

Wednesday, March 13th, 2019
Blake Branson, on my own behalf and not representing any group
Opposing HCR 5009, written testimony only
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To: Chairman Barker and members of the House Federal and State Affairs Committee

Kansas is one of the most conservative states in the nation. This is an extremely important point to understand and to consider when discussing the potential for an Article V Convention. This means nearly every other state delegation at a proposed convention would hold a different world view as they approach the idea of changing our Constitution.

Should Kansans be excited about a convention run nearly entirely by states actively practicing governing ideas that Kansans oppose?

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 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 oversee and change the rules. Should we just expect that this common procedure not be used at this convention?

Another problem, and perhaps the most disturbing, is the poorly written language of the resolution.

The Kansas resolution states that the topics or issues of the convention include to "*impose fiscal restraints*" and "*limit the power and jurisdiction of the federal government*". One of the most foundational and adamant points that proponents make is that the convention can be restricted to specific issues, but even if true this resolution most certainly does not accomplish this goal.

So long as a "fiscal restraint" or "limit" of power is included in a proposed amendment, every part of the Constitution and every issue is on the table. More than that, such an amendment could actually expand the power of the federal government when compared to current limits and still be allowed under this resolution!

At the very least we should ensure that we are very careful with our words when altering our Constitution is the goal. This is a flaw too big and too important to ignore.

Another fundamental argument from proponents is that any amendments will have to be ratified by the states and that this is a strong enough buffer to protect our Constitution. While this sounds fair, there is a big problem.

Imagine for a moment what policy in this country would look like if the twelve (12) states that most align with your political ideology disappeared. Now imagine what the country would look like if the Constitution were altered to reflect that policy. Is that a Constitution you are prepared to make possible?

You see, twelve (12) states can be left entirely out of the equation, and an amendment that changes the Constitution can still be ratified.

In today's political climate, Kansas would surely be one of the states that gets left out.

Additionally worth considering: bad amendments won't be obvious.

The amendments proposed that will be most dangerous to the foundation of our Constitution won't be the obvious ones. It might be an amendment that simply contains loose language that ends up doing something other than intended, as is the case with this resolution.

Or it might be an amendment that would change the rights protected by our Constitution.

Of course, a dangerous amendment will not specifically spell out trying to upend the Constitution or removing 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 subject themselves to federal government mandates on issues where the federal government has no authority to involve itself? Might those states allow for what is already current policy to be reflected in the Constitution?

How many states restrict gun rights, even just a little bit, that might allow for the Constitution to reflect those restrictions? Constitutional Carry states are growing, but focus is simply shifting to other ways to restrict our gun rights, like red flag gun confiscation, wait periods, and gun free zones. Even Kansas took a step back just last year by expanding gun free zones in the state.

I believe that if you consider it carefully you will find that there are at least a few issues that you care about passionately where trusting other states to change the Constitution would be a nightmare.

I encourage you to think long and hard before trusting our Constitution to such dangerous conditions.

I encourage you instead to partner with grassroots activists by being faithful to your oaths and to hold your colleagues and other elected officials accountable for their actions and to the Constitution.

I strongly urge you to oppose HCR 5009. Thank you for your consideration.