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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a constitutional convention in Maryland would reverse an important action the General Assembly took in 2017, when it rescinded all of the state's prior calls for a constitutional convention.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 groups¹.

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.

ⁱ 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>