

March 10, 2017

TO: The Honorable Brian Egolf, Jr
Speaker of the New Mexico House of Representatives

The Honorable Peter Wirth
Majority Leader of the New Mexico Senate

Thank you for your leadership in helping prevent a constitutional crisis by advocating for the New Mexico legislature to rescind its calls for a dangerous constitutional convention.

The threat of calling a constitutional convention is more real than ever before. Article V convention proponents appear to be dangerously close to calling a constitutional convention to enact a balanced budget amendment (BBA), opening the constitution to a wide range of harmful changes. This would be the first constitutional convention since the original convention took place in 1787. In order to prevent this development from occurring and putting all of our constitutional rights and protections up for grabs, the New Mexico legislature can and should take immediate steps to rescind its past calls for an Article V convention by passing HJR 10.

Under Article V of the U.S. Constitution, a convention can be called when two-thirds of the states (34) petition for a convention to enact amendments to the constitution. States can also rescind their calls by voting to rescind in the state legislature. Article V and BBA proponents claim that 29 states now have active applications to call an Article V convention specifically to enact a balanced budget amendment. They include New Mexico in their list of 29 active applications because the state legislature passed a resolution calling for an Article V convention for a balanced budget amendment in 1951 and 1976.

Just five states short of reaching the constitutionally-required 34 states to call a convention, Article V and BBA advocates currently have eight states with Republican-controlled state legislatures to target to pass this measure: Arizona, Idaho, Kentucky, Minnesota Montana, South Carolina, Virginia, and Wisconsin. If five of these states pass the resolution, a very real possibility in the coming weeks and months, Article V advocates may well succeed in convincing Congress that the 34-state threshold has been met, and a convention must be called. Therefore, rescinding resolutions passed previously by a state is a high priority in order to prevent a runaway constitutional convention.

An Article V convention is a dangerous threat to the U.S. Constitution, our democracy, and our civil rights and liberties. There is no language in the U.S. Constitution to limit a convention to one issue and it is widely understood that a convention once called will be able to consider any amendments to the constitution that the delegates want to consider. There are also no guidelines or rules to govern a convention. Due to the lack of provisions in the constitution and lack of historical precedent, it is unknown how delegates to a convention would be picked, what rules would be in place, what would happen in the case of legal disputes, what issues would be raised, how the American people would be represented, and how to limit the influence of special interests in a

convention. Because there is no way to limit a convention's focus, any constitutional issue could be brought up, including marriage equality, civil rights and civil liberties, voting rights, privacy rights, among others.

The New Mexico legislature can help stop this dangerous threat to our constitutional rights and protections from taking place. State legislatures that have passed Article V calls can and have rescinded them. The Delaware legislature, for example, rescinded its call for an Article V convention for a balanced budget amendment in the 2016 legislative session with bipartisan support.

The undersigned organizations strongly urge the New Mexico legislature to rescind their previous calls for a constitutional convention on a balanced budget amendment by passing HJR 10 in order to prevent all of our constitutional rights and privileges from being put at risk and up for grabs.

Thank you for your leadership on this important matter. Please feel free to distribute this to your colleagues to whatever extent you believe is helpful in advancing HJR 10.

Sincerely,

American Federation of State, County and Municipal Employees (AFSCME)
AFSCME New Mexico Council 18
AFSCME New Mexico Retiree Council 18
American Federation of Teachers-New Mexico
The Arc
Brennan Center for Justice
Center on Budget and Policy Priorities
Citizens for Responsibility and Ethics in Government (CREW)
Coalition on Human Needs
Common Cause
Common Cause New Mexico
Democracy 21
League of Women Voters of New Mexico
League of Women Voters of the United States
National Education Association-New Mexico
National Union of Hospital and Health Care Employees District 1199NM
New Mexico Federation of Labor
New Mexico Voices for Children
People For the American Way
SIX Action
Somos un Pueblo Unido
Veterans Health Council
Vietnam Veterans of America