TESTIMONY
OF
JOHN LAWS

GENERAL GOVERNMENT COMMITTEE
OHIO SENATE
COLUMBUS, OHIO

LEGISLATIVE HEARING ON S.J.R. 3

Chair Roegner, Vice Chair Gavarone, Ranking Member Blackshear, and members of the committee, my name is John Laws, and I live in South Lebanon, Warren County, Ohio, Senate District 7. My remarks today are intended to dispel the claim that an Article V Convention of the states could become "runaway" and have dangerous, unintended consequences, such as loss of the Bill of Rights or our entire Constitution. You will likely hear the "runaway convention" claim made many times in opposition testimony.

In the case of Article V Conventions, there are at least 7 safeguards to ensure that the meeting conforms to the Founder's intent.

Safeguard #1: At every previous multi-state convention, the first order of business was to elect convention leaders. Delegates representing the 34 states that request the Article V Convention will also elect leaders who support reining in the federal government. Anyone proposing mischief at an Article V Convention will naturally be ruled out of order by convention leaders.[1]

Safeguard #2: Our opposition frequently claims that delegates to an Article V Convention will have "plenipotentiary" or unlimited power at the convention. They further claim that this plenipotentiary power will allow them to take the convention into dangerous and unintended territory, such as writing a new constitution. This claim is false. Article V Conventions are, by design, limited in scope. Therefore, delegates will have limited authority. Put simply, delegates will have no authority to write a new constitution or do anything else outside the instructions given by their legislature. [1]

As proof, Ohio SJR3 states, "A Convention of the States for proposing amendments to the Constitution of the United States convened pursuant to this application shall be limited to consideration of the topics specified herein and no other."

[1] The Law of Article V: State Initiation of Constitutional Amendments, 2d ed., Apis Books 2020, Robert G. Natelson

Safeguard #3: There is no provision in the Constitution for replacing the Constitution. The only thing that can come out of an Article V Convention is proposed amendments for state legislatures to consider.

Safeguard #4: In order for an amendment to become officially proposed at an Article V Convention, at least 26 states must vote for it. Since 34 states will have requested the Article V Convention for reining in the federal government, there's no way that an amendment for rescinding the second amendment or Bill of Rights, for example, could get 26 states to vote for it. The 34 states that requested the convention would never vote for it.

Safeguard #5: The Constitution stipulates that after an amendment is officially proposed at an Article V Convention, it only becomes part of the Constitution if 38 states ratify it. Only extremely popular amendments could ever be ratified by 38 state legislatures. It would be absurd to believe that 38 state legislatures would vote to rescind the Bill of Rights or any aspect of it.

Safeguard #6: If any delegate violates his or her instructions from the state legislature, that delegate can be recalled by the state legislature. As proof, Ohio SJR3 states:

> "The Ohio General Assembly may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided."

Any delegate who did this would commit political suicide on the national stage. This alone serves as a deterrent.

Safeguard #7: In many states, resolutions requesting an Article V Convention have explicit limitations on delegates' authority. As proof, Ohio SJR3 states:

> "This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage;

In summary, America has a rich history of over 40 multi-state conventions held for a variety of purposes. In over 350 years there has not been a single case of a multi-state convention going off the rails and becoming "runaway". I've shared with you 7 safeguards that ensures that an Article V Convention complies with the US Constitution.

It's time that we the people use our constitutional rights to rein in our runaway federal government. Please help us do this by supporting SJR3.