

January 25th 2021

Testimony in support of SCR 4004

Committee members,

I strongly support the resolution to rescind all applications by the ND Legislature to call a convention to propose amendments to the US Constitution.

An Article V convention (constitutional convention or states convention) provides the opportunity, under the pretext of merely seeking amendments to replace our existing Constitution with a new constitution which moves us into a completely new system of government.

Nothing in Article V of the United States Constitution limits the convention to subjects specified by state legislatures. The subject of a state's application for a convention is nothing more than bait designed to attract specific groups of people to get them to support a convention.

There are a number subjects that are used to promote an Article V convention, but I will only address the two that I most commonly hear of, namely a proposed balanced budget amendment and a proposed amendment to enforce term limits.

It is important to point out that a balanced budget could be managed without a new amendment at all, that is, by following the guidelines stipulated in the U.S. Constitution as it is already written. Much could be done by stopping unconstitutional spending. If these guidelines are not followed now, why would they be followed with a new amendment?

In regards to term limits, according to data from the Congressional Research Service (updated as of December 17th, 2020) the average length of service for Representatives at the beginning of the 116th Congress was 8.6 years (4.3 House terms); for Senators, 10.1 years (1.7 Senate terms). These statistics hardly support the need for enforcing term limits.

More could be said on these and other issues that provoke the idea of a constitutional convention, however the point I want to drive home with this testimony is that there is extreme danger in an Article V convention. Calling a convention of the states could open the door to a total rewriting of the United States Constitution. This is evident by the historical precedent set by the Constitutional Convention of 1787 in which the Articles of Confederation were completely rewritten and the ratification process was changed. There is too much at stake to even consider an Article V convention. If proposed amendments cannot be reached in the same way the last 27 amendments have been, it is better to keep working on them, instead of jeopardizing what our Constitution already contains and protects.

The answer is not in amending errors in the Constitution, but rather in upholding the Constitution. Defend it, don't amend it!

Sincerely,

Lydia Scarnici  
Lisbon, ND