

HJR2 Proponent Testimony – March 14, 2017

Chairwoman Roegner; Vice Chair Lipps; Ranking Member Leland and members of the Ohio House Federalism & Interstate Relations Committee. Thank you for allowing me to express my total support for HJR2.

My name is John A. (Tony) Krueger. After receiving my B.S. degree in Chemistry, I spent my career in Quality Assurance (chemist, engineer, auditor, manager) for companies in the cosmetic, drug and medical device fields.

I hold this truth to be self-evident, that...

“The probability of an Article V Convention yielding an Amendment Proposal, detrimental to the Constitution, which would be Ratified by both chambers in 38 states, is rapidly, asymptotically approaching zero baseline”.

The Article V, State Initiated (Convention) Process is Safe from Rogue & Federal takeover:

- The 130th Ohio General Assembly agreed when it passed the Balanced Budget Amendment.
- Legislators from several states have been meeting for the last few years to establish Convention rules and criteria for delegate selection. Two sets of rules have been independently drafted, and 9 states have passed delegate selection/limitation laws!
- 30+ multistate Conventions occurred before the Revolutionary War. Many had limitations on subject matter; delegates honored those limitations. A COS will do the same.
- Federal intervention - The Congress; before “calling” a Convention, will carefully ensure that all 34 states making application are proposing the same topic(s). “... it is the States themselves, operating through the Congress, which are ultimately responsible for imposing subject-matter limitations upon the Article V Convention...” (Congressional Research Service CRS Report R42589 – 3/26/16; pg. 13)
- A simulated COS was successfully conducted in September, 2016, providing a prototype experience that gives additional assurances of Convention safety.
- 250-450 state selected, constitutionally competent, patriotic delegates will detect any delegate(s) advocating a Proposal detrimental to the Constitution. Thorough state vetting will prevent Rogue delegates from even getting appointed.
- Article V stands alone and cannot be affected by Article I powers, thus it is safe from Congressional overreach (*Idaho v. Freeman*, 1981)

The State Legislatures control the Article V, state initiated, Process. Initially, states tightly control all activities up through delegate selection. The “Convention” phase will allow the state to recall & prosecute unfaithful delegates; and enable peers to pressure others to conform to rules. Damaging proposals will be detected. 21st century technology will ensure transparency. The Convention’s product is just a proposal. Harm cannot come to the Constitution without state Ratification. The 13 legislative entities required for amendment rejection makes ratification too difficult, according to Antonin Scalia! (Scalia/Ginsberg Interview - Marvin Kalb Report 2014)

Risk Management is a critical concern to Industry, world-wide. Design, Manufacturing and Q.A. Engineers, utilize proven Quality Assurance concepts collectively known as “Six Sigma”. My experiences using “Six Sigma” enables me to assure you it could be used to analyze and improve Article V.

Desecration of the Declaration of Independence occurred May 12, 1911; initiating an on-going era of abuse to the Constitution (i.e. Amendments 16, 17, & 18, the “Administrative State”, etc.). Meaningful, long lasting constitutional corrections can be achieved by using the Article V, Convention of States process.

I respectfully request your vote approving HJR2.

Thank you.

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