

Chairman Peterson, Vice Chairman Cirino, Ranking Member Craig, and members of the committee--Thank you for the opportunity to present testimony regarding this call for a Constitutional Convention. My name is Duncan Hoge, I am from Centerberg, Ohio, Senate District 19.

I oppose HJR 3 for many reasons that many of the other witnesses here today will address. I am going to specifically testify about the claim by Convention of States that 38 States Legislatures would have to Ratify anything the Convention did, so there is no risk and we should not worry. Not only is that false, **it is dangerously false.**

The so-called ratification safety net is nothing more than an illusion, and I have with me today, and have timely filed with the Chairman along with my witness form, **smoking gun type evidence that proves this point.**

Before I get to that, let me say that the idea that those that oppose the Meckler Article V scheme are “do nothing” types that have no alternative solutions is not just false, but arrogant and derisive. They say we do not want to use the Constitution to fix today’s problems. Wrong! We agree about using the Constitution, but we disagree **on which part to use.**

There are great solutions that have been used though out history with none of the risk of Meckler’s scheme. For example, the Doctrine of Nullification, which is also Constitutional, specifically the 9<sup>th</sup> and 10<sup>th</sup> Amendments. This will be covered by another witness in more detail. But the critical failure of the Meckler Article V Scheme is that it address the wrong problem. Our biggest problem is we have a citizenry that has no idea how their elected representatives actually voted and even if they did know their votes, they generally have no idea if the vote was authorized under the Constitution or not.

So I work hard to be part of the solution for the real problem. I team up with other patriotic Americans in my community to teach seminars on the Constitution. In this way we seek to educate the electorate. For there will be no accountability at any level of politics until there is accountability at the electorate level. I have personally sacrificed thousands of hours of my free time to educate my fellow citizens about the Constitution. More citizens need to learn the Constitution and educate their communities about it. For this is exactly what was done in our founding era and it can work again. But it takes hard work. Sadly, too many Americans get caught up seeking fast results with little work. And to be sure Mark Meckler’s Article V Scheme is the political equivalent of a get rich quick Ponzi deal.

Now, back to the smoking gun evidence. Our first national governing document was the Articles of Confederation. A copy of this document was submitted with my testimony materials and should be available on your ipads. Please direct your attention toward the end of the document, specifically

Article XIII. Note that the compact was “Perpetual”. Perpetual means it was forever, everlasting, never-ending, valid for all-time.

The Articles of Confederation further required **100% agreement** between the States for any additions, deletions or other revisions.

Mark Meckler avoids these facts like a vampire fleeing from sunlight. Because he is selling a ratification safety net that is an illusion. A dangerous illusion. And one of the Original 13 States found that out that it was an illusion the hard way.

Let me know direct you to a Resolution passed by the Rhode Island on Sept. 15, 1787. It was included in my submitted materials. Look at the first paragraph wherein they point out they did not even send delegates to Philadelphia. The document then goes on to describe why they will not agree to changes to the Articles of Confederation.

Now look to the end of the document. You will see that the Rhode Island Legislature specifically points out that this was a perpetual agreement that requires 100% ratification. **This was the exact same ratification safety net that Mark Meckler claims will save us now!**

Rhode Island made the exact same legal claims that Mark Meckler makes now about ratification. How did that work out for Rhode Island? Lets see...

The Constitution was ratified and became the Supreme Law of the Land on June 21, 1788. Rhode Island did not ratify the Constitution until years later. On May 18, 1790, the United States Senate passed a bill that would ban all trade with Rhode Island if they did not ratify. The Rhode Island General Assembly capitulated 11 days later and ratified the Constitution, before the proposed embargo could be acted on by the United States House of Representatives.

This is not to say that the Constitution was illegitimate or a usurpation of power. Once a Constitutional Convention is called, that Convention has all the legitimate legal authority to use the thunderous assertions of the Declaration of Independence to form an entirely new system of government. More on this will be covered by another witness.

Mark Meckler says to trust him. He says there should be no concerns about what would happen in a convention because 38 states would have to ratify anything they did. But just as the Rhode Island legislature found out, this is a dangerous illusion.

As this committee will come to hear. Meckler’s Article V Scheme is high risk and low reward. Conversely, far better solutions like nullification are low risk, high reward. Accordingly, I request that you reject SJR 4 and instead look to far better options like Ohio HB62, a bill that nullifies federal firearms laws. This type of nullification legislation has already been passed in 7 states.

Thank you for your time I am happy to address questions.