

**Date: February 10, 2022**  
**HCR 5027, Hearing in the House Federal and State Affairs Committee**  
**Blake Branson, Volunteer Deputy State Coordinator for Kansas Campaign for Liberty**  
**Opposing HCR 5027, written testimony only**  
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To: Honorable Chairman Barker and members of the House Federal and State Affairs Committee:

Kansas is one of the most conservative states in the nation. This is an essential point to consider when discussing the potential for an Article V Convention. This means nearly every other state delegation at a proposed convention would hold a different worldview 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?

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 an 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 standard procedure not be used at *this* convention?

Another problem, and perhaps the most disturbing, is the poorly written language of the resolution.

The Kansas resolution states that the topics or issues of the convention include to “*impose fiscal restraints*” and “*limit the power and jurisdiction of the federal government.*” One of the most foundational and adamant points that proponents make is that the convention can be restricted to specific issues. Still, even if true, this resolution most certainly does not accomplish this goal.

So long as a “fiscal restraint” or “limit” of power is included in a proposed amendment, even if it is mere window dressing, every part of the Constitution and every issue is on the table. Worse, the limit for such an amendment could actually *expand* the power of the federal government when compared to current limits and still be allowed under this resolution!

At the very least, we should ensure that we are careful and exact with our words when altering our Constitution is the goal. This is a flaw too big and too significant to ignore.

Another fundamental argument from proponents is that any amendments will have to be ratified by the states and that this is a strong enough buffer to protect our Constitution. While this sounds fair, 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.

In today's political climate, Kansas would surely be one of the states that gets left out.

Harmful amendments will not be obvious.

The amendments proposed that will be most dangerous to the foundation of our Constitution won't be the most obvious ones. It might be an amendment that simply contains loose language leads to unintended results, as would be the case with this resolution.

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

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 is one crafted to look 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 current policy to be cemented in the Constitution?

How many states restrict gun rights, even just a little bit, that might allow for the Constitution to reflect those restrictions? While the number of Constitutional Carry states is growing, the focus is simply shifting to other ways to restrict our gun rights, like red flag gun confiscation, wait periods, ammunition and magazine restrictions, and gun-free zones.

And the most prominent example is what we have witnessed over the last several years. All but one state imposed devastating lockdowns while few state legislatures fought back with more than a whimper. Will these states allow for new emergency powers that violate our rights to be enshrined in our Constitution?

Do you trust these states with our Constitution?

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.

Instead, I encourage you to partner with grassroots activists by being faithful to your oaths and holding your colleagues and other elected officials accountable for their actions and to the Constitution.

I strongly urge you to oppose HCR 5027. Thank you for your consideration.