

Opponent Written Testimony on HCR 5005
House Federal and State Affairs Committee Meeting, Monday, February 13, 2017
Blake Branson, representing only myself, Bel Aire, KS 67220

To the Honorable Chairman and Representatives of the House Federal and State Affairs Committee:

Kansas has one of the most conservative state legislatures in the nation.

This may seem obvious or unrelated, but it is an extremely important point.

This means is that nearly every other delegation at a proposed convention would be less conservative, less liberty minded, and less principled than ours.

Supporting an Article V convention means trusting dozens of state legislatures, many of which hold very different ideas when it comes to the role of government than Kansas, with our most important governing document.

This does not sound like a winning proposal.

Some proponents will argue that the convention can be controlled and that it will be a “limited” convention specific to a given issue or issues.

But Article V itself uses the word “amendments”. The word is plural.

Once convened, delegates have full authority, with enough votes, to change the rules, ignore the rules, and essentially do what they want. This is not uncommon or unusual procedure for conventions or other parliamentary settings.

That is, after all, why they are there – to change the rules. Should we just expect that this common procedure not be used at this convention?

And let’s not forget about the shenanigans at the both the Republican and Democrat National Conventions in 2012 where rules were not just suspending or changed, but broken to push through an agenda.

Additionally, the resolution may use the word limited, but this is not as clear cut as it seems.

The resolution states that one of the subjects of the convention is to “limit the power and jurisdiction of the federal government”.

This opens up the entire Constitution for an unlimited number of changes so long as those changes “limit” the federal government. But the word limit in this case does not necessarily mean that changes would only further restrict government power.

To limit something is to set its boundary. An amendment could very well “limit” the federal government’s power while still growing the power of the federal government when compared to current limits.

Proponents will also argue that any amendments must be ratified by the states and that this is a strong enough buffer to protect our Constitution.

This sounds like a fair argument, but there is a big problem with it too.

Can you imagine what policy in this country would look like without the twelve (12) states who most agree with your political ideology? Now imagine what that political climate in our country would look like without those twelve (12) states and how they might change our Constitution.

You see, twelve (12) of the most conservative and liberty minded states can be left entirely out of the equation and still ratify an amendment that weakens the Constitution.

Kansas would be one of the states that gets left out.

Another defense would say something like “there’s no way an amendment to get rid of the 2nd Amendment would get through”.

That’s probably true, but also misleading.

A dangerous amendment will likely not be a proposed amendment that is obvious in trying to upend the Constitution or remove one of the Bill of Rights.

A truly dangerous amendment will be one that looks like a beautiful compromise.

It will be an amendment that can pass ratification while leaving Kansas out of the equation.

How many states would vote to include federal government control over education in the Constitution?

How many states restrict gun rights, even a little bit, that might allow for the Constitution to reflect those restrictions?

Pick an issue where you trust states with opposing understandings of economics, civil liberties, and role of government to change the Constitution. Would you trust them?

Please think long and hard before trusting our Constitution to such dangerous conditions and instead look towards the 10th Amendment for solutions to federal overreach.

Thank you for your consideration. I strongly urge that you reject any proposal calling for an Article V Convention.

Respectfully,

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