

## Testimony of J. A. (Tony) Krueger in support of SJR No. 4 – May 17, 2022

Senate General Government Budget Committee - Chairman Peterson, Vice Chairman Cirino, Ranking Member Craig, and members of the GGBC Committee. Thank you for allowing me to express my total support for SJR4. My name is Tony Krueger. After receiving my B.S. degree in Chemistry, I spent my entire career in Quality Assurance (chemist, engineer, auditor, manager) for cosmetic, drug and medical device companies.

SJR4 is unlike any other issue you are likely to face. It favors no group, does not impact state budgets, activities or concerns. It is a national non-partisan governmental activity, not a political one. It is simple to understand and straight forward to execute. However, it is the most important resolution you will ever pass. Unlike normal legislation, Constitutional Amendments are meant to last hundreds of years.

You have already heard testimony about the three topics to be discussed, and for which proposed amendments to the US Constitution will be created. It's obvious that the topics to be addressed are extremely important to the preservation of our Constitution. To do the "right thing at the wrong time" ...is wrong. We must act now, time is of the essence.

SJR4 employs both a "Product" and a "Process". You have heard the merits of the topics to be addressed – (Product). Here is justification for the use of the Process:

To borrow from Thomas Jefferson, "*I find these truths to be self-evident*":

- Article V of the Constitution stands alone, and is "equal" to the Constitution's six other articles.
- Article V uses the US Congress to perform duties unlike those specified in Article I. Thus, the Congressional powers in Article I are irrelevant to the Article V amendment process and have no influence over it. Congress does not set the rules for a Convention of the States.
- The responsibility and power to preserve, and change the Constitution, rests entirely with the States' Legislatures.
- Article V specifies two ways to propose amendments to the Constitution. 1st by Congress, or 2<sup>nd</sup> by the States' Legislatures (using their appointed delegates).
- Article V's critical step is Ratification, not Proposal. The ¾ requirement for amendment Ratification ensures only proposals accepted overwhelmingly by the people will become law..
- Both methods of proposing amendments are important.
  - Clause I specifies Congress will propose amendments. It is an expedient way to address needed change.
  - Clause II allows State Legislatures to define Issues requiring amendment proposals. They vet, appoint, and provide "commissions" directly to their delegates to a Convention of the States.
- Without Clause I, many of the changes which have been made to the Constitution would have been difficult, but possible using Clause II.
- Only Clause II of Article V is critical to the longevity of the Constitution. Without it, Congress could prevent needed changes, by simply failing to act.
- An Article V Convention of the States has never been used to propose amendments to the Constitution. The "intellectual diversity" and "patriotism" of the States' delegates will far exceed that of our present Congress.
- The right thing to do is "SJR4"...The right time is "Now". If State Legislatures fail to act, the Constitution will no longer exist 50-75 years from now.

*"A prize fighter can never win with one arm tied behind his back; likewise our Constitution cannot continue to survive without Article V clause 2" - jak*

BTW- The 130<sup>th</sup> Ohio General Assembly approved the exact same COS "Process" when it passed the Balanced Budget Amendment Resolution in 2013.

Thank you for your attention. Questions?