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Constitutional Convention – Opening a Dangerous Can of Worms

Why would a Lutheran advocacy ministry with a focus on hunger and poverty issues care about a resolution to call for a constitutional convention? To begin, everyone should be concerned. The United States has only held one constitutional convention and that was in 1787. If Assembly Joint Resolution (AJR) 21 is successful Wisconsin will become the 29th state to pass a resolution to bring our country closer to the number needed to send us well on our way to holding a second constitutional convention in U.S. history. What exactly would that look like? Nobody seems to really know.

The reason given by some members of our state assembly as well as various other representatives in other states for wanting a constitutional convention is to add an amendment that would require our country to operate under a balanced budget. Everyone wants a balanced budget, but how would that be accomplished and what else would change? There is no guarantee that a constitutional convention would stick with one issue. The can of worms such a convention would open has left legal scholars on the entire political spectrum cautioning us. In the January 18, 2017 issue of *The Center on Budget and Policy Priorities*, Michael Leachman and David A. Super published the article, *States Likely Could Not Control Constitutional Convention on Balanced Budget Amendment or Other Issues*. One of the experts quoted was the late Justice Antonin Scalia, who in 2014 said, “I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?”

Leachman and Super also say, "Even if a constitutional convention could be limited to proposing a single amendment requiring the federal government to spend no more than it receives in a given year, such an amendment alone would likely do substantial damage. It would threaten significant economic harm."

To the credit of State Senator Chris Kapenga, he has also proposed a resolution and bill to require Wisconsin delegates to confine their proposed amendments and that would result in the dismissal of delegates who vote on amendments that don't meet this standard. However, as State Representative Peter Baca aptly said “even if Wisconsin can control its delegates, there's no guarantee other states will.” Todd Richmond, Associated Press, Wisconsin State Journal, March 21, 2017.

State Representative Chris Taylor has been alerting us to the corporate agenda of the American Legislative Exchange Council (ALEC) and its encouragement of states to call for a constitutional convention. This also makes us question how people in poverty would be considered in the process. However, it has not only been those leaning to the right who have called for a constitutional convention in our history. Some activists trying to overturn Citizens United thought this would be a path to combatting an overreach of corporate money in politics. Whoever wants to hold a constitutional convention, it's a bad idea.

Yes, everyone should be concerned. We at LOPPW are most attentive to how people most vulnerable could be impacted. We register against AJR 21 and encourage others to speak against it as well.