

**TESTIMONY
OF
ROGER D. GIBB**

**GOVERNMENT OVERSIGHT COMMITTEE
OHIO HOUSE
COLUMBUS, OHIO**

LEGISLATIVE HEARING ON H.J.R. 2

Chair Hall, Vice Chair Ferguson, Ranking Member Humphrey, and members of the committee, my name is Roger Gibb, and I live in Mason, Ohio, House District 56.

The testimonies you've heard today all support HJR2. In a future hearing you will receive testimony from those who oppose state legislatures requesting an Article V Convention of States to propose amendments to the Constitution. Those who oppose HJR2 generally come from two groups: The extreme left and the extreme right. On the extreme left there is George Soros' Common Cause, Greenpeace USA, Earthjustice, ProgressNow, Sierra Club, the AFL-CIO and dozens more. I've included as Exhibit A of my testimony an 8-page list of left-wing organizations who are officially opposed. On the extreme right there is primarily the John Birch Society which essentially doesn't trust anyone, including their state legislatures who control Article V Conventions.

In the upcoming opposition testimony hearing, you should expect to hear provocative, fear mongering claims, that include the following:

- "Delegates to an Article V Convention will have plenipotentiary or unlimited power and could use it to eliminate the Bill of Rights!"
- "An Article V Convention could 'runaway' and write a new constitution! We could lose our Constitution!"
- "There are no rules to govern an Article V Convention of States and, therefore, anything could happen!"

None of these claims are tethered reality. To put this into perspective, let's imagine that you go skydiving with a friend. After freefalling for a couple of minutes, you both try to deploy your parachutes, but they fail to open. You initially panic but then remember that you have a second parachute in your backpack in case the first chute fails. You reach to deploy your second parachute, but your friend stops you saying, "Don't do it. It's too dangerous!" Confused, you look down at the fast-approaching ground and back at your friend. "Are you kidding? More dangerous than face-planting the ground at 90 miles an hour? The second parachute is designed to save us in case the first parachute fails. Do you have a better idea?" Your friend looks back and says, "No, but don't try to release the second parachute! Trust me, it's too dangerous!"

As absurd as this sounds, it's effectively what our opposition says. We the American people, are the sky divers. We're confronted with a dangerous situation, a federal government that's bankrupting our country, among other things. Congress is the first parachute. If Congress were listening to We the People, it would propose amendments to correct the problem, such as a balanced budget amendment. But Congress refuses, because Congress is part of the problem. Our second parachute is for the states to propose amendments. This provision is packed right into Article V of the Constitution to be used in case of an emergency like this one. Yet our opponents claim it's too dangerous. Do they have a viable alternative? No, but they're intent on stopping us from deploying our proverbial second parachute to save our country.

Those who support HJR2 rely on a team of nationally acclaimed attorneys¹ to research and confirm the safety of the Article V Convention process. Two members of that team include constitutional attorneys Michael Farris and Robert Natelson. Let's briefly consider each.

First, **Michael Farris** is a constitutional appellate attorney and is one of the cofounders of Convention of States Action. He has argued cases before the appellate courts of 13 states, 8 federal circuit courts of appeals, and twice before The Supreme Court of the United States. He's one of the few living attorneys who has successfully litigated an Article V constitutional case. He served as the president of Alliance for Defending Freedom and under his leadership they won 11 out of 12 supreme court cases defending conservative causes.

Robert G. Natelson is a law professor of 25 years² and his research has been cited repeatedly at the U.S Supreme Court, Federal appeals courts and state Supreme Courts. He is widely acknowledged to be the nation's preeminent scholar on the Article V Convention process, having written the only legal treatise on the subject³. He is the author of more than 40 articles on the Constitution in peer-reviewed law journals⁴.

Michael Farris and Professor Natelson have collectively written more than 300 pages in peer-reviewed law journal articles to specifically refute claims that the Article V Convention process is dangerous. The claim by George Soros' organizations and the John Birch Society that an Article V Convention of States would be dangerous has been thoroughly debunked by Michael Farris and Professor Natelson.

Over the years I've spoken with hundreds of people about Convention of States. When I've encountered people, including legislators, who believe alarmist claims that a Convention of States could runaway and seriously jeopardize our Constitution, I've asked

¹ <https://conventionofstates.com/files/the-jefferson-statement>; Attorneys include Randy E. Barnett, Charles F. Cooper, John C. Eastman, C. Boyden Gray, Mark Levin, Nelson Lund, Andrew McCarthy and Mat Staver.

² <https://i2i.org/about/our-people/rob-natelson/>

³ The Law of Article V: State Initiation of Constitutional Amendments (2d ed., Apis Books 2020)

⁴ <https://i2i.org/constitution/articles-books-by-rob-natelson/>

them what they base this belief upon. Almost without exception, they repeat rumors they've heard from someone else, yet they cannot point to a scholarly information source. I have yet to meet anyone who believes the "runaway convention" claims who has thoughtfully read articles on this subject by Michael Farris and Robert Natelson.

If anyone on this committee has any reservations about the safety of the Article V Convention of States process because of something you've heard, then I urge you to take the time read some of the articles of Michael Farris and Professor Natelson. You will find their writings are built on a solid foundation of verifiable history and facts, not rumors and superstition.

I close my testimony with a rhetorical question for the Committee: If you or a loved one were in serious trouble and required legal counsel in the highest court, whose counsel would you trust to save you? Our nationally acclaimed team of veteran constitutional attorneys, or our opponents who are little more than history hobbyists. If you wouldn't trust our opposition's advice to save yourself or a loved one, then why would you trust their advice to save our nation?

Thank you for your attention and for your service to Ohio. Please support HJR2. Thank you.

Exhibit A – Politically left-wing organizations that publicly oppose state legislatures requesting an Article V Convention of States to propose amendments to the US Constitution

The following is an excerpt from an online article published by Common Cause on February 1, 2018.⁵ The organizations listed below have voiced their opposition to state legislatures exercising their constitutional authority to request an Article V Convention of States to propose amendments to the Constitution.



National organizations:

African American Health Alliance
African American Ministers In Action
AFSCME Retirees
Alliance for Justice
American Federation of Labor and Congress of Industrial Organizations (AFL–CIO)
American Federation of State, County and Municipal Employees (AFSCME)
American-Arab Anti-Discrimination Committee
Americans for Democratic Action (ADA)
Asian and Pacific Islander American Vote
Bend the Arc Jewish Action
Brennan Center for Justice
Campaign Legal Center
Center for American Progress
Center for Community Change
Center for Law and Social Policy (CLASP)
Center for Media and Democracy
Center for Medicare Advocacy
Center for Popular Democracy
Center on Budget and Policy Priorities
Children's Defense Fund
Citizens for Responsibility and Ethics in Washington (CREW)
Coalition on Human Needs
Common Cause
Communications Workers of America (CWA)
Community Advocates Public Policy Institute
Daily Kos
Democracy 21
Democracy For America
Dream Defenders
Earthjustice
Eclectablog

⁵ <https://www.commoncause.org/resources/coalition-statement-opposing-an-article-v-convention/>

Exhibit A – Politically left-wing organizations that publicly oppose state legislatures requesting an Article V Convention of States to propose amendments to the US Constitution

Economic Policy Institute
EMILY's List
Every Voice
Fair Elections Center
Faith in Public Life
Family Values at Work
Food Research & Action Center (FRAC)
Franciscan Action Network
Greenpeace USA
International Association of Fire Fighters
Jobs With Justice
Leadership Conference on Civil and Human Rights
League of Women Voters of the United States
Main Street Alliance
Mi Familia Vota
NAACP
National Asian Pacific American Families Against Substance Abuse
National Association of Social Workers
National Council of Asian Pacific Americans
National Council of Jewish Women
National Council of La Raza Action Fund
National Disability Institute
National Disability Rights Network
National Education Association (NEA)
National Employment Law Project (NELP)
National Fair Housing Alliance
National Korean American Service & Education Consortium (NAKASEC)
National Partnership for Women & Families
National WIC Association
National Women's Law Center
People Demanding Action
People For the American Way
ProgressNow
Service Employees International Union (SEIU)
Sierra Club
Sisters of Charity of Nazareth Congregational Leadership
Social Security Works
State Innovation Exchange
The Arc of the United States
The Forum for Youth Investment
The Public Interest
The Voting Rights Institute
UNITE HERE
United Food and Commercial Workers (UFCW)
Voice for Adoption
VoteVets Action Fund
Women's Voices Women Vote Action Fund
Working America

Exhibit A – Politically left-wing organizations that publicly oppose state legislatures requesting an Article V Convention of States to propose amendments to the US Constitution

State and local organizations:

Alabama

Fair Housing Center of Northern Alabama

Alaska

Alaska AFL-CIO

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Arkansas

OMNI Center for Peace, Justice & Ecology

Arizona

AFSCME 2960

AFSCME Retirees Chapter 97

Arizona Advocacy Network

Phoenix Day

Southwest Fair Housing Council

California

California Common Cause

City of Chino Housing Division

Courage Campaign

Fair Housing Advocates of Northern California

Colorado

ACLU of Colorado

America Votes Colorado

Colorado AFL-CIO

Colorado Common Cause

Colorado Ethics Watch

Colorado Fiscal Institute

Colorado People's Alliance

Colorado Sierra Club

Colorado WINS

New Era Colorado

League of Women Voters of Colorado

ProgressNow Colorado

SEIU Colorado

Connecticut

Common Cause Connecticut

Connecticut Fair Housing Center, Inc.

Planned Parenthood of Southern New England

Holy Family Home and Shelter, Inc

Delaware

Common Cause Delaware

Florida

Common Cause Florida

Faith in Florida

Florida Consumer Action Network

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Progress Florida

Georgia

9to5 Georgia Chapter
Black Voters Matter Fund
Common Cause Georgia
Georgia Coalition for the People's Agenda
Georgia STAND-UP
League of Women Voters of Georgia
Partnership for Southern Equity

Hawaii

Americans for Democratic Action Hawaii
Hawaii Alliance for Progressive Action
Hawaii Appleseed Center for Law & Economic Justice
Hawaii Government Employees Association
Common Cause Hawaii
League of Women Voters of Hawaii
League of Women Voters of Honolulu
League of Women Voters Hawaii Island
Life of the Land

Idaho

ACLU of Idaho
Better Idaho
Idaho AFL-CIO

Illinois

Common Cause Illinois
Oak Park River Forest Food Pantry
Project IRENE

Indiana

Common Cause Indiana
Fair Housing Center of Central Indiana

Iowa

AFSCME Iowa Council 61
Congregation of the Humility of Mary
Iowa AFL-CIO

Kansas

Kansas AFL-CIO

Kentucky

Common Cause Kentucky
Jefferson County Teachers' Association
Kentucky AFL-CIO
Kentucky Center for Economic Policy
UFCW Local 227

Exhibit A – Politically left-wing organizations that publicly oppose state legislatures requesting an Article V Convention of States to propose amendments to the US Constitution

Louisiana

Greater New Orleans Fair Housing Action Center

Maine

Disability Rights Maine

Maine AFL-CIO

Maryland

ACE-AFSCME Local 2250

AFSCME Council 3

AFSCME Council 67

Baltimore Neighborhoods, Inc.

Benedictine Sisters of Baltimore

Common Cause Maryland

Disability Rights Maryland

League of Women Voters of Maryland

Maryland Center on Economic Policy

Public Justice Center

The Xaverian Brothers

Massachusetts

Massachusetts AFL-CIO

Michigan

Common Cause Michigan

Fair Housing Center of West Michigan

Progress Michigan

Minnesota

Alliance of Chicanos, Hispanics and Latin Americans (Rochester, MN)

Common Cause Minnesota

Indivisible Minnesota Local

League of Women Voters of Minnesota

Minnesota AFL-CIO

Minnesota Citizens for Clean Elections

TakeAction Minnesota

Women & Advocates Minnesota

Mississippi

Common Cause Mississippi

Mississippi AFL-CIO

Missouri

Vision for Children at Risk

Montana

Montana AFL-CIO

Nebraska

Common Cause Nebraska

Nebraskans for Civic Reform

Exhibit A – Politically left-wing organizations that publicly oppose state legislatures requesting an Article V Convention of States to propose amendments to the US Constitution

New Hampshire

New Hampshire AFL-CIO

- New Jersey

CWA Local 1081

New Jersey Association of Mental Health and Addiction Agencies, Inc.

Monarch Housing Associates

- New Mexico

ACLU of New Mexico

AFSCME Council 18

Common Cause New Mexico

League of Women Voters of New Mexico

New Mexico Hospital Workers Union (1199NM)

New York

CNY Fair Housing, Inc

Common Cause New York

Disabled in Action of Greater Syracuse Inc.

Long Island Housing Services, Inc.

Schenectady Inner City Ministry

Solidarity Committee of the Capital District

Nevada

AFSCME 4041

AFSCME Nevada Retirees

Battle Born Progress

Culinary Workers' Union Local 226

Let Nevadans Vote coalition

Nevada AFL-CIO

Nevada Conservation League

Nevada State Education Association (NSEA)

SEIU Nevada 1107

North Carolina

Common Cause North Carolina

Disability Rights North Carolina

Independent Living Resources (Durham, NC)

North Dakota

North Dakota AFL-CIO

Ohio

Cleveland Nonviolence Network

Common Cause Ohio

Equality Ohio

Ohio Voice

ProgressOhio

Toledo Fair Housing Center

Toledo Area Jobs with Justice

Exhibit A – Politically left-wing organizations that publicly oppose state legislatures requesting an Article V Convention of States to propose amendments to the US Constitution

Oklahoma

Oklahoma AFL-CIO

Oklahoma Policy Institute

Oregon

Common Cause Oregon

Disability Rights Oregon

Pennsylvania

Bhutanese Community Association of Pittsburgh

Common Cause Pennsylvania

Community at Holy Family Manor (Pittsburgh, PA)

Just Harvest (Pittsburgh, PA)

Rhode Island

Common Cause Rhode Island

South Carolina

South Carolina AFL-CIO

South Dakota

South Dakota AFL-CIO

Tennessee

Common Cause Tennessee

Nashville CARES

Texas

Clean Elections Texas

Common Cause Texas

Harlingen Community Development Corporation

Utah

Tabitha's Way

Vermont

Downstreet Housing & Community Development

P.S., A Partnership

Virginia

The Commonwealth Institute

Virginia AFL-CIO

Virginia Civic Engagement Table

Washington

Conscious Talk Radio

Washington AFL-CIO

Washington Community Action Network

Fuse Washington

Exhibit A – Politically left-wing organizations that publicly oppose state legislatures requesting an Article V Convention of States to propose amendments to the US Constitution

Wisconsin

Access to Independence, Inc. (Madison, WI)
AFSCME Council 32
AFSCME Retirees Chapter 32
Citizen Action of Wisconsin
Common Cause Wisconsin
End Domestic Abuse Wisconsin
Grandparents United for Madison Public Schools
Independence First
League of Women Voters of Wisconsin
Madison-area Urban Ministry
Metropolitan Milwaukee Fair Housing Council
Midstate Independent Living Consultants
One Wisconsin Now
Options for Independent Living Inc (Green Bay, WI)
School Sisters of Saint Francis (Milwaukee, WI)
Survival Coalition of Disability Organization of Wisconsin
The Arc Wisconsin
Wisconsin AFL-CIO
Wisconsin Aging Advocacy Network
Wisconsin Coalition of Independent Living Centers,
Wisconsin Community Action Program Association
Wisconsin Council on Children and Families
Wisconsin Democracy Campaign
Wisconsin Faith Voices for Justice
Wisconsin Voices
National Association of Social Workers, WI Chapter
Dominicans of Sinsinawa – Leadership Council

West Virginia

West Virginia Citizen Action Group

Wyoming

Wyoming AFL-CIO

This statement was released in April 2017 and the list of signers was updated in March 2019