

Wednesday, February 14, 2018
SCR 1611, Hearing in Senate Federal and State Committee
Blake Branson, on my own behalf and not representing any group
Opposing SCR 1611, written testimony only
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Honorable Chairman and State Senators:

I have a number of important reasons for opposing a Convention of the States, but there are a few in particular that I'd like to focus on here.

First, Kansas is one of the most conservative states in the nation. This is an extremely important point to understand and to consider when discussing the potential for an Article V Convention. What this means is that nearly every other state delegation at a proposed convention would hold a different world view as they approach the idea of changing our Constitution.

Should Kansans be excited about a convention run nearly entirely by states actively practicing governing ideas that Kansans oppose?

Now, some proponents will argue that the convention can be controlled and that it will be a "limited" convention specific to a given issue or issues. But once convened, delegates have full authority, with enough votes, to change the rules, ignore the rules, and essentially do what they want. This is not uncommon or unusual procedure for conventions or other parliamentary settings. That is, after all, why they are there – to oversee and change the rules. Should we just expect that this common procedure not be used at this convention?

Another problem that I find is with how the resolution is written.

The Kansas resolution states that one of the topics or issues of the convention is to "*limit the power and jurisdiction of the federal government*". While proponents claim that the convention can be "limited" because the word "limit" is used in the resolution, this is not as clear cut as it may seem.

You see, this language opens up the entire Constitution for an unlimited number of changes so long as those changes "limit" the federal government. But the word limit does not necessarily mean that changes would only further restrict government power. To limit something is to set its boundary. An amendment could very well "limit" the federal government's power while still growing the power of the federal government when compared to current limits.

At the very least we should ensure that we are very careful with our words when altering our Constitution is the goal.

Put simply, the resolution in question is not written properly to match the stated goals of the proponents.

Proponents will also argue that any amendments will have to be ratified by the states and that this is a strong enough buffer to protect our Constitution. This sounds like a fair argument, but there is a big problem.

Imagine for a moment what policy in this country would look like if the twelve (12) states that most align with your political ideology disappeared. Now imagine what the country would look like if the Constitution were altered to reflect that policy. Is that a Constitution you are prepared to make possible?

You see, twelve (12) states can be left entirely out of the equation, and an amendment that changes the Constitution can still be ratified.

Kansas would be one of the states that gets left out.

Additionally worth considering, amendments proposed that will be most dangerous to the foundation of our Constitution may not be the obvious ones. It might be an amendment that simply contains loose language that ends up doing something other than intended, as is the case with this resolution.

Or it might be an amendment that would change the rights protected by our Constitution. Gun rights, for example.

Of course, a dangerous amendment will not specifically spell out trying to upend the Constitution or removing one of the Bill of Rights. A truly dangerous amendment will be one that looks like a beautiful compromise. It will be an amendment that can pass ratification while leaving Kansas out of the equation.

How many states subject themselves to federal government mandates on issues where the federal government has no authority to involve itself? Might those states allow for what is already current policy to be reflected in the Constitution?

How many states restrict gun rights, even just a little bit, that might allow for the Constitution to reflect those restrictions?

I believe that if you consider it carefully you will find that there are at least a few issues that you care about passionately where trusting other states to change the Constitution would be a nightmare.

I encourage you to think long and hard before trusting our Constitution to such dangerous conditions.

I encourage you, instead, to partner with grassroots activists and to look towards the 9th and 10th Amendments for solutions to federal overreach.

I strongly urge you to oppose SCR 1611 for the good of Kansas and our Constitution.