

**ACLU OF RI POSITION: OPPOSE**

**TESTIMONY ON 25-H 5385,  
RELATING TO A NATIONAL CONSTITUTIONAL CONVENTION  
February 27, 2025**

The ACLU of RI opposes this bill, which proposes the calling of a federal constitutional convention with the goal of passing constitutional amendments that would “impose restraints on the federal government.” Whatever one’s view of the federal government’s role in society in the 21<sup>st</sup> Century, the “solution” advanced by this bill is extremely problematic.

There is significant and respected commentary in the academic and judicial communities that a federal constitutional convention, once called, could not be limited to the issue for which it was convened. Instead, it could become a wide-ranging free-for-all, able to propose any set of constitutional amendments it chose to. We have only one precedent in this respect: the constitutional convention that was called for the specific purpose of amending the Articles of Confederation, and which instead created an entirely new Constitution. While this resolution purports to bind Rhode Island’s delegates to the limits of the proposal itself, even if enforceable, it clearly cannot bind other states, and in any event, the stated mission of the Convention remains very broad.

Wherever one stands on the political spectrum, a national convention would open up the Constitution to tinkering by a wide array of special interests. Indeed, this resolution’s call for a convention “to limit the power and jurisdiction of the federal government” is so open-ended that it inherently offers an opportunity for divisive constitutional amendment proposals on an unlimited range of topics. To give a specific and simple example, consider the issue of abortion. One can easily envision a proposed constitutional amendment taking up the U.S. Supreme Court’s banner by explicitly imposing a constitutional ban on abortion on the grounds that *Roe v. Wade* was inappropriate federal government “activism.” By the same token, however, one could also easily envision a proposed constitutional amendment imposing a jurisdictional bar on the U.S. Supreme Court from ruling on abortion issues on the grounds that its decision overturning *Roe* was itself an improper exercise of federal power. The resolution purports to prohibit any tinkering with the Bill of Rights by the convention, but since abortion has now lost its status as a constitutional right, amendments relating to it would all be fair game.

The fact that any amendments emanating from a convention would still have to go to the states for ratification only magnifies the mischief and the outsized role that special interests – with no limit on the amount of money they could expend – would end up playing at the state level.

This past November, Rhode Island voters overwhelmingly rejected a call for a state constitutional convention. Many of the arguments that likely persuaded voters to oppose that ballot question are just as applicable to a call for a national convention. We believe that vote provides yet another reason to oppose this proposal. Thank you for considering our views.