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Good morning, Chairman Metcalfe and members of the House State Government Committee. My name is Janine Hansen. I am the volunteer national Constitutional Issues Chairman for Eagle Forum and have worked with Phyllis Schlafly on this issue for 30 years. I am a wife, mother and grandmother of thirteen and I care very deeply about the future of America. I sincerely appreciate the opportunity to testify before your committee.

I am also the volunteer State President of Nevada Eagle Forum and am currently a volunteer citizen lobbyist at my own State Legislature in Carson City, Nevada. On Thursday, April 9, 2015 the Nevada Legislature in committee, defeated overwhelmingly AJR7, our Article V Constitutional Convention of the States, but not until after an intense lobbying effort by the Convention of States.

I believe that ten states have defeated the Convention of States Article V Resolutions this year. Three states passed the COS resolution last year.

I know that those who favor House Resolution 63 calling for an Article V Constitutional Convention of States are well meaning and are concerned about the future of our country.

Your House Resolution is the same as COS Resolutions introduced in all the other states. I do agree with many of their expressed concerns about the national debt, unfunded federal mandates, and abuse of power by the Federal Government. However, I strongly disagree with their answer.

Let's take a look at their proposal.

Although COS would like to tell us that HR63 does not call for a Constitutional Convention, that is what an Article V Convention is. **Article V of the U.S. Constitution states:** "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, **on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments** (*in the plural and does not limit the number or subjects of the amendments*), which, in either Case shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress..." **Notice that according to Article V, Congress Calls the Convention and will set the rules...not the States.**

In addition, Article V concludes with a limitation on what can be amended in the Constitution stating "that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate." In other words, the only part of the Constitution that is not open to amendment and change in the Constitution is the provision for "equal suffrage in the Senate." That means that **every other portion of the Constitution is open to revision in an Article V Constitutional Convention.**

The only thing we really know about Article V is what is stated in Article V because we have never had a Constitutional Convention called under the authority of Article V. Since we haven't had an Article V Convention before, our course and the rules and results are completely uncharted territory.

The COS Resolution HR63 asks Congress "to call a convention of states *limited* to proposing amendments to the Constitution of the United States that impose fiscal restraints on the Federal Government" (that could mean a Balanced Budget Amendment but it is undefined and could mean much more). The next phrase is even more important and calls for limiting "the power and jurisdiction of the Federal Government..."

Now think for a minute about the purpose of our Founders when they wrote the Constitution. The purpose of the first six Articles (the seventh is just ratification language) is to "LIMIT THE POWER AND JURISDICTION of the Federal Government." In other words, the Convention of States' resolution from its inception envisions the possibility of opening every section of our beloved Constitution for Revision at a Constitutional Convention. That should cause you to pause. It means what it says, that Articles I, II, III, IV, V, and VI would all be open to revision and amendment at an Article V Constitutional Convention.

Many individuals and organizations from both the right and the left are interested in amending our Constitution through an Article V Convention...not just COS. Conservative talk show host Mark Levin has written a book which proposes ten amendments. Certainly many states have already passed a call for a Balanced Budget Amendment.

In addition, I heard Mark Meckler of COS and other proponents of an Article V Convention of States at a hearing in Nevada suggest an unending list of possible amendments including, an amendment returning Nevada's federally controlled land to Nevada, a parental rights amendment and numerous others. I have also heard suggested amendments to prohibit same-sex marriage and to outlaw abortions.

Former Supreme Court **Justice John Paul Stevens** recently published a book about the Six Constitutional amendments he is promoting. One of his proposals specifically calls for a change in the Second Amendment. **Stevens proposes that the Second Amendment should be modified by adding five words, as follows:** "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms *when serving in the militia* shall not be infringed." This change adding "when serving in the militia" eliminates the individual Right to Keep and Bear Arms. A Convention would be a real opportunity for anti-Second Amendment advocates. Phyllis Schlafly wrote an article about this **threat to our Right to Keep and Bear Arms last year:** <http://www.eagleforum.org/publications/column/unexpected-suggestions-for-constitutional-changes.html>

Move to Amend is a left leaning organization which opposes the U.S. Supreme Court Decision in Citizens United. In my opinion, Move to Amend wants to **take away our right of free speech** by eliminating independent contributions and expenditures for campaigns and limit campaigns to government money only (which will silence dissent). They support an Article V Constitutional Convention to pass this amendment. California, Vermont and Indiana have passed this proposal calling for an Article V Constitutional Convention to implement Move to Amend's proposal. If you go to Move to

Amend's website you will see nine pages of liberal organizations across the nation supporting this idea. "We will win our amendment through Congress or through a **Constitutional Convention (Article V)...**" <https://movetoamend.org/2013-highlights>

The Move to Amend proposed amendments prohibits candidates *from spending their own money on their own campaigns*. Their claim is that money is not free speech. Really? I guess we can stand on the corner and shout at passing cars with our message, because you won't be able to purchase literature, pay for a website, place ads on TV, put up campaign signs, pay for phone calls or campaign workers or print and mail a newsletter if this amendment was to pass. Screaming on the corner would be about all that would be left to us if we can't spend any money to exercise free speech.

A Constitutional Convention will be the most important political event since the original Constitutional Convention. There will be no state, no special interest that will not want to be represented with their proposals for Constitutional Amendments.

The highest authority in the United States to ever speak out on a Constitutional Convention is **Former Chief Justice Warren Burger who stated**: "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..." <http://www.eagleforum.org/topics/concon/pdf/WarrenBurger-letter.pdf>

How will Delegates be chosen? We don't know. Will there be one vote per state like the original Constitutional Convention? Can you imagine California or New York or Texas putting up with that? If delegates are based on population the large states will control the convention. Very unlike the original Constitutional Convention in which each state had only one vote. Don't forget about the recent experiences at Republican and Democrat Conventions. He who has the gavel makes the rules.

Previously in Congress Senators Sam Ervin and Orrin Hatch have proposed rules for a Constitutional Convention. All of these proposals, some of which passed the U.S. Senate but not the House, provided for proportional representation. In other words each state would have 2 delegates plus one additional delegate for each Congressional District. The proposals all reflect the numbers we have in our current Congress. Remember according to Article V Congress has the authority to call the Convention. Congress has anticipated, as demonstrated by these proposals, setting the terms and rules of a Convention, including the number and representation on a proportional basis of each state.

Recently, New Mexico's State Legislature had a proposal for an Article V Constitutional Convention for a Balanced Budget Amendment. The New Mexico Legislature placed a large fiscal note on the amendment. Why? New Mexico understood that a large portion of their states revenue comes from the Federal Government. If an Article V Constitutional Convention call for a Balanced Budget Amendment were to pass, states could potentially lose the revenue including grants that come from the Federal Government to the states. States receive between 20-49% of their revenue from the Federal Government. Pennsylvania receives 30.63% of its revenue from the Federal Government.

<http://www.statebudgetsolutions.org/publications/detail/new-data-reveals-amount-of-federal-aid-to-states-in-2012>

Article V Constitutional Convention supporters who support a Balanced Budget Amendment or as this bill does “impose fiscal restraints” on the Federal Government, may face some severe unintended consequences. Balanced Budget Amendment Article V supporters in Utah admitted that a BBA will **raise your taxes, not necessarily cut spending.**

Fritz Pettyjohn, who is a former Alaska Legislator, is the Co-Founder of the Balanced Budget Amendment Task Force and currently the Field Director of Lew Uhler’s National *Tax Limitation* Committee. On February 26, 2014, during a meeting of the Utah Legislature’s Conservative Caucus in a room full of Legislators, he was asked, **“What would prevent the Congress from raising our taxes to balance the budget?”**

Pettyjohn responded by saying, **“They probably will raise our taxes,** but there’s nothing wrong with that. It would make the people so mad they would throw them out.” WOW! The Article V BBA failed at the Utah Legislature. Many Legislators were not willing to support a measure that would result in federal taxes being raised.

The Articles of Confederation required a unanimous vote to amend that governing document. Our Founders during the original Constitutional Convention changed the ratification process from the unanimous requirement of thirteen states to only nine states needed for approval. Because Article V allows all Articles of the Constitution to be amended through Article V, it also includes the option to change the ratification process from the current requirement of thirty-eight states to something less. This is what happened at the original Constitutional Convention when they gave us an entirely new Constitution. This is the only real precedent that we have. Therefore, I do not consider the requirement for thirty-eight states to approve changes in the Constitution made through Article V to be a real safeguard to protect our sacred Constitution which has made America the greatest nation in the world.

In conclusion, I would like to thank the committee for inviting me to speak. I love the Constitution and I have worked for 30 years to prevent those who would open up our beloved Constitution to unlimited and unknown changes.

Thank you for your time. I am available for questions.