

## CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS

### STATEMENT

#### HOUSE JUDICIARY COMMITTEE SUBCOMMITTEE ON THE CONSTITUTION AND LIMITED GOVERNMENT

#### HEARING ON “EXAMINING PROPOSED CONSTITUTIONAL AMENDMENTS”

**2:00 P.M.**

**2141 RAYBURN HOB**



**SEPTEMBER 19, 2023**

- Thank you, Chairman Johnson and Ranking Member Scanlon, for the opportunity to speak today and thank you to the witnesses who are here.

#### **Majority Witnesses**

- *Nick Tomboulides*, U.S. Term Limits
- *Prof. David Primo*, University of Rochester and the Mercatus Center
- *Tom Jipping*, Heritage Foundation

## **Minority Witness**

- *Steven Spaulding*, Vice President of Policy and External Affairs, Common Cause.
- Unfortunately, we are here today to discuss a topic of little hope or feasibility in achieving any resolve for the very real and complex issues our nation's government is facing.
- The hearing topic, "Examining Proposed Constitutional Amendments," is expected to focus on three distinct areas with respect to constitutional amendments to the U.S. Constitution.
  - First, we are here today to examine the methods for amending the Constitution.
  - Second, we are here to examine the concept of adopting an amendment requiring a balanced budget.
  - Lastly, we are here today to further examine the proposal for an amendment to impose congressional term limits.
- These concepts, however, are not only deeply unpopular – eliminating the possibility of passage or adoption – but these methods are clear indicator of a small portion of the Republican party taking control and usurping the time and efforts of our House activities to truly accomplish meaningful congressional work and progress.
- The topic of today's hearing, rather indicates, that many of my colleagues on the other side of the aisle would rather change the

Constitution of the United States instead of listening to the needs and will of the American people.

- Those of us who *are* here to keep our government running and to listen to the American people are beyond the point of disappointment and frustration, we are at a crossroads of determining what is truly most important in upholding our most entrusted roles as Members of Congress.
- Namely, we are at the crossroads of needing to turn the tide of partisan politics and needing to start working together.
- Until we can reach a point of pushing past the issues that tear us apart rather than coming together on the issues we align on, we will remain stalled at these crossroads – with the American people suffering the consequences of our inactions.
- These unproductive discussions will not move us forward.
- Importantly, we need to understand that the issues at hand here today are not the answer to our government’s problems.
- The methods for amending the constitution as proposed by the Majority are problematic, to say the least.
- With respect to adopting a congressionally initiated amendment, which requires two-thirds of both houses of Congress to pass it and 38 state legislatures to ratify it thereafter – this method has not been accomplished since 1789, with the adoption of the 27<sup>th</sup> Amendment (prohibiting the “varying” of compensation for House Members and Senators “until an election of Representatives shall have intervened”).

- And with respect to amending the Constitution using the Article V convention process, which requires two-thirds of the state legislatures (i.e., 34 states) must petition Congress to “call a Convention for proposing Amendments” – this is a process by which the Constitution has never been amended.
- Quite simply, while attempting to adopt constitutional amendments to reduce the federal debt or limit federal budget deficits (or both) are not new or novel concepts – they are failed concepts.
- Article V convention is a dangerous threat to the United States Constitution, our democracy, and our civil rights and liberties.
- The constitutional amendments to be discussed today have no chance of meeting the two-thirds majority in both Houses of Congress required by the Constitution.
- In fact, the House voted on a balanced budget amendment during the last Republican Majority, and it failed.
- Yet, some supporters are in favor of forcing a constitutional convention under Article V to bypass Congress.
- It is entirely understandable to want bypass Congress to amend the Constitution when you can’t get what you want – that is one reason why the Framers included an Article V convention provision in the first place.
- But be careful what you wish for.

- Once an Article V convention is convened, there is no way to limit its scope and it may result in a “runaway” convention.
- Arguments that we do not need to worry about a runaway convention and that the scope of a convention can be limited to the consideration of specific amendments do not hold water.
- The Constitution provides no textual guidance on that question and there has never been an Article V convention and there is no historical precedent to serve as a guide.
- A runaway convention could target any number of individual constitutional rights that Americans of all political stripes hold dear.
- Unless it involves guns or the right to receive or disseminate misinformation or conspiracy theories on social media, many in the Republican party appear to have little concern when it comes to threats to legal rights impacting individual rights – like abortion access, voting rights, or the right against racial discrimination – all of which could come under threat during an Article V convention.
- Calling a new constitutional convention under Article V of the United States Constitution is a threat to every American’s constitutional right and civil liberties.
- Article V convention proponents and the wealthy special interest groups are dangerously close to forcing the calling of a constitutional convention to enact a federal balanced budget amendment.
- There are absolutely no rules for an Article V Convention outlined in the Constitution.

- This means the people convening to rewrite our constitution could be totally unelected and unaccountable.
- There is nothing that could limit the convention to a single issue and allowing the rewriting of amendments that revoke any of our most cherished rights like our right to peaceful protest, our freedom of religion and our right to privacy.
- In short, an Article V Convention would be a debacle. It would lead to long and costly legal battles, uncertainty about how our democracy functions, and likely economic instability.
- Mr. Chairman, I urge my colleagues to oppose the concepts of amending our constitution that are being offered today, and that we instead focus on protecting our constitution, our democracy, our civil rights, and liberty.
- Thank you, I yield back the remainder of my time.