

Approved May 5, 1991  
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at  
Chairperson

5:00 ~~a.m.~~/p.m. on Wednesday, March 27, 1991 in room 527-S of the Capitol.

All members were present except:  
Representative ARthur Douville - Excused

Committee staff present:  
Mary Galligan - Kansas Legislative Research Department  
Lynne Holt - Kansas Legislative Research Department  
Mary Torrence - Office of the Revisor  
Connie Craig - Secretary to the Committee

Conferees appearing before the committee:

HCR 5010 - PROPONENTS

Representative Betty Jo Charlton, 46th District, Kansas  
Representative Marvin Smith, 50th District, Kansas  
Darrell Bencken, State Adjutant-Quartermaster, Kansas VFW  
Timothy T. Benton, Chairman, State Steering Committee, Kansas Informed Voters Alliance  
Walter Myers, National Co-Chairman, Informed Voters Alliance

HCR 5010 - OPPONENT

David M. Stanley, President, National Taxpayers Union

Chair Sebelius called the meeting to order, and announced that hearings for HCR 5010 would begin. She introduced Representative Betty Jo Charlton as the first conferee.

Representative Charlton thanked Chair Sebelius for hearing this resolution, and that she and Representative Smith have been trying to get a hearing for the past three years. She read from her written testimony, Attachment #1, to explain HCR 5010, and she included a copy of the 1978 SCR 1661 with her testimony.

Representative Smith thanked the Committee for having a hearing on HCR 5010, and added that he felt that this was something that we should do as a State Legislature. In fact, he added, that he felt more strongly about it now as he has watched Congress with the Gramm-Rudmond Legislation. He said at the time that Congress passed Gramm-Rudmond, it would be another crunch for Congress. He stated that the main reason that he is a sponsor of this legislation is that he is vitally concerned about opening up the Constitution. He explained that he did not want to take a chance of what might happen to the important things that are in our Constitution that could be lost. We don't need a constitutional amendment for a balanced budget. He stated that Presidents and Governors come and go, but it is the Congress, and it is the Legislature that determines the tax and the spend. That all it boils down to is a balanced budget. Whenever Congress gets the guts and the backbone to end this deficit spending, it will end, pure and simple. He also stated that he wanted to let the rest of the time be left for the other conferees that came here today, and have waited patiently before one o'clock.

Darrell Bencken appeared before the Committee to testify as a proponent of HCR 5010, and read from his written testimony on the issue, Attachment #2, which included a copy of the VFW's resolution to ask the Legislature to rescind and expunge Kansas SCR 1661.

Tim Benton read from his written testimony, Attachment #3, asking the Committee to support HCR 5010.

Walter Myers, a proponent of HCR 5010, read from his testimony in support of the legislation, Attachment #4. He pointed out that there are already constitutional and legislative requirements, which if complied with would provide for a balanced budget.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,  
room 527-S, Statehouse, at 5:00 ~~xxx~~/p.m. on Wednesday, March 27, 1991

Attachment #5 is written testimony from Jane Hammer explaining her feelings that a call for a Constitutional Convention is not a good idea.

Committee Discussion:

1. In response to a question from a Committee member, Mr. Myers stated that the Constitution provides for two means of ratification, and one is to send it back to the states, and the other is that they can set up their own appointed means of ratification. But it is possible that it may never come back to the State Legislature for ratification of whatever came out of a constitutional convention.
2. Mr. Myers explained that Senator Kassebaum is the co-chair of the Committee on the Constitutional System, which has recommended doing away with the separation of powers in government, and basically going to a parliamentary system. Mr. Myers also submitted a letter to the Chair and Committee members of the House Federal and State Affairs Committee, Attachment #6, and a letter from Senator Kassabaum, Attachment #7.

David M. Stanley came before the Committee in opposition of HCR 5010. He read from his written testimony reasons that the Committee should not pass the resolution, and should allow a constitutional convention, Attachment #8. In response to a question from a Committee member, Mr. Stanley explained that most of the citizens elected to be delegates to a constitutional convention definitely have special interests, and that is absolutely right to point that out because that is the nature of a democracy, but if I were running as a candidate to be elected as a convention delegate, I think I would get elected a lot easier, if I just say the states called this only to propose a balanced budget amendment. Even if they don't require an oath, which they could, I feel honor bound to respect the decision of the state legislatures and the Congress for calling the Convention for that one purpose. Maybe there are other decisions that I would like to consider, but my duty requires me to limit myself to that one.

Committee Discussion:

1. One Committee member stated that, even though, some elected officials do feel honor bound to vote the way they said they would, quite often people don't keep their promises.
2. In response to the previous statement by one Committee member, Mr. Stanley reminded the Committee that neither did the President or the Congress keep their promise to balance the budget. He added that we are talking about citizens for whom this convention will probably be their one involvement in their life. He felt that most citizens would take this quite seriously, and that, very frankly, we do trust the American people and the state legislatures. But we think the people and the legislatures will be right most of the time.
3. One Committee member commented that he had a question about the gravity of the federal deficit in terms of does it really justify calling a constitutional convention. He mentioned that The Heritage Foundation stated that the Federal Budget could be balanced if federal spending was reduced by 4% per year, we could be balanced by 1995.
4. In response to the previous statement, Mr. Stanley replied that the federal debt is now 5 times higher than what it was in 1978. Each citizen is now in debt \$13,000, or \$52,000 for a family of four. A baby born today will pay in a normal lifetime its share of \$120,000 in extra taxes just to pay the interest on the national debt we have right now. Some of the proponents testified that balancing the budget could be done by passing a law. In 1979, my United States Senator was a cosponsor of that law. Then early in 1981 Congress amended the law. It had said, "There shall be a balanced federal budget every year beginning in 1981." The Congress amended it to a statement of intent. Gramm-Rudmond-Hollings originally would have ended the deficit this year, but Congress kept extending, postponing and loopholing, and then last October Congress quietly repealed Gramm-Rudmond-Hollings. This is the point: a statute cannot balance the budget!

Chair Sebelius adjourned the meeting.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 3-27-91

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
DAVID M. STANLEY	2670 Park Ave. Muscatine, IOWA 52761	National Taxpayers Union
Loretta Shelley	1801 Meadow Ln Topeka	Dept of Human Resources
Walter L Myers	RT 2 Louisic Baldwin	Informed Veterans ALLIANCE
John Davis	Rt 1 Box 126 B Jeannette, KS	" "
Jane Hammer	110 W 6th Emporia Kansas	Emporia War
Mrs. Thomas Eddy	Rt. 1 Box 192 Emporia, KS 66801	Informed Veterans Alliance
Fern Fankhauser	1005 Constitution Emporia, KS 66801	Informed Veterans Alliance
Jenneth Cannon	P.O. Box 2015 Emporia, Mo. 66801	INFORMED VOTERS ALLIANCE
Loren Tischhauser	R. 1, Box 40, Carlton, Ks. 67429	
George Tischhauser	R. 1, Box 40, Carlton, Ks. 67429	
Dale O. Taylor	1000 N MULBERRY	Abilene, Kansas
Dorothy Taylor	1000 N Mulberry	Abilene, Kansas
Ray Willie	1419 Hale Dr Junction City, Ks. 66441	VFW 8773
RAYMOND A. WELLS	1302 W 18th St Junction City, Ks 66441-1810	VFW 8723
Cliff Bunker	62004 SW 76th St Topeka Ks. 66614	UFW
Tim Benton	Rt 2	Garnett KS 66032 IFA

BETTY JO CHARLTON  
 REPRESENTATIVE, FORTY-SIXTH DISTRICT  
 DOUGLAS COUNTY  
 1624 INDIANA STREET  
 LAWRENCE, KANSAS 66044  
 913-843-5024  
 ROOM 272-W  
 STATE CAPITOL BUILDING  
 TOPEKA, KANSAS 66612



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 VICE-CHAIR: ENERGY AND NATURAL RESOURCES  
 MEMBER: FEDERAL AND STATE AFFAIRS  
 LEGISLATIVE, JUDICIAL AND  
 CONGRESSIONAL APPORTIONMENT  
 TAXATION

March 27, 1991

MADAME CHAIR AND MEMBERS OF THE COMMITTEE:

Thank you for scheduling this hearing on HCR 5010. I will explain the resolution.

In 1978, in response to a popular notion that a constitutional amendment requiring a balanced federal budget would bring government spending under control, the Kansas Legislature passed a resolution requesting Congress to call a constitutional convention for "the sole and exclusive purpose" of proposing an amendment to the Constitution of the United States which would require that "in the absence of a national emergency" appropriations should not exceed estimated federal revenues. HCR 5010 would rescind the 1978 resolution.

First, I would remind the committee members that many of the same people who strongly supported a balanced budget amendment have since, in positions of power in the Congress and in the White House, raised the federal debt from billions to trillions in a decade. The idea was simply a campaign gimmick. I have never been able to understand state legislatures or the U. S. Congress passing laws or proposing constitutional amendments requiring the legislative bodies to do things they already have the power to do.

Second, the "sole and exclusive purpose" language in the 1978 resolution is meaningless. Once a convention is called, anything can be done to the constitution. The Philadelphia Convention of 1787 was called to amend the Articles of Confederation. The original document was totally discarded and a new constitution was written. We are not sorry it happened but we do not want it to happen again.

Finally, the exception of a "national emergency" is not defined in the 1978 resolution. The President and the Congress now have broad powers to declare emergencies. The President especially has these vague powers under precedents and acts of Congress. I have strong reservations about writing into the Constitution such power in the hands of one person.

When the time comes for committee discussion on HCR 5010 I will have an amendment in two parts:

- 1) At lines 27 and 29, substitute "a majority" for "two-thirds" of the members, and
- 2) Strike all words following "hereby" at lines 31 and 32, and substitute the single word "rescind."

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(over) Attachment #1 - Page 1

For the first part of the amendment, extraordinary majorities are required to change the constitution but are not required for rescission of a resolution. For the second part, the single word is sufficient.

Madame Chair, in the interest of saving time I would suggest the committee hear the other proponents before questions. I would stand for questions along with the other conferees if that is your decision.

Betty Jo Charlton

BJC:dr

the Kansas legislature, as here and before modified shall become effective as modified on May 1, 1978.

*Be it further resolved:* That the secretary of state be directed to transmit an enrolled copy of this resolution to the Kansas Commission on Civil Rights.

Adopted by the House April 26, 1978.

Adopted by the Senate April 25, 1978.

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#### CHAPTER 475

##### Senate Concurrent Resolution No. 1661

A CONCURRENT RESOLUTION requesting and applying to the Congress of the United States to propose, or to call a convention for the purpose of proposing, an amendment to the Constitution of the United States which would require that, in the absence of a statutorily defined national emergency, total federal appropriations shall not exceed total estimated federal revenues in a fiscal year.

WHEREAS, Annually the United States moves more deeply in debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, Annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

WHEREAS, Proper planning, fiscal prudence and plain good sense require that the federal budget be in balance absent national emergency; and

WHEREAS, A continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

WHEREAS, Under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary or, on the application of the legislatures of two-thirds of the states, the Congress shall call a constitutional convention for the purpose of proposing amendments: Now, therefore,

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein:* That the Congress of the United States is hereby requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within five years after its ratification by the various states, in the

absence of a national emergency, the total of all appropriations made by the Congress for a fiscal year shall not exceed the total of all estimated federal revenues for such fiscal year; and

*Be it further resolved:* That, alternatively, the Legislature of the State of Kansas hereby makes application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by the Congress for a fiscal year shall not exceed the total of all estimated federal revenues for such fiscal year. If the Congress shall propose such an amendment to the Constitution, this application shall no longer be of any force or effect; and

*Be it further resolved:* That the legislature of each of the other states in the Union is hereby urged to request and apply to the Congress to propose, or to call a convention for the sole and exclusive purpose of proposing, such an amendment to the Constitution; and

*Be it further resolved:* That the Secretary of State be directed to transmit copies of this resolution to the Clerk of the United States House of Representatives, the Secretary of the United States Senate, each member of the Kansas delegation in the United States Congress and the secretary of state and presiding officers of each house of the legislature of each state.

Adopted by the Senate March 7, 1978.

Adopted by the House April 26, 1978.

TESTIMONY BY DARRELL BENCKEN  
STATE ADJUTANT-QUARtermaster  
KANSAS VETERANS OF FOREIGN WARS

Madame Chairmen and members of the committee, I am Darrell Bencken, State Adjutant-Quartermaster of the Kansas Veterans of Foreign Wars, I appreciate the opportunity to testify before you and offer the views of my organization. An organization that by their personal sacrifice displayed their feelings for their country, the founding fathers and what they stood for, and for the Constitution and Bill of Rights on which the country was founded and has prospered under for well over 200 years.

You have a copy of our State Resolution stating why we oppose a Constitutional Convention.

I will read those parts of the resolution showing our concern.

In reading material from those who are in favor of a Constitutional Convention that says states like Kansas has overwhelming majorities of voters that support a Constitutional Convention. My answer to that has to be that 75,000 VFW & Auxiliary members from Kansas do not support it. The nearly 3 million members of the National VFW and Ladies Auxiliary do not support it, as the National organization also has a resolution against it.

In talking to people throughout the state (and nation), I found very few people that even knew what a Constitutional Convention was, or that Kansas had called for one, and after explaining what a Constitutional Convention was, as defined in the Constitution of the United States, to a person stated that they were against Kansas calling for one.

On the attached sheet you have the views of several distinguished university professors of law and even retired Chief Justice Warren Burger stating that you can not have a limited Constitutional Convention.

With all of this testimony in mind, I pray that you will vote in favor of House Concurrent Resolution 5010.



Resolution No.72

PROPOSAL TO RESCIND AND EXPUNGE KANSAS SENATE CONCURRENT RESOLUTION  
NO. 1661

WHEREAS, KANSAS SENATE CONCURRENT RESOLUTION NO. 1661, passed by the Kansas Legislature in 1978, requested and applied to the Congress of the United States to propose, or to call a convention for the purpose of proposing, an emendment of the Constitution of the United States which would require that, in the absence of a statutorily defined national emergency, total federal appropriations shall not exceed total estimated federal revenues in a fiscal year.

WHEREAS, PUBLIC LAW 95-435, (92 STAT 1053), which was approved by the United States Congress on October 10, 1978, provides, "Beginning with fiscal year 1981, the total budget outlays of 31 USC 27, the Federal Government shall not exceed it's receipts".

WHEREAS, we, the members of the Veterans of Foreign Wars of the Department of Kansas, feel that the convening of a U.S. Constitutional Convention is extremely dangerous and could be harmful to the very foundations of our United States Constitution, and

WHEREAS, we, the members of the Veterans of Foreign Wars of the Department of Kansas, feel that a better method of amending our U.S. Constitution is by submitting proposed amendments to the individual States for ratification, as currently provided by our Constitution, rather than convening a Constitutional Convention, and

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Resolution No. 72.- Page 2- Continued

WHEREAS, the passage of PUBLIC LAW 95-435, by the United States Congress accomplished the identical task that Kansas Concurrent Resolution No. 1661 proposed, and therefore

BE IT RESOLVED that the DEPARTMENT OF KANSAS VETERANS OF FOREIGN WARS, request the 1991 Kansas Legislature to rescind and expunge KANSAS SENATE CONCURRENT RESOLUTION NO. 1661 which was approved by the 1978 Kansas Legislature, on the basis that it presents a possible danger to the very foundation of our U.S. CONSTITUTION as written by our forefathers over 200 years ago, and is no longer required or appropriate for the purpose for which it was resolved, and

BE IT FURTHER RESOLVED that the DEPARTMENT OF KANSAS VETERANS OF FOREIGN WARS oppose any future efforts to advocate or propose a U.S. CONSTITUTIONAL CONVENTION.

Submitted by Department Adjutant Quartermaster Darrell Bencken and Department Judge Advocate Lynn Hall

Committee Assigned LEGISLATIVE

Committee Action Adopted

Convention Action Adopted

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Attachment #2 - Page 3



"In my view the plurality of 'amendments' opens the door to Constitutional change far beyond merely requiring a balanced federal budget."

**Christopher Brown**  
Professor of Law  
University of Maryland



"My own belief is that a constitutional convention cannot be confined to a particular subject...."

**Charles Alan Wright**  
Professor of Law  
University of Texas



"My understanding of the federal convention is that it is a general convention; that neither the congress nor the states may limit the amendments to be considered and proposed by the convention."

**Neil H. Cogan**  
Professor of Law  
Southern Methodist University



"The discretion with which Congress may discharge this duty is pregnant with danger even under the most salutary conditions."

**Lawrence G. Tribe**  
Professor of Constitutional Law  
Harvard University



"A Convention might propose a single amendment but it would clearly have a wider range."

**Jefferson B. Fordham**  
Professor of Law  
University of Utah



"An Article V convention must be entirely general, and a state application asking for something other than that is void."

**Charles L. Black**  
Sterling Professor Emeritus of Law  
Yale University



"It is doubtful that Congress has the power to limit the convention to the proposal of amendments only on a single subject."

**Charles E. Rice**  
Professor of Law  
Notre Dame University



"In my view, a convention cannot be effectively limited."

**Gerald Gunther**  
Professor of Law  
Stanford University



"I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey it."

**Warren E. Burger, Chief Justice (retired)**  
United States Supreme Court



"Constitutional, economic and political science experts are on record and have expressed concerns that the convening of a Federal Constitutional Convention would constitute a reckless use of a constitutional device which is little understood and has never been employed in our entire history."

**Linda Rogers Kingsbury, President**  
Citizens to Protect the Constitution

HOUSE FSSA  
3/27/91  
#2 - #4

Testimony of Timothy T. Benton March 27, 1991  
To: the House Federal and State Affairs Com.

HCR 5010

Rep. Sebilus and distinguished members of the committee, it is indeed an honor and privilege to address you today on this very important topic.

First of all let me say that I am not a lobbyist and don't do this for a living. I'm a private businessman mostly in the production of pedigreed cattle on a ranch near Garnett KS. I have been concerned for several years about the direction our government and the erosion of our individual liberty. I am currently serving as chairman of the State Steering Committee of the Kansas Informed Voters Alliance. I would like to explain to you why, although we believe in fiscal restraints and balanced budgets, we are opposed to calling a constitutional convention for any reason and are circulating petitions that to date have received signatures of hundreds of Kansas citizens who are opposed to a convention when given a chance to consider the reality of the matter.

Today I would like to quickly make two points relating to this bill. First I would like to raise some legitimate questions about the motives of the movers and shakers behind the movement to amend our constitution and secondly to discuss the myth of a limited convention.

In the 1970's and early 1980's there was a new push initiated nationally to call for a constitutional convention for the purpose of obtaining a balanced budget amendment. At one point nearly

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Attachment #3 - Page 1

the required number of 34 state legislatures had voted to petition Congress to call the convention and Kansas was one of the 32 states passing SCR 1661 in 1978 with little fanfare. Since the mid-1980's a good deal of evidence has been exposed which appears to indicate that for many of the behind the scenes promoters of a convention, the real target was not just a balanced budget amendment but a whole new constitution. Since that time many state legislatures have chosen to reconsider their convention call and at least four have withdrawan.

As I see it the topic of this discussion should not be whether or not we need a balanced budget ammendment but whether or not we should call for a constitutional convention for any purpose. For many years those among the citizens of the US who believe in bigger, more powerful centralized government have sought to change the restrictive nature of our Constitution and of course the quickest way to take care of it all at once is through a second Constitutional Convention. I offer for you as examples of this thinking some of the writings of prominent people and groups promoting this line of thought.

One of the most active groups today is the Committee On the Constitutional System. In their book "Reforming American Government" and in the companion booklet "A Bicentennial Analysis of the American Political Structure" this group calls for doing away with many features of our system that are the very foundation of our Constitution. They advocate doing away with or severely weakening

the concept of checks and balances by the separation powers. This would be accomplished by blending together the branches of government. They advocate a complete overhaul of our system of representation with their desired result being a parliamentary form of government. The CCS proposes many other changes and I invite you to read them for yourselves.

James McGregor Burns is a director of the CCS and is a longtime advocate of Constitutional overhaul. He wrote in his anti-constitutional essay entitled "The Power to Lead" the following statement regarding what he sees as the "problem" of overcoming the separation of powers.

"Let us face reality. The framers have simply been too shrewd for us. They have outwitted us. They designed separated institutions that cannot be unified by mechanical linkages, frail bridges, tinkering. If we are to turn the founders upside down--to put to put together what they put assunder--we must directly confront the constitutional structure they erected."

Also on page 106 of CCS's book "Reforming American Government" the statement is made as follows:

"And if the pending call for a constitutional convention to propose a balanced budget amendment is joined by the two additional states needed to provide the triggering two-thirds our committee may be ready with some better ideas."

This Committee on the Constitutional System has been innocuously referred to in the major media of this country as a "citizens group" as if it were some grassroots movement to reform our system. The

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list of its board of directors and membership is virtually a "who's who of elitist eastern establishmentarians and big government promoting "think tank" members who seek to legalize the dismantling of our constitution in favor of a system that would vastly increase the scope and effect of government's control over we the people.

Another group promoting the convention is the National Taxpayers Union which has several <sup>common</sup> members, directors, and advisors with the Committee on the Constitutional System. In his own book entitled "Blood in the Streets," Jim Davidson, the founder of NTU describes with apparent admiration the use of power through a system of big, centralized government and how situations of contrived and natural crisis in government can be used to persuade citizens to accept more control by government. The NTU has many members who appear to disguised as conservatives who promote conservative sounding ideas but which would usually result in the final analysis in more government control and less individual liberty.

In quickly getting to my second major point of the myth of a limited convention I would to submit to the committee several statements from leading law professors and authorities from all across the nation stating that they do not believe a constitutional convention can be limited to a single subject as some people propose. These men including former Chief Justice of the Supreme Court Warren Burger agree that no rules or guidelines exist for such a convention and the only precedent is the original convention in which the delegates met to make a few revisions to the Articles

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Attachment #3 - Page 4

of Confederation and instead decided to scrap it and start new. The American people have been fortunate indeed to have lived under the government put together by the inspired efforts of the founders. But should we risk their masterpiece to overhaul by people who don't believe in that system like I have described in previous paragraphs.

I thank you for your time and consideration. I hope that I have been able to cast enough doubt in your mind about the wholesomeness of a constitutional convention that you will vote to side with a growing number of state legislatures and vote to withdraw Kansas' call for a convention. Let the proponents of amendments persuade enough other citizens to support such an amendment the same way all the other amendments have been passed and lets not risk the whole document.



NATIONAL CHAPTER  
INFORMED VOTERS ALLIANCE  
PO BOX 4 USA, BALDWIN, KS 66006  
(913) 594-3367

Chairman Sebilus; Members of the Committee: I am Walter Myers, National Co-chairman of the Informed Voters Alliance and a resident of rural Baldwin.

We recognize the vast difference between supporting a political policy or action based on a clear understanding of it and its consequences and supporting one based on propaganda and a symbolic participation in the political process. I hope you agree. To help us better understand political issues, IVA sponsors Political Action Coordinating Conferences at all levels of government for leaders of other groups and uniquely qualified individuals. One objective is to identify and summarize important issues and get them to decision makers such as you. Hopefully, this will help build a better America.

Last year (1990), IVA sponsored conferences in nine states and co-sponsored a National Conference held in Las Vegas. Nine issues were identified as being pivotal; i.e., they must be successfully resolved if Americans ever hope to re-instate the spirit and intent of America's lawful government as set forth in the Declaration of Independence and Constitution. The number one issue is the retention of our Constitution for without it, there will be no basis for solving others.

I want to convey 3 points to you this afternoon regarding HR 5010. (1) There are already Constitutional and Legislative requirements which, if complied with, would provide a balanced Federal Budget.

(2) Those promoting a Constitutional Convention for the alleged purpose of obtaining a balanced budget amendment are insinuating it is possible. In reality, either the public or the private sector of our economy or both must forever go deeper into debt at an exponential rate to moderate our foreclosure rate. This is because the privately owned bank known as the Federal Reserve System was granted the power to "create" money from nothing, loan it into existence for a claim against real wealth and require that we repay not only the principal but also the non existing interest. This is referred to as the debt dominant system of money creation.

(3) All available evidence related to President Bush's recent remarks regarding a NEW WORLD ORDER where World Law, Basic Human Rights and Fundamental Freedoms will prevail suggest that the NEW WORLD ORDER is One World Government; World Law is not the Constitution for the U. S. being applied worldwide, Basic Human Rights are not those in our present Bill of Rights and Fundamental Freedom is not a synonym for liberty.

I base these statements on a study of many documents including our Declaration of Independence, Constitution, the books mentioned by Mr. Benton, PL 87-297, State Dept. Publication 7277, writings of the FED, the U.N. Charter and the recommendations of the Committee on the Constitutional System. In an effort to further clarify these statements, I asked each of my State and Federal representatives for an official definition of the terms being used by President Bush which - if left to the President's discretion - will characterize our nations future government. I have replies from Senators Dole and Kassebaum and Cong. Slattery but no definitions. I've written the President. Pending an official definition of these terms, we have assumed that the government he characterizes can only be built on the ashes of our Constitution; hence the push for a Constitutional Convention and the open admission of those seeking an alternate form of government.

The Constitution for the U. S. was written for and ratified by the States. It is a compact or contract. This means that State legislatures, and only they, as its principals, have the authority to insure its proper interpretation and implementation. The Constitution created the Federal Government and gives it very limited and specific responsibilities and authority. The Tenth Amendment makes this clear by stating "*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*"

Through unchallenged usurpation in violation of the 10th Amendment, the Federal Government has become involved in many un-constitutional activities costing huge amounts of money such as guaranteed loans to other countries, education, foreign aid, grants, welfare programs, subsidized sales, playing world policeman, etc. By adhering to the Constitution, the Federal Government could balance its budget.

PL 95-435, dated Oct. 10, 1978 (92STAT1053) reads: "Beginning with fiscal year 1981, the total budget outlays of 31USC27, the Federal Government shall not exceed its receipts." This is a balanced budget requirement. Additionally, the Federal Government, by abdicating its "power to coin money and regulate the value thereof and foreign coin ....." (Art 1, Sec 8-5) and giving this power to a privately owned bank deceitfully called the Federal Reserve System, has saddled U. S. citizens with a mountain of unpayable debt. Because of the debt dominant system of money creation, Americans have about \$800 billion in circulation with which to do business and pay off a combined public and private debt of over \$23 trillion; an obvious impossibility. About 1/3 of our Federal budget goes to pay interest on the national debt. By complying with its Constitutional power, Congress could balance the budget.

Incl 1 is a paper on this subject. It provides four important conclusions: (1) our Federal and/or private debt must exponentially and continuously increase if we are to moderate foreclosure rates; (2) every serious attempt to reduce this increase has, and always will, result in a depression; (3) it is mathematically impossible for Americans to balance their combined public and private budgets under this clearly flawed and unconstitutional system of money creation; and (4) the FED's owners will eventually own all of our real wealth and our posterity will be but slaves to an oligarchy.

Already, Americans are finding it tougher and tougher to create enough new wealth to use as collateral in borrowing the additional money needed to service their debts and the nations needs. Our system of money creation, being designed to collapse and to transfer the nations real wealth to the FED's owners, is indirectly responsible for the confiscatory taxes for which the legislature is now seeking a solution. Unfortunately, this problem cannot be solved by addressing its symptoms or increasing taxes and redistributing existing wealth. At best, you can postpone the inevitable. The State's financial woes will continue to grow until the cause is recognized and resolved.


As you can see, Congress is already required to balance its budget and has not only the power but the Constitutional requirement and authority to do so. The problem is, Congress ignores these facts. History suggests it will continue to ignore them until one or more State legislatures challenge their actions or lack thereof.

Based on the evidence, IVA has concluded that the drive for a Constitutional Convention in search of a balanced budget amendment is a ruse that was - and continues to be - fraudulently presented to State legislatures in support of another agenda. Additional evidence is at Incl 2.

Incl 3 is a copy of a letter I received from Governor Finney. On March 20, 1991, she reaffirmed her opposition to a Constitutional Convention. I pray that you will honor her position and the desire of many Kansans by supporting HR 5010. This resolution provides you a great opportunity to honor your oath of office; to demonstrate your commitment to our precious Constitution; to take a step toward restoring the greatest form of government every devised by man and to help resecure "the Blessings of Liberty to ourselves and our Posterity."

I pray for your careful consideration on this and other important issues affecting us all. I firmly believe that with the Governor's support, the Kansas legislature can, by unanimously agreeing to rescind SCR 1661, send Washington, D.C. a clear message that enough is enough and the officials of Kansas have the honesty, integrity, courage, knowledge and common sense to do more than give lip service to our Constitution.

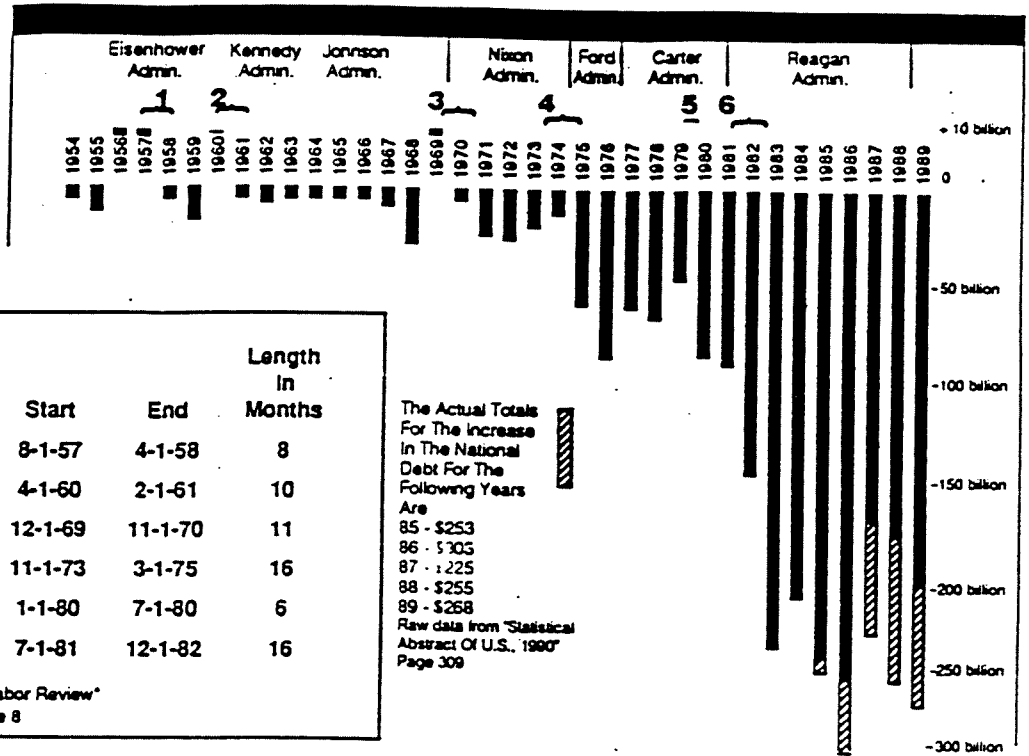
If you desire more information, please feel free to contact Mr. Benton or myself.

  
WALTER L. MYERS

HOUSE FEDERAL AND STATE AFFAIRS

March 27, 1991  
Attachment #4 - Page 2  
Copy furnished: Others

## HAS THE BALANCED BUDGET BEEN A SCAM



Recession Number	Start	End	Length in Months
1	8-1-57	4-1-58	8
2	4-1-60	2-1-61	10
3	12-1-69	11-1-70	11
4	11-1-73	3-1-75	16
5	1-1-80	7-1-80	6
6	7-1-81	12-1-82	16

Source: "Monthly Labor Review" 12/84, Page 8

This graph shows the U.S. budget surpluses and deficits from 1954 to 1989. The recessions are numbered and plotted on the graph.

We are told we must balance the budget. Look at the record and find out what happens when we do! Shortly after each balanced budget we had a recession! Check the record! Notice the many years between numbers 2 and 3. No surpluses and no recessions until the surplus in 1969. By December 1, 1969 number 3 started! No one has dared to balance the budget since!

The large deficits in '71 and '72 got the economy going again. The deficit was reduced in '73, but before the budget could be balanced, number 4 started November 1, 1973. The pattern was repeated with numbers 5 and 6.

We had number 4 when the deficit was reduced to about \$5 billion, number 5 at about \$40 billion, and number 6 at about \$70 billion. Recessions 5 and 6 were so close, because the deficit in '81 was too small to keep the recovery going. Just look at the huge deficits required

to end number 6!

Since 1985, many items have been taken "Off Budget" to hide the true size of the deficit. Notice how the national debt has been increasing more than the reported deficit! If they aren't spending it, why are they borrowing it?

Note the large reduction from '86 to '87. Could this be the reason for the October '87 market crash? Economists predicted a depression within 6 months. Why were they wrong? The '88 and '89 debt increase figures tell us the answer. The government borrowed enough to stimulate the economy out of the predicted depression!

Our monetary system was altered in 1913 by the Federal Reserve Act. Roosevelt took us off the Gold Standard in the 1930's and started basing our money on federal debt. This means interest is paid on every Federal Reserve Note in circulation. With this system, if there were no debts, there would be no currency! So much for paying off the national debt! With the Gold Standard, the budget could be balanced and the economy would remain healthy.

It appears our "Dollars Created By

Debt" system won't allow the economy to function when we have a budget surplus! Did you really believe those promises to balance the budget? Try to find a time, since 1969, when reducing the deficit helped the economy! It seems that anytime the economy slows down, no matter how big the deficit is, it must be increased or we have a recession! The media doesn't tell you this. You must think for yourself! The "insiders" have known and used this formula since the 1930's, now you know it too!

This is so obvious when it is presented like this, that many questions come to mind. Why isn't a graph like this in every economics text book? Instead, we find complex charts that seldom work! Why doesn't the media tell us, "The deficit is 20% ahead of last year, so business will be picking up soon?" Why have politicians told us since the 1930's that we must reduce the deficit and balance the budget to have a strong economy? Check that out on this graph. The answers to these questions should be very interesting!

For informational use only. This may be copied.

## An Open Letter to our Honored Kansas Legislators

The Statehouse  
Topeka, Kansas 66612

Feb. 07, 1989

Dear Legislator:

You have an opportunity to help protect our Constitution from those who would use the proposed Constitutional Convention regarding a balanced budget amendment as a tool to transform our REPUBLIC into a Parliamentary system of Government; a system which our forefathers rejected. We consider a Constitutional Convention as unnecessary for many reasons:

1. In 1978, public law P.L. 95-435 (see below) was passed. It has required a balanced budget since FY 81. This, and other facts to follow, clearly show that it is the Constitution, and not the budget, that is the target of those promoting the Constitutional Convention.

2. Our Constitution already has twenty-six amendments. All were obtained by Congress submitting the proposed amendments to the States for ratification. This method is efficient and harbors no risk to our entire Constitution.

A Constitutional Convention is extremely risky! We live in perilous times! Our citizens and elected representatives (particularly those in county and state government) must be vigilant and protect our nation from all enemies; both foreign and domestic. The intentions of the Committee on the Constitutional System (CCS) and a few extremely well financed and highly influential people to use the proposed Convention to change the structure of our Government is clear. In the CCS's book "REFORMING AMERICAN GOVERNMENT", they say that "Consideration of structural changes should be part of the bicentennial of the Constitution", (emphasis added). They also state that their desires "can only be remedied by a truly significant shift - a change to some form of parliamentary government that would eliminate or sharply reduce the present division of authority between the executive and legislative arms of government."

Mr. Richard Thornburg, now the U.S. Attorney General, Co-chairman of Citizens for a Balanced Budget Amendment and a Director of the CCS has said, "The executive and legislative branches at the federal level are, in truth, caught up in a system badly in need of STRUCTURAL ADJUSTMENT. THE BALANCED BUDGET AMENDMENT IS THE KEY ELEMENT IN SUCH AN ADJUSTMENT (emphasis added). In his book "The Power To Lead", James MacGregor Burns, another CCS director wrote: "Let us face reality. The framers (of the Constitution) have simply been too shrewd for us. They (the Founding Fathers) have outwitted us. They designed separate institutions that cannot be unified by mechanical linkages, frail bridges, tinkering. If we are to TURN THE FOUNDERS UPSIDE DOWN - to Put together what they put asunder (the Separation of Powers) we must directly confront the constitutional structure they erected".

It is precisely the "division of authority" or "separate institutions" which were so skillfully designed into our Constitution that protects us from tyranny! This "division" is the key to our liberty and of America being the envy of the World. Our history is clear! So long as America adhered to her foundation; i.e., the Declaration of Independence, Constitution, christian ethics and the intent of her governing documents as provided in The Federalist Papers, America flourished.

Our problem began when we abandoned our founding principles and the spirit and intent of the documents that constitute our only legal government. Our problems will continue to grow until enough Americans - and particularly a majority of those in public office, - accept that the systematic distortion of these documents, the unlawful seizure of power by various elements of government and the abandonment of our founding principles was a mistake.

To solve our problems, we must: a) recognize our past mistakes, b) reverse our course to anarchy, c) live our national motto of "In God We Trust", and d) return to the principles and values upon which America was founded. The road back is our Constitution. Without it, we are lost. "So please don't entrust our posterities future to those who admit they want to destroy our REPUBLIC! Help save our precious Constitution! Please expunge the Kansas resolution (SCR 1661) urging Congress to call the Constitutional Convention.

For those who believe that a Constitutional Convention can be held to a single issue and therefore presents no risk, we ask that you consider the following:

1. Article V of the Constitution, in addressing this issue states that "The Congress ... on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments..." Amendments is plural. Any number of them, or a single "amendment" to replace everything after "We the People" is possible.

2. President Reagan stated: "Well, Constitutional Conventions are prescribed as a last resort because once it's open, they could take up any number of things."

3. Melvin Laird, former Secretary of Defense said that "The concept that a Constitutional Convention would be harmless is not Conservative, Moderate or Liberal philosophy. That concept is profoundly RADICAL, born either of naivete or the opportunistic thought that the end justifies the means."

Please give this issue your careful and prayerful consideration. It could be that our future as a "free and independent state" and a free people rest upon your decision.

Darrell Bencken  
State Adjutant  
Veterans of Foreign Wars  
Box 1008  
Topeka, Kansas 66601  
913-272-6463

Walter Myers  
Chairman: Kansas Chapter  
Informed Voters Alliance  
Baldwin, Kansas 66006  
913-594-3367

PUBLIC LAW 95-435-OCT. 10. 1978  
92 STAT 1053  
Sec. 7. Beginning with fiscal year 1981, the total budget outlays of 31 USC 27. the Federal Government shall not exceed its receipts.

Approved October 10. 1978.

HOUSE FEDERAL AND STATE AFFAIRS  
March 27, 1991  
Attachment #4 - Page 4



900 JACKSON, SUITE 201  
TOPEKA, KANSAS 66612-1235

STATE OF KANSAS

TELEPHONE  
(913) 296-3171

January 10, 1989

Dear Walt,

I have your letter of recent date along with the enclosures and questionnaires.

I share your concerns about the risk involved in calling a Constitutional convention and will continue to oppose such action.

Regarding the other matters, I will keep your thoughts in mind and will study these complex questions.

With kindest regards always

Sincerely,

Mr. Walter Myers  
Route #2, Box 157-C  
Baldwin City, KS 66006



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HOUSE FEDERAL AND STATE AFFAIRS  
March 27, 1991  
Attachment #4 - Page 5

## 1991 CONSTITUTIONAL CONVENTION FACT SHEET

LIMITATION OF CONGRESSIONAL TERMS by Constitutional Amendment is the 1991 theme of the campaign being waged by Jim Davidson's National Taxpayer's Union and the National Tax Limitation Committee to promote a Constitutional Convention on any pretext that will catch on.

### THREE STATES HAVE RESCINDED

1. FLORIDA, ALABAMA AND LOUISIANA have rescinded their calls for a Constitutional Convention to balance the Federal budget. This leaves the U.S. 5 states away from the required 34.

### CONVENTION TRIED IN 1976

2. A NEW CONSTITUTION called a Constitution for the Newstates of America was financed by the Rockefeller Foundation and published in 1974. Nelson Rockefeller, then president of the U.S. Senate, engineered the introduction of HCR 28 calling for an unlimited convention in 1976. Public opposition defeated this effort and convention backers went back to the states promoting a limited convention which we are facing now.

### THE NEWSTATES CONSTITUTION'S ASSAULT ON THE BILL OF RIGHTS

3. GUNS - Article I - B Sec. 8 states "bearing of arms shall be confined to the police, members of the armed forces, and those licensed under law."
4. RELIGION - Article I - A Sec. 8 states "The practice of religion shall be privileged" Religious freedom would no longer be a right.
5. JURY TRAIL - Article VIII states that the judge decides if there is to be a jury.
6. SPEECH - Article I - A Sec. 1 states "Freedom of expression shall not be abridged except in declared emergency."

### OTHER DANGERS

7. FARMS - Rexford Tugwell, the lead author of the Newstates Constitution said that private ownership of farms had not proved good for society.
8. DEPRESSION - Committee on the Constitutional System says they want to wait until the U.S. is in a 1929 type depression to call a convention because only then would the public accept the radical changes they want, so by passing another convention call or by not rescinding and moving them another state away from their goal we are encouraging them to force a depression on us.
9. SCHOOLS - Article I - A Sec. 11 says that free education would only be for those that pass appropriate tests.
10. ENTIRELY NEW CONSTITUTION PROMOTED - Henry Hazlitt an advisor to Jim Davidson's National Taxpayer's Union has called for an "entirely new constitution" in his book A New Constitution Now.
11. The Committee on the Constitutional System is on record as wanting to use a convention to change the U.S. to a PARLIAMENTARY GOVERNMENT.

HOUSE FEDERAL AND STATE AFFAIRS

March 27, 1991

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(over)

## THE END OF THE STATE LEGISLATURES

12. **STATES TO BE ABOLISHED** - Under a GSA plan the 50 states will be abolished as specified in Article 2 of the Newstates Constitution and absorbed into 10 new states.

## NO NEED FOR A BALANCED BUDGET AMENDMENT

13. **GRAMM-RUDMAN** - When this push for a balanced budget amendment started in the 1970's we did not have Gramm-Rudman.
14. **GOVERNMENT WASTE** - The Grace Commission Report identified enough government waste to more than eliminate the federal deficit.
15. **LOOPHOLES** - All balanced budget amendments proposed by Congress have been designed to be bypassed in case of emergencies such as war.
16. **THE 10th AMENDMENT** prohibits the federal government from being involved in anything not specified by the constitution and if even partially enforced would prove to be the desired balanced budget amendment.
17. **LAWS IGNORED**- Some argue that a constitutional amendment is needed because a law can be ignored. They miss the fact that the existence of foreign aid requires that the 10th Amendment be ignored.
18. **LAWS REPEALED** - Some argue that a constitutional amendment is need because a law can be repealed. Prohibition was a constitutional amendment and it was repealed.

## CONGRESS HAS NO OPTION AFTER THE 34TH CALL

19. **NO OPTION** - Some argue that the states must pressure Congress into passing it's own amendment by making the 34th call. But Article V reads Congress "shall call" a convention when two-thirds of the states petition.

## LIMITED CONVENTION NOT LIKELY

20. **THE AMERICAN BAR ASSOCIATION** Con Con study states "neither the language nor the history of Article V reveals an intention to prohibit another general convention."
21. **A FARCE** - Senator Orin Hatch told Congress that a convention limited to one amendment would be "a farce."
22. **PACKAGE OF AMENDMENTS** - The Committee on the Constitutional System stated in a press conference that it has a package of amendments ready if an unlimited convention should be held.
23. **COMPETITION** - There are a number of issues for which states have called for a convention. Their backers will all want to get in on the balanced budget convention if it is held.

## STATE LEGISLATURES CAN BE BYPASSED

24. **RATIFICATION** - Article V gives Congress the power to bypass the state legislatures in favor of state ratifying conventions.

# 'The Silent Crisis'

Our embattled Constitution is yet holding, (despite "rockets" bursting in air) as there are many who would wipe it out — by calling for a Constitutional Convention to install a "new" one! A new constitution has already been written by a group of self-appointed Eastern Establishment Elitists and is ready! It is called the Parliamentary Group and Kansas Senator Nancy Kassebaum was co-chairman of the group!

Since this is election year, it behooves us to look into this "new" Constitution — and the co-chairman of it, also! Most Republican voters have not had an opportunity to evaluate this constitutional issue because it is a "silent one!" No one discusses it. If we lose our Constitution, we lose our national sovereignty and our Army-Navy defenses. All would come under the United Nations — our votes would not even be counted!

How can voters cast intelligent votes unless they hear the Silent Issue discussed! In 1978, the state legislatures of our nation were "conned" into calling for a constitutional convention! Most of us never heard of it! It requires 2/3 of states (34) to call a constitutional convention — many states are now RECALLING their vote. Florida, Alabama and, recently, Louisiana did so. Kansas legislators have had three bills to rescind their vote presented to them — and killed two in committees in '89, voting in hearings 7-3 against! These bills were presented by Informed Voters Alliance.

This "new" Constitution totally ignores the Bill of Rights — religion is a privilege which can be recalled! It is a Parliamentary Presidential Dictatorship! It would destroy the separation of powers between our present branches of government — executive, leg-

islative and judicial.

The C.C.S. Constitution calls for all broadcasting funds expended from TAXPAYERS' FINANCING to be distributed by two political parties (Republican and Democratic) with their hearty approval!

Our Constitution gives the right of every taxpayer to support the candidate of HIS choice!

We already have regional and state redistricting, even down to changing the names of our roads, etc.! The C.C.S. would call a special convocation to RE-ALLOCATE the division of power among Federal, state and LOCAL governments. The goal is to take control of city governments away from the state and give them to the Federal government!

Is this the kind of "new" Constitution we want? Well, vote accordingly.

Jane Hammer  
Emporia

# 'A New Proposed Constitution'

C.C.S. means Committee on the Constitutional System. It is a self-appointed group of Eastern Establishment Elitists who are trying to put in a new constitution, as a celebration of our constitutional 200th birthday on Sept. 17! Our citizens have a right to know what it is all about!

1. Eight-year terms for president and senate — senate running on same ticket as vice president and president, four-year terms for house.

We the People would have no control over the house! Two-year terms were put in by the founders to keep a tight rein on taxes!

2. President can make international treaties, with only a majority vote by congress! Remember, the senate

runs on the same ticket as the president.

Our Constitution says the president may sign treaties but they are only valid after a two-thirds vote by the senate.

3. The C.C.S. wants to require all broadcasting, etc., funds to be expended from taxpayer financing — allocation by the discretion of the two political parties and distributed by Democratic and Republican National Committees! Our constitution gives the right to every citizen to contribute to his own candidate.

4. The C.C.S. would call a special convocation to re-allocate the division of power among Federal, state and local governments!

The goal is to take control of city

governments away from the states, and give them to the Federal government!

The separation of powers prevents tyranny or dictatorship! The function of our government does not and should not depend on the integrity of those holding power, but on the institutional restraints imposed on their exercise of power! James Madison, one of the founders, declared, "The accumulation of legislative, executive and judicial powers in the same hands is the very definition of tyranny."

Jane Hammer  
Defense Chairman,  
Daughters of the American Revolution



NATIONAL CHAPTER  
INFORMED VOTERS ALLIANCE  
PO BOX 4 USA, BALDWIN, KS 66006  
(913) 594-3367

30 March 1991

Rep. Kathleen Sebilus  
Chair., State & Federal Affairs Cmte.  
Members - State & Federal Affairs Cmte.

Dear Rep. Sebilus and State and Federal Affairs Committee Members

I know the difficulty of making sound decisions when equipped with good information and how that difficulty is multiplied by innuendos and half truths. It's unfortunate time constraints prevent thorough debates on something as important as HCR 5010. This issue may transform our government into the Parliamentary System rejected by our founding fathers or worse yet, into Pres. Bush's *NEW WORLD ORDER where World Law (not our Constitution) Basic Human Rights (not our Bill of Rights), and Fundamental Freedoms (not to be equated to Liberty) will prevail.*

Mr. Stanley (National Taxpayers Union lobbyist) said there is little likelihood that an Art. V Convention will ever be called as Congress will pre-empt such an action. Nonsense! Congress may not have a choice. Art. V states that "*Congress, . . . . . on the application of the Legislatures of two thirds of the several States, shall (my emphasis) call a Convention . . . . .*" and if Congress were trustworthy, we wouldn't have an unbalanced budget. The promotion of a balanced budget amendment insinuates it is possible. It isn't under the FED! Please study my written testimony.

Mr. Stanley doubts State Legislatures would ratify anything more than a balanced budget amendment. None may get the opportunity! Art. V provides two means of ratification; "*by 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.*" With no clear Constitutional guide for selecting the ratifying Convention delegates, they could be appointed by Congress or by the Constitutional Convention delegates; handpicked to insure they would support whatever came from the Convention. Also, there will only be ten states under the "NEWSTATES" Constitution should it be adopted.

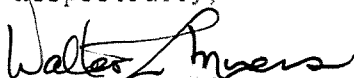
If Mr. Stanley doesn't understand the risks created by these Constitutional provisions and the impossibility of a balanced budget under the FED, he should. If he does understand them but isn't willing to be totally honest and help you make a fully informed decision, I suggest his loyalty as well as his credibility are in question.

At the hearing on HCR 5010, a question arose on Sen. Kassebaum's position on this issue. In reviewing my file, I found the enclosed letter from her opposing a Convention. Also, a Livonia Michigan Observer article quoted Elaine Donnelly, spokeswoman for the Republican Women's Federation of Michigan by saying: "Donnelly of Livonia joined U. S. Senator Nancy Kassebaum, R-Kansas in contradicting two Republican senators who favor calling America's second Constitutional Convention. . . . . ." It continues with: "Donnelly quoted James Dale Davidson, chairman of the National Taxpayers Union, as saying *he 'prefers' calling a convention.*" WHY PREFER A CONVENTION UNLESS HE HAS ADDITIONAL ISSUES ON HIS AGENDA?

Our Nations problems are solvable! But solutions can only be peacefully instituted with the Constitution in place and State Legislatures, as the principals to the Compact (Constitution), insuring it is adhered to.

I hope you will unanimously support the position of Gov. Finney, Sen. Kassebaum and the bi-partisan sponsors of HCR 5010 and help eliminate this threat to our Constitution.

Respectfully,

  
WALTER L. MYERS  
Co-chairman

HOUSE FEDERAL AND STATE AFFAIRS  
March 27, 1991  
Attachment #6- Page 1

RETURNED TO NEW YORK  
WASHINGTON, D.C. 20510  
MEMPHIS, TENNESSEE  
ATLANTA, GEORGIA  
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TAMPA, FLORIDA  
TULSA, OKLAHOMA  
WASHINGTON, D.C.

# United States Senate

COMMITTEE ON THE BUDGET  
WASHINGTON, DC 20510-6100

November 14, 1986

Dear Mr. Myers:

Thank you for your letter regarding my position on a Constitutional Convention and my service on the Committee on the Constitutional System. I apologize for the delay in responding but the busy Senate schedule at the end of the session caused me to fall behind in my correspondence. I understand, however, that you had extensive telephone discussions in September with both Mike Harper, my administrative assistant in Kansas, and Dave Bartel, my administrative assistant in Washington.

While I am sure that Mike and Dave attempted to answer your questions, I wanted to respond in writing so that there would be no misunderstanding about my views on the questions you raised.

As you noted, I am a co-chairman of the Committee on the Constitutional System, which is the correct name, along with Douglas Dillon and Lloyd Cutler. The committee was formed to study our constitutional system of government, to analyze its strong and weak points and to debate possible changes.

From all of the discussions I have been involved in during the committee's meetings, I can tell you that the strong points of our present system far outweigh the weak ones and that it would be extremely difficult to improve on our Constitution as it now stands. In fact, I do not support any of the various constitutional amendments that have been proposed by any party over the past two years. The only change that I might support in our Constitution would be an amendment to try to limit the amount of time and money spent in political campaigns.

You asked specifically whether the committee supported calling a Constitutional Convention. While our Founding Fathers included this as an option for constitutional change, neither I nor the committee support such a convention. In fact, the committee is on record in "strong support" of the traditional means of amending the Constitution, which requires that an amendment be approved by two-thirds majorities in both the House and the Senate and ratification by three-fourths of the state legislatures. While this is an extremely difficult route to follow, I believe that any amendment to the Constitution should be fully debated and carefully considered by both Congress and the states before it can be enacted.


Mr. Walter L. Myers  
November 14, 1986  
Page 2

You also asked whether the "reforms" proposed by the committee would negate our republican form of government and move us closer to the parliamentary system. Only one of the proposals discussed by the committee appears to move in this direction and that is one that would permit members of Congress to serve in the President's cabinet. While I understand the arguments in favor of this proposal, such as improving relations between the executive and legislative branches, I personally do not support it. In my view, this idea not only probably would not work it might well create even greater problems by weakening the separation of powers, which is a fundamental part of our present system, and by opening up new ways to cause political mischief. I also find it hard to believe that any one person could adequately manage an executive agency and serve in the Congress at the same time.

Finally, you asked several questions about the Council on Foreign Relations and the Trilateral Commission. I am not a member of either group, and I can say unequivocally that I do not support "a new international order" or a "one world government."

I hope that all of this is helpful to you. Since next year is the 200th anniversary of the signing of our Constitution, I expect that there will be a great deal of discussion and debate about our form of government. I look forward to this time because I believe that the more each of us understands our constitutional system, the stronger our nation will be.

Warmest regards,

  
Nancy Landon Kassebaum  
United States Senator

NLK:dw

I tried to reach you by phone several times when I was in Iowa - I do not support a Constitutional Convention - in fact, spoke against the calling of one in Michigan - The Constitution is a magnificent document - part of my interest is just seeing that people are better informed during this Bicentennial celebration -

TESTIMONY

March 27, 1991

by **David M. Stanley**  
2610 Park Ave., Muscatine, Iowa 52761

**President,  
National Taxpayers Union**

before the  
**State and Federal Affairs Committee  
of the Kansas House of Representatives**

on

**House Concurrent Resolution 5010**

(a measure to revoke the Kansas 1978 Senate Concurrent Resolution 1661, requesting the Congress to propose a Balanced Budget Amendment to the U.S. Constitution or to call a constitutional convention for the sole and exclusive purpose of proposing a Balanced Budget Constitutional Amendment)

\* \* \* \* \*

Honorable Chairperson and Members of the Committee, thank you for allowing me to present the views of National Taxpayers Union on HCR 5010, which would repeal Kansas' support for a U.S. Balanced Budget Constitutional Amendment.

I am president of National Taxpayers Union, a non-profit, non-partisan organization with more than 200,000 members, including over 3,000 members in Kansas. I served for 12 years in the Iowa Legislature. I am here as an unpaid volunteer and concerned citizen.

**THE NATION NEEDS KANSAS' CONTINUING LEADERSHIP  
FOR FEDERAL FISCAL SANITY.**

Kansas has a national reputation for common sense and fiscal responsibility. It is appropriate that Kansas in 1978 became one of the first States to use Article V of the U.S. Constitution to compel Congress to act on a Balanced Budget Constitutional Amendment.

My State of Iowa and many others followed your lead. To date, 32 States have adopted resolutions calling for a limited convention under Article V to propose a Balanced Budget Constitutional Amendment.

HOUSE FEDERAL AND STATE AFFAIRS  
March 27, 1991  
Attachment #8 - Page 1

**David M. Stanley NATIONAL TAXPAYERS UNION** March 27, 1991

A scare campaign persuaded three States (Alabama, Florida, and Louisiana) to rescind their resolutions, but many citizens and Legislators are working to restore these resolutions. Our opponents have tried repeatedly to rescind or revoke most of the 32 State resolutions. Whenever there has been a full hearing, their efforts failed and the State Legislature maintained its Balanced Budget Amendment convention call resolution.

Several other State Legislatures that have not yet taken any action on this issue are moving toward adoption of an Article V resolution for a Balanced Budget Amendment and convention call.

Kansas' leadership to restore federal fiscal sanity was needed in 1978 and is even more urgently needed now. Since 1976 the official federal debt has quintupled; it has mushroomed from \$632 billion to over \$3,300 billion today -- a five-fold increase in 15 years. This is the official debt; actual total federal debt is much higher.

All Kansans and all Americans are hurt by this runaway federal spending. It is a major cause of inflation, high interest rates, unemployment, and economic decline. The federal government is mortgaging the future of our children and grandchildren. A baby born today will pay, in a normal lifetime, \$120,000 of extra taxes just to pay the **interest** on the present federal debt. This is **fiscal child abuse**.

This year the federal government is piling new debt on the people's backs at a record rate. The 1991 estimated federal deficit is \$318 billion, nearly 50% higher than the previous record deficit. Congress and the President have totally failed to control federal spending.

Yet a frightened minority wants Kansas to withdraw its call for constitutional reform of a runaway budget process. They ask you to abandon your State's leadership for a balanced federal budget. They want you to run up a white flag of surrender to unlimited deficits and debt.

All Americans need your help. We taxpayers ask Kansas to continue its fight for fiscal responsibility by rejecting HCR 5010.

**THE REAL ISSUE IS A FEDERAL BALANCED BUDGET.**

If you want a balanced federal budget, the most important action you can take is to retain Kansas' 1978 Balanced Budget Amendment resolution.

**A balanced budget is the real issue.** Kansas' call for a limited U.S. **constitutional convention is not the issue; it is merely the necessary means** to achieve a Balanced Budget Constitutional Amendment.

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**But couldn't the Congress and President balance the budget by passing a law?**

Yes, and pigs could fly if they had wings. You are more likely to see pigs flying than to see the federal government actually balance its budget by passing a law.

Every Congress and President for the last 30 years has talked about balancing the budget -- and has failed to balance it. The federal government has run a deficit for 21 consecutive years, and 29 of the last 30 years.

**What is the actual record of federal laws to require a balanced budget?**

Congress passed a law in 1979 to require a balanced budget every year, beginning in 1981. That law was quietly repealed early in 1981, before it could take effect.

The Gramm-Rudman-Hollings law promised to end deficit spending **this year (fiscal year 1991)**. But this law was repeatedly weakened, loopholed, and postponed. Finally, Gramm-Rudman-Hollings was repealed as part of the 1990 budget deal. Instead of no deficit this year, we have a record-high deficit.

After that shameful performance, anyone who still thinks we can balance the budget by passing more laws must be a believer in the tooth fairy and the Easter bunny.

Our nation will never again have a balanced budget until it is required by a constitutional amendment.

Dean Kleckner, President of the American Farm Bureau Federation, has said, "Laws can control people. **Only the Constitution can control government.**"

**THE STATE LEGISLATURES HOLD THE KEY  
TO WIN THE BALANCED BUDGET AMENDMENT  
THAT CONGRESS REFUSES TO PROPOSE**

Although national polls consistently show more than 70% of the American people want a Balanced Budget Constitutional Amendment, and a bipartisan majority of Congress supports it, Congress has repeatedly failed to propose this amendment by the required two-thirds vote.

The U.S. Constitution (Article V) provides **only one way** to compel a reluctant Congress to act on a constitutional amendment that the people and the State Legislatures want. That one way is for 34 States to adopt a resolution like your 1978 action, asking Congress either to propose the needed amendment or to call a limited constitutional convention to propose only this one amendment.

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This is the method the State Legislatures used early in this century to win the constitutional amendment for direct election of U.S. Senators. Kansas was a leader in that movement. Congress finally proposed the amendment in 1912, but only after 30 of the 31 needed States (31 were then required to meet the two-thirds requirement) had passed convention call resolutions for the direct election amendment.

**A STATE RESOLUTION FOR A BALANCED BUDGET AMENDMENT  
IS WORTHLESS UNLESS IT INCLUDES  
THE CALL FOR A LIMITED CONSTITUTIONAL CONVENTION**

**A State Legislature's resolution has no effect on Congress unless it includes both parts:** (1) a request for Congress to propose a Balanced Budget Constitutional Amendment, and (2) a call for a limited constitutional convention to propose only this one amendment, if Congress fails to act.

**The convention call is essential to pressure the Congress to propose a Balanced Budget Amendment.** Until 34 State Legislatures call for a limited convention to propose this amendment, Congress can continue to **ignore** the people's demand for it.

If the convention call were removed from Kansas' 1978 resolution, the resolution would become toothless and worthless.

A mere request that Congress propose a Balanced Budget Amendment is a sentimental wish that Congress will ignore.

The convention call is what gets the attention of Congress and will finally compel Congress to propose the Balanced Budget Amendment rather than letting a convention do it.

**A vote for HCR 5010 is a vote against requiring a balanced federal budget. Whatever the intention, that is the result. The only real issue before you is whether to keep the pressure on Congress for a Balanced Budget Amendment.**

**HOW SHOULD WE RESPOND TO THOSE  
WHO SAY THEY WANT A BALANCED BUDGET  
BUT THEY OPPOSE A CONSTITUTIONAL CONVENTION?**

The well-organized opponents of a balanced federal budget know they can't win by arguing against a Balanced Budget Constitutional Amendment. Since they can't win on the real issue, their only hope is to manufacture a false issue -- the imaginary fears of a U.S. constitutional convention.

Our opponents will try to scare you away from leadership for a balanced federal budget. Be skeptical of fearsome claims about a constitutional convention. They are smokescreens.

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You would be suspicious of anyone who claims to support law enforcement but wants to abolish the police. You should be equally **skeptical of anyone who claims to be for a Balanced Budget Amendment but against a limited convention to propose it.**

**A vote against the convention call is a vote against requiring a balanced federal budget.**

The attack on Kansas' 1978 resolution comes from powerful special interests that want to continue unlimited federal spending and debt, and from well-meaning people who have been fooled by the opponents' campaign of fear and deception.

While some opponents are good people who are sincerely misinformed, their sincerity cannot excuse the debt disaster they would innocently inflict on the American people. Some people sincerely believe the earth is flat, but you are too wise to believe them. Some people sincerely think tomatoes are poison, but you are too wise to follow their advice. Some people are sincerely terrified of the American citizens and their State Legislatures acting through an Article V convention call, but you need not believe their nightmares.

**What did Senator Sam Ervin say about our opponents' tactics?**

The late Senator Sam Ervin of North Carolina, whose reverence for our Constitution is legendary, spoke the plain truth:

"I think that the fear of a runaway convention is just a **nonexistent constitutional ghost conjured up by people who are opposed to balancing the budget**, because they want to be able to promise special groups something for nothing out of an empty pocket."  
(Testimony before California Assembly Committee on Ways and Means, February 15, 1979.)

**KANSAS HONORS OUR CONSTITUTION BY USING  
THE ARTICLE V CONVENTION CALL  
TO PROTECT THE PEOPLE AGAINST RUNAWAY DEBT**

Supporters of HCR 5010 may claim they are "protecting" the U.S. Constitution, but they **seek to destroy one of its important safeguards -- Article V -- by making the State Legislatures afraid to use it.**

**Why did the Founders give the State Legislatures the right to call a constitutional convention?**

The wise authors of our Constitution knew Congress might refuse to propose a constitutional amendment even if a great majority of the people and the State Legislatures wanted it.

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That is why they included in Article V **two equal ways** to propose a constitutional amendment. The Founders decided that an amendment could be **proposed** either by Congress or by a convention called at the request of two-thirds of the States, and any amendment proposed by either of these two methods must then be **ratified** by three-fourths of the States.

Consistent with their belief in checks and balances, the Founders gave Congress and the State Legislatures separate and equal authority to propose amendments.

The right of the State Legislatures to initiate amendments is one of the most important safeguards in our Constitution. **Thomas Jefferson pointed out that the right to call a constitutional convention is a crucial guarantee of freedom.**

James Madison's Notes of Debates in the Federal Convention of 1787 make it clear that the purpose of the States' convention option is to prevent abuse of power by Congress. The Framers of our Constitution saw that a time might come when Congress would fail the people. They saw it would be dangerous to give Congress a monopoly over the amending process, because Congress could abuse its powers and would never reform its own abuses.

In George Mason's words, "It would be improper to require the consent of the National Legislature (to amendments), because they may abuse their power, and refuse their consent on that very account." (June 11, 1787.)

That is why Mason and the other Founders included another equal method of amendment -- the States' right to call a convention -- that does not depend on Congressional approval.

The Founders thought the **State Legislatures would be closer to the people** and would be more likely to initiate an amendment to correct a Congressional abuse of power.

### Are we now in a situation for which Article V was designed?

Yes. The Founders would be delighted to see the State Legislatures using the Article V convention call to stop a power-abusing Congress from piling more debt on the people and on future generations.

Who could argue today that the Founders were wrong? Consider the spectacle of the U.S. House of Representatives that grabbed a 49% pay hike out of an empty Treasury, and a Congress that for 20 years has stubbornly refused to propose a Balanced Budget Amendment despite overwhelming popular support.

Where its own interests are at stake, Congress ignores the public and does what it pleases. A Congressional incumbent's re-election advantage is so great that over 96% of incumbents seeking re-election won in 1990, and a

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U.S. Representative now has far more job security than a Politburo member in Moscow.

The combination of Washington's financial mess and an unresponsive Congress is exactly the kind of situation the Founders had in mind when they gave the State Legislatures and people the right to call a convention to propose an amendment.

**Then we shouldn't be afraid to use our Constitution as it was intended to be used?**

We **honor** our Constitution by using the States' rights under Article V to stop a runaway Congress and to prevent a national debt disaster.

Washington, Madison, and the other Founders would never have believed we might let scare tactics prevent use of the Article V safeguard which they so carefully gave us.

**SHOULD WE FEAR A CONSTITUTIONAL CONVENTION?  
SIX SAFEGUARDS PROTECT US.**

Our opponents claim a constitutional convention might repeal the Bill of Rights, impose a communist system, or do some other horrendous damage to our Constitution. Whatever you most fear, you will be told that a convention will do it.

Don't be surprised if you are told a convention will cause cancer, hepatitis, and acne. I trust you are too wise to be taken in.

**But what are the safeguards, and can we depend on them?**

There are at least **six safeguards** on a federal constitutional convention -- **six solid reasons why a convention won't harm our Constitution**. A convention is not likely to be held, because Congress will want to write any proposed constitutional amendment. But if a convention is held, these six safeguards ensure we need not fear it:

**SAFEGUARD # 1:  
THE STATES HAVE POWER TO LIMIT A CONVENTION  
TO ONLY ONE SUBJECT. THE BALANCED BUDGET AMENDMENT  
RESOLUTIONS OF KANSAS AND ALL THE STATES DO THIS.**

The most thorough study of this question was made by the **American Bar Association's Special Constitutional Convention Study Committee**. This was a two-year study by nine respected constitutional scholars, ranging from liberal to conservative. In their 90-page report in 1973, they **unanimously agreed that the State Legislatures can limit a constitutional convention to only one subject:**

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"Congress has the power to establish procedures governing the calling of a national constitutional convention limited to the subject matter on which the Legislatures of two-thirds of the states request a convention. ... (p. 9)

"Since Article V specifically and exclusively vests the State Legislatures with the authority to apply for a convention, we can perceive no sound reason as to why they cannot invoke limitations in exercising that authority. ... (p. 16)

"In summary, we believe that a substantively-limited Article V convention is consistent with the purpose of the alternative method since the States and people would have a complete vehicle other than the Congress for remedying specific abuses of power by the national government; consistent with the actual history of the amending article throughout which only amendments on single subjects have been proposed by Congress; consistent with State practice under which limited conventions have been held under constitutional provisions not expressly sanctioning a substantively-limited convention; and consistent with democratic principles because convention delegates would be chosen by the people in an election in which the subject matter to be dealt with would be known and the issues identified, thereby enabling the electorate to exercise an informed judgment in the choice of delegates." (p.17)

**What did the Founders say about the States' power to call a limited convention?**

**James Madison** and **Alexander Hamilton** explained that Article V was intended to allow either the Congress or the State Legislatures to originate specific amendments, one at a time. Their explanation supports and is fully consistent with the States' right to limit a convention to proposing only one amendment.

"It, moreover, **equally enables the general and the State governments to originate the amendment of errors** as they may be pointed out by the experience on one side or on the other." Madison, The Federalist No. 43, at 286.

"Every amendment to the Constitution, if once established, would be a **single proposition** and might be brought forward singly. ... And consequently, whenever nine, or rather ten States, were united in the desire of a particular amendment, that amendment must infallibly take place." Hamilton, The Federalist No. 85, at 572.

(Note: When there were only 13 States, Article V would have required nine States to meet the two-thirds requirement for calling a convention, and ten States to meet the three-fourths requirement for ratifying an amendment.)

**But don't some law professors claim the States can't call a limited convention?**

Of course. You can find law professors on all sides of any issue, including this one. Their conflicting theories are unimportant in view of the strong, clear statements by Madison and Hamilton (above) and the **unanimous** report by all nine members of the American Bar Association's Special Constitutional Convention Study Committee (quoted above).

**Has Congress recognized the States' power to call a limited convention?**

Yes, in at least two important ways.

First, Congress counts **only resolutions for a convention on the same subject**, to determine whether the required two-thirds of the States have called for a constitutional convention.

The U.S. Department of Justice reported in 1987 that **39** States had filed constitutional convention resolutions with Congress. Each resolution called for an amendment on one specific subject, but the various resolutions named **different** specific subjects.

Why didn't Congress call the convention? Any **34** States can call a convention under Article V. If the States could call only a general, wide-open convention, or if the States' specific limits on a convention could be ignored, then Congress should have called the convention long ago in response to the 39 requests.

But Congress and the States correctly recognized there were **not yet 34** State resolutions requesting a convention **on the same subject**. Therefore, Congress could not and did not call a convention. Nobody has seriously suggested that Congress should call one in response to these 39 States' resolutions seeking different amendments.

Since both Congress and the States clearly recognize that to call a convention there must be two-thirds of the States asking for a convention **on the same subject**, it makes no sense to argue that the convention would not be limited to the single subject for which it was called.

Secondly, Congress itself has often proposed one single amendment to the Constitution. Some opponents claim that Article V allows only a convention to propose "Amendments", meaning two or more amendments. But Article V applies the word "Amendments" equally to Congress and to a convention. Congress, by proposing only one amendment at a time, has repeatedly recognized that the Article V amending process can be limited to only one amendment -- whether proposed by Congress or by a convention.

**Do the States' Balanced Budget Amendment resolutions limit a convention to proposing only this one amendment?**

Yes. All 32 State resolutions on this subject request **only** a Balanced Budget Constitutional Amendment. They ask for a convention only "for the specific and exclusive purpose" of proposing this one amendment, or very similar language.

The Kansas resolution (SCR 1661, 1978) makes application to the Congress "to call a convention for the **sole and exclusive purpose** of proposing" a balanced budget amendment to the Constitution.

At least 11 of the State resolutions expressly provide that the resolution is **void and ineffective unless the convention is limited to proposing a balanced budget amendment.**

**SAFEGUARD # 2:**

**CONGRESS ALSO HAS POWER TO LIMIT THE CONVENTION TO ONE SUBJECT, AND CONGRESS HAS STRONG INCENTIVES TO DO THIS.**

If two-thirds of the States request a convention, under Article V Congress calls the convention. Congress must also provide for election of delegates, time and place of the convention, etc.

In the same legislation, Congress can limit the convention to only one subject. See the American Bar Association study (above). Congress undoubtedly would do so. Congress has no desire for an unlimited convention that might, for example, propose an amendment limiting Congressional pay. Congress would be under heavy public and political pressure to limit the convention as specified in the States' resolutions calling for the convention.

Congress could require all convention delegates to take an oath that they will limit the convention's work to the one amendment specified by the States.

**SAFEGUARD # 3:**

**THE PEOPLE CAN ELECT CONVENTION DELEGATES PLEDGED TO CONSIDER ONLY A BALANCED BUDGET AMENDMENT.**

Candidates for delegate can run on a pledge to propose only this one amendment. There is no public support for any drastic revision of the Constitution, so delegates who make this pledge are more likely to be elected.

Also, since the States' resolutions limit the convention to only this one amendment, most delegates will accept this limit as both a moral and legal obligation.

**SAFEGUARD # 4:**  
**CONGRESS CAN REFUSE TO SEND ANY UNAUTHORIZED AMENDMENT**  
**TO THE STATES FOR RATIFICATION.**

Article V provides that any amendment becomes part of the Constitution only "when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or other Mode of Ratification may be proposed by the Congress." Congress, not the convention, chooses the method of ratification.

To date, Congress has submitted all proposed amendments to the State Legislatures, except the amendment repealing prohibition. All versions of the Balanced Budget Amendment now before Congress specify that it will be submitted to the State Legislatures for ratification.

If a convention would propose an amendment on a different subject, it would exceed the convention's limited authority. That would be good and sufficient reason for Congress to refuse to send the unauthorized amendment to the States for ratification.

**SAFEGUARD # 5:**  
**THE U.S. SUPREME COURT CAN STRIKE DOWN**  
**ANY PROPOSED AMENDMENT THAT GOES BEYOND**  
**THE CONVENTION'S LIMITED AUTHORITY.**

If a convention were to propose an amendment on any subject other than a balanced budget, any of the 50 States could bring suit directly in the U.S. Supreme Court to declare the unauthorized amendment void. Article III, Section 2 of the Constitution gives the Supreme Court original jurisdiction in all cases in which a State is a party.

**SAFEGUARD # 6:**  
**NO AMENDMENT CAN BECOME PART OF THE CONSTITUTION**  
**UNTIL IT IS RATIFIED BY THREE-FOURTHS OF THE STATES.**

**This is the most important safeguard. A constitutional convention, like Congress, can only propose an amendment, which must then be ratified by 38 States.**

Assume the worst: a wide-open, irresponsible convention that defies its limited authority and proposes dangerous amendments; and both Congress and the Supreme Court somehow fail to use their power to stop these illegal amendments. Even this imaginary situation would not endanger our Constitution, because of the ratification requirement.

Each amendment would die if only 13 States did not ratify it. **Mere inaction by 13 States would defeat any amendment.** The failure of the Equal Rights Amendment and the District of Columbia Voting Rights

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Amendment shows how hard it is to get 38 States to ratify any controversial amendment.

**Those who sow panic about the convention process cannot name even one State, let alone 38, that would ratify** repeal of the Bill of Rights, or a communist government, or any of the other horrors and hobgoblins they pretend to fear.

**Do these six safeguards reinforce each other?**

Yes. **Any one of these six safeguards is ample** to prevent any harmful amendment, or any amendment on any subject other than a balanced federal budget. The combination of **all six safeguards** powerfully protects the Constitution and the people, and destroys our opponents' wild claims.

**Our opponents do not trust the American people or the State Legislatures.** We concerned taxpayers believe the people and the State Legislatures cherish and will protect our Constitution, using the safeguards that the Constitution provides.

**A CONSTITUTIONAL CONVENTION CANNOT CHANGE THE RATIFICATION PROCESS OR IMPOSE A NEW CONSTITUTION.**

Some of our opponents paint a nightmarish picture of a runaway convention overriding the Constitutional requirement that 38 States must ratify any proposed amendment, and imposing a new, radical Constitution.

**But how could this actually happen?**

How indeed? Our opponents never explain **how** this could happen, or how the evil plotters would persuade the American people to elect a majority of delegates who would violate the Constitution in this extreme way.

Even if a convention would attempt to impose a new Constitution and bypass the ratification process, any State could immediately ask the U.S. Supreme Court to strike down this obvious violation of the Constitution.

Article V plainly states that a convention's authority is limited to "proposing Amendments" and that no amendment becomes valid until it is ratified by three-fourths of the States.

Proclaiming a new Constitution in violation of our present Constitution **would amount to overthrowing our government.** But any such attempt by a convention would surely be **the most toothless, ineffective revolution in world history.**

Would the President, Congress, Supreme Court, and millions of federal employees, including the world's most powerful armed forces, simply bow

down and obey an illegal decision by a roomful of unarmed delegates? The idea is silly.

A convention has no power to levy taxes or raise armed forces to help it take over the nation. The Constitution gives Congress at least 20 specific powers that a convention lacks. Congress can raise taxes, spend money, impeach Presidents, and much more.

If one wants to worry about far-fetched possibilities, it is more likely that Congress could usurp the Constitution than that the convention could usurp Congress. Congress has real powers to induce people to go along with its desires. A convention can only talk and propose.

**WAS THE 1787 PHILADELPHIA CONVENTION**  
**A RUNAWAY CONVENTION?**

No, not in any way.

We need to remember that 1991 is not 1787. The situation then was totally different from our present powerful government and strong Constitution. The States were independent and there was no effective national government. The Articles of Confederation were dead, the national debt was in default, and armed mobs were closing down courthouses. But in spite of that chaos, the 1787 convention was lawful and orderly.

The Continental Congress called the 1787 convention to revise the Articles of Confederation but added that "such alterations and provisions should render the federal Constitution adequate to the exigencies of Government and the preservation of the Union." This broad scope was vastly greater than the authority of a limited convention under Article V of our present Constitution.

The Articles of Confederation contained no effective amendment process. Therefore, the 1787 convention had to decide how its proposals could be ratified.

In complete contrast, any future constitutional convention will be called under Article V and will be **bound by the specific Article V requirement for ratification by three-fourths of the States**. Our present Constitution, unlike the Articles of Confederation, carefully restricts what a convention can do.

Even so, the 1787 convention acted responsibly and cautiously. It proposed that the new Constitution could be ratified by nine of the 13 States -- but it would apply only to those States that chose to ratify it. The convention then submitted its proposed Constitution to the Continental Congress, which debated eight days before submitting the document to the States for ratification.



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To call the 1787 convention "runaway" is an attempt to rewrite history. It could not and did not impose its will -- even on a small, weak, chaotic nation.

We challenge our opponents to explain how the future runaway convention which they profess to fear could impose its will on the present United States and its powerful, well-armed government.

**THE REAL DANGER: A RUNAWAY CONGRESS.**

**An unwise amendment is more likely to be proposed by Congress than by a convention.**

Article V gives Congress the power to propose any constitutional amendment at any time -- including a whole new Constitution.

**Congress is a permanent, unlimited constitutional convention.**

**Whenever Congress is in session, our whole Constitution is always "opened up" to unlimited change -- by amendments proposed by Congress.**

**Which is the greater risk:** a powerful Congress with permanent authority to propose any or all amendments, or a temporary constitutional convention with authority to propose only one amendment?

Who would be more likely to propose a harmful amendment -- the entrenched, self-interested Congress or a group of citizen delegates elected by the people to serve for a few weeks in a one-time, limited convention?

**Shouldn't we be more concerned about the greater danger: economic collapse caused by runaway federal debt?**

The grave danger to our nation today is not a constitutional amendment -- whether proposed by Congress or by a convention. The good judgment of the American people and State Legislatures will prevent ratification of any destructive amendment.

The real danger is the economic collapse of our nation under a rising burden of debt, caused by the runaway spending of Congress and the President.

The real lesson of 1787 is that financial instability leads to political instability. Bankrupt governments don't last long. Today our government is not yet bankrupt, but is courting economic disaster by reckless spending and borrowing. We are financing our national debt by borrowing hundreds of millions of dollars a day from abroad. Proverbs 22:7 says, "the borrower is servant to the lender." Interest rates are now influenced as much by actions taken in Tokyo as by decisions made in New York or Washington. We have become debtors and tenants in our own land, and in the process

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our sovereignty is being eroded. Soaring federal deficits and debt have given foreign creditors the power to bring this nation to its knees.

Can anyone name a country that became great or stayed great because of all the money it owed? All the evidence points the other way. Argentina, for example, in the early part of this century was one of the world's more prosperous nations, with a standard of living similar to our own. Today Argentina still has a well-educated population and vast natural resources, but is sunk in poverty. How did it happen? For decades, the Argentine government paid for present pleasures with future earnings. The result is spiraling inflation, bankruptcy, and a declining standard of living -- plus political chaos and serious loss of human rights.

Thus, the real danger is even more than economic collapse. Soaring deficits threaten America's long-term political order and the survival of the freedoms in our cherished Bill of Rights.

**The danger of a runaway Congress is far greater than any other defect of our system of government.** Presidents can be impeached. So can judges. But -- **if we let the opponents** of a balanced budget **make us afraid to use the States' right to propose constitutional reform** through the convention process -- there is **no remedy for a Congress out of control.**

America desperately needs leadership by our State Legislatures to stop the runaway Congress from spending us into bankruptcy.

By defeating HCR 5010, the Kansas Legislature will continue its leadership to place a responsible restraint on the runaway Congress and President, and reverse our nation's downhill slide before it is too late -- before America becomes another Argentina.

**CONGRESS WILL PROPOSE THE BALANCED BUDGET AMENDMENT  
RATHER THAN CALL A CONVENTION.**

Having disposed of these false fears of a constitutional convention, we should remember one more point: The convention won't be held. Congress will almost certainly write the amendment rather than letting a convention do it.

When the States finally compel Congress to act, Congress will vote to propose its own version of a Balanced Budget Amendment. Letting a convention do it would surely result in a more strict amendment, possibly including penalties for failing to balance the budget. Therefore, when the number of State convention calls reaches 33 or 34, Congress will be forced to act.

This is exactly what happened with the 17th amendment. At the beginning of this century, the U.S. Senate repeatedly refused to vote for an amendment

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requiring the direct election of Senators. It wasn't until 30 States, one short of the necessary two-thirds at that time, approved limited convention calls that the Senate caved in and voted for the 17th amendment.

There is another reason Congress will propose the amendment rather than letting a convention do it. Incumbents would not want potential opponents to gain fame and media exposure at a convention. It would be an incumbent's nightmare -- a possible future opponent winning election as a convention delegate, helping to write the Balanced Budget Amendment that Congress refused to propose.

**But if 34 State Legislatures apply for a constitutional convention, isn't Congress required to call one?**

No, if Congress proposes the Balanced Budget Amendment before calling a convention.

At least **eight** of the States' resolutions for a Balanced Budget Amendment and convention call -- **including Kansas' 1978 resolution** -- contain a self-destruct clause. It says that if Congress proposes a Balanced Budget Amendment, then the State's request for a convention "shall no longer be of any force or effect."

Thus, even if Congress waits until 34 States have adopted convention-call resolutions, Congress can avoid a convention by promptly proposing the Balanced Budget Amendment. At that moment there will no longer be 34 States calling for a convention.

**Is this one more reason why the fears are false?**

Yes. American history tells us we have no reason to fear an Article V constitutional convention, but that it almost certainly won't be held because Congress -- when forced to act -- will prefer to write the amendment rather than calling a convention to write it.

**Conclusion.**

By defeating HCR 5010, the Kansas Legislature can help our nation restore fiscal sanity. Your 1978 resolution calling for a Balanced Budget Constitutional Amendment and, if necessary, a limited convention to propose it, is an essential part of the nationwide movement to stop runaway spending, deficits, and debt.

Repeal of Kansas' 1978 resolution would be a serious blow to federal fiscal reform.

The best way to ensure the survival of our Constitution and the guarantees of basic liberty that we cherish is for the States to **use the Constitution as**

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**the Founders intended** -- to pass enough Article V resolutions to force Congress to act.

Unless we have the courage to use the tools the Founders in their wisdom gave us, our nation will become a second-rate economic power and bury our children under a mountain of debt.

Committee Members, the debt-burdened, overtaxed people of Kansas and America need your help.

Thank you for allowing me to speak for National Taxpayers Union and our many Kansas members. I will be glad to answer any questions.

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