

Wednesday, March 13, 2018
HCR 5009, Hearing in House Federal and State Committee
Robert Wood, Opposing HCR 5009 with written and oral testimony
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Honorable Chairman and State Senators:

I am writing today in opposition to HCR 5009, the resolution for Kansas to join with other States in an Article V Convention to amend or rewrite our Constitution.

An Article V Convention seeks to change the words of our supreme law, our Constitution. If changing words were all that was needed to stop tyranny, then our Founders would not have indicated that our Constitution must be defended and enforced for ourselves and for our posterity. They warned us that “eternal vigilance is the price of liberty” and that we must stand each day against the evil of centralized power. Well today we witness a central government more tyrannical and more controlling of our everyday lives than that from which we separated so long ago. But who is giving them that authority?

Convention of States has tried unsuccessfully for many years to pass this resolution in Kansas and to date still refuse to answer two very critical questions that everyone must know before supporting and Article V Convention today. In fact the Convention of States Regional Director came on one of my posts last week to comment and I demanded he give a straight answer to these critical questions and he refused.

1. First, who will be the delegates to your Article V Convention?

When they first tried to pass a COS Resolution in Kansas several years ago I demanded that they let the people know how the delegates to a convention would be selected. They tried to pass delegate selection bills giving State Republican leadership control and that went down like a lead balloon. Many legislators promised us that they wouldn't pass a resolution without the people knowing the delegate selection process, but suddenly they dropped all talk of it and will not speak of it again.

Will it be majority Republican or majority Democrat? Will it be just legislators and not citizens like they had at the COS Mock Convention? Convention of States likes to fool their Republican supporters by inferring that delegates will be conservative and push for passing Mark Levin's Liberty Amendments or other amendments provided by ALEC or Koch Brothers Lobbyists.

But the truth is we don't know who the delegates will be because no selection process has been given and most likely it will be made up of the same “violent partisans” that we have in our political process and in our streets today as James Madison warned so long ago.

If a Convention were to take place for the avowed and sole purpose of revising the Constitution, it would naturally consider itself as having a greater latitude than the Congress appointed to administer and support as well as to amend the system; it would consequently give greater agitation to the public mind; an election into it would be courted by the most violent partizans on both sides; it would probably consist of the most heterogeneous characters; ... would no doubt contain individuals of insidious views,

who under the mask of seeking alterations popular in some parts but inadmissible in other parts of the Union might have a dangerous opportunity of sapping the very foundations of the fabric."

"Under all these circumstances it seems scarcely to be presumable that the deliberations of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I **should tremble** for the result of a Second, meeting in the present temper of America, and under all the disadvantages I have mentioned."

Everywhere today we see evidence of "violent partizans". Declaring unconstitutional emergency powers for the Presidents. Fighting to silence the speech of others on campus. Both sides destroying our Bill of Rights for political ends. This is why the Convention of States supporters do not want anyone talking about delegate selection because the truth is it will look like the system we currently have creating the same mess we see today in our country, but codifying that mess inside of our Constitution.

2. How are more words going to enforce themselves when the State and Federal governments (Legislative, Executive and Judicial) refuse to follow the words of the Constitution now and most of the people are refusing to stand up and make them do it?

This is another important question that Convention of States Project refuses to answer. So if we write more words what happens if they are treated like the rest of the Constitution today that are ignored by our governments and unenforced by the States and the people? COS Representative Mark Meckler got caught off-guard on a Red Eye Radio call in show on July 6, 2017 and told the truth that COS does not want you to hear.

Caller: "What happens, if say, we call a "convention of states" [and] we get some great reform amendments made to the Constitution to undo a lot of damage that has been done by activist judges and left-wing congressional majorities and presidents. What happens if we have future...laws...that violate the new amendments...and...new activist judges on the Supreme Court that then give rubber stamp approval [to the unconstitutional laws].... **Is there a bullet-proof, really good way to stop the same process from cycling over and over again after we get new amendments [at a convention]?"**

Meckler: "You know, I think that's one of the best questions there is. **And I'm going to give you the short and blunt answer, which is NO!"**

The Convention of States Project then tries to tell us that they must amend the Constitution to strip the power from the out-of-control US Supreme Court. Yet Mark Meckler again in that same broadcast got caught telling the truth that they don't want you to know.

Caller 1: "Once the amendments are proposed and ratified, how are they actually implemented?"

Meckler: "[The amendments] just automatically become part of the Constitution...part of the **structure of governance in America...and that means that government then has to begin operating according to those amendments in the same way that they do with the rest of the Constitution.**"(Really because they're not now)And if they fail to follow those amendments, then obviously, **there is litigation that ensues up to the federal courts and ultimately up to the Supreme Court, if necessary.**"

So the Convention of States Project reasoning for a convention is all over the map. The fact is that any new amendments to the Constitution will be attacked by the courts before they are even ratified and most of them are already going to be covered in the current unconstitutional precedents of the court.

The Convention of States Project likes to make the case that we must amend the Constitution to strip the power from the court because our government follows a second Constitution made up of tortured distortions, unconstitutional precedents and case law called, The Constitution of the United States of America, Analysis and Interpretation. The problem with this type of thinking is not the book or the nonsense listed inside, but that the State legislators are foolish enough to follow these tortured distortions as though they were law! The Constitution already fully vests the power to make law in the hands of the legislature alone, not the courts or with the pen of the President. Even then those laws must be made "pursuant to the Constitution" as indicated by the Supremacy Clause or they are not binding on the States.

The issue with US Supreme Court overreach today will not be solved with more words in the Constitution, but more understanding that the courts do not make law and they have no power to do anything but render a judgment or opinion, and only then on things within their limited jurisdiction. The Framers of our Constitution were clear about that fact.

"The Judiciary, on the contrary, has no influence over either the sword or the purse; no direction of either the strength or the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment (opinion)."

- Alexander Hamilton

Unfortunately what we suffer under today is not the lack of more or better words in the Constitution, it is that we have not educated ourselves in the system that the Framers provided for us. Instead of creating more words and the courts taking them and creating more tortured distortions of them, the States in which are the parties to the Compact must take this book of tortured distortions of our Compact by the courts and burn it on our Statehouse steps and especially burn it out of our minds!

We must stop asking the court to rule over our rights, our States and our State Constitutions. We've actually had State legislators and leadership in Kansas in recent years and today give undue and unconstitutional authority to the US Supreme Court to rule over the rights of the citizens and over our internal State business which is clearly outside of their limited jurisdiction.

In the last few years we had 2 men arrested, tried and convicted of a federal felony for following the US Constitutions Bill of Rights, the KS Constitutions Bill of Rights and Kansas Law the 2nd Amendment Protection Act, that passed in 2013 by huge bipartisan majority of the Kansas legislature. Yet when the Feds came to arrest these men, none of those supporting an Article V Convention stood up for them and demanded Kansas enforce the law. Many stood by and indicated that we must wait for the US Supreme Court to decide if the clear words of our State and US Constitutions meant anything or if our Kansas law, which was pursuant to both, meant anything and if we have any individual rights or State rights at all. More words in the Constitution won't fix that.

Then last week the Kansas State Senate President indicated that we must have the US Supreme Court decide if our Kansas legislature has the constitutional Power of the Purse or if they must be slaves to the court's opinion on school finance. It is clearly outside of the jurisdiction of the US Supreme Court to decide an internal State conflict and to render our State Constitution impudent to their will. Why would the Kansas legislature give up their authority to a court outside the jurisdiction of Kansas? Why would

they bend to the will of any court when the constitutional Power of the Purse clearly resides in the State legislature and not the courts, State or Federal? More words in the Constitution won't fix that.

Our States must stop giving the US Supreme Court authority over every question today. They were given no such power over the Constitution or over the States. It is very hypocritical for those legislators who support Convention of States push for an Article V Convention to indicated that we must do it to strip power from the US Supreme Court while at the same time giving authority to the court to unconstitutionally make every decision concerning our rights, our State Constitutions and their legislative Power of the Purse. As Mr. Meckler said, "the cycle will never end." That is unless we enforce our Constitutions and not allow any more violations of them by the courts.

That doesn't require more words IT REQUIRES BACKBONE!

It comes down to this. The Framers already gave us all the tools we need to fix the issues we have today. Unfortunately we have become ignorant of them and must stop giving authority to a central government and their courts to rule over us. The States created the Constitution and it begins with WE THE PEOPLE! It is time the States and WE THE PEOPLE start enforcing our Constitution and stop letting our representatives in government give all authority over to a central government growing more powerful and oppressive every single day.

IT IS TIME THAT WE ENFORCE OUR LAWS AND OUR COMPACT NOT AMEND THEM!

Please vote NO on HCR 5009 and let's get busy working to defend the rights of the people of this State and stop complying with anymore violations of our Compact by the Federal government or their courts.

"No compact among men . . . can be pronounced everlasting and inviolable, and if I may so express myself, that no Wall of words, that no mound of parchment can be so formed as to stand against the sweeping torrent of boundless ambition on the one side, aided by the sapping current of corrupted morals on the other." -George Washington