



TO: The Honorable Craig Hickman
The Honorable Laura Supica, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: May 24, 2023

RE: SP 705 JOINT RESOLUTION MAKING SEPARATE APPLICATIONS TO THE CONGRESS OF THE UNITED STATES CALLING CONSTITUTIONAL CONVENTIONS TO CONSIDER REPRESENTATIONAL INTEGRITY AND PROPOSE AMENDMENTS ESTABLISHING TERM LIMITS FOR CONGRESS AND ADDRESSING CAMPAIGN FINANCE REFORM

Good morning Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs.

My name is Will Hayward. I'm a resident of Portland. I am here today as Advocacy Program Coordinator on behalf of the League of Women Voters of Maine. The League opposes SP 705.

The League of Women Voters of Maine is a nonpartisan political organization that has been working for over 100 years to encourage informed and active participation in government, to increase understanding of major public policy issues, and to influence public policy through education and advocacy. We never support or oppose any political party or candidate.

Passing SP 705 could have a monumental impact on the lives of Maine citizens and the future of our republic. That's because it would put the United States one step closer to holding a Constitutional Convention for the first time since 1787. To allow our government to change and grow, the framers of our Constitution included Article V, which sets out two ways in which the Constitution can be amended. The first way starts in Congress. All constitutional amendments to date have been ratified this way, by passage in Congress followed by approval of three-fourths of the state legislatures.

The second way begins with a Constitutional Convention. A Convention would be called if two-thirds or more of the state legislatures -- that's 34 states -- petition Congress. The Convention could vote to approve amendments which, again, would have to be ratified by three-fourths of the states. The Constitution has nothing more to say about how a Constitutional Convention would be formed or who would decide on its rules.

There are four major organizations with different goals pushing for a Constitutional Convention under Article V. So far, 28 state legislatures have supported one or more of these campaigns by voting to petition Congress for a Convention. Depending on whether these all count as the same request (there are several different versions of what the Convention would do), that leaves only six more states to go before Article V might be triggered -- and we enter unknown territory. The mind boggles at the

complexity of the legal issues that would have to be resolved before a Convention could even begin to meet.

We appreciate the sponsor's intent to make SP 705 a bipartisan resolution by specifying two subjects of amendments to be considered in a convention. One subject, term limits for Congress, has been opposed by the League of Women Voters of Maine since 1991. Term limits violate the ultimate right of voters to choose the representatives who best serve the needs of their district and the State of Maine. By disqualifying experienced and capable legislators, term limits make our government less representative of voters, less accountable, and less effective.

The League firmly supports the other subject proposed in SP 705: to allow regulation of money in politics and overturn the disastrous Supreme Court decision in *Citizens United*. The League has been a leading national organization in the fight against the influence of money in politics and government. However, we have grave concerns about an Article V Convention as the way to do it.

Article V Convention could threaten our constitutional rights and civil liberties. Here's how former Chief Justice Warren Burger described the dangers of a Constitutional Convention without guardrails: "[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."¹

Since the 1960s, the U.S. Congress has researched and drafted legislation that would govern the planning of a possible Constitutional Convention. What would be the timeline? How would delegates be chosen? How would it be funded? How would voting on amendments be counted? Meanwhile, some advocates for an Article V convention maintain that Congress should have no role whatsoever in deciding its rules and guidelines.

The League does not flatly oppose holding a Constitutional Convention. But we have grave concerns, and we believe that there must be guarantees that it would be fair and representative of the population as a whole. The League's position calls for full transparency; elected — not appointed — delegates; and voting by delegate, not by state. A Convention should be limited to a specific topic, in order to reduce the risk of a so-called "runaway" convention.² Unfortunately, the League's guidelines are unlikely to be adopted by some of the groups pushing for an Article V Convention.

One of the more conservative Supreme Court Justices in recent memory, Justice Antonin Scalia, did not mince words when asked about a possible Constitutional Convention.. "[It's] ...a horrible idea," he said. "This is not a good century to write a constitution."

¹ Letter from Chief Justice Warren Burger to Phyllis Schlafly, June 22, 1988

² "Constitutional Convention Under Article V." League of Women Voters of the US
<https://my.lwv.org/south-carolina-state/effective-accountable-govt/constitutional-convention-under-article-v-lwvus>

The League agrees and asks that you vote Ought Not to Pass on SP 705.