



Senator Scott Wiener, 11th Senate District

SJR 1 – Rescinding Calls for Constitutional Conventions

SUMMARY

SJR 1 rescinds all previous calls for an Article V Constitutional Convention by the state of California. Leaders in Congress and allies of the new Administration have repeatedly called for a Constitutional convention in recent years, and rallied dozens of states to their cause, presenting an incalculable risk to the Constitutional protections of all Californians. This resolution proactively protects our civil rights and liberties, a measure that is more important than ever given that the Trump Administration is hostile to critical freedoms the state of California has sought to protect.

BACKGROUND/EXISTING LAW

Under Article V of the U.S. Constitution, Congress is required to hold a constitutional convention if two-thirds of state legislatures (34 states) call for one. Three quarters of states (38 states) would have to ratify any changes to the Constitution that a Convention produced.

In recent years, a movement pushing for a constitutional convention has gained momentum in conservative states and in Congress. U.S. Representative Jodey Arrington (R-TX-19), Chair of the House Budget Committee, has twice introduced resolutions calling for Congress to convene a Constitutional Convention, most recently in 2023. Former U.S. Senator Rick Santorum has canvassed statehouses across the country urging Republican-controlled Legislatures to pass calls for a Constitutional Convention. Another prominent proponent of the idea is John Eastman, a Trump advisor who has been criminally indicted for authoring a legal memo detailing a plan for President Trump to overturn the results of the 2020 election.

The reality of an unbridled constitutional convention is not an abstract threat. 28 states currently have open calls for various constitutional conventions.

California would be far from the first state to rescind calls for constitutional convention. For example, of the five states who have passed the resolution calling for a limited convention relating to campaign finance reform, two states have since voted to rescind all previous calls for a constitutional convention (New Jersey in 2021 and Illinois in 2022).

Opening a constitutional convention puts every right, civil liberty, and underlying value of our country at risk. There are no limits or guardrails to what can be changed in the process, and it opens the door to well-funded special interests buying access to change the Constitution to serve their purposes.

The uncertainty surrounding the nature of a constitutional convention cannot be understated. Former Chief Justice Warren Burger once expressed concerns about the ambiguity and danger, noting, "[T]here is no way to effectively limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or one issue, but there is no way to assure that the Convention would obey. After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda."

California currently has 7 outstanding calls for a constitutional convention:

1. Ch. 73, Res. 1911 (SJR 25) - application for a convention limited to authorizing the direct election of US Senators. (Congress subsequently proposed the 17th Amendment to authorize the direct election of US Senators was subsequently adopted with the ratification of the 17th Amendment in 1913.)
2. Ch. 144, Res. 1935 (SJR 22) - application for a convention limited to prohibiting tax-exempt securities

3. Ch. 145, Res. 1935 (SJR 23) - application for a convention limited to authorizing Congress to regulate wages and hours of work in intrastate commerce
4. Ch. 96, Res. 1949 (AJR 26) - application for a convention limited to authorizing the US to participate in a world federal government
5. Ch. 8, Res. 1952, 1st Ex. Sess. (AJRX1 8) - application for a convention limited to requiring the expenditure of motor vehicle tax revenues on the construction and maintenance of highways
6. Ch. 77, Res. 2014 (AJR 1) - application for a convention limited to campaign finance reform (i.e. overturning *Citizens United*)
7. Ch. 175, Res. 2023 (SJR 7) - application for a convention limited to gun control measures

PROBLEM

Congressional leaders and allies of the incoming Administration have repeatedly attempted to trigger a Constitutional Convention. The Chair of the House Budget Committee, U.S. Representative Jodey Arrington, who has introduced legislation to this effect, plainly stated “I think the states are due a convention. It is time to rally the states and rein in Washington responsibly.”

The Trump Administration has time and time again telegraphed the President’s extremist desire to undermine the civil rights and liberties of all Americans. California’s open calls for an Article V constitutional convention create a pathway for him and his allies to do just that at a scale that could prove truly catastrophic. President Trump has even appeared to call for rewriting the Constitution to strip people born in the U.S. of citizenship if their parents were not citizens.

While California’s previous calls for Article V constitutional conventions are well-intentioned, failing to rescind these calls— in light of a federal administration that is so interested in usurping the rights of immigrants, LGBTQ people, women, and other minority groups —would empower the Trump Administration to dismantle many of the civil rights and liberties we hold dear.

SOLUTION

SJR 1 safeguards the civil rights and liberties of all Californians by rescinding all previous calls by California for an Article V constitutional convention.

SUPPORT

- League of Women Voters of California (Sponsor)
- Voices for Progress
- Indivisible CA: State Strong
- Indivisible Marin
- Indivisible West Marin
- Courage Campaign

FOR MORE INFORMATION

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