

Testimony in Opposition to HP0987, “Joint Resolution Making Application to the Congress of the United States for Calling a Convention to Propose Amendments to the Constitution of the United States to Limit the Power of the Federal Government”

by

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Good afternoon, Senator Davis, Representative Martin, distinguished members of the Joint Standing Committee on State and Local Government, my name is James Myall. I am a policy analyst from the Maine Center for Economic Policy (MECEP). I am here today on behalf of MECEP to oppose the joint resolution calling for a federal Constitutional Convention.

A convention such as this threatens our constitution and the protections it affords to our most fundamental rights. It will hurt Mainers’ economic security and have disastrous consequences for our state’s economy.

A Constitutional Convention is not answerable to anyone. While the resolution before you today seeks to control the actions of the delegates to the proposed Convention, these limitations would carry no weight within a Convention. The U.S. Constitution provides for no authority above that of a Constitutional Convention—not the states, not the courts, not Congress. The Convention can ignore congressionally-imposed limitations and no one has the authority to enforce those limitations.

A Convention would open up the U.S. Constitution to whatever amendments its delegates chose to propose. The delegates could take up, amend, or eliminate any part of the Constitution and undermine any of the freedoms and protections we enjoy today.

A Constitutional Convention will consider a balanced budget amendment. Nationally, proponents state that their specific goal for a Constitutional Convention is the adoption of a balanced budget amendment. Such an amendment would be devastating for our country and disastrous for Maine. According to calculations by the Center on Budget & Policy Priorities, a national balanced budget amendment would cost Maine \$907 million annually in grants-in-aid, including \$54 million for highway planning and construction. That’s 38 percent of our total federal fund spending in Maine.¹

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All of our municipalities and Maine state government operate effectively under a balanced budget. But state and local budgets are not the same as the federal budget, which includes the cost of national defense as well as capital expenses for roads, schools, water treatment plants, and other projects. In Maine, governments borrow for expensive infrastructure and spread the costs over 10-20 years. But a balanced budget amendment would bar the federal government from following the normal practices of state and local governments. The total federal budget—including capital investments—would have to be balanced every year; no borrowing to finance infrastructure or other investments to boost future economic growth would be allowed.

A balanced budget amendment would threaten significant economic harm. The economic problems threatened by a Constitutional Convention that takes up a balanced budget amendment are serious and dangerous. By requiring a balanced budget every year, no matter the state of the economy, such an amendment would raise serious risks of tipping weak economies into recession and making recessions longer and deeper, causing very large job losses. That's because the amendment would force policymakers to cut spending, raise taxes, or both just when the economy is weak or already in recession—the exact opposite of what good economic policy would advise.

Out-of-state interests are pushing for a Constitutional Convention. Leading judges and legal scholars agree that it puts the whole Constitution up for grabs. Gun rights groups, like the National Association of Gun Rights and the Gun Owners of America, all oppose Article V resolutions. The major labor unions also oppose a Constitutional Convention. And prominent economists and policy experts alongside MECEP warn that a balanced budget amendment could push us back into a recession as well as weaken our national security.

I urge you to reject this resolution.

Thank you. I am happy to answer questions.

¹ The nonpartisan research and policy institute, Center on Budget & Policy Priorities, calculates that Maine would lose \$907 million in grants in aid if a balanced budget amendment is enacted. Specific programs would be cut as follows:

- Education (Special Ed, Title 1, and HeadStart): \$35 million
- Health (Medicaid, WIC): \$841 million
- Transportation/Highway (Construction and Planning): \$54 million
- State Tribal (Infrastructure Grants in Aid): \$3 million