

TESTIMONY OF DAVID COPELAND
IN FAVOR OF SCR1604
KANSAS SENATE
FEDERAL AND STATE AFFAIRS COMMITTEE
FEBRUARY 3, 2025

Chairman Thompson and Members of this Committee: My name is David Copeland. I am a retired professional engineer and live in Overland Park. I am a volunteer for Convention of States Action and I represent the more than 47,000 Kansans who have petitioned you and your colleagues to pass the resolution you are considering.

Over the years I have heard many people express anger at the federal government for its inability to operate within constitutional limits but more and more people now are afraid of a government that has created emergency powers to close business and end careers. It has entered into international agreements that threaten our economy and our children's future all without the advice and consent of the Senate. It used to be mostly seniors telling me that they are concerned about the national debt that just went over \$36.4 trillion and is growing by more than \$1 trillion per year. Now I hear that from almost everyone.

Bureaucrats are writing rules with enforcement mechanisms that are beyond the scope of laws passed by Congress much less authorized by the Constitution. If our Constitution is intended to define the powers given to the government then adopting amendments that more tightly define those powers is required.

Some people are concerned with the arguments made by Article V opponents. What about the Runaway Convention? Thanks to the scholarship of Mr. Farris¹ we have ample evidence of the true nature of the 1787 Philadelphia Convention.

- Nine of the twelve state delegations acknowledged their authority from their state legislature "to render the federal constitution adequate to the exigencies of the Union." The New York and Massachusetts legislatures used the same language as the Confederation Congressional resolution and the Connecticut Legislature created their own broad authority. The legislatures of all twelve states acted on the premise that they would decide the authority of their delegations. After the Convention the legislatures of both New York and Massachusetts overwhelmingly defeated attempts by anti-federalists to condemn the work of the Convention.
- Both Federalists and Anti-Federalists agreed that the Convention was not called under the authority of Article XIII of the Articles of Confederation yet they claim the Constitution was not ratified in accordance with Article XIII.

- The Convention produced two formal products – the proposed Constitution and a proposal to amend the Articles of Confederation to allow ratification of the proposed constitution from the agreement of all thirteen states to a majority of nine.
- The Confederation Congress and the legislatures of all thirteen states approved the new ratification process.
- The new Constitution of the United States was ratified by state conventions of nine states on June 21, 1788.
- Opponents claim that a “constitutional convention” could result in a totally new form of government or that we could lose our Bill of Rights. First the semantics. There is no use of the term constitutional convention in our Constitution. Article V calls it a convention for proposing amendments. Critics of state legislatures participating in the amendment process use the term “constitutional convention” to make it sound like the convention could impose a new form of government. In my career working in Asia I have lived through three coups. Each coup resulted in a new constitution written by a convention or committee. Those were constitutional conventions. And that is what Justice Scalia referred to when asked about a constitutional convention and he replied that it was a terrible time for a constitutional convention. Scalia was an enthusiastic advocate of the states using Article V for proposing amendments Congress had little interest in proposing. Article V calls this a *Convention for proposing Amendments*.
- Opponents will say that we don't need to amend the Constitution we just need to elect better people to govern with the constitution we have. I would love to see that. Madison in Federalist 51 said, “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 the next place, oblige it to control itself.” Our government has figured out how to control the governed but it has failed to control itself.

Enough about the opponents, let's consider the amendment opportunities.

- Prevent packing the Supreme Court.
- Require a supermajority of states to allow adding new states.
- Prevent the use of Executive Orders to bypass Congress to enact law.
- A balanced budget with limits on taxes and spending as a percentage of a defined GDP.
- Impose Generally Accepted Accounting Principles (GAAP).

- Redefinition of the General Welfare Clause towards the original intent, restricting the federal government from spending money on any topic within the jurisdiction of the states.
- Redefinition of the Commerce Clause towards the original intent, regulating shipments across state lines rather than all economic activity.
- Sunset existing federal taxes and require a supermajority to replace them with new, fairer taxes.
- Religious freedom amendment prohibiting government interference with religious freedoms.
- Review federal codes and rules against the authorizing laws and stop administrative rule making.
- Protect our right to freely express our opinions and share information.
- Require all international agreements to be ratified by the state legislatures.

Does this sound like a radical new form of government? If one has amassed wealth and power from government they will probably say that it does.

Will thirty-eight states ratify amendments like these? We don't know. We don't know if these amendments will come out of the convention but they are likely to be proposed. Failing to ratify an amendment means that we maintain what we have and continue on the current path. Kansas continuing to sit on its hands without joining in the process will likely prevent the other states from getting to a convention and guarantee that we continue on the current path. A majority of Kansans urge you to pass the resolution and apply to have this convention. Americans in the nineteen passed states urge you to pass the resolution and help them make this happen. Americans in the states that will never pass the Convention of States resolution urge you to pass the resolution and give them a voice to apply for a convention. America needs Kansas.

¹ Michael Farris, DEFYING CONVENTIONAL WISDOM: THE CONSTITUTION WAS NOT THE PRODUCT OF A RUNAWAY CONVENTION, Harvard Journal of Law & Public Policy (April 2017).