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SFC Randell C Phalp, USA, Retired
15001 West 89th Street
Lenexa, KS 66215-2909

Kansas House of Representatives
House Federal & State Affairs Committee
Hon. John Barker, *Chair*
Hon. Louis Ruiz, *Ranking Member*
Kansas State House
300 W 10th Street
Topeka, KS 66612

In Re: House Continuing Resolution 5009

My name is Randell Phalp, and I am a resident of Lenexa, Kansas. Today, I write in support of HCR5009; the Kansas Application and Call for Convention of States under Article V of the US Constitution and ask that this body refer this Continuing Resolution to the entire House with a recommendation for passage. Further, I call for your active support of its passage in both chambers of the Kansas Legislature.

In his book, *Start with Why: How Great Leaders Inspire Others to Great Action*, author Simon Sinek states: "There are only two ways to influence human behavior: you can manipulate it, or you can inspire it." Sinek also states, "There are leaders and there are those who lead. Leaders hold a position of power or influence. Those who lead inspire us."

By this written testimony I hope to inspire you to action. To be more than mere leaders in the authoritative and coercive sense and be the inspiration our State and our Nation needs right now on this and other issues.

Sinek reminds us to start with why. So why would I bother to submit testimony on this issue? To begin with, I am a husband, father and grandfather; a small business owner and a disabled veteran. The health and welfare of my family, my business and my fellow veterans is inexorably linked to the health and welfare of my State and my Nation. Second, as Edmund Burke stated so eloquently and succinctly, “The only thing necessary for the triumph of evil is for good men to do nothing.” Thus, when I retired from military service, I committed myself to volunteerism, because for me the oath of office I took as a soldier and sailor did not have an expiration date. That is my Why.

In previous legislative sessions, I served as Legislative Liaison for COS Action here in Kansas, and only left this volunteer position due to issues of health. I have stood and discussed this CR with many of you, and no doubt you are familiar with all the arguments both for and against.

Most amazing of all has been the pushback an Article V Convention of States receives from both the left and the right. Most of this pushback is based on incomplete information and/or false assumptions. However, some information disseminated against COS is intentional disinformation for the purpose of maintaining the status quo.

When I became interested and active in the Article V debate in 2009, many on the right were concerned about abuses of power (whether real or perceived) within all three branches of the federal government. In January 2017 that pendulum swung in the opposite direction and now those who hold a left of center perspective complain about abuses of power (whether real or perceived) by the executive, legislature and judiciary.

Indeed, the polarity of our political discourse has continued to widen. There certainly are several contributing factors, but I believe the principal reason for the lack of reason and compromise is this:

WE THE PEOPLE do not feel our voice is being heard.

I have friends of every political stripe you can imagine. We have differing views on many topics, yet we can discuss them without coming to blows. Some items they can moderate my point-of-view, and vice-versa. On some issues we will never see eye-to-eye on; others we can find some modicum of compromise that would, were we legislators for the day, allow us to both be equally satisfied, or at least willing to put forward a plan that would allow a specific piece of legislation be tested for its effectiveness, using the 50 individual states to serve as “laboratories of democracy,” as Supreme Court Justice Louis Brandeis called them.

To date, fourteen other legislatures have seen fit to approve this very CR, including Missouri and Oklahoma. Another eight states have had the Call pass within one chamber or the other so far, this legislative session. Among this group of eight is Iowa, New Mexico and Virginia; not exactly states known today as bastions of conservative thought and leadership.

Therefore, it is time that Kansas takes its rightful place among the states on the right side of both history and liberty by affirming HCR5009.

A convention of the states under this call would be limited to the scope of the call itself (contrary to claims elsewhere), which is to propose amendments to limit the size, scope and power of the federal government, to apply fiscal restraints thereon, and to consider term limits for both elected and appointed federal officials. Thus, while this gives the delegates of each state broad latitude in what amendments they would propose, it is simultaneously constrained to only proposed amendments that fall within this scope.

I know that messages both for and against are blowing up your phones. I know that your official email is probably clogged with threatening emails of what would happen should you vote to approve HCR5009. If so, it is no different than in previous years, except that...many of the organizations that have been involved in this decades-long disinformation campaign have been discovered to be little more than troll farms and

grassroots organizations a mile-wide, but only an inch-deep. Most of the calls against certainly are not Kansans. As Kansans, you can appreciate when I tell you that they appear to be The Great Oz, when, in reality, there is only one little old man behind the curtain.

By contrast, the Convention of States project has a support organization that covers every Kansas state legislative district. Think about that. That is broad appeal.

As mentioned, I am a retired military veteran. There is an old saying in the military that if you are taking flack you must be over the target. When it comes to legislation, when you are receiving flack from both sides of the issue, then you must have a piece of legislation that neither pleases all, nor completely offends all: the essence of a reasonable compromise. If ever there was a document that was the essence of rational compromise, it is the US Constitution. If ever there was a tool that the Constitution's framers provided that reflects that very essence, it is Article V.

Last, I would remind you that all a Convention of States can do is propose amendments. Any amendment proposed would still need ratification by 38 States to become law. It is a high bar meant to protect our nation from frivolous and impulsive acts legislatively. Indeed, the Convention of States call you are considering now is far from frivolous or impulsive, but the result of years of research, study and debate before ever reaching the floor of the first legislature to consider it.

Our nation has not run on all cylinders for some time now; the signs are unmistakable. However, one does not tinker lightly with the engine of individual freedom and democracy. It must be at the right at the right time, at the right place with the right tool. For our current condition, this is our time; a Convention of States is the right tool; the right place is Kansas.

In closing, as you consider your vote, I would remind you of the words of Dr. Martin Luther King, Jr. when he said, "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." I dare say that, in my lifetime, we as a nation have not had as controversial a season as the 60's. Until now.

What you choose to do now will determine Kansas' place in history.

Once again, I call on you to be the inspiration our State and our Nation needs right now on this and other issues. Demonstrate courage in these times of conflict and controversy by doing the right thing instead of that which is merely politically expedient. Pay no attention to the man behind the curtain whose sound and fury signifies nothing. Give the citizens of Kansas a tool by which we can form "a more perfect union" once again.

Please vote in the affirmative for HCR5009; the Kansas Application and Call for Convention of States under Article V of the US Constitution. Refer HCR5009 to the entire House with a recommendation for passage. Actively support HCR5009 in both chambers of the Kansas Legislature. Be more than a leader in the authoritative and coercive sense. Lead on HCR5009.

Respectfully Submitted,

SFC Randell C. Phalp, USA, Retired