

TESTIMONY OF RANDY KLEINE
Milford, Ohio
Senate General Government Committee
OPPOSITION to SJR 3 - June 2025

Randy Kleine, Milford, OH member of Clermont County Republican Central Committee

Dear Chairperson Kristina Roegner & members of the Senate General Government Committee:

The Framers of the U.S. Constitution met in Philadelphia, Pennsylvania, in May, 1787, at their own expense ostensibly to **amend** the Articles of Confederation which had governed the new United States since 1781 but which had performed so poorly that it became obvious to people like James Madison, Benjamin Rush, and William Barton that, if America was to survive, the Articles needed more than amending—they needed to be discarded!

That their real intent was *radically* to replace the Articles is revealed by the fact that the U.S. Constitution was drafted *in secret* with the meetings held behind closed doors, windows sealed to ensure confidentiality! Despite the veiled deception what the Framers produced is truly amazing, almost miraculous! Including the 27 Amendments passed and ratified since its adoption on September 17, 1787, *the Constitution addresses 207 topics in only 7,591 words!*

Upon Benjamin Franklin's departure at the Convention's end, a woman asked him what kind of government they had devised. Franklin answered, "*A Republic, if you can keep it.*"

Not wanting to repeat the experiences of European history that were filled with constant war (militaristic, economic, religious, and political) even up to our current times (e.g. Ukraine and Romania), the Framers feared that Spain, France, and Britain could become adversaries at any time (e.g. the War of 1812 fought with Britain).

The United States was already expanding westward. In that same year, 1787, the Northwest Ordinance was drafted outlining government for territory that would become Ohio, Indiana, Illinois, Michigan, and Wisconsin, requiring a united front in dealing with the Indian tribes and a way to bring the new territories into the Union as States with proportional representation.

A strong currency and taxation were needed to pay the debts of the central government, especially in the defense of the nation by a capable, coordinated Army and Navy (with its Marine Corps).

The Framers keenly felt the need for a uniform legal and commercial code in order to conduct the nation's business without incumbrances like tariffs and patrolled borders between States.

The National Government under the Articles was little more than a "League of Friendship" where each State was sovereign and independent of each other. It had limited powers, the **Congress of Confederation** primarily focused on foreign affairs, declaring wars, and managing relations with Native Americans. It lacked the power to tax, regulate commerce, or enforce its decisions. Unicameral, there was no Executive or Judicial Branch.

Each State was pledged to help defend the other States and to contribute money to the National Government, to raise and train their own army and to necessarily provide military leadership. No Congressman could serve longer than 3 years during a six-year period.

These shortcomings led to a weak, inefficient, and relatively unstable young nation, something largely repeated during the Civil War by the **Confederate States of America**.

There were eight separate attempts in Congress between 1781 and 1786 to amend the Articles, but since such attempts required *unanimous* agreement to pass (Article 13), all attempts failed. Some complain that the amending process of our present Constitution is onerous even though proposed Amendments require only 2/3 of Congress and 3/4 of States to be ratified!

The new American government required *stability* and *consistency*, with mechanisms to constrain unbridled human behavior and the majoritarianism of democracy that so often in history overthrew established governments. So, via a Convention of States assembled merely to amend the Articles that became a Constitutional Convention, they scrapped the Articles transforming the National Government from a *confederacy* (a group of *States* loosely joined for a common purpose) to a *federal government* (one where delegated power is distributed between a central authority exercising limited, defined power and a number of constituent State, territorial, and local authorities with broader, unlimited power).

Through the U. S. Constitution, did the Framers succeed in providing a governmental plan and structure that is *stable* and *consistent*? You be the judge:

- As the **Supreme Law of the Land** (see U. S. Constitution, Article VI), the Constitution superintends over **90,000 distinct government entities**: one national government, fifty State governments, and numerous County and local governments and Districts.
- The U. S. Constitution has protected *We, the People*, for **233 years!**
- It administers a surface area of 3.10 million square miles-the governments of the **44 countries of Europe** administer a surface area of only 4.07 million square miles.
- While the nations of Europe often are *homogeneous* (their populations largely share one ethnic, cultural, and language background), America is truly a diverse *melting pot!*

How does the Framers' *stable* and *consistent* governmental structure provided by the U. S. Constitution compare to efforts made in European nations?

- Since the French Revolution in 1789, France has had 14 constitutions
- Italy has had one constitution since 1946 but 67 prime ministers and cabinets
- Germany has had two since 1919: the Weimar Constitution and the Basic Law (1949)
- Sweden's 1809 Instrument of Government received a major overhaul in 1974
- Great Britain has no constitution-as a result, Britains' freedom of speech and rights of conscience are currently being abused

Some of the Framers (e.g. James Madison) believed that the text of the unamended main body of the Constitution with its **enumerated powers, separation of powers, and checks and balances** was sufficient to guarantee and protect our God-given Rights to Life, Liberty, and Property (the "Pursuit of Happiness"), but others (e.g. George Mason) insisted on a **Bill of Rights** (which became the first Ten Amendments in 1791) or they would not sign it.

As learned and wise as they were, the Framers knew that they could foresee the future only so far-they did not know whether their Grand Design for Liberty would succeed. In the Constitution they began their quest to limit slavery by limiting the importation of slaves after 1808. Little did they know that in 1793 that Eli Whitney would invent the cotton gin, a machine designed to separate cotton fibers from seeds, that would make Congress cotton farming profitable which drove an expansion of the slave labor needed to pick cotton.

With the Scientific and Industrial Revolutions well underway in 1787, the world was rapidly changing. Knowing that "bugs" might need to be worked out of their ground-breaking document, the Framers provided two methods to amend the Constitution in Article V:

- **Method #1:** 2/3 of both Houses of the bicameral Congress are required to propose and pass any Amendment which must then be submitted to and be ratified by $\frac{3}{4}$ of the State Legislatures.
- **Method #2:** 2/3 of the Legislatures of the States (34 at the time of this testimony) must petition (make application to) the U. S. Congress with a request to set up a **Convention of the States** (see Line 52 in Ohio S. J. R. 3 of the 136th Regular Session). Proposed Amendments arising from this Convention (more aptly called a **Constitutional Convention**) may be ratified (as determined by Congress) either by $\frac{3}{4}$ of the State Legislatures (38 as of this testimony) or by $\frac{3}{4}$ of State Ratifying Conventions called in these States.

Wisely, in the 233 years of the Constitution, only **Method #1** has been employed to ratify Amendments!

Stability and **consistency** with a willingness to make changes when necessary has always been important to leaders in Congress--they have considered over **11,000** Amendments since 1787! Of the **33** Amendments eventually sent to the States for consideration and ratification using **Method #1**, only **27** have been ratified by the States-10 of these (the **Bill of Rights**) were adopted in 1791! Each Amendment that has been adopted deals with a **single** subject.

To many, the Amending Process seems daunting, difficult to overcome, and incredibly **slow!** **That's how it was designed**, especially to avoid hasty changes in America's basic governing document driven by passions in the populace inspired by political or media demagogues or by ever-changing and/or cyclical circumstances. In our **federal system**, most problems should be addressed by levels of government closest to the problem and the people affected by the problem, i.e. at **local** (individuals, village, city, or District), **county**, **or State** levels.

Problems that involve **all the people** of the United States (e.g. a war, border security, or a major hurricane) are to be handled by the National (**Federal**) Government and may, from time to time, require an Amendment. Responsibilities reserved for the Federal government are clearly spelled out in the Constitution.

Jurisdiction describes the boundaries within which a Court or government agency may properly exercise the powers delegated to it. The Framers sought to avoid or minimize confusion regarding matters regarding proper jurisdiction through **enumerated powers, separation of powers, checks and balances**, and the **Bill of Rights**. (the 9th and 10th Amendments say, in essence, "**If we forgot anything, you can't do that either!**")

Yet, the jurisdictions reserved for individuals and local and State governments are routinely invaded and violated by elected Congressmen and Senators, by the elected President and his appointed administrative bureaucracies, and by the appointed Federal Courts, for the "**common good**," of course. Unconstitutional duplications in providing government services results.

The legitimate complaints regarding the federal government listed in S. J. R. 3 are verified twice yearly in a publication that I distribute published by the non-partisan **The New American** magazine (www.thenewamerican.com) called **The Freedom Index**. The **Index** gives detailed information on

how all 435 Congressmen and 100 Senators voted on key bills to help voters monitor their own representatives' fidelity to the Constitution and to their Oath of Office. The *Index* describes each bill that was passed and why it was or was not constitutional.

Upon carefully studying the *Index*, you will quickly learn that many, if not most, of those in Congress do not actually defend or support the Constitution. The problem is **not** with the Constitution-it's with the people **we choose** to represent us!

Some have maintained that the U. S. Constitution is not *democratic* enough.

Over time and often through the Amendment process, *inequalities* in the American system of government have been addressed especially in the areas of *slavery and citizenship* and *suffrage* (the Right to Vote). But to a utopian egalitarian, a guarantee by the Federal government to certain outcomes (*equity*, e.g. a right to old age security, housing, health care, education, an income, etc.) can be almost limitless. He rarely asks (and actually doesn't care to know): **who will pay the bills for these "rights?"** Who pays the \$36 trillion in debt?

Why oppose **Method #2**, the *Convention of the States*, as a way of amending the Constitution? There is danger that the meeting of the States' delegates will be transformed into a *radical Constitutional Convention* similar to what happened in 1787! Despite assurances in **S. J. R. 3** that subjects dealt with at the Convention of the States will be confined to a *Balanced Budget Amendment* and a *Term Limits Amendment*, be aware that the Constitution gives little actual guidance on how the Convention is to be operated, that there are 49 other States (*Red* and *Blue*) that will want their chosen subjects addressed, and like the scourge of 1500-page Federal Omnibus Bills, the gamesmanship of politics may find the **Electoral College** (important to rural State like Ohio) and the **Second Amendment** eliminated or greatly modified.

Ready to pounce, the Liberals have their *Constitution for the Newstates of America* and Conservatives have their *Conservative Constitution*. Don't give either side opportunity! Our children and grandchildren are depending on you!

Thank you for your time and attention. Please Vote NO on SJR3.