

**House Committee on Federal and State Affairs**

**Rep. John Barker, Chairman**

**Re: HCR 5027**, Applying to the Congress of the United States to call a convention of the states.

**Thursday, February 10, 2022** 9am, Room 346-S

**Written Testimony submitted by: Lynn McAllister, Lyon County, Kansas**

Chairman Barker & Committee Members,

I have come today to speak in favor of Convention of States. There are many examples for the need of such a convention. Today I will be addressing only one of those examples. The abuse of Executive Orders from the Executive Branch of our Federal Branch of government. This abuse is not a new over-reach problem from the Executive Branch, in fact it has continued to escalate in abuse from one president to the next. These continued Executive Order abuses have turned our Constitutional Republic into something more like a dictatorship.

Joe Biden issued an Executive Order in July 2021 to mandate the Covid-19 vaccine for all companies employing more than 100 people with the directive for OSHA to enforce that regulatory mandate. Several companies eagerly complied with the vaccine mandate immediately and began to implement the vaccine mandate without even having written OSHA documents. My place of employment, Tyson Fresh Meats of Emporia, Kansas was one of those companies. Tyson announced on August 3, 2021, their intention that all employees be fully vaccinated by November 1<sup>st</sup>. Although Tyson stated that religious accommodation requests and medical exemption requests would be received for those employees who sought them, none were reasonably accepted.

All medical exemptions were denied in the Emporia plant. Religious accommodations were "accepted" with 2 options. Option one was being placed on an indefinite and unpaid Leave of Absence. Option 2 was termination if you refused the forced Leave of Absence. Neither one of those options were anywhere near reasonable. This is nothing less than abuse, discrimination, tyranny, and despotism on the part of Tyson private business and the Executive

Branch of the United States of America. Tyranny is defined as the exercise of power over subjects and others with a rigor not authorized by law or justice. Despotism is defined as authority unlimited and uncontrolled by men, constitution, or laws. These two definitions apply to this Biden's vaccine mandate Executive Order which has since been overturned by the U.S. Supreme Court in January 2022.

I want to thank the Kansas legislature for calling a Special Hearing regarding the Covid-19 Vaccine Mandate. My wife testified at that Special Hearing on my behalf, which happened to be the first day I was forced out of work at Tyson. After 21 years with Tyson, I was forced out of work because of my religious beliefs. Thank you for seeing the need to address the multiple problems created by the OSHA mandate. Your many, many hours of discussion and debate, that resulted in Special Session H.B. 2001 makes declining religious accommodations in Kansas unlawful. I am very grateful for your hard work for thousands of Kansans. However, some companies are not yielding to the law H.B 2001.

On January 28, 2022, I made a request to Tyson, based on H.B. 2001 and the overturning of the OSHA regulation, that I be returned to work. On January 29, 2022, I was denied with the statement that "The company has reviewed and at this time we will not make any change to the mandate. If something does change we will notify you." Working with the Kansas Department of Labor, and following Special Session H.B. 2001 directives, I have filed for a telephone hearing with Littler and Mendelson who are the Tyson legal counsel. The date for that hearing is yet to be determined.

It is more than disappointing to be suffering abuse, discrimination, tyranny, and despotism, which in spite of the law, still exists for me and others at Tyson; all because of the abuse of a U.S. presidential Executive Order.

There is a solution for us today regarding the ongoing problem of Executive Orders. Just as you saw the need for a Special Hearing which required many hours of discussion and debate to create a solution in Special Session H.B. 2001, I implore you to see the need for Kansas to join other states who are able, ready, and willing to discuss and debate federal government over-reach violations such as Executive Orders.

I am not asking you today to determine the outcome of Convention of States. What I am asking is that Kansas join Convention of States for the purpose of discussion and debate with other states to create a solution for federal government over-reach violations. These types of violations lead to the very suffering that my family and I are experiencing today. Executive Orders spawn despotism in our federal government and our private businesses. Discrimination and despotism are boldly continuing in businesses in the face of H.B 2001 and the Supreme Court ruling against the OSHA vaccine mandate executive order.

Please send wise Kansas delegates to a Convention of States to discuss U.S. federal government over-reach abuses and legal violations.

## Ronald Reagan “The Speech” 1964

### A Time for Choosing

The Founding Fathers knew a government can't control the economy without controlling people. And they knew when a government sets out to do that, it must use force and coercion to achieve its purpose. So, we have come to a time for choosing...You and I are told we must choose between a left or right, but I suggest there is only an up or down -- the maximum of individual freedom consistent with order--or down to an ant heap of totalitarianism. James Madison said “We base all of mankind for self-government. This idea, that government was beholden to the people, that it had no other source of power—is still the newest, most unique idea in the long history of man’s relation to man. This is the issue of this **election**: whether we believe in our capacity for self-government or whether we abandon the American Revolution or confess that a little intellect elite in a far distant capital can plan our lives for us better than we can plan them ourselves.

Reagan concluded; “You and I have a rendezvous with destiny”

When you replace the word **election** above, in Reagan’s 1964 speech, with the word **decision** it fits for the question to answer today.