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HCR 5005, Hearing in the House Federal and State Affairs Committee
Blake Branson, representing myself only
Opposing HCR 5005, written testimony only
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To: Honorable Chairman and members of the House Federal and State Affairs Committee:

Term limits sound great as an issue to dangle in front of an angry grassroots as a solution to all their problems. But will it solve the problem?

HCR 5005 states its view of the problem as a “dependency on powerful special interests, through spending by third-party groups, campaigns or out-of-state donors, which have created a fundamental imbalance in our representative democracy and eroded the people's trust in government.”

The resolution goes on to state that Americans agree that elections should be “free from the disproportional influence of special interests and fair enough that any citizen can be elected into office.”

I feel it necessary to point out that term limits do not solve the stated problem. It could even make the problem worse.

Entrenched politicians build large and powerful organizations. Of that, there is no doubt. Special interests also do the same, implanting themselves in the organizations of politicians or throwing inordinate amounts of money into districts they wish to influence.

But will those organizations built by the politicians and the special interest groups cease to exist simply because term limits are implemented?

If we were to term limit Nancy Pelosi or Mitch McConnell right now, are we expected to believe they wouldn't have multiple hand-sculpted political clones to replace themselves?

Would the establishment suddenly stop using the organizations they've built to orchestrate their desired outcomes?

Will term limits suddenly empower average citizens with the knowledge, resources, skill, and experience to out-organize the establishment machine?

Term limits would, however, boot the few good politicians that the grassroots have worked their tails off to get elected. Term limits would have a much more significant impact on the more grassroots organizations, whose leaders can't yet replace themselves as easily.

Right now, grassroots elected officials have finally begun to wrestle some power away from the establishment in the House of Representatives, securing rules that level the playing field and ensure a more democratic legislative process.

Do we want to hamstring grassroots politicians every time they start to gain steam?

Put simply, if the grassroots don't have the organizational chops to oust a controversial, entrenched politician now, do they have the organizational chops to oust the hand-sculpted clone running in their place?

The establishment can churn out clone after clone with the same money, organization, and power as is used to maintain the entrenched politician.

The only change after term limits is that there would be no incumbent voting record or heat from constituents to help fuel a grassroots challenger.

Term limits will only further entrench the establishment machine and kick out the few good guys fighting for our rights.

There is no easy fix. It takes hard work to rival the organizational skills the establishment has built for decades. But in the end, it's the only real way to solve the problem.

Another problem with an Article V convention comes in the claim that such a convention can be controlled and limited to one subject.

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 an 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 standard procedure not be used at *this* convention?

In all likelihood, the topic of whether or not a convention can be limited will be decided in court. Federal court.

Groups like the liberal Wolf-PAC will see a great opportunity. They, too, want an Article V convention, but they want to see another amendment be among the topics at that convention. They want an amendment to overturn Citizens United and change campaign finance laws.

Every issue group under the sun will want their issue to be heard at a constitutional convention. Lawsuits will abound.

And there are already rulings that suggest that the federal courts would give an opinion that favors an open convention, not a limited one.

Those arguments mainly stem from the idea that such a convention gets its authority from the United States Constitution, that Congress will officially be who calls the convention, or that delegates derive their power from the US Constitution.

Federal courts will likely conclude that an Article V convention and its processes cannot be constrained by the states, but only by the limits that delegates may place upon themselves.

The resolution states that “The State of Kansas intends to retain the ability to enforce the responsibility and conduct of its delegation within the limits herein expressed,” but enforcing a penalty on a delegate would happen after a delegate would make their vote at such a convention.

At best, this would be another issue decided by federal courts.

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 very well might be one of the states that gets left out.

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 current policy to be cemented in the Constitution?

How many states restrict gun rights, even just a little bit, that might allow the Constitution to reflect those restrictions? While the number of Constitutional Carry states is growing, the focus is simply shifting to other ways to restrict our gun rights, like red flag gun confiscation, wait periods, ammunition and magazine restrictions, and gun-free zones.

And the most prominent example is what we have witnessed over the last several years. All but one state imposed devastating lockdowns, while few state legislatures fought back with more than a whimper. Will these states allow for new emergency powers that violate our rights to be enshrined in our Constitution?

Do you trust these states with our Constitution? 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.

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

I strongly urge you to oppose HCR 5005. Thank you for your consideration.