

Written Testimony against HB2722

By Judi Caler
March 9, 2022

To Rep. John Barker, Chair; Rep. Tory Marie Amberger, Vice Chair; Rep. Louis Ruiz, Ranking Minority Member; and Members of the House Federal and State Affairs Committee:

My name is Judi Caler, and I'm President of Citizens against an Article V Convention. Thank you for the opportunity to testify against **HB2722**.

Last year, Convention of States (COS) President Mark Meckler threatened to sue the Kansas Senate, if the Senate version of the COS Application, asking Congress to call an Article V convention, wasn't allowed to pass the Senate with a simple majority vote. As you know, the Kansas Constitution requires 2/3 vote of both houses for Article V convention applications to pass.

Meckler falsely claimed that the People of Kansas have no say in the matter, because the Supremacy Clause of the US Constitution prevails.

Georgetown Law Professor David A. Super, in a [LETTER](#) to the House Speaker dated January 19, 2021, explained in simple terms why there is no conflict between the Kansas Constitution and the US Constitution, and why the Kansas Legislature would "gravely undermine the Rule of Law" if they even attempted to ignore the 2/3 vote requirement in the Kansas Constitution.

Last May, Kansas dodged a lawsuit when the Senate voted to send the Senate COS application back to committee, instead of vote on the application itself. No one knows what a COS lawsuit would have cost Kansans.

As John Axtell, from Campaign for Liberty, summed up before this committee on Feb. 10, 2022, in opposition to the COS application:

"This willingness to brazenly violate the Kansas Constitution in a desperate attempt to pass their resolution, is proof that no rules, not even the Constitution itself, will be honored at an Article V constitutional convention."

Delegates to the convention, as sovereign representatives of the People, would have more power than state legislators; they could dissolve the States and Congress, as expressed in the Declaration of Independence, [para. 2](#): "...it is the Right of the People to alter or to abolish" their "Form of Government." And we have no idea who the Delegates would be or how they'd be selected!

See “[State Legislatures have no power to select & control Delegates to an Article V Convention.](#)”

Delegates would be above, and not subject to state delegate laws like **HB2722**. Delegate bills serve only to give legislators a false sense of security, so that they’ll vote for Article V convention applications like HCR5027, HCR5029, and HCR5009.

You can do some good with HB2722, however. You can amend it by adding a few words to Section 2 (b) to earn my support. And you might as well strike the rest of **HB2722**, as it will have no effect on the Delegates anyway:

*(b) "article V application" means a concurrent resolution adopted by **two-thirds vote of** both houses of the legislature that calls for an article V convention.*

I urge you to Vote “No” on HCR2722. And, just in case COS tries the same stunt in the House as they did in the Senate last year, *please amend **HCR2722** in committee to conform with the constitutional 2/3 Vote Requirement in the Kansas Constitution that you took an oath to support.*

This committee indicated on Feb. 18 that they thought the proper place for amendments was in a delegate bill. So here we are!

Thank you for your consideration.