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ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 26-H 7009,
RESPECTFULLY REQUESTING A CONVENTION OF THE STATES UNDER
ARTICLE V OF THE UNITED STATES CONSTITUTION
April 16, 2026**

The ACLU of Rhode Island opposes this resolution, 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 21st 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 assuming that was enforceable, it clearly cannot bind other states.

As a result, 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, including erasing fundamental constitutional rights. The resolution appears to recognize this by admonishing delegates not to vote for any proposal that would alter the Bill of Rights. But nothing would prevent every other state’s delegation from doing just that. In its call to “impose restraints” on the federal government, the convention would be free to eliminate, and bar the future passage of, the federal Civil Rights Act or the Voting Rights Act, since doing so could certainly be considered as “impos[ing] restraints on the federal government.”

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 moneyed interests – with no limit on the amount of money they could expend – would end up playing at the state level. This has played out time and again in states that regularly have ballot referenda.

In 2024, 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.