

Testimony

of

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In favor of HCR 5009

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To the Honorable Chairman and Members of the Kansas House Federal and State Affairs Committee:

As an U.S. Air Force Veteran from Wichita, aerospace worker, and Kansas native, I have spent most of my life particularly not involved in governmental politics. However now, I have been concerned where our country is heading, and election after election, I can see that nothing ever really changed, but the Washington Bureaucracy seems to get more and more extreme. As a father, I have become deeply concerned with my own children's future.

Now you will hear opposition here today suggesting many things to why you should not pass this resolution. I have heard many that seem to be repeated over and over; however, the more you investigate these fear-oriented accusations and misinformation, the more you will realize that they are truly unfounded, but yet prove only more scare-tactics to stop us from carrying out what is actually part of our Constitution.

One of these accusations is that an Article V convention for amendment proposals will be a runaway just like the Constitution Convention of 1787 was a runaway. I hear this falsehood quite often from both sides of the aisle, and it is always the same story of how the U.S. Constitution was created and adopted illegitimately since the convention delegates were instructed by Congress to merely amend the Articles of Confederation, but they wrote a whole new document.

The truth is that it was not Congress that provided the political incentive for calling the Constitutional Convention, but The Annapolis Convention. The twelve delegates from five states participating at Annapolis concluded that a broader convention was needed to address the nation's concerns. They named the time and date (Philadelphia, second Monday in May).

The Annapolis delegates said they were going to work to "procure the concurrence of the other States in the appointment of Commissioners." The goal of the upcoming convention was "to render the constitution of the Federal Government adequate for the exigencies of the Union."

What role was Congress to play in calling the Convention? None. The Annapolis delegates sent copies of their resolution to Congress solely "from motives of respect."

What authority did the Articles of Confederation give to Congress to call such a Convention? None. The power of Congress under the Articles was strictly limited, and there was no theory of implied powers. The states possessed residual sovereignty which included the power to call this convention.

Seven state legislatures agreed to send delegates to the Constitutional Convention prior to the time that Congress acted to endorse it. The states told their delegates that the purpose of the Convention was the one stated in the Annapolis Convention resolution: “to render the constitution of the Federal Government adequate for the exigencies of the Union.”

Congress voted to endorse this Convention on February 21, 1787. It did not purport to “call” the Convention or give instructions to the delegates. It merely proclaimed that “in the opinion of Congress, it is expedient” for the Convention to be held in Philadelphia on the date informally set by the Annapolis Convention and formally approved by seven state legislatures.

In Federalist 40, James Madison answered the question of “who gave the binding instructions to the delegates.” He said: “The powers of the convention ought, in strictness, to be determined by an inspection of the commissions given to the members by their respective constituents [i.e. the states].” He then spends the balance of Federalist 40 proving that the delegates from all 12 states properly followed the directions they were given by each of their states. According to Madison, the February 21st resolution from Congress was merely “a recommendatory act.”

James Madison wrote in Federalist 40, “The truth is, that the great principles of the Constitution proposed by the convention may be considered less as absolutely new, than as the expansion of principles which are found in the articles of Confederation. The misfortune under the latter system has been, that these principles are so feeble and confined as to justify all the charges of inefficiency which have been urged against it, and to require a degree of enlargement which gives to the new system the aspect of an entire transformation of the old.”

The States, not Congress, called the Constitutional Convention. They told their delegates to render the Federal Constitution adequate for the exigencies of the Union. And that is exactly what they did.

When the Convention sent its draft of the Constitution to Congress, it also recommended a new ratification process. Congress approved both the Constitution itself and the new process. Along with changing the number of required states from 13 to 9, the new ratification process required that state conventions ratify the Constitution rather than state legislatures. This was done in accord with the preamble of the Constitution—the Supreme Law of the Land would be ratified in the name of “We the People” rather than “We the States.”

The convention that we are proposing today is part of the U.S. Constitution per Article V, and has to follow the laws set forth in regulating it. The purpose for the convention is defined per the exact identical wording on each state resolution. Unlike the Constitutional Convention of 1787, an Article V Convention is fully limited to proposing amendments only, and those saying otherwise are completely misinformed and not being truthful. During the final days of the 1787 Convention, all the delegates unanimously agreed on this amendment method because they knew that the federal government would become oppressive at one point.

Therefore, I urge you to please support HCR 5009 that calls for a convention of the states to propose constitutional amendments that will limit the power, scope, and jurisdiction of the federal government. It is time to use your constitutional authority in order to make this happen for our country’s longevity and our children’s future.