



TO: The Honorable Ned Claxton  
The Honorable Danny Martin, Co-Chairs  
Members of the Joint Standing Committee on State and Local Government

DATE: May 1, 2019

RE: H.P. 264 JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO REQUIRE A BALANCED FEDERAL BUDGET

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Good morning. My name is Penelope Hamblin. I'm a resident of South Portland. I'm here as a volunteer representing the League of Women Voters of Maine. The League opposes H.P. 264.

The League opposes a balanced budget constitutional amendment no matter how it might be enacted. It would be a serious mistake to insert a balanced budget amendment or other fiscal policy mandates into the Constitution of the United States. Our Constitution has served the nation well in part because it has focused on enduring principles of government, rather than attempting to dictate fiscal policy for current and future generations. Demanding that policymakers cut spending and/or raise taxes even when the economy slows is the opposite of what is needed to stabilize a weak economy and avert recessions.

And the League has grave concerns about H.P. 264's proposed method of enactment: calling a constitutional convention. To say that this would be opening a can of worms is an understatement.

This has never happened since the original convention in 1787 — all constitutional amendments since then have been passed first by Congress and then approved by three-fourths of the state legislatures. There are no rules and guidelines in the U.S. Constitution on how a convention would work, which creates an opportunity for a runaway convention that could rewrite any constitutional right or protection currently available to American citizens.

Although H.P. 264's language calls for limiting a constitutional convention to a balanced budget amendment, there is no way to guarantee this. As Former Supreme Court Chief Justice Warren Burger wrote, "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."<sup>1</sup>

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<sup>1</sup> Letter from Chief Justice Warren Burger to Phyllis Schlafly, June 22, 1988

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In April 2017, the League joined hundreds of national, state, and local organizations in warning that calling a new constitutional convention is a threat to every American's constitutional rights and civil liberties. I'm attaching a copy of this letter to my testimony.

The late Supreme Court Justice Antonin Scalia warned of the dangers of a constitutional convention. "I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?" Scalia said in 2014.<sup>2</sup> The League agrees and asks that you vote Ought Not to Pass on H.P. 264.

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<sup>2</sup> Marcia Coyle, "Scalia, Ginsberg Offer Amendments to the Constitution," *Legal Times*, April 17, 2014