

League of Women Voters of the United States Announces Two New Positions

The League of Women Voters announced a new position calling for safeguards to govern the constitution convention process and a new position outlining considerations for evaluating constitutional convention proposals. The positions were based on consensus reached by 246 local and state Leagues in 46 states.

The process was begun by the national Constitutional Amendment Process study committee headed by Pat Donath of the LWVUS Board. One of the members of this national committee was Ann Mostoller of the League of Women Voters of Oak Ridge (LWVOR). The LWVOR was requested to study and come to consensus as a pilot for the remaining Leagues. This local League committee was headed by Pat Bryan.

There has never been a constitutional amendment proposed through a Constitutional Convention under Article V since the original Constitutional Convention of 1787. The constitution provides few guidelines on how a convention under Article V should be conducted.

These LWVUS positions can be used by state Leagues to address the ongoing debates in many legislatures regarding constitutional conventions, in particular as they relate to a Balanced Budget Amendment.

Position 1

Position on Constitutional Conventions under Article V of the U.S. Constitution

The League is concerned that there are many unresolved questions about the powers and processes of an Article V Constitutional Convention. The League believes such a convention should be called only if the following conditions are in place:

- a) The Constitutional Convention must be transparent and not conducted in secret. The public has a right to know what is being debated and voted on;
- b) Representation at the Constitutional Convention must be based on population rather than one state, one vote, and delegates should be elected rather than appointed. The delegates represent citizens, should be elected by them, and must be distributed by U.S. population;
- c) Voting at the Constitutional Convention must be by delegate, not by state. Delegates from one state can have varying views and should be able to express them by individual votes;
- d) The Constitutional Convention must be limited to a specific topic. It is important to

guard against a “runaway convention” which considers multiple issues or topics that were not initiated by the states;

e) Only state resolutions on a single topic count when determining if a Constitutional Convention should be called. Counting state requests by topic ensures that there is sufficient interest in a particular subject to call a Convention and enhances citizen interest and participation in the process; and

f) The validity of state calls for an Article V Constitutional Convention must be determined by the most recent action of the state. If a state has enacted a rescission of its call, that rescission must be respected by Congress.

Position 2

Considerations for Evaluating Constitutional Amendment Proposals

The League will only support a proposed amendment to the U.S. Constitution if it advances and conforms to an LWVUS position.

In addition, the League believes the following should be considered in identifying an appropriate and well-crafted constitutional amendment:

a) Whether the public policy objective addresses matters of such acute and abiding importance that the fundamental charter of our nation must be changed. Amendments are changes to a document that provides stability to our system and should be undertaken to address extreme problems or long-term needs.

b) Whether the amendment as written would be effective in achieving its policy objective. Amendments that may be unenforceable, miss the objective, or have unintended consequences may not achieve the policy objective.

c) Whether the amendment would either make our political system more democratic or protect individual rights. Most adopted amendments have sought to make our system more representative or to protect the rights of minorities.

d) Whether the public policy objective can be achieved by a legislative or political approach that is less difficult than a constitutional amendment. In order to expend resources wisely, it is important to consider whether legislation or political action is more likely to succeed than an amendment.

e) Whether the public policy objective is more suited to a constitutional and general approach than to a statutory and detailed approach. It is important to consider whether the goal can best be achieved by an overall value statement, which will be interpreted by the courts, or with specific statutory detail to resolve important issues and reduce ambiguity.