

## Opponent Testimony

May 24, 2022

To: Members of the General Budget Committee

From: Sue Ellen King

Re: Opponent SJR 4, Application Article V Convention Chair Peterson, Vice Chair Cirino, Ranking Member Craig and members of the Ohio Senate General Budget Committee, thank you for the opportunity to speak to you today in opposition to SJR 4.

We are in a highly polarized political environment!!!

For example:

Keep State Voting

Federalize Voting

Pro Life

Pro Death

Electoral College

Popular Vote

Country w. Borders

Country w/o Borders

Only Citizens can Vote

Anyone can Vote

Fund the Police

Defund the Police

No Financial Aid to Terrorists

Financial Aid to Terrorists

## 2.

Supreme Court Justice Scalia acknowledged the difficulty of amending the US Constitution and speaking in the context of Amendments, he CLEARLY WARNED against the notion of a Convention which is an ALTERNATIVE method for amending the Constitution under Article V.

During a question and answer session following a speech Justice Scalia gave to the Federalist Society in Morristown, NJ on May 8, 2015, he was asked whether a Constitutional Convention would be in the Nation's interest. "A Constitutional Convention is a "horrible" idea, he replied. This is not a good century to write a constitution."

Another Justice on the Supreme Court, who was also the Chief Justice, Warren Burger, also had strong opinions about an Article V Convention. "Some respected scholars, who favor a Convention, argue that strict instructions would deter the assembled delegates from venturing beyond the "Velvet Rope".

But, if that can't be a "legal requirement" it may wind up like an honor code. Congress might try to limit the Agenda to 1 Amendment or to 1 Issue, but there is no way to assure that the Convention would obey, wrote the late Chief Justice Warren Burger.\* The Legislature and the Convention have a Separation of Powers.

Chief Justice Burger wrote a letter on June 22, 1988 to Phyllis Schlafly, who was the President of Eagle Forum at the time. I will read the letter now: Attached.

\*Walter Olson, Sr. Fellow, Robert Levy Center of Constitutional Studies, Cato Institute.

I respectfully, request this Committee reject SJR4 along with the members of the Ohio Senate and House. Thank you for your Time!

Supreme Court of the United States  
Washington, D. C. 20543

June 22, 1988

CHAMBERS OF  
CHIEF JUSTICE BURGER  
RETIRED

Dear Phyllis:

I am glad to respond to your inquiry about a proposed Article V Constitutional Convention. I have been asked questions about this topic many times during my news conferences and at college meetings since I became Chairman of the Commission on the Bicentennial of the U.S. Constitution, and I have repeatedly replied that such a convention would be a grand waste of time.

I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey. After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda. The meeting in 1787 ignored the limit placed by the Confederation Congress "for the sole and express purpose."

With George Washington as chairman, they were able to deliberate in total secrecy, with no press coverage and no leaks. A Constitutional Convention today would be a free-for-all for special interest groups, television coverage, and press speculation.

Our 1787 Constitution was referred to by several of its authors as a "miracle." Whatever gain might be hoped for from a new Constitutional Convention could not be worth the risks involved. A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn, with no assurance that focus would be on the subjects needing attention. I have discouraged the idea of a Constitutional Convention, and I am glad to see states rescinding their previous resolutions requesting a Convention. In these Bicentennial years, we should be celebrating its long life, not challenging its very existence. Whatever may need repair on our Constitution can be dealt with by specific amendments.

Cordially,



Mrs. Phyllis Schlafly  
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