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Stop Ohio Federal Constitutional Convention Resolutions

URGENT: The Ohio state House Government Oversight Committee could hold a hearing or vote on HJR 2, HB 67, and HJR 3 at any time. *Contact your state legislators, and urge them to oppose these dangerous bills and resolutions.*

In addition to contacting your own state legislators, call the following representatives, and urge them to oppose all Con-Con bills and resolutions:

- **Rep. Thaddeus Claggett (R):** 1-614-466-1482
- *Speaker of the House* **Rep. Jason Stephens (R):** 1-614-466-1366

Members of the Ohio General Assembly are seeking to pass a resolution applying to Congress to "call a Convention for proposing Amendments," under Article V of the Constitution, otherwise known as a federal Constitutional Convention (Con-Con) or "convention of the states," as some erroneously refer to it.

Senate Joint Resolution No. 3 (SJR 3) and House Joint Resolution No. 2 (HJR 2) follow the wording of Mark Meckler's Convention of States (COS) Action/Project application, urging Congress to call a convention to propose amendments, ostensibly, "that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress of the United States."

Meanwhile, **Senate Joint Resolution No. 6 (SJR 6) and House Joint Resolution No. 3 (HJR 3)** would apply to Congress to call a convention for a congressional term-limits amendment.

House Bill No. 67 (HB 67) and Senate Bill No. 112 (SB 112) have also been introduced. These bills are designed to give false assurance that a convention won't get out of control, doing this by ostensibly regulating the appointment and conduct of delegates. Such a bill would be completely useless at preventing a runaway

convention — for example, the bills don't regulate delegates from other states, and they don't prevent delegates from proposing an entirely new constitution (in the 1787 Convention, states also attempted to limit delegates' authority).

Any Article V convention, no matter how well intentioned, could lead to a runaway convention that would reverse many of the Constitution's limitations on government power and interference. In other words, **a Con-Con could accomplish the same goals that many of its advocates claim to be fighting against.** As evidence, both a 2016 and 2023 simulated "Convention of States" resulted in amendments massively increasing the federal government and expanding its spending powers.

Furthermore, **term limits would do nothing to limit the federal government or improve our representation.** For example, they would throw out the best congressmen along with the worst. Furthermore, term limits ignore the most serious problems our nation faces, including fiscally-irresponsible policies and lack of adherence to the Constitution. In fact, we already have term limits — elections — while formal term limits on the U.S. president, by contrast, have failed to rein in the executive branch.

When speaking to your legislators, emphasize the following irrefutable facts about an Article V convention for proposing amendments:

1. There is no constitutional authority for a limited convention.
2. There is no guidance on how delegates would be selected.
3. There is no guidance on who could qualify as a delegate.
4. There is no guidance on how many delegates each state could send.
5. There is no provision for stopping a runaway convention.
6. There is no provision for how rules would be established.
7. There is no provision for how rules would be enforced.
8. There is no role provided for the people to play in the process.
9. There is no power provided for the people to stop a convention once it starts.
10. There is no description of the ratification conventions Congress could choose to call.
11. There are no rules governing the ratification conventions Congress could choose to call.
12. There is no means provided for either the states or the people to challenge Congress's choice of the method of ratification.
13. There is no test provided for a qualifying application submitted by a state.
14. The acceptance by one Congress of a state application for a convention does not bind subsequent Congresses from accepting that application.
15. Application for a convention submitted by one state legislature does not prevent subsequent state legislatures from revoking the previous application.
16. All these issues would be challenged in court and would take years to be decided.
17. The issues to be addressed at a convention to propose amendments would likely be moot by the time the challenges reached the U.S. Supreme Court for final adjudication.
18. If 100 percent of registered voters opposed an amendment proposed by a convention, but the requisite number of state legislatures or ratifying convention (according to the process determined by Congress for consideration of proposed amendments) then that amendment would become part of the Constitution regardless of the will of the people.
19. The same scenario is true of a proposed amendment was approved by 100 percent of registered voters but rejected by the ratification conventions or state legislatures (according to the process determined by Congress for consideration of proposed amendments).

The late Supreme Court Justice Antonin Scalia understood the danger of a constitutional convention. While he voiced support for one at a 1979 event, the justice had reversed his opinion by 2014 due to the uncertainty of what could come out of it. In 2015, Scalia reiterated his opposition to an Article V convention, stating "**this is not a good century to write a constitution**."

And in 1979, the then-U.S. Senator Barry Goldwater (R-Ariz.), correctly warned about a convention:

> If we hold a constitutional convention, every group in the country — majority, minority, middle-of-the-road, left, right, up, down — is going to get its two bits in and we are going to wind up with a constitution that will be so far different from the one we have lived under for 200 years that I doubt that the Republic could continue.

Goldwater considered an Article V Convention threatening to the continuity of the United States' republican form of government. It would be foolhardy and downright reckless to disregard these and other legitimate concerns.

An Article V convention possesses the inherent power to propose ***any*** changes to the U.S. Constitution, including drafting and proposing an entirely new "modern" (i.e. socialist) constitution. Instead, ***the Ohio General Assembly should consider Article VI and nullify unconstitutional laws.***

Furthermore, ***state lawmakers should also consider rescinding any and all previously passed Article V convention applications to Congress, regardless of the desired amendment(s).*** Passing rescission resolutions will help prevent aggregating past Article V convention applications with those from other states to force Congress to call a convention.

Above all, **urge your state representative and senator to oppose SJR 3, HJR 2, SJR 6, HJR 3, and all other pro-Article V convention resolutions and to instead consider nullification as a safe and constitutional means to limit government.**

The Harsh Reality of a "Convention of States"