



Testimony submitted to the Joint Committee on Veterans and Federal Affairs  
In opposition to H.3658/S.2402 Resolutions for a United States Constitutional Amendment and  
a limited amendment proposing convention  
By Nancy Brumback, LWVMA Legislative Vice Chair  
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The League of Women Voters strongly opposes any efforts to call for a Constitutional Convention under Article V of the U.S. Constitution until specific conditions governing such a convention are in place. The League of Women Voters of Massachusetts therefore opposes the resolutions proposed in H.3658/S.2402.

Like the proponents of these resolutions, the League objects to the Supreme Court ruling in the *Citizens United* case, noting in 2010 that the decision “has the potential to allow corporate wealth to dominate our elections for years to come.” We support efforts to reform the campaign finance system to limit the power of dark money, to require full and complete disclosure of donors, to encourage small donations, and to move toward public funding of election campaigns. Much of that work could be done by legislation. Should a constitutional amendment be proposed, the League would recommend it be adopted by the process used for every other amendment to our Constitution—passage by Congress and ratification by three-fourths of the states. The League at the national level has not currently taken a position on any specific proposals for Constitutional amendments addressing campaign finance issues.

There is no precedent for an Article V Constitutional Convention, and, despite the best efforts of the proponents of these resolutions to spell out limits to such a convention, there is no guarantee such limits would be legally binding.

Former Supreme Court Chief Justice Warren Burger stated, “[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. After a Convention is convened, it will be too late to stop the Convention if we don’t like its agenda.”

We feel an Article V Convention in the current political climate would be particularly dangerous. There is no reason to believe a more conservative judiciary would uphold the limits on topics the proponents of this resolution feel they have put in place. Delegates chosen by an unknown process and bound by unspecified rules might, in fact, decide to write an amendment that makes the provisions of *Citizens United* permanent rather than overturning *Citizens United*. We do not know.

The League’s concerns over the damage a Constitutional Convention could do to voting rights, basic civil rights, the balance of power between the three branches of government, and every other part of the U.S. Constitution led the League to adopt a national position in 2016 that the following conditions must be in place before a Constitutional Convention is called:



- The Constitutional Convention must be transparent and not conducted in secret. The public has a right to know what is being debated and voted on;
- Representation at the Constitutional Convention must be based on population rather than one-state, one-vote, and delegates should be elected rather than appointed. The delegates represent citizens, should be elected by them, and must be distributed by U.S. population;
- Voting at the Constitutional Convention must be by delegate, not by state. Delegates from one state can have varying views and should be able to express them by individual votes;
- The Constitutional Convention must be limited to a specific topic. It is important to guard against a “runaway convention” which considers multiple issues or topics that were not initiated by the states;
- Only state resolutions on a single topic count when determining if a Constitutional Convention should be called. Counting state requests by topic ensures that there is sufficient interest in a particular subject to call a Convention and enhances citizen interest and participation in the process;
- The validity of state calls for an Article V Constitutional Convention must be determined by the most recent action of the state. If a state has enacted a rescission of its call, that rescission must be respected by Congress.

Unless and until Congress enacts legislation establishing legal parameters for an Article V Constitutional Convention, the League opposes any calls for such a convention.

For that reason, LWVMA, which represents 47 local Leagues from Cape Cod to the Berkshires, urges this committee to reject the resolutions proposed in H.3658/S.2402 and to reject any other bills before the committee proposing an Article V Constitutional Convention. We feel the very basis for our democracy is at risk with such proposals.

Thank you for your consideration.