

**BILL:** Senate Joint Resolution 1  
**TITLE:** United States Constitution – Amendments Convention – Limitations on Federal Power  
**COMMITTEE:** Education, Health and Environmental Affairs  
**DATE:** March 14, 2023  
**WHO:** Jennifer Brown  
**POSITION:** **FAVORABLE**

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The Honorable Chair Brian Feldman & Members of the Committee:

My name is Jennifer Brown, have a Masters in Government from Johns Hopkins University with a focus in Law and Justice. I am a political science instructor and a district 35 Convention of States supporter. Last year I testified about increasing inflation, job instability, and the impact of federal regulation on students attending college. This year I would like to address some of the concerns typically raised by those who are hesitant to support an amendments convention.

Many decry the Convention of 1787 as “runaway,” and voice concerns that an amendments convention would end with the same fate. First, this is not an accurate depiction of the historical and constitutional framework of the United States of America at that time. The 1777 Articles of Confederation created an entirely different government structure than we have now. Each state retained “sovereignty, freedom, and independence, and every power, jurisdiction, and right,” not directly addressed in the Articles. Furthermore, they entered “into a firm league of friendship with each other.”<sup>i</sup> The Articles operated like a treaty among sovereign states rather than creating a federal or unitary structure.

By 1786, the states recognized shortcomings of the Articles and independently sent delegates to the federal convention, to carry out what Congress had recommended, namely revising the Articles, to “render the Federal Constitution adequate to the exigencies of government and the preservation of the Union.”<sup>ii</sup> Thus the goal of the Constitutional Convention was to rewrite the Constitution as a long-term stable government, not simply propose amendments for an already faltering system. The length of debate and breadth discussion from each states’ delegation makes it obvious that the states were not only in agreement, but had conferred legal authority on their delegates to make the necessary structural alterations to the Articles.

The convention proposed by SJ1 is fundamentally different. SJ1 is clear in its limitations on state delegates to consider amendments that, 1. “impose fiscal restraints on the federal government,” 2. “limit the power and jurisdiction of the federal government,” and 3. “limit the terms of office for officials of the federal government and for the members of the U.S. Congress.” It further states that other amendments outside of this scope may **NOT** be considered by the delegation. Additional amendments proposed by the convention, require a ratification threshold of 38 states, which will keep unwanted amendments from national passage. Furthermore, there is sufficient historical evidence and precedent for state conventions as mentioned in the testimony of Mr. Betz.

Maryland’s unwillingness to consider an amendments convention at the federal level is also fundamentally opposed to our own State Constitutional philosophy. In Maryland<sup>iii</sup>, as well as in 18 other states, the citizens must periodically vote on whether or not there will be a state convention to propose amendments. This presents a reasonable question. If the Maryland Constitution recognizes the future need for a constitutional amendments convention, why would the necessity or process at the federal level be called into question? I ask the members of this committee to consider our political culture as a smaller state, but always as a key player in national affairs. I hope the committee will continue that trend and **VOTE FAVORABLE** on SJ1. Thank you.

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<sup>i</sup> United States National Archives. *Articles of Confederation 1777*. January 3, 2023. <https://www.archives.gov/milestone-documents/articles-of-confederation#transcript>.

<sup>ii</sup> Connecticut, Avalon Project, Lillian Goldman Law Library, Yale Law School. "Credentials of the Members of the Federal Convention, Commonwealth of Massachusetts; April 9, 1787," *Documentary History of the Constitution Vol. I* (New Haven, CT: Lillian Goldman Law Library, 2008), [https://avalon.law.yale.edu/18th\\_century/cred02.asp](https://avalon.law.yale.edu/18th_century/cred02.asp).

<sup>iii</sup> Maryland State Archives. *Maryland Constitution: Amendments to the Constitution, Article XIV, sec. 2*. March 14, 2022. <https://msa.maryland.gov/msa/mdmanual/43const/html/14art14.html>