November 28, 2018

To: Sen. William Coley, Chair; Sen. Joe Uecker, Vice Chair; Sen. Joseph Schiavoni, Ranking Minority Member; and Members of the Senate Government Oversight and Reform Committee:

My name is Judi Caler, and I am President of Citizens Against an Article V Convention. Thank you for the opportunity to submit written testimony in opposition to SJR1.

This is the most important vote you’ll ever make. Our Constitution is at stake.

You are not being told the truth by the Convention of States Project (COSP), sponsors of **SJR1**. An Article V convention cannot be limited to one or more subjects or amendments.1That’s because Delegates to an Article V convention would have more power than State Legislatures or Congress; and cannot be limited by the state application or state and federal law.

Delegates to a federal convention would be direct Representatives of “We the People” and, as such, have the inherent right “to alter or to abolish" our “Form of Government,” as expressed in the Declaration of Independence, paragraph 2. And we don’t know who those Delegates would be or how they’d be selected!

A precedent was set in 1787 when the “amendments” convention called by the Continental Congress **“**[**for the sole and express purpose of revising the Articles of Confederation**](http://memory.loc.gov/cgi-bin/ampage?collId=llfr&fileName=003/llfr003.db&recNum=17&itemLink=r?ammem/hlaw:@field%28DOCID+@lit%28fr0032%29%29%230030003&linkText=1)” (our first Constitution) resulted in a new Constitution with an easier mode of ratification for that new Constitution (our current Constitution).

The Convention of States Projectwill tell you they are not asking for a “constitutional convention,” but rather a “convention of states” or an “amendments convention." They are [**playing with words**](http://www.renewamerica.com/columns/caler/171007), and they are risking our Constitution. Any convention dealing with drafting or amending a constitution is a "constitutional convention."

They will tell you they know what the rules will be at such a convention because of custom. But there are no customs, as there has never been an Article V convention. Proponents cite regional gatherings of a few states on common topics as “custom.”

More importantly, there is nothing wrong with the Constitution we have. The problem is that it isn’t being enforced. To ***change*** the Constitution because the federal government isn’t ***following***the Constitution makes no sense.

[**Brilliant Men**](http://caavc.net/wp-content/uploads/2018/04/Brilliant-men-r1-2.pdf) have warned that Delegates to an Article V convention can’t be controlled. James Madison, Father of our Constitution, said in his Nov. 2, 1788 letter to **[Turberville](http://oll.libertyfund.org/titles/madison-the-writings-vol-5-1787-1790%22%20%5Cl%20%22lf1356-05_mnt081%22%20%5Ct%20%22_blank%22%20%5Co%20)**that he “trembled” at the prospect of a second convention. We are fools if we don’t take heed of their warnings!

The attached “Myth v. Fact” [**Chart**](http://caavc.net/wp-content/uploads/2018/09/Myth-v.-Fact-Chart-r3.pdf)explains **WHO**has the power to do **WHAT**at an Article V Convention. [**State legislators have no power to control Delegates**](http://www.renewamerica.com/columns/huldah/170916)**.**  Under Article V, State Legislatures can only 1) ask Congress to call a convention and 2) ratify proposed amendments if Congress ***choose*s**State Legislatures as the ratification mode. This assumes Delegates don’t exercise their plenipotentiary powers and write a new Constitution.

Not one State has passed Convention of States Project’s application (SJR1) since May 12, **2017**.And it took a lame duck session to proceed with SJR1 in the Ohio Senate! Please don’t allow Ohio to bring our nation one step closer to losing our Constitution. Our Constitution needs to be enforced, not changed.

**VOTE NO on** **SJR1 (HJR2)**and any other applications from Ohio asking Congress to call an Article V convention. Thank you for your consideration.

Endnote:

1 And now, in addition to the conservative and liberal opposition, many from the pro-convention lobby with ties to COSP and the Balanced Budget Amendment Task Force are admitting that Congress can’t call a limited Art. V convention and that Amendments proposed at such a convention cannot be limited to the subject of the application. See [**this article**](http://www.renewamerica.com/columns/caler/180906)**--**scroll halfway to “ACF’s Inconvenient Truth.”