else. It came up more than roads, or schools, or safe water, or overdose deaths, or jobs. The number 1 issue? Political corruption....*

*We see it everywhere. 88% of West Virginians oppose giving public money to private charter schools, but the bill passed. The public relations guy for the controversial [Rockwool facility in Jefferson County](#) is also the House Majority Leader. Last May, instead of funding a state Black Lung Pension Fund for*

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<sup>1</sup> <https://www.brennancenter.org/our-work/analysis-opinion/dark-money-2020-election>

*miners and a nursing home in Beckley for veterans, lawmakers voted to [give \\$60 million more to out-of-state coal executives](#).”*

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 Article V path incorporated in SJ 7 uses the method of organizing from the bottom up. This is the one way that We the People can overcome the money advantage of the super-wealthy and save our democratic republic.

### **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.<sup>vi</sup>

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**

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 constitutional 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 7 uses the method of organizing from the bottom up. This is the one way that We the People can overcome the money advantage of the super-wealthy and save our democratic republic.

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".

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, "The intent is to either propose the amendment or to force the issue in Congress."

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.

### **The Rights of Citizens**

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.”

Stacey Abrams, voting rights advocate from Georgia was asked, “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 7, the Democracy Amendment Resolution.

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<sup>i</sup> <https://eml.berkeley.edu/~saez/SaezZucman2020JEP.pdf>

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

<sup>iii</sup> <https://inequality.org/great-divide/updates-billionaire-pandemic/>

<sup>iv</sup> [https://www.washingtonpost.com/page/2010-2019/WashingtonPost/2017/10/28/National-Politics/Polling/release\\_497.xml](https://www.washingtonpost.com/page/2010-2019/WashingtonPost/2017/10/28/National-Politics/Polling/release_497.xml)

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

<sup>viii</sup> [https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2954&context=journal\\_articles](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2954&context=journal_articles)

# **GMOM\_SJ7test\_ArgentineCraig021821.pdf**

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**Testimony before the Senate Education, Health, and Environmental Affairs  
Committee in Support of SJ 7 – U. S. Constitution – Amendments  
Convention Democracy Amendment**

February 18, 2021

This is a placeholder document. Ms. Argentine Craig will appear as an oral witness on the sponsor panel in support of SJ 7 and will present testimony on topics included in the written testimony of Get Money Out – Maryland.

# **SAT SJ 7 Senate Testimony 021821.pdf**

Uploaded by: Cooper, Charlie

Position: FAV

TO: Senate Education, Health and Environmental Affairs, February 18, 2021  
FROM: Reverend Stephen A. Tillett  
RE: SJ7 Democracy Amendment Resolution  
DATE: February 18, 2021  
Position: SUPPORT

A hideous Supreme Court ruling has contributed to eroding the voice and vote of the average person in the United States. The *Citizens United* ruling which equated money with speech, has allowed billions of dollars to be poured into elections for the purpose of advancing the agenda of the superrich who want to be even richer at the expense of the nation that has already showed them so much favor! The result, there are now over 300 million people whose interests are secondary or less because rich people want more money than they already have. That is obscene and it needs to stop. That is why I urge this committee to present a favorable report for the Democracy Amendment Resolution that we are supporting.

Maryland prides itself on being "the free state" I sincerely hope that the Free State will stand in favor of open and fair elections *without* voter suppression. I hope that the Free State will support limiting campaign donations by corporations and the superrich to the disadvantage of over 300 million Americans. The needs of ordinary people are becoming afterthoughts in our democracy.

I will quote from pages 108-110 in my book Stop Falling for the Okeydoke: How the Lie of "Race" Continues to Undermine Our Country. At the very beginning of our nation two of the founding fathers wrote these words with respect to the dangers to our republic posed by political parties. They both figured that parties out of control would lead to a party before country cancer that could potentially overtake and grievously wound our democracy.

Our second president, John Adams, wrote these words:

**"There is nothing which I dread so much as a division of the republic into two great parties, each arranged under its leader, and concerting measures in opposition to each other. This, in my humble apprehension, is to be dreaded as the greatest political evil under our Constitution."**

Yet another Founder of our country, George Washington, shared his concerns in his farewell address in 1796 as he was preparing to leave the presidency after serving two terms as our first president. He said,

**“In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations, Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts.**

**“You cannot shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection...The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism.”**

# **Democracy Amendment Resolution (SJ 7).pdf**

Uploaded by: Coplan, Tina

Position: FAV

## Re: Democracy Amendment Resolution (SJ 7)

Voters across party lines have demonstrated an overwhelming bipartisan belief that big money has corrupted our political system, and that a 28<sup>th</sup> Constitutional Amendment is needed to curb it.

Here's the proof:

- According to a study by the University of Maryland's School of Public Policy, a vast majority of registered voters—81% overall, including 75% of Republicans and 87% of Democrats—"would favor a Constitutional amendment that would overturn the 'Citizens United' decision by allowing Congress and the states to regulate and set reasonable limits on the raising and spending of money by candidates and others who seek to influence elections."  
[https://d3n8a8pro7vhmx.cloudfront.net/getmoneyoutmd/pages/127/attachments/original/1527802964/UofM\\_Campaign\\_FinanceReport0518.pdf?1527802964](https://d3n8a8pro7vhmx.cloudfront.net/getmoneyoutmd/pages/127/attachments/original/1527802964/UofM_Campaign_FinanceReport0518.pdf?1527802964)
- Looking at the issue of trust in government, another study showed "84 percent of respondents think that government works to benefit special interests; 83 percent think it works to benefit big corporations; and 80 percent think it works to benefit the wealthy over the interests of the middle class."  
<https://www.americanprogress.org/issues/democracy/reports/2017/01/05/295947/drain-the-swamp/>

With the memory of record 2020 campaign spending fresh in voters' minds, **now** is the time to pass the Democracy Amendment Resolution—calling for a convention of states to propose a U.S. Constitutional Amendment to regulate big money in our elections and affirm voting rights for all citizens.

Tina Coplan  
7003 Meadow Lane  
Chevy Chase, MD 20815

# **SJ7 testimony 2021-02-16.pdf**

Uploaded by: Crandell, Kenneth

Position: FAV

Senators,

I support **SJ7**, US Constitution - Amendments Convention – Democracy Amendment.

We know that money has a disproportionate influence and corrosive effect on politics. It is undermining our Democracy. This became an order of magnitude worse with the *Citizens United* decision. That decision eviscerated both the Maryland Legislature's and the US Congress' tools to control the undue influences corrupting our system.

Unfortunately, because it was a Supreme Court decision, the only avenue remaining to redress the problem is an Amendment to the US Constitution. Please note that Representative Jamie Raskin, a Constitutional law expert, helped write the original version of this Resolution.

I am aware that there are two paths to create such an Amendment. One path starts with Congress and the other path starts with the state Legislatures. BOTH paths require  $\frac{3}{4}$  of the state legislatures to approve the final Amendment.

Fortunately, the two paths need not be conflicting. We can and should support both paths, because they can build on each other. However, SJ7 is the only path that the *Maryland Legislature* can directly influence.

I urge you to pass SJ7 and make an unequivocal statement that Maryland vigorously supports democracy, so we can ultimately reverse the corrosive effects *Citizen's United*.

Thank you.

Kenneth S Crandell

# **SJ0007\_Represent Maryland\_ Favorable.pdf**

Uploaded by: Demnowicz, Cristi

Position: FAV



**BILL: SJ0007**

**BILL TITLE: United States Constitution – Amendments Convention – Democracy Amendment**

**BILL SPONSOR: Senator Pinsky**

**COMMITTEE: Education, Health, and Environmental Affairs**

**POSITION: FAVORABLE**

**HEARING DATE: 2/18/21**

#### **TESTIMONY IN FAVOR OF SJ0007**

Represent Maryland is a grassroots group of Marylanders committed to fighting for democracy and reducing the influence of big money in politics. Although our voter roles have grown over the last 150 years to include nearly all citizens of the USA, access to the resources needed to successfully run for public office has narrowed. Currently, successful candidates must have connections to and be willing to accept large money donations from the smallest group of people or be able to fund their campaign themselves. There is nothing democratic about that. Through courting big money donors, elected officials remain out of touch with the needs and struggles of the average voter, which is very apparent in policy decisions that help corporations and the wealthy while putting more burdens on the working class. SJ0007, which advocates for an Article V convention to discuss a Constitutional Democracy Amendment - declaring that corporations do not have constitutional rights and that money is not speech and therefore can be regulated, would be a significant step towards curbing the power of the ultra-rich and large corporations.

If added to the Constitution, this amendment would protect democracy by opening it up to “the many” rather than “the few”. This amendment aligns with Represent Maryland’s goals, so we support passing it by any means necessary through the convention or congress. Due to the extremely high threshold required to ratify an amendment, we do not agree with concerns about a “runaway” convention. In addition, we believe widespread support for this resolution could push Congress to pass the Democracy Amendment in advance of a potential convention.

In summary, Represent Maryland supports SJ0007 and a Constitutional Democracy Amendment, so we urge a favorable report.

Sincerely,  
Cristi Demnowicz, Chair  
Represent Maryland  
Maryland Voter-D7

Represent Maryland is a grassroots anti-corruption group of citizen advocates that #FightForDemocracy in Maryland.

Our democracy solutions include: Public Election Funds, Independent Redistricting, Special Elections, Ranked Choice Voting, Increased Ethics and Transparency, and Increased Voter Participation.

Learn more about our work at [www.RepresentMaryland.org](http://www.RepresentMaryland.org)  
Authorized by Represent Maryland PAC, T Miller, Treasurer



## **I support SJ7.pdf**

Uploaded by: Isenberg, Roy

Position: FAV

I support SJ7. I spent 10% of my income last year on campaign contributions and 5% on charitable donations to food centers and housing costs for low income families; more money than I could afford. Choosing between charity donations and campaign contributions was painful/conflictual. In all, my political contributions were not significant compared with other people. Less than 90 days since the last election I am bombarded with solicitations for more campaign contributions. Let's get big money out of politics.

# **SJ007 testimony -2021.pdf**

Uploaded by: Koul, Michelle

Position: FAV

16 Feb 2021

Dear Committee Members,

I am writing to ask you to support the Democracy Amendment Resolution SJ0007. Maryland should join with other states that have called upon Congress to summon an Article V convention to draft an amendment that would overturn *Citizens United*. I have researched the alarmist idea that an Article V convention could turn into a “runaway convention”. I am firmly convinced that the requirement that amendments must be ratified by a super-majority of three quarters of all the states is a significant-enough safeguard, as Senator Van Hollen has written.

In addition, history has shown us that it is unlikely that the Article V convention would even happen, as it's more likely that congressional leaders will decide to take action themselves as the states begin to pressure Congress. Congress will act to *head off* the convention and keep the power to draft the language of an amendment in their own hands. I believe the timing could not be better to exert this kind of “peer pressure.”

The detrimental effect of *Citizens United* can be observed at the local level where the dollar amounts are rising. Four years ago I joined an advocacy group called WISE, consisting of over 700 women from Anne Arundel county. One of my tasks during the 2018 election cycle was to use the (MD) Campaign Reporting (Information) database to characterize candidates' campaign donations and share that information with voters. We had some newcomers to the political scene in our district, and what I found is that they were ultimately outspent by more than 4 to 1 by the incumbents. I was also naively shocked to see how much of the donations came from businesses – as much as 40% of total campaign dollars. In our county, over-development was a hot topic – for a particular race, I calculated that, at a minimum, \$1 out of every \$5 of donation money was coming from development-related businesses, or employees thereof. There are a multitude of studies showing that, no matter how we try to act independently despite “gifts” like campaign donations, we are at the mercy of our animal brains<sup>1</sup>. Corporations know this. We should be turning away business donations, rather than treating them as speech.

I testified for the first time in the assembly two years ago on this legislation. I since have learned that lobbyists sponsor \$50,000 casino events for legislators.

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<sup>1</sup> “The Honest Truth About Dishonesty,” by Dan Aierly.

Compare that to the 2.5 minutes I got after having to take off work for the entire afternoon. And sadly, a number of you could not even be bothered to stay in your seats while I spoke. A regular citizen doesn't stand a chance.

In conclusion, I want to mention that I am a mechanical engineering professor of 21 years. When I talk to my students about structural failure, I tell them to be sure that they address the "root cause" of the failure as it's the most effective way to solve the problem. There are so many things I want to see fixed in our current society, and I view money in our politics as a "root cause" of failure. The voices of truly unbiased experts and our citizens, are drowned out by the money that's allowed to pour in. I am here today to respectfully ask you to support this resolution to do your part to address this root cause of failure in our democracy.

Dr. Michelle Koul  
312 Bowline Ct  
Severna Park MD

# **testimony for sj7 02-18-21.pdf**

Uploaded by: Miller, Douglas

Position: FAV

In 2016 I spoke on numerous occasions to groups and individuals as part of the successful effort to pass a referendum for an amendment to the Howard County Charter to enable the establishment of the Citizens' Election Fund, a public financing program for candidates for County Council and County Executive. I now serve on the CEF Commission, and candidates will soon be applying for participation as we approach the local elections of 2022, the first for which the program will be in effect.

I'm a big believer in public campaign financing. But until political campaigns are 100 percent publicly funded, we must continue to pursue every possible avenue toward meaningful regulation of the raising and spending of money for them. Other witnesses have detailed the consequences of the current system, fomented by the "corporations are people and money equals speech" doctrine created by Citizens United v. FEC and other Supreme Court decisions. Every member of this committee knows well its destructive, anti-democracy effects.

Other witnesses also have offered numerous citations of legal scholarship debunking the "runaway convention" myth and its dire predictions of a radical rewrite of our founding document. But if, for the sake of argument, you want to insist the nightmare scenario painted by opponents of the Democracy Amendment Resolution could still come to pass, remember that ANY amendment to the U.S. Constitution, whether it's proposed through Congress or a convention of states, must be approved by three fourths of the state legislatures. The only amendments with any realistic chance of passage will be those with wide-ranging public support across the political spectrum. The need for campaign finance reform is one of the few areas of consensus in our deeply divided political landscape. As has been noted, an overwhelming majority of Americans of all political stripes believe that money has far too much influence over our political system and is a key source of its deepening dysfunction.

The outsized influence of wealthy special interests is destroying American democracy. Why anyone would suggest that we not use every tool at our disposal – including the movement-building, bottom-up approach our founders left us in Article V – is beyond me.

# **SJ0007 copy.pdf**

Uploaded by: Nezzo, Carol

Position: FAV

FROM Carol Nezzo  
4600 Amherst Road  
College Park, MD. 20740  
(301) 864-5267

TO MD Senate Health, Education, and Environment Committee  
Annapolis, MD

I support SJ0007, the Democracy Amendment Resolution.

I wish to decrease/eliminate the voice of corporate money in the decisions of my senators and representatives.

I wish my voice and the voices of my neighbors to be the messages that my senators and representatives listen to - without the distraction of corporate power.

Please make sure that SJ0007 gets affirmed, voted on and that it is passed.

Thank you.

**Did you spend a few hours this week contacting maj**

Uploaded by: Saffell, Linda

Position: FAV

Did you spend a few hours this week contacting major donors, begging for financial support? Did you have to wedge meetings on policy issues between fundraising Zoom calls or drafting appeal letters to support your political career? Did it seem as if you spend more time raising money than doing what you came to Annapolis in order to do?

I wouldn't be surprised if you were tired of all that fundraising. I've worked in nonprofit fundraising, and I know that it's plain hard work. Not many people really want to fundraise. But it takes money, and quite a lot of it, to run a successful political campaign, right?

We are tired of so much money being spent on something that, at the end of the day, DOESN'T improve the lives of Marylanders. It doesn't create millions of jobs. It doesn't improve our Infrastructure. It sure doesn't end a pandemic.

You are probably tired of it, too. But as things stand, perhaps, you feel you can't run a grassroots campaign, unless your opponent does so too.

Well, SJ 7, the Democracy Amendment Resolution, aims to halt the march toward ever more costly political campaigns. It's not going to result in a runaway Constitutional Convention because historically, when the US Congress has been impressed enough by States passing Convention resolutions Congress has itself ACTED. That's what we need now. We need to press the folks on Capitol Hill to get money out of politics, and let people back in.

Marylanders need you to be their voice to Washington now. Please vote favorably on SJ 7. Thank you very much!

Linda D Saffell

4203 Enterprise Road

Bowie MD

# **GMOMtest\_021621.pdf**

Uploaded by: SHAFER, CHARLES

Position: FAV

## Testimony of Charles Shafer in Favor of Senate Joint Resolution 7

Dear Chair Pinsky, Vice Chair Kagan, and the Education, Health, and Environmental Affairs Committee:

Thank you for taking up Senate Resolution 7 and for considering my opinion. I urge you to vote in FAVOR of this important piece of legislation

I am the chair of the Ethical Action Committee and a Board member of the Baltimore Ethical Society. However, I testify solely for myself; my views do not necessarily represent the Society. Nevertheless, the humanistic values and commitments of Ethical Culture support adoption of this Resolution. We believe that we must respect every person's inherent worth. And that requires having the right to participate in governance. The democratic process is essential to a humane world order. Of course, the right to participate is more than just to engage in some ritual, like signing a petition or even voting. Rather, all members of society must have an equal right to be heard and to be informed.

Our country has achieved hard won success in insuring fairer elections. But, sadly, 10 years ago the US Supreme Court broke with prior precedent and reversed direction on the road to fair elections by wiping out campaign finance restrictions. The court claimed that contributions of millions of dollars wouldn't promote corruption and that citizens would know who was making those contributions. Instead, the result of that decision has been the crushing of the influence of most citizens by the overwhelming power of wealthy individuals and corporations. Real limits and meaningful disclosure have been eviscerated. . Even though politicians trumpet the number of their small donors, effectively hidden is the huge amount they receive from the wealthy.

Of course, corporations don't bring bags of money and receive written promises to do their bidding. They don't need to. **FAQ: Why do the wealthy heap tons of dollars on politicians?**

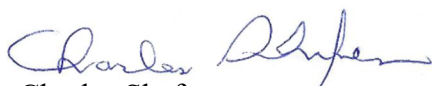
**A: They want something.** The wealthy want tax cuts for themselves. Banks want decreased regulation. Insurance companies want to secure their profits on medical care. Many businesses don't want workers to get fair pay and the ability to bargain collectively. **In short, what they want is power. And they can buy power with dollars and, if possible, by hiding those dollars.**

I don't believe that seeking campaign finance reform will solve every problem. Just as I don't believe that there will be a cure for all cancer victims. But we have a cancer on our political system. And we must do everything we can do to battle it. Of course, there are many reasons why the passage of a constitutional amendment may not be accomplished. But we will certainly fail if we do not try.

Therefore, reducing the disproportionate power granted to the wealthy is the only ethical way to proceed.

Thank you for your consideration.

Respectfully submitted.



Charles Shafer.

# **Defend-Our-Constitution.pdf**

Uploaded by: Antoine, Joanne

Position: UNF



# Explained: The Threat Of An

## ARTICLE V CONVENTION

### What is an Article V convention?

The U.S. Constitution offers two ways to add amendments to our nation's governing document in Article V. The process that has always been used for all 27 amendments added to the Constitution since 1789 is for an amendment to pass with a two-thirds vote in each chamber of Congress and then be ratified by three-fourths of the states.

The other, untested way laid out in Article V is for two-thirds of state legislatures (or 34) to force Congress to call a constitutional convention, also known as an "Article V convention," to add amendments to the Constitution once they are ratified by three-fourths of the states. Throughout the 230-year history of the U.S. Constitution, an Article V convention has never been called by Congress.

### Why could an Article V convention be a threat?

The Constitution offers no rules for how a convention would work or if a convention can be limited to considering one amendment or subject. That leads to several potential problems:



With **no rules**, there is a threat of a runaway convention that could propose **repealing or significantly changing important constitutional rights and civil liberties** Americans have fought and died for.



**Wealthy special interest groups could set the convention's agenda** and use their power and money to overtly influence the delegates at the convention.



With no guidelines in the Constitution, it is **unclear how or if Americans would be equally represented** in a convention and how their voices would be heard.



There is **no clear process** on how Congress or any other governmental body would count and add up Article V applications, or **if Congress or the states could restrain the convention's mandate** based on those applications.

### *Article V of the U.S. Constitution*

*The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.*

**“ [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)



## What could be at risk in an Article V convention?

With no rules to govern or limit an Article V convention, any constitutional right or civil liberty could be subject to change, including:



**Right to free speech**



**Freedom of religion**



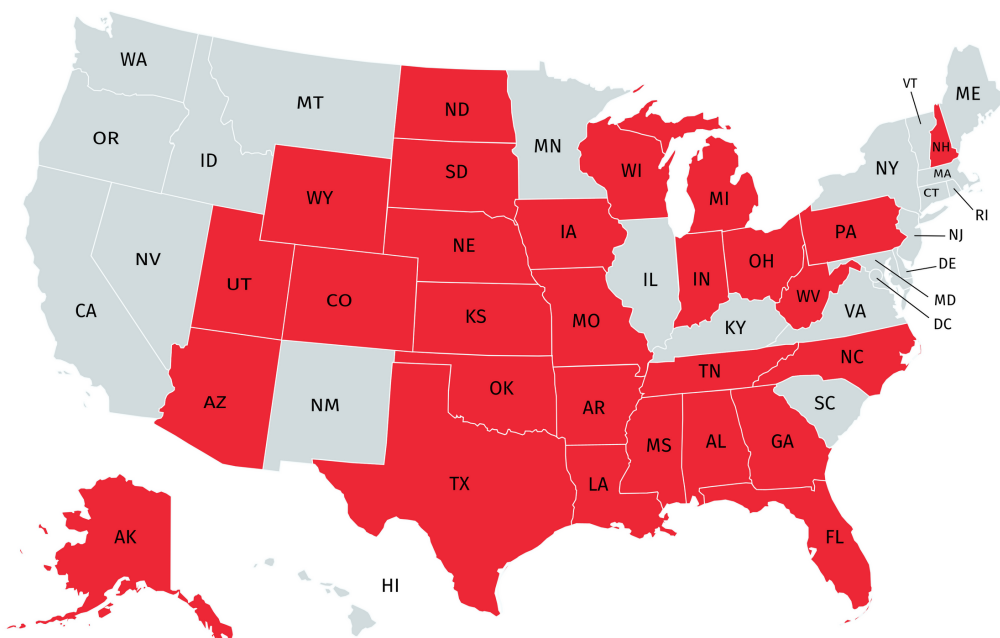
**Right to privacy**



**Right to vote**

## How close are we to an Article V convention?

While there are several different active campaigns to call an Article V convention, the one closest to reaching the constitutionally-required 34 states is focused on a balanced budget amendment. That measure has passed in **28 states - just six states away from a convention being called**. However, regardless what issue a convention is called on, there are no rules in the Constitution to limit a convention to one single subject.



## Who is behind the push for an Article V convention?

There are several special interest organizations advocating for an Article V convention across the political spectrum. Conservative convention campaigns, including the balanced budget amendment effort and the Convention of States campaigns, tend to have the most resources and are closer to reaching the 34-state requirement to call a convention.

Some of the conservative groups and donors behind the push for an Article V convention include shadowy corporate lobbying group the American Legislative Exchange Council (ALEC), the Koch donor network, the Mercer family, and Texas mega-donor Tim Dunn.

Despite the special interest groups behind this effort, there is strong bipartisan opposition from legislators and public interest organizations across the country. To learn more about the threat of an Article V convention and how you can get involved, visit [defendourconstitution.org](https://defendourconstitution.org).

**“ 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)

## **SJ 7 - United States Constitution – Amendments – D**

Uploaded by: Antoine, Joanne

Position: UNF

February 18, 2021

**Testimony on SJ 7**  
**United States Constitution – Amendments Convention – Democracy Amendment**  
**Education, Health, and Environmental Affairs**

**Position: Unfavorable**

Common Cause Maryland opposes SJ 7, which would call a dangerous Article V constitutional convention that could put every American's fundamental constitutional rights and civil liberties at risk.

Simply put, an Article V convention is a dangerous threat to all Americans' constitutional rights and civil liberties. Because there is no language in the U.S. Constitution to limit a convention, it is widely understood 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.

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.

According to one of the nation's most esteemed constitutional law scholars, Professor Laurence Tribe of Harvard Law School, a constitutional convention would put "the whole Constitution up for grabs."<sup>1</sup>

Another of our nation's foremost constitutional law scholars, Dean Erwin Chemerinsky, recently wrote that "no one knows how the convention would operate. Would it be limited to considering specific proposals for change offered by the states or could it propose a whole new Constitution? After all, the Constitutional Convention in 1787 began as an effort to amend the Articles of Confederation, and the choice was made to draft an entirely new document."<sup>2</sup>

Several Supreme Court justices have warned about the potential outcomes of constitutional conventions. Former Chief Justice Warren Burger wrote that a "Constitutional Convention today would be a free-for-all for special interest groups."<sup>3</sup>

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<sup>1</sup> 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>.

<sup>2</sup> Erwin Chemerinsky, "Is It a Good Time to Overhaul Constitution?," Orange County Register, Jan. 21, 2016, <http://www.ocregister.com/articles/constitutional-700670-convention-constitution.html>.

<sup>3</sup> Robert Greenstein, "A Constitutional Convention Would be the Single Most Dangerous Way to 'Fix' American Government," Wash. Post, Oct. 21, 2014, <https://www.washingtonpost.com/posteverything/wp/2014/10/21/a-constitutional-convention-could-be-the-single-most-dangerous-way-to-fix-american-government/>.

Former Justice Arthur Goldberg wrote that “[t]here is no enforceable mechanism to prevent a convention from reporting out wholesale changes to our Constitution and Bill of Rights.”<sup>4</sup> The late Justice Antonin Scalia said that he “certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?”<sup>5</sup>

Prof. Tribe enumerated several questions about a constitutional convention that he says are “*beyond resolution by any generally agreed upon political or legal method.*”<sup>6</sup>

Specifically, Prof. Tribe explained the following questions have no agreed upon answer:

1. May a state application insist that Congress limit the convention’s mandate to a single topic, or a single amendment?
  - If Congress can call a convention independent of state applications (as Professor Sandy Levinson argues it may), then how could state applications possibly constrain a convention’s mandate?
  - If applications are constraining, then how are applications proposing related (but different) topics to be combined or separated?
  - Are they added up or not added up?
  - When do you hit the magic number 2/3 of the states submitting applications?
2. May the Convention propose amendments other than those it was called to consider?
3. May Congress prescribe rules for the convention or limit its powers in any way?
4. May the Convention set its own rules, independent of Article V, for how amendments that it proposes may be ratified – which is what the Philadelphia Convention did? The Philadelphia Convention was called under a scheme that said ratification required unanimity among the states – but they departed from that. What if ratification is decided by a national referendum?
5. Are the states to be equally represented, or does the one-person, one-vote rule apply? What about the District of Columbia? Do the citizens of the District have a role in a convention?
6. Could delegates be bound in advance by legislation or referendum to propose particular amendments or vote in a particular way? If delegates are chosen by lottery, it’s hard to imagine how they could be bound in advance.
7. Could the convention propose amendments by a simple majority, or a supermajority of 2/3?
8. If each state gets one convention vote, must delegates representing a majority of the population nonetheless vote for an amendment in order for it to get proposed?
9. Conversely, if the convention uses the one-person, one-vote formula, must the delegations of 26 states – perhaps including the District of Columbia – vote in favor of a proposed amendment?
10. What role, if any, would the Supreme Court play in resolving conflicts among Congress, state legislatures, governors, referenda, and the convention itself? Can we rely on the Court to hold things in check? The Court has assumed that questions about the ratification process are non-justiciable political questions that it can’t get involved in.

It risks too much to discover the answers to the above questions after-the-fact.

In terms of SJ 7, which attempts to call a constitutional convention to deal with the corrosive influence of money in politics, Common Cause Maryland fully supports a constitutional amendment to overturn the *Citizens United* decision and similar Supreme Court decisions, but we believe a constitutional convention is too dangerous of a path to amend the Constitution. We urge the legislature to instead call on Congress to pass an amendment with open hearings and through a deliberative legislative process, and then send it to the states for ratification.

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Laurence Tribe, “Conference on the Constitutional Convention: Legal Panel,” Harvard Law School, Sept. 24, 2011, available at <https://www.youtube.com/watch?v=ZbJ7NOF3HRU&t=52m56s> (uploaded Oct. 6, 2011).



There is far too much at stake to risking putting the entire Constitution up for a wholesale re-write as part of a constitutional convention – including all of the civil rights, protections, and liberties that we enjoy today. For these reasons, we oppose the convention as do [240 organization](#) and strongly urge an unfavorable report on SJ 7.

For more information, below is a list of quotes from legal scholars and law professors warning of the dangers of an Article V convention.



## 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 7 - Article V Constitutional Call.pdf**

Uploaded by: Edwards, Donna

Position: UNF



# MARYLAND STATE & D.C. AFL-CIO

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## **SJ 7 – United States Constitution – Amendments Convention – Democracy Amendment Senate Health, Education, and Environmental Affairs Committee February 18, 2021**

### **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 7 – 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 7 – 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 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.

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 7, we move one more vote closer.

**For these reasons, we urge an unfavorable report on SJ 7.**

## **SJ 7\_UNF\_ACLUMD\_Nalley.pdf**

Uploaded by: Nalley, Justin

Position: UNF



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

**February 18, 2021**

**SJ 7 – United States Constitution – Amendments Convention –  
Democracy Amendment**

**OPPOSE**

JUSTIN NALLEY  
POLICY ANALYST,  
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ANDREW FREEMAN  
GENERAL COUNSEL

The American Civil Liberties Union of Maryland (ACLU) opposes SJ 7, 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.”<sup>1</sup>

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.

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<sup>1</sup> 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 7.



# **SJ7\_MDCEP\_UNF.pdf**

Uploaded by: Schumitz, Kali

Position: UNF

FEBRUARY 18, 2021

# A Constitutional Convention Would Put Rights of Americans and the Economy in Jeopardy

## Position Statement Opposing Senate Joint Resolution 7

### *Given before the Senate Education, Health and Environmental Affairs Committee*

Passing a new call for a constitutional convention in Maryland would reverse an important action the General Assembly took in 2017, when it rescinded all of the state's prior calls for a constitutional convention. Taking the unprecedented step of a new constitutional convention would open the Constitution to harmful and radical changes. For these reasons, the Maryland Center on Economic Policy opposes Senate Joint Resolution 7.

The Constitution does not provide guidance on the ground rules for a convention. Legal experts from across the political spectrum have said that a convention is risky because it could write its own rules and set its own agenda, likely influenced by powerful interest groups<sup>1</sup>.

There are also no guarantees Maryland's interests would be accurately represented or protected in a convention. The Constitution also does not provide any authority above a constitutional convention, which potentially means no other branch of government, such as Congress or the courts, would have the power to intervene if a convention went beyond its stated purpose. A convention has not been called since 1787, when the meeting meant to amend the Articles of Confederation instead created an entirely new governing document, the Constitution. This lack of precedent means that a convention could open the Constitution up to radical and harmful changes far broader than what is initially called for.

Given the lack of legal constraints on conventions, it is possible that proponents of a balanced budget amendment, for example, could use a convention called for another purpose as a vehicle to push such an amendment, which could cause serious damage to the economy.

A balanced budget amendment is just one of the potential risks a constitutional convention poses. A convention would likely be contentious and highly politicized and could put our nation's fundamental protections at risk. Maryland should stand by its recent prudent decision to rescind past calls for a constitutional convention, and should not muddy the waters by passing a new call.

**For these reasons, the Maryland Center on Economic Policy respectfully requests that the Education, Health and Environmental Affairs Committee give an unfavorable report to Senate Joint Resolution 7.**

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<sup>i</sup> Michael Leachman, “States Likely Could Not Control Constitutional Convention on Balanced Budget Amendment or Other Issues,” Center on Budget and Policy Priorities, January 2017. <https://www.cbpp.org/research/states-likely-could-not-control-constitutional-convention-on-balanced-budget-amendment-or?fa=view&id=4165>

# **AFSCME-UNFAV-SJ7.pdf**

Uploaded by: Smalls, Cindy

Position: UNF



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## TESTIMONY

### SJ7 United State Constitution - Amendments Convention Democracy Education, Health and Environmental Affairs February 18<sup>th</sup>, 2021

AFSCME representing 45,000 employees in Maryland State's and local government and Higher Education, stands in opposition to SJ7 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 SJ7.

**American Federation of State, County and Municipal Employees, AFL-CIO**

## **SJ 07 United States Constitution - Amendments Conv**

Uploaded by: Soreng, Nancy

Position: UNF



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

**SJ 07 United States Constitution - Amendments Convention - Democracy  
Amendment**

**POSITION: Oppose**

**BY: Lois Hybl and Richard Willson, Co-Presidents**

**DATE: February 18, 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 07.**