

February 26, 2025

Testimony on SB 886
Amendments Convention Called Under Article V of the U.S. Constitution – Delegation to the
Convention
Education, Energy, and the Environment

Position: Unfavorable

Common Cause Maryland opposes SB 886, which would establish a process for appointing a delegation to an Article V Constitutional Convention, a process that could rewrite any constitutional rights or protections currently available to American citizens.

We are strongly opposed to any effort in support of calling for a constitutional convention, which would put at risk the constitutional rights and protections of all Americans. 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 both Former Supreme Court Chief Justice Warren Burger and the late Supreme Court Justice Antonin Scalia, have weighed in on the perils of a constitutional convention. 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.

A constitutional convention would put at risk the constitution our Founding Fathers created and the constitutional rights and protections that exist today.

We strongly urge an unfavorable report on SB 886.