

**Testimony of  
John Edward Laws**

**Government Oversight Committee  
Ohio House of Representatives  
Columbus, Ohio**

**Legislative Hearing on HJR3**

Chairman Peterson, Vice Chair Thomas, Ranking Member Humphrey, and members of the committee, my name is John Laws and I am from South Lebanon, Ohio, House District 56.

My remarks today are based, to a great extent, on an article by one of the cofounders of Convention of States, Michael Farris.<sup>1,2</sup> This particular article was not published in a peer-reviewed legal journal, but it does reflect Mr. Farris' knowledge and experience accumulated over a 40-year career as a practicing constitutional appellate attorney.

Today I will address the claim from our opposition that "Amending the Constitution would provide no benefit because the federal government does not follow the Constitution now." I can appreciate the view that the federal government doesn't follow the Constitution. I've expressed the same sentiment on many occasions. While I'm not a constitutional attorney, I have learned that to comprehend this subject one must first recognize that the federal government is not required to follow the original Constitution, as written by our founders. Rather it's required to follow the Constitution *as interpreted by the Supreme Court of the United States*.

The improper accumulation of power by the federal government and its departure from following the Constitution, as originally intended by the Framers, has arisen in a sense from the Constitution itself. The Constitution permits the federal judiciary to be the final interpreter of the Constitution. Because the Framers did not have a great deal of experience with the practice of judicial review, they did not assign adequate checks and balances on the judiciary branch of the government. They did not foresee how the Supreme Court would legislate from the bench. Once you understand this, it becomes clear how the federal government can justify some of its actions.

The Constitution, as interpreted by the Supreme Court today, is the problem. This interpreted Constitution allows the federal government to engage in undeclared wars, government agencies spying on US citizens, massive federal debt and the devaluation of our currency, executive agreements with foreign powers without senate ratification, and delegation of rulemaking to unelected bureaucrats.

All of these things are constitutional according to the Supreme Court. Had the founders foreseen how the Supreme Court would legislate from the bench, they could have written the Constitution more tightly to prevent it. Let's consider two of the most impactful misinterpretations of the Constitution by the Supreme Court and the impact it's had on our Country.

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<sup>1</sup> Farris, Michael. "Answers to the 16 toughest Article V questions" July 17, 2017.  
<https://conventionofstates.com/news/answers-to-the-16-toughest-article-v-questions>

<sup>2</sup> <https://youtu.be/pIzo1vv1NtI?si=cjzgOZfKw8vTyIP4>

The Interstate Commerce Clause was intended to allow Congress to set the rules for interstate shipping. However, as interpreted today by the Supreme Court, it allows Congress to regulate virtually any part of our lives that has a dollar sign attached to it. This affords the federal government far more power than our Founders ever intended.

The General Welfare Clause, as interpreted by the Supreme Court, allows Congress to tax and spend on virtually anything the Congress desires. James Madison's view, which was held by most of the Framers of the Constitution, was that the General Welfare Clause was not a grant of spending power at all. Rather, it was a limitation on spending. The General Welfare Clause was intended to mean that when Congress exercised its enumerated powers to spend money, it was obligated to do it in a way that benefited the welfare of the entire nation ("the general welfare"), rather than the welfare of a specific locality or limited group of people. Also, the federal government could only spend money on subjects or programs where states could not spend money. This interpretation of the General Welfare Clause was consistent with the principles of Separation of Powers and Federalism that our Constitution was built on.

However, in 1936 the Supreme Court ruled on the case *United States v. Butler* (297 U.S. 1, 1936). Under pressure from President Roosevelt, the Supreme Court ruled that Congress could spend money on essentially anything it liked. This ruling was arbitrary and without justification. It fundamentally changed the interpretation of the General Welfare Clause and opened the door for Congress' reckless spending that we're all too familiar with today.

In conclusion, the claim that "Amending the Constitution would provide no benefit because the federal government does not follow the Constitution now anyway" is misleading because it naively overlooks that the federal government is required to follow the Constitution *as interpreted by the Supreme Court*, not the original constitution. The concentration of power in Washington DC can be corrected through amendments to the Constitution that use specific language to adjust interpretation of the Commerce Clause and the General Welfare Clause to conform to their original meanings. It will help restore Separation of Powers and Federalism to our country and prevent further concentration of power in Washington DC. Moreover, we need an amendment to put proper checks and balances in place to prevent the federal judiciary from legislating from the bench any further.

Thank you for allowing me to speak here today. I am not a constitutional scholar but will do my best to answer questions you may have.