

**Ben Terrill**  
Kansas; Volunteer for Convention of States Action  
**In favor of SCR1607**  
Kansas Senate Committee on Federal and State Affairs  
March 13, 2023

Chairman Thompson and Members of the Committee:

I am a retired business research, human resource, and insurance professional. This year marks the beginning of my eighth year as a volunteer and my fifth year serving as the Legislative Liaison for Convention of States Action here in Kansas. I represent over forty-one thousand petitioners and dozens of other volunteers like myself.

Thank you for hearing testimony on this resolution today. Why did we request it and why are we taking your valuable time?

Because we have all come to the distressing conclusion that finding the best candidates and electing them into office at the federal level no longer secures our rights in the Constitution *from* the federal government itself. We find the government in Washington has, in fact, become an enemy to our liberty, and that the vested interests there do not and will not permit its correction.

We have also found to our great relief that the framers of our Constitution provided a way for us to check the powers of the federal government. The way to restore constitutional order is through you, our Kansas legislators, named as officers of the Constitution in the fifth Article, to be able to propose amendments without the consent of Congress, the President, or the Supreme Court when two-thirds of the states call for a convention to meet and deliberate on amendments about the same subjects.

That you have this power has never been denied. It is written in the plain language of the Constitution. Kansas is itself no stranger to this process, having made eight calls for such conventions between 1907 and 1978. Two of those calls are still active, one from 1951 for changes to federal taxing authority and another from 1978 for a balanced budget amendment.

Our proposal has been brought to this committee several times beginning in 2015, and it has passed favorably out of this committee on each occasion. It has been voted on in the Senate only once, in 2018, losing on a vote of 22 for and 16 against, since the Kansas Constitution requires 27 affirmative votes.

The reason we are here asking you yet again to exercise your authority is because our government is designed for the ambitions of one part to be checked by another part. Our system of shared sovereignty, called federalism, places enforcement in the hands of another branch. If the people are unable to get needed amendments initiated by Congress, then the State legislatures have the authority. Congress has tried and failed to limit its spending as well as its terms of office. And so we, the people of Kansas, come to you, our representatives, asking you again to take up the responsibility of putting restraints on the federal government.

Some will argue that this particular part of the Constitution must not be used. It's too full of unknown dangers, they say, and other federal officers should just live up to their oaths. Well, *I say*, what about the known dangers of continuing to live as we are under a federal government that is daily exceeding its constitutional authority?\* And what of your oaths as officers of the Constitution to support and defend it?

In reality, people often require incentives to do what is right and disincentives to keep from doing what is wrong and harmful. We may wish that all people were angels, but that will never be. As James Madison wrote in *Federalist 51*:

***If men were angels, no government would be necessary.*** If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. (Emphasis, mine.)

And so we ask you to use your authority to, in Madison's words, "oblige" the federal government to "control itself" by working HCR5008 and reporting it favorably out for action by the full Senate.

**\* A partial list of federal government abuses:**

1. Prohibition of all but LED lightbulbs, January through July, 2023.
2. Closure of over 225,000 acres to mining in Minnesota, Jan. 31, 2023.
3. Nationalization of healthcare and medicine, 2010.
4. Authorizing and funding the NSA to surveil US Citizens, 2001-02.
5. Establishing a Department of Education, 1979-80.