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SUBJECT: House Concurrent Resolution 5010, making application to Congress to call a  
Convention

Good morning Mr. Chair and members of the Committee.

My name is Paul Degener; I am a resident of rural Shawnee County and appear before this committee as a concerned citizen. I am here today in opposition to House Concurrent Resolution (HCR) 5010.

I agree that the federal government has for at least the past 100 years exceeded their well-defined limited powers as enumerated in Article I, Section 8 of the United States Constitution. However, I feel that a convention in this day and age to amend the Constitution is far too dangerous.

Proponents of a convention to amend the Constitution tell us there is no historical evidence to support the notion of a runaway convention, so I would like to take us back in time to about 1783 when the Continental Congress directed the states to appoint delegates to a convention to be held in Philadelphia for the sole and express purpose of revising the Articles of Confederation. (See Enclosure 1)

Once the delegates convened for that convention there were no controls over their actions. We were lucky that time; we had the right people at the right place at the right time. As a result of the convention of 1787, our Founding Fathers gave us the greatest document ever written by man to control a government. We will not be so lucky if there is a second convention. This is the historical evidence of a runaway convention.

Once two thirds of the states make application to Congress for a Convention, you have thrown the ball into Congress's court. Proponents of a convention seem to think that the states are locked in to provide the delegates and that the states will determine which amendments will be considered and how the convention will be conducted, Article V does not say that.

Article V provides us with two means of amending the Constitution, and two means to ratify the Constitution. Other than that I would suggest that we look at what Article V does not tell us.

Article V does not stipulate the following:

- Who will determine where the delegates will come from?
  - The Congress?
  - The States?
  - As happened in 1787, the Continental Congress determined that the delegates would come from the states.
  - It appears to me that the Congress will make that determination.
- Where will the delegates come from?
  - The States?
  - Congress?
  - Industry?
  - The IRS?
  - Homeland Security?
- What will the qualifications of the candidates be?
- How many delegates will there be?
- Where will the convention be held?
- How will the convention be conducted?
- There are no limitations stipulated in Article V to answer the above questions.

Once Congress has the ball in their court they will run with it, they will decide where the delegates will come from. In my view, proponents of an Article V Convention are putting too much trust in the Congress.

I have read the ALEC Handbook for State Legislators and fail to see where they are able to glean all of that information out of Article V. I have as much faith in our socialistic professors as I do those who proclaimed global warming.

I have one last point to make. Lurking in the shadows is a document titled “The Proposed Constitution for the Newstates of America. This document was prepared by the Center for the Study of Democratic Institutions and funded by the Ford Foundation.

NOTE: Not the United States but the New States of America.  
Some of the highlights of this Document:

- It creates a police state.
- The president will serve a nine year term.
- It would allow political antagonists to be removed from society and treated by psychiatric drugs or experimentation or given lobotomies.
- Property cannot be taken without compensation.
  - The key word left out of this document is “just” compensation.

- Declared emergencies are referenced several times but never defined.
- Communications among officials necessary to decision making shall be privileged.
- The practice of religion shall be privileged.
- Each person shall participate in the processes of democracy.
- The bearing of arms or the possession of lethal weapons shall be confined to the police, members of the armed forces, and those licensed under law.
- Each state will be no less than 5 percent of the whole population.
  - In our little corner of world here in the heartland based on population, one state would take in Kansas, Nebraska, Colorado, Oklahoma and Missouri.
  - I guess we could take the five state abbreviations and rename our new state “NEKS-CO-MOOK”.
- This is just a small example of the provisions of this document.

Do we really want to take a chance on having this document replace what is left of our current Constitution? I don't want to take that chance.

It has taken over a hundred years for the Communists to infiltrate our government and work on destroying this country a little bit at a time. Our federal government has implemented at least five of the ten planks of the Communist Manifesto with the help of the state legislatures of this country. Do not give them the opportunity of finishing the job by calling for a convention. Think nullification to right the wrongs of the federal government.

I request that you kill this bill in committee.