

Testimony in opposition of:
House Concurrent Resolution No. 5009:
A concurrent resolution making the application to the Congress of the United States to
call a convention for the purpose of proposing amendments to the Constitution of the
United States.

Testimony of Scott Rogers
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Thank you Chairman Barker and members of the Federal and State Affairs Committee for allowing me to testify in opposition to House Concurrent Resolution No. 5009: A concurrent resolution making the application to the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States.

I join you today as a fellow elected official tasked with representing the best interests of the people who elected me. As the mayor of a small city in West Virginia, my reasons for addressing the Kansas House of Representatives may not be immediately clear. However, the way you vote on HCR 5009 has the potential to impact the people of my city out here in West Virginia along with each and every one of the Kansans all of you represent, as well as each and every citizen of the United States.

Whether you're a Republican or a Democrat, a constitutional convention may sound good in theory but is really a dangerous threat to us all. Article V contains no rules or limits on what such a convention can do. There is no limit on the scope of amendments proposed. This could result in a "runaway convention" where all of our rights and liberties, even rights as basic and fundamental as our right to free speech, could be up for grabs. We cannot trust this risky, untested system where wealthy special interests can easily rig the rules against the American people.

I also have a personal reason for speaking with you today. I know very well how dangerous a Constitutional Convention can be, because I spent the better part of the last decade advocating for one. As the former Executive Director of the Balanced Budget Amendment Task Force, we worked for a Convention that would add a balanced budget amendment to the Constitution.

During my time in the movement, I believed that a "ConCon" was simply another way of amending the Constitution. But now more than ever, opening up one of our founding documents to a wholesale re-writing feels like a risk we just can't take.

Regardless of the language in your resolution limiting the scope of such a convention to impose fiscal restraints on the federal government, limit the power of the federal government and impose term limits for members of Congress there are no limits to what such a gathering of delegates could do once convened. Legal scholars on both sides of

the aisle agree that a constitutional convention is an invitation for constitutional mayhem. There is no language in the Constitution and no law to limit the scope of the convention to just our preferred issues.

Due to the lack of rules and guidelines about how a convention would work, it is unknown how delegates would be picked, what rules would be in place, what would happen in the case of legal disputes, what issues would be raised, how the American people would be represented, and how to limit the influence of special interests in a convention.

We also have no way of knowing how many delegates each state will be allowed to send. Will delegates be decided by population? If so, mostly rural states like West Virginia and Kansas will be vastly outnumbered by delegates from states like California and New York. Who will represent the rights, values and interests of rural Kansans?

Each and every state that passes a resolution such as HCR 5009 takes our entire country closer to the loss of key liberties and freedoms. Every representative in this body needs to ask themselves, will my vote for a constitutional convention actually be the vote that takes away the right of the people of Kansas to vote? To own a firearm? The freedom to practice their own religion? Those are the kinds of fundamental rights you are putting at risk by voting for an Article V convention.

We would do well to remember that the last time our country convened such a convention, the delegates who were sent to amend the Articles of Confederation threw it out completely and started from scratch to write our current constitution. Including the addition of Article V to give their radical act legitimacy after the fact. Is that a risk you're willing to take right now in this time of extreme, radical political polarization? Are you willing to risk the rights and freedoms so many have fought for? If not, I urge you all to please reject House Concurrent Resolution 5009.