

Testimony of Ben Terrill
Proponent of SCR1604
Kansas Senate Committee on Federal and State Affairs
February 3, 2025

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 tenth year as a volunteer and my seventh year serving as the Legislative Liaison for Convention of States Action here in Kansas. I represent over 47,600 petitioners and dozens of active volunteers like myself. When I signed the COS petition in January 2016, there were 6,500 petitioners. We are a growing grassroots organization.

Thank you for hearing testimony on our resolution today. Why did we request it?

Because all of us have 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 will not relinquish their control. So we seek to restore Lincoln's vision of government of, by, and for the people.

To our great relief we have also found that the Framers did provide a way for any powers of the federal government that were out of order to be corrected. The way provided *to the people* to restore constitutional order is through you, our state legislators, named as officers of the Constitution in Article V. There you are enabled to initiate amendments, without groveling before Congress, when two-thirds of the states pass resolutions on the same subjects and then meet to deliberate and draft amendment proposals.

Recall, too, that any amendment proposals, whether initiated by Congress or state legislatures meeting in convention, must be ratified by three-fourths of the states.

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 committee on each occasion. On the Senate floor, it has been voted on three times: in 2018 and in 2023, the resolution lost on coincidentally similar votes of 22 for and 16 against, since the Kansas Constitution requires 27 affirmative votes; in 2021, the resolution was referred back to committee on a vote of 20 to 21.

We ask you to take up your authority because our government is designed for the ambitions or errors of any 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.

Some will argue that this one 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, what about the known dangers of continuing to live as we do under a federal government that has exceeded its authority, imposing the consequences on the people?* And what of your oaths as officers of the Constitution to support and defend it — sometimes actively?

We ask you to use your authority to oblige the federal government to control itself. Take action so that Kansas can join the 19 other states that have passed similar resolutions and so bring us closer to the 34 needed to hold a convention and propose amendments to restore constitutional order.

* A partial list of federal government excesses:

1. War on coal, gas, and oil, 2012 – today.
2. War on the internal combustion engine, 2012 – today.
3. Elimination from the market of all but LED lightbulbs, July, 2023.
4. Nationalization of healthcare and medicine, 2010-12.
5. Establishment of a federal Department of Education, 1979-80.