

SENATE JUDICIARY
EXHIBIT NO. 4
1/23/13
SSS

Testimony in Opposition to SJ-5
Before the Senate Judiciary Committee
January 23, 2013
by
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COPY

RE: SJ 5 (National Debt Relief Amendment); Montana's Application for a Federal Constitutional Convention under Article V; Sponsored by Senator Wittich

Chairman Murphy, members of the Committee, for the record my name is Ed Regan, I reside in Townsend Montana.

Today I stand before you in opposition to passage of SJ 5 (the National Debt Relief Amendment) and I urge the Committee to consider exactly what's at stake if this measure is passed.

An Article V Constitutional Convention (also known as a Con-Con) is a dangerous and untested process for amending our constitution. The Convention method will threaten the basic structure and underpinnings of our Republic.

If a National Debt Relief Amendment is truly what's needed; the process through which the existing 27 amendments have already been added or rescinded to our federal constitution is by far the **safer method** and the one that should be employed, **not the Convention Alternative.**

Proponents of a Con-Con argue that a Convention can be limited to a specific issue. Not true! Over the past two centuries many of America's most astute legal minds have been

warning us that Constitutional Conventions are sovereign bodies that control their own destiny.

Former Chief Justice Warren Burger stated: “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 a Convention would obey”.

In a 1/16/90 letter to Utah State Representative, Reese Hunter, Former US Federal Court Judge, Solicitor General and Supreme Court Nominee, **Robert Bork, stated:** “It is my view that a Federal Constitutional Convention could not be limited to a single issue. The original Philadelphia Convention went well beyond the purposes for which it was called and nobody has suggested the constitution is a nullity for that reason. Accordingly I do not see how a Convention could be limited to one topic once it has been called”. Judge Bork noted that our original constitutional convention was a **“runaway”** in a sense that the delegates exceeded their instructions from the Confederate Congress.

While our nation was blessed to have men the caliber and character of Washington, Madison and Franklin back in 1787, does anybody here today trust putting the fate of our constitution, **including the 2nd Amendment**, in the hands of today’s politicians and special interests??? **I HOPE NOT!**

Even **James Madison**, father of the constitution, warned in 1788 that a second convention 'would no doubt contain individuals with **insidious views** seeking to alter the very foundation and fabric of the constitution'. (Letter to G.I. Tuberville 11/2/1788)

Since 1988 seventeen state legislatures, including **Montana** had become so thoroughly convinced of the dangers posed by an Article V Convention that they passed **Resolutions to rescind all previous applications for conventions still on their books.**

Although NDRA might ease the United States deficit problems, I doubt that Congress will actually cut spending. Instead the congress will most likely raise taxes, use off budget spending or simply ignore the law. Enactment of NDRA by way of a constitutional convention will subject our republican form of government to an unnecessary risk.

I urge the Judiciary Committee to vote against the Convention Process, and instead of changing our nation's constitution let's ask Congress to start enforcing it. Thank you for your consideration.

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