

Fact Checking Mark Meckler & COS on Testimony given for Ohio HJR 3

Claim: States Can Limit the authority/subject matter of a Constitutional Convention.

Verifiable Facts: The only Federal Convention to draft a Constitution was in 1787. In the lead up to that Convention 12 of 13 States passed resolutions to apply for the Convention. Every State had specific language limiting the authority of the delegates to the Convention. For example, the State of Delaware passed its Resolution on February 3, 1787, which specifically limited the authority of the appointed delegates to wit: They could not allow their State to be deprived of “one state, one vote representation” in the Federal Government. Regardless, the Philadelphia Convention of 1787 set aside the Articles of Confederation in total and crafted an entirely new system of government.

Ruling: **FALSE CLAIM**

Claim: 38 State Legislators would need to Ratify any Convention Actions

Verifiable Facts: Before the current Constitution, the United States existed subject to Articles of Confederation (AOC). Article 13 of the AOC held that the system of government therein designed “shall be perpetual” and required 100% ratification for any changes. The 1787 Convention completely scrapped the AOC including the ratification provision. In fact, that convention dramatically lowered the threshold needed to ratify (from 100% to 2/3), and then raised the super majority threshold (from 2/3 to 3/4) needed to modify the Constitution after its initial ratification.

Ruling: **FALSE CLAIM**

Claim: Legal Experts Support the COS project.

Verifiable Facts: There have been many Federal Judges on both the right and the left of the political spectrum that have given opinions about Article V. All of them agree: it’s a Pandora’s Box. Every law professor from top ranked law schools from both sides of the political spectrum all agree: it’s a Pandora’s Box. None of them received a single dime for their opinions. Conversely, the COS “experts” are relative unknowns of little stature who are getting paid for their opinions on COS.

Ruling: **Ridiculous Claim, like comparing the local JV Squad to the Browns.**

Claim: 100,000 plus Ohioans support an Article V Constitutional Convention

Verifiable Facts: COS claims millions around the nation support their position. Several State Senators and Representatives in other States noticed irregularities in the petitions they were provided. They investigated. They found that the petitions were highly fraudulent. Please feel free to Contact South Dakota State Senator David Johnson at (605) 209-0555, Kentucky State Senator Adrienne Southworth at (502) 600-1547 and Idaho State Representative Dorothy Moon at (208) 838-3714.

Ruling: **Probable Fraud**

Claim: COS is the only solution and we have to do something

Verifiable Facts: FEDGOV overreach is a problem. But it is a problem for which there are far better solutions than COS. Specifically, those options are found in Article VI and in the 9th and 10th Amendments. The practical application of those provisions is the doctrine of State Nullification. The first nullification bill was drafted by Thomas Jefferson and James Madison. Nullification has been used for a variety of historical problems. For example, more than a dozen northern states passed nullification laws in response to the fugitive slave act of 1850. Currently, 14 “blue states” have nullified federal marijuana laws. 7 “red states” have nullified all federal firearms laws. Nullification is as American as apple pie and gives you all of the benefit that COS claims without any of the risk.

Ruling: **False Claim**

Claim: State Legislatures pick the Convention Delegates & the process will be open with the public watching – like 5 Super Bowls!

Verifiable Facts: The language of Article V mentions State Legislatures only once in the context of the formation, composition and operation of a Convention, to wit: “or, on the Application of the Legislatures of two thirds of the several States.” In all other areas of the Constitutional Convention, Congress is empowered to call the convention, pay for it and set the location and time for it. Once a State makes “application”, it has no mandatory control over anything else. Regardless of how the delegates are elected, once the process starts, the delegates can make the entire process a secret affair. That is exactly what was done in 1787.

Ruling: **False Claim**