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Chairman Ralph Ostmeyer
Senate Federal and State Affairs Committee
Kansas Legislature
Topeka, KS

March 12, 2015

Chairman Ostmeyer,

Thinking about calling for an Article 5 Convention of the States is serious business. It should not be taken lightly.

Does anyone doubt that the Federal Government is out of control? The Federal debt is going up by more than a trillion dollars a year. That does not include the "off the books" debt like social security, nor does it include the derivative debt that is on the books of the central banks.

This country is looking at an economic storm. We must do something to change the course.

A Constitutional Convention would allow the states to change the course.

By far, most people understand that this country has a problem of spending far more than we bring in. They understand that living on borrowed money will eventually require a comeuppance.

Perhaps the biggest complaint against an Article 5 Convention of the States is the threat of a run-away convention.

First and foremost, Article 5 indicates that a convention is limited in a couple of very important ways.

Article 5

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

By a simple reading of Article 5, one can see that the founders anticipated 2 methods of amending the Constitution. One was for Congress to propose amendments, the second was for the states themselves to make application for Congress to call a Constitutional Convention.

Article 5 itself spells out that certain things are off limits in any convention. State legislatures may limit the authority of a convention as shown by historical practice, in as much as the founders themselves held many limited conventions.

However, the single biggest reason against a run-away convention is the fact that no matter what happens at a Constitutional Convention, the states themselves still have to ratify anything that comes out of the convention.

A convention is not an all-powerful entity that is capable of scrapping our Constitution. On the contrary, it is a limited-purpose committee that has the purpose of proposing amendments that Congress can't or won't do.

In addition, state legislatures can impose binding restraints on the members of the convention that are selected to represent them.

A call for a Constitutional Convention is serious and should not be taken lightly. However, doing nothing to rein in the Federal Government is not an option. The risk of a run-away Constitutional Convention is far less than the problems that come with the out of control spending by the Federal Government. The problem is likely to only get worse.

Mr. Chairman, I urge you to pass out favorably SCR1603.

Sincerely,

Steve Abrams