

Senate State Government Committee from **Dave Affleck**

I am very concerned that an Article V Convention would result in the loss of our Constitutionally- protected, God-given rights. Liberty in America now and in the future is at risk!

I strongly urge your opposition to SR 133, SR 254, and SR 134. Pennsylvania should not apply for an Article V convention. I further urge that the PA legislature should work to rescind any existing applications for such a convention. Please consider the following:

"The fear that a constitutional convention could become a 'runaway' convention and propose wholesale changes in our Constitution is by no means unfounded. Rather, this broad view of the authority of a convention reflects the consensus of most constitutional scholars who have commented on the issue" - *Gerald Gunther* (Stanford Law Professor)

- During April 1788, our 1st US Supreme Court Chief Justice John Jay wrote that another convention would run an "extravagant risque."
- **In Federalist No. 49, James Madison said a convention is neither proper nor effective to restrain government when it encroaches.**
- In his Nov. 2, 1788 letter to Turberville, Madison said he "trembled" at the prospect of a 2<sup>nd</sup> convention; and if there were an Article V convention: "the most violent partizans", and "individuals of insidious views" would strive to be delegates and would have "a dangerous opportunity of sapping the very foundations of the fabric" of our Country.
- In Federalist No. 85 (last para), Hamilton said he "dreads" the consequences of another convention because the enemies of the Constitution want to get rid of it.
  - Justice Arthur Goldberg said in his 1986 editorial in the Miami Herald that "it cannot be denied that" the Philadelphia convention of 1787 "broke every restraint intended to limit its power and agenda," and "any attempt at limiting the agenda [at an Article V convention] would almost certainly be unenforceable."
  - Chief Justice Warren Burger said in his June 1988 letter to Phyllis Schlafly: "...there is no effective way to limit or muzzle the actions of a Constitutional Convention... After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda... A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn..."
  - Justice Scalia said on April 17, 2014, "I certainly would not want a Constitutional Convention. I mean whoa. Who knows what would come out of that?"
  - Other eminent legal scholars have said the same – Neither the States nor Congress can control the Delegates.

Yet convention supporters ridicule these warnings as "fear mongering." And they quote law professor Scalia in 1979, before his decades of experience as a Supreme Court Justice, to "prove" otherwise. Ask yourself, "Is it possible that James Madison, Alexander Hamilton, Chief Justice Jay, Justice Goldberg, Chief Justice Burger and Justice Scalia understood something about the plenipotentiary powers of Delegates to an Article V convention which the pro-convention lobby hasn't grasped"?

[A Limited Constitutional Convention?](#)