JUDICIARY
Exhibit No. 9
Date 2/3/15
Bill No. SJ 7

TESTIMONY BEFORE SENATE JUDICIARY COMMITTEE, SJ 7

Good Morning Senator Sales and members of the committee

My Name is Daniel Keder from Great Falls, MT. I am a retired Air Force Officer and currently employed as a cab driver.

I am here today to testify in opposition to Senate Joint Resolution 7.

I oppose this bill because I believe Congress will take an active "guardianship" rather than a passive "clerk" role in convening a convention to consider amendments to the Constitution in response to petitions from two thirds of the states. I believe this will be most problematic when Congress apportions delegates to a convention. Two reasons for this.

The first is the argument most proponents of an Article V convention make when describing the problem. For most of these groups, Congress is perceived as having "...overreached its constitutionally established boundaries..."[1] Is it logical to assume an overreaching, usurping Congress will simply facilitate rather than try and control a convention to propose amendments to its' operating charter? I think not.

Secondly, the historical traditions and legislative precedents cited by Thomas H. Neale in Congressional Research Service Report 42589, "The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress," Indicates otherwise. In that report, Neale states, "...Congress has traditionally laid claim to broad responsibilities in connection with a convention, including... determining the number and selection process for its delegates..."[2]

I believe the apportionment of delegates to an amendments convention will subvert the intent of the bill being considered by this committee. Congress will most likely apportion delegates to an amendments convention using the formula provided for the Electoral College.[3] This means the number of delegates from populous states such as California, New York and Ohio will outnumber the delegates from less populous states such as Montana and dominate any convention. This is a problem because I contend a majority of the electorate in the most populous states currently do not support Constitutional limits. In evidence, I ask the members of the committee to look at the Congressional representatives and Senators elected and re-elected by the voters of the most populous states. Look at the voting records of these representatives and senators with respect to adherence to the Constitution.

---

[1] "The Problem" at http:www.conventionofthestates.com, accessed 2 Feb 15

[2] Thomas H. Neale, "The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress, Congressional Research Service Report 42589, 7 March 2014, pages 4 and 33.

[3] Ibid., p 35

Look at legislation passed at the state level in California and New York with respect to regulation of their citizens' lives and basic liberties such as the right to keep and bear arms. Even if votes at a convention are tallied by state, the delegates will determine the states vote.[4]

At best, such a convention is likely to produce an amendment or amendments that will legitimize existing federal usurpations of power. At worst, they will open up avenues for new ones.

Thank you for your time and consideration.

Daniel Keder

DANIEL KEDER

[4] Ibid. pages 38 and 39