

Testimony of Robert Tuttle

Springboro, Ohio

Senate General Government Committee

In Opposition to SJR3

June 2025

Chair Roegner, Vice Chair Gavarone, Ranking Member Blackshear and distinguished Members of the General Government Committee:

Thank you again for allowing me to testify today against SJR3. These resolutions keep coming back every session, but the risks and dangers have not changed. In fact, the momentum appears to have swung against a Convention- COS has not won a new application since 2022, and many states have either rescinded all their applications or voted down new applications just in the last few years.

First, I would like to start my testimony by being very clear:

Our sole and entire purpose for being here today is to try to protect our Constitution from the unintended consequences of an experimental Article V Convention. COS says they want to protect the Constitution by *opening it up for changes*. Think about that. We want to enforce the one we have.

As a Constitution instructor for both IOTC and Building Blocks for Liberty I spend a lot of time on how the government has exceeded its Constitutional authority. As with many who revere our Constitution, I was initially enamored with the Convention of States idea of restraining the federal government. However, once I started to do my own research, the number and credentials of those who oppose an Article V Convention convinced me otherwise.

An Article V Convention would be experimental because of the following irrefutable facts:

1. **There has never been an Article V Convention** and the only reasonable precedent is the Constitutional Convention of 1787 which proved the exact point we are trying to make. The states could not control it, despite their explicit written instructions in their commissions to their delegates.
2. **There are no written or agreed upon rules for any aspect of a Convention-** but both Congress and the Convention itself could and will almost certainly create their own. COS is making recommendations, but none of the major questions are settled. We cannot know what will happen. Period.
 - For example:
 - i. *There are no rules about who will be invited to participate.*
 - Will Washington D.C. be invited to attend a Convention? They will certainly want to be represented. A population larger than Wyoming or Vermont. They were represented in the original Convention. How about Puerto Rico- a population of U.S. Citizens larger than 20 other states and under the jurisdiction of the Constitution. Will they be disenfranchised?

- ii. *There are no rules about who can be a delegate or how many delegates there will be.*
 - Will California send 55 delegates and Ohio send 3? Governors, lobbyists, celebrities? Will both parties be included from every state? Any standards, requirements, guidance? Nothing.
- iii. *There are no rules about voting procedures or one-state, one-vote, which was thrown out in the Connecticut Compromise in the original Convention.*
 - Realistically, there is absolutely no way that a representative body of all 50 states would allow Wyoming and Vermont to have the same voting power that California, or Texas or Florida has. It is not going to happen. Not today.

And most importantly... who will decide? The “political question doctrine” may prevent the Supreme Court from even hearing it. There is certainly no chance that a gathering of the most powerful and influential people in America are going to just hand over the rule making authority to a lobbying group from Texas. And no chance that Congress will not try to intervene.

3. **This is not a disagreement between the COSA lobby and a few local wannabe Constitutionalists.** The opposition and questions come from the most credible and compelling legal and Constitutional scholars in our country, including multiple Founders, multiple Supreme Court Justices, dozens of the preeminent Constitutional scholars in America, the Congressional Research Service, our own Legislative Service Commission, and many well known conservative organizations like our own Ohio Gun Owners (OGO has publicly stated that they consider a pro-COS vote = anti-gun vote).
 - Virtually all of these experts and scholars say the same thing: an Article V Convention cannot be limited, and we know that there will be delegates from states like California, New York, Illinois and others who will try to impose their own agenda in a raucus, uncivilized, partisan circus with a complicit, jubilant media. COS says there is no risk?
4. Here is one more irrefutable truth. **Until Congress is held accountable for following the Constitution, it doesn't matter what the Constitution says or what amendments we add.** Our rogue Congress and activist judges will continue to ignore or contort the Constitution to fit their own agenda.

In summary, an experimental convention is a huge risk:

- You must choose to assume that the convention would stick exactly to what we ask them to do despite the lack of rules and procedures... and that delegates from California, Illinois and New York won't try to insert their own agenda... reproductive freedom, gun registration, drug legalization, national popular vote...
- You must choose to hope for the reincarnation of our Founders as delegates, rather than more ravenous partisans like those that are bickering and stalemated in our current Congress... . Who would the delegates be from states like California, New York, Illinois? We can't count on them being moral, religious or exemplary statesmen/women with great integrity.

- You must choose to assume that Soros, Bezos and Zuckerberg sit back and watch, and don't try to buy off or influence the delegates or the proceedings with hundreds of millions of dollars of bribes and advertising... and a complicit media... . How much money do you think George Soros would be willing to spend to promote his agenda in an Article V Convention?
- You must choose to assume that Congress won't try to take control of the process ... but will gladly bow to the states, and will give their approval to whatever happens throughout the process... . However, Congress has already indicated, supported by the Congressional Research Service and numerous legal scholars that they will pass legislation providing rules for such things as delegate selection and voting procedures. Then what will happen?
- You must also choose to assume that Congress will obey any new Amendments even though they don't obey the current ones and that the Supreme Court will stop legislating from the bench... Otherwise, more amendments would be toothless.
- Finally, you must choose to assume that our Founders, Supreme Court Justices, more than 40 of the most recognized and preeminent legal and constitutional scholars, the Congressional Research Service and our own Ohio Legislative Service Commission ARE ALL WRONG ...

I respectfully submit that this level of ambiguity and risk is not acceptable on something this important. Remember the undeniable facts:

- 1. There has never been anything like an Article V Convention.**
- 2. There are no documented or agreed upon rules for a convention, only dispute and questions.**
- 3. The most credible and compelling voices oppose an experimental convention.**
- 4. If Congress and our courts ignore the current Constitution, there is no reason to believe they will obey or follow any new amendments.**

I urge you to vote NO on SJR3 to protect our Constitution.