

TESTIMONY OF
DAVID COPELAND
IN FAVOR OF HCR5027
KANSAS HOUSE
FEDERAL AND STATE AFFAIRS COMMITTEE
FEBRUARY 10, 2022

Chairman Barker 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 and I am here representing the 39,000 Kansans who have petitioned you and your colleagues to pass the resolution you are considering today.

I have had the privilege to speak with hundreds of Kansans over the past six years as we welcome new petition signers and answer questions about Convention of States. Based on the information they provide with their petition and many conversations I can tell you a few things about these Kansans.

- They are evenly split between men and women.
- They are not concentrated in a few districts but for the most part they are evenly spread across the state.
- They are all ages but this year has seen a significant increase in interest from millennials and younger Kansans.
- We don't ask political affiliation but when likely Kansas voters were polled in 2018 we found that 75% of Republicans and 55% of Democrats were in favor of using Article V to have an amendment convention on our three subject matters. Given the recent surge in interest in COS I can assume these numbers are significantly higher.
- We have retirees, teachers, ranchers, farmers, business owners, hospitality workers, clergy, sales people, skilled trades, truckers, public employees, lawyers, soldiers, engineers, medical professionals and stay-at-home parents.
- At least seven percent have identified as veterans and veterans make up more that twenty-five percent of our volunteer leaders.
- The past year has seen the greatest increase in petition signers since the COS movement began.

I always ask people why they signed the petition.

In the past year the most common reason to have an amendment convention is to **stop the rampant corruption**. Elected officials and the bureaucracy colluding to fleece taxpayers of trillions of dollars in contracts and grants to their friends and supporters has reached new levels. I have spoken to many people who say they signed the petition because they want to term limit Congress. These signers have no confidence in politicians wanting to spend a career in Washington. They believe these politicians may begin in good faith but eventually sell out to keep their seats. Constituents are just votes to be manipulated. Congress has little or no actual oversight of the bureaucrats. No one believes that Congress will term limit itself. Many Kansans have lost all faith in government, particularly after the recent election. Kansans want term limits to change the character of Congress and Washington.

Seniors tell me that they are concerned about the ever-increasing debt we are leaving for our kids and grandkids. That debt just went over \$30 trillion and is growing by more than \$1 trillion per year. Some say they want to see Washington get the financial house in order while we still have options. They tell me they are afraid we will be forced to monetize the debt to pay it off with devalued dollars, reducing the value of their savings and Social Security. They are embarrassed that they will leave this debt mess to their children who will see no benefit from this \$30 trillion that is already spent. Part of that \$30 trillion is owed to Social Security and Medicare. Without reform, even when IOU's are paid, Social Security can only pay full benefits through 2034 and Medicare will run out of money in 2026. Where is the political courage to address spending, taxing and borrowing in Washington? Is it necessary that we throw ourselves into a deep recession and have to claw our economy back? Or can we start taking responsible steps before it is too late for a soft landing?

We have veterans in Kansas who recognize the danger of rising interest rates to our national security. The annual interest paid on our debt is currently about half of our defense budget. As Treasury rates inevitably rise the interest payment increases will force cuts to discretionary spending. When that happens we know that defense takes the biggest hit. This has resulted in force reductions, deferred equipment replacement and shortages of spare parts. We sent soldiers to Afghanistan and Iraq with equipment they purchased from Radio Shack and Bass Pro. We are confident our forces can dominate any non-peer enemy, but are we prepared to win a battle when our enemy can neutralize our air superiority, launch ballistic missiles, deny our use of satellites, or infiltrate our cyber war space? We can't download an app to protect us from an

electromagnetic pulse. Congress is not only kicking the debt can down the road they are risking the security of the free world.

Young people have said that they had never imagined that elected officials at all levels would try to invoke rules and exercise authority in areas never expected. Vaccine and mask restrictions, lockdowns and other so-called “emergency” power have highlighted the difference between individual liberty and a government that wants to rule their constituents rather than serve them. Many were called to work through the lockdowns and are now being tossed out without justification. The corruption they can now see has sent them into a newfound interest in political action.

I have asked signers if they are worried about the bureaucracy taking over and they have told me that reform is needed, that the government has grown too large to function well and be held to account. If the Constitution is intended to define the powers given to the government then adopting amendments that more tightly define those powers is required. These amendments should prune the Executive branch of limbs better suited to bear good fruit in the State or local government.

I know that opponents of calling a Convention of States will claim that Washington doesn't follow the Constitution now so why should we expect them to follow new amendments. To that I will say that the amendments are obeyed because they have been added to correct a problem. The first ten amendments are targets of those who desire to erode individual liberty and the sovereign power of the States. The Bill of Rights must be diligently protected. However the subsequent amendments addressed presidential term limits, abolished slavery, protected and extended voting rights, gave power to Congress to impose an income tax, and instituted then repealed prohibition. These amendments are faithfully enforced. We should not expect anything less from any ratified amendment proposed by the states.

The opposition will bring up the so-called runaway convention arguing that the Philadelphia Convention disregarded the instructions of the Confederation Congress to only propose amendments to the Articles of Confederation. This is a half-truth. The convention did disregard the Confederation Congress but only because the convention delegates were under the authority of their individual states. It was a convention of states that met in Annapolis in 1786 that recommended the 1787 meeting. The instructions or commissions of ten of the twelve

participating states empowered the convention to recommend any and all changes necessary to make the government structure work. And that is what they did. ¹

Opponents will claim that the convention cannot be limited to the three subjects in the HCR5027. To this I point to the multiple examples of federal conventions that have been called to a specific and limited agenda. There is no history of any of these meetings exceeding the limited scope of the meetings called. These meetings were convened by multiple states to respond to issues of the time including but not limited to Indian affairs, common defense, trade and water rights. None of these meetings could be characterized as a plenipotentiary meeting like the Philadelphia Convention. There is no reason to assume the convention of states in this resolution would be anything but limited to the specific subjects.

Another opposition claim is that the convention will result in bad amendments, presumably giving more power to government rather than taking power away. This outcome is highly unlikely due to the fact that the convention has no power other than to propose amendments. Any amendments passing out of the convention must then be acceptable to majorities in thirty-eight states. It only takes thirteen states to stop a bad amendment. This high bar is the ultimate protection from the bad amendments.

When I consider Kansas' place in the roll call of states required to get to a convention I think of the millions of Americans living in states that are highly unlikely to apply to have the convention. Since the states gave away the US Senate the state convention option in Article V is the only play left in the Constitution. The 10th Amendment is just words unless the states exercise Article V. On behalf of the 39,000 Kansans petitioning this legislature as well as the millions of Americans looking for help from Kansas, I urge you to pass HCR5027 this year.

¹ Robert G. Natelson, *The Law Of Article V, State Initiation of Constitutional Amendments*, 24 (2020)