

2/10/2016

Testimony on behalf of Independent Party of Oregon - HJM 201

Chair Williamson and members of the Committee,

My name is Sal Peralta. I am writing to testify on behalf of the Independent Party of Oregon in support of HJM 201.

Legislative action is warranted in this case because citizens who have attempted to address this issue in Oregon via petition have been denied that opportunity based on a questionable legal theory regarding limitations on the use of the Initiative and Referendum. Those citizens should not also be denied legislative relief based on similarly questionable legal theories.

We have reviewed the legal arguments regarding the application of single subject to a Constitutional Convention and are persuaded by the weight of evidence and analysis showing that a single subject can be applied to a Constitutional Convention.

Such conventions for the purpose of developing state and local governments were common during the founding era, and the historical record is highly illuminating with regard to framer intent. We direct the Committee's attention the extensive historical and legal analysis by Robert Natelson in the Florida Law Review¹, which concludes:

Founding-Era practice informs us that Article V applications and calls may ask for either a plenipotentiary convention or one limited to pre-defined subjects. Most American multi-government gatherings had been limited to one or more subjects, and the ratification-era record shows affirmatively that the Founders expected that most conventions for proposing amendments would be similarly limited.⁴⁴⁷ Founding-Era practice informs us also that commissioners at an amendments convention were to operate under agency law and remain within the limits of their commissions.⁴⁴⁸ Neither the record of Founding Era conventions nor the ratification debates offer significant support for the modern claim⁴⁴⁹ that a convention cannot be limited.

We deeply appreciate the efforts of the groups and individuals working on this issue.

Respectfully,

Sal Peralta
Secretary, Independent Party of Oregon

¹ FOUNDING-ERA CONVENTIONS AND THE MEANING OF THE CONSTITUTION'S "CONVENTION FOR PROPOSING AMENDMENTS" FLORIDA LAW REVIEW, MAY 2013
<http://constitution.i2i.org/files/2013/09/Conventions-FLR.pdf>