

Written testimony against SR133, SR134 and SR254 - Art. V Convention Applications

To: Sen. Mike Folmer, Chair; Sen. Tom Killion, Vice-Chair; and members of the Pennsylvania Senate State Government Committee

RE: SR133, SR134 and SR254

Dear Senator,

My name is Judi Caler, and I'm president of Citizens Against an Article V Convention. Thank you for the opportunity to submit written testimony against **SR133, SR134, and SR254**, Art. V convention applications from Pennsylvania.

You are not being told the truth by convention proponents. An Article V convention cannot be limited to one or more subjects or amendments. That's because Delegates to an Article V convention would have more power than State Legislatures or Congress; and cannot be limited by the state application or state and federal law.

Delegates to a federal convention would be direct Representatives of "We the People" and, as such, have the inherent right "to alter or to abolish" our "Form of Government," as expressed in the Declaration of Independence, paragraph 2. And we don't know who those Delegates would be or how they'd be selected!

A precedent was set in 1787 when the "amendments" convention called by the Continental Congress "for the sole and express purpose of revising the Articles of Confederation" (our first Constitution) resulted in a new Constitution with an easier mode of ratification for that new Constitution (our current Constitution).

The Convention of States Project will tell you they are not asking for a "constitutional convention," but rather a "convention of states" or an "amendments convention." They are playing with words, and they are risking our Constitution. Any convention dealing with drafting or amending a constitution is a "constitutional convention."

They will tell you they know what the rules will be at such a convention because of custom. But there are no customs, as there has never been an Article V convention. Proponents cite regional gatherings of a few states on common topics as "custom."

More importantly, there is nothing wrong with the Constitution we have. The problem is that it isn't being enforced. To *change* the Constitution because the federal government isn't *following* the Constitution makes no sense.

Brilliant Men have warned that Delegates to an Article V convention can't be controlled. James Madison, Father of our Constitution, said in his Nov. 2, 1788 letter to **Turberville** that he "trembled" at the prospect of a second convention. We are fools if we don't take heed of their warnings!

The attached "Myth v. Fact" **Chart** will explain **WHO** has the power to do **WHAT** at an Article V Convention. **State legislators have no power to control Delegates.** Under Article V, State Legislatures can only 1) ask Congress to call a convention and 2) ratify proposed amendments if Congress *chooses* State Legislatures as the ratification mode. This assumes Delegates don't exercise their plenipotentiary powers and write a new Constitution.

No State has passed Convention of States Project's application (SR133) since May 12, 2017 and Wolf-PAC's application (SR254) since June 17, 2016 for good reason. Let's not let Pennsylvania bring our nation one step closer to losing our Constitution!

Please **VOTE NO on SR133, SR134, SR254** and any other applications from Pennsylvania asking Congress to call an Article V convention. Thank you for your consideration.