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HCR5027, Hearing in House Federal and State Affairs Committee
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Opposing HCR5027, with written testimony only
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Honorable Chairman and members of the House Federal and State Affairs Committee:

I am writing this testimony to strongly oppose HCR5027, the resolution to call for an Article V Convention. Until our State starts enforcing our Compact, adding more words are simply a fool's errand.

Our nation is in a Constitutional crisis of monumental proportions. Over the last 2 years we have witnessed the wholesale dismissal of our Constitution, our Bill of Rights on the State and Federal level and the complete dismissal of the rights of the people in general by every level of government over a virus that was much less dangerous than others we have seen throughout history. Instead of following their oath to support and defend our Constitutions or their number one duty to secure the rights of the people, our representatives in government sat back and watched as the people had their businesses closed or severely limited, had their movement completely restricted and were forced to wear a state approved muzzle in order to take part in any "normal" activities. We have witnessed the disregard of every liberty this country was founded upon. To give our Constitution over to representatives with such little regard for it to amend at this time is to simply throw it onto the ash heap of history. It has been well documented the lack of understanding of our basic liberty at all levels of government and it has been clearly demonstrated that we do not have men who are capable of either writing amendments in defense of liberty or enforcing them when written today.

President Joe Biden recently made a statement that completely destroys any idea that more unenforced words amended into our Constitution will make any difference to tyrants.

"No amendment to the Constitution is absolute." - President Biden

In context President Biden was referring to the most strongly worded amendment in the Constitution, the 2nd Amendment. A stronger statement cannot be written to defend our right to bear arms from government confiscation than, "the right of the people to keep and bear arms SHALL NOT BE INFRINGED". Yet it was recently exposed that a Convention of States Board Member Co-authored a rewrite of the 2nd Amendment and an entire "Conservative Constitution".

So much for this being a limited convention...

Worst of all the language of the new 2nd Amendment they are writing is absolutely horrendous and gives us a good idea what to expect from those working on Convention of States amendments to push through at a convention.

“Neither the States nor the United States shall make or enforce any law infringing the right to keep and bear arms *of the sort ordinarily used for self-defense and recreational purposes*, provided that States and the United States in places subject to its general regulatory authority, *may enact and enforce reasonable regulations on the bearing of arms, and the keeping of arms by persons determined, with due process, to be dangerous to themselves or others*”

Those familiar with the rhetoric of the anti-gun Left will quickly recognize that this portion of the draft creates opportunities for federal and state governments to so regulate the private ownership of firearms to render such a right practically null and void.

But the draft of their “Conservative Constitution” goes far beyond essentially gutting the right to keep and bear arms. As one reads through the draft, its similarity to the language used by the Founding Fathers is striking. Mixed in with that language, however, are changes that, rather than making the document friendlier to the concepts of limited government and liberty, would create a constitution transferring vast swaths of power to the federal government.

This is clearly why their plan and their resolution must be stopped!

Our Constitution is on life support and failing fast today. If your child was injured and had a major cut that was bleeding very badly would you apply a slow method to fix the problem or an immediate solution to save their life? I know which path I would take and it would be to save the child and then worry about making sure that it never happened again with a long term solution. That is what we have with our Constitutional crisis today. Everyone knows that the Constitution is being destroyed by the tyrants in Washington, DC who fail to follow the laws the States have made for them in the compact we created many years ago.

The immediate solution is to nullify all federal theft of State power. To support and defend the Constitution first and then worry about making amendments to fix any issues after we have successfully defended it. The original Constitutional Convention created our current Constitution. It has failed! Not because it is the best written civil document in the world, but due to the States and the people that have neglected their solemn duty to support and defend it.

Nullification or Article V conventions

Article V Conventions and Nullification are NOT mutually exclusive, nor is one the magic pill for all our federal problems. Each is a legitimate Constitutional solution, but each has a different order, aim and application. Each plan is a tool for a specific job and for different ends. They can be used together in the defense of Liberty as long as we understand each in its own context and consider the pitfalls involved. We must be able to demonstrate that our States will not comply with anymore violations of our Constitution before anymore words will ever have an impact. It must be noted that we are having this discussion because of the very fact that we have stepped so far out of the Constitutional boundaries given to this government that we are operating practically in a post-Constitutional America.

Two different animals:

Article V Convention is a long term fix aimed at making corrections at the federal level. Nullification is an immediate defense at the State level. Article V aims to make structural changes or further clarifications to the operations of the federal government and its relation to the States by amending the Constitution. Nullification aims to make no changes to the current Constitution, but is simply an assertion by the individual sovereign States of the authority they already possess and a declaration of the limitations to federal power already defined by the Constitution. Article V convention in the current context seeks to fix what is assumed to be broken or lacking in the federal system and is to be used in the rarest of circumstances. Nullification, as intended by the framers, was to be a part of “republican maintenance,” whereby the central government was to be continually kept in check by its masters, the States. Let us take a look some problems that we should keep in mind so we can work to defeat the common enemy...TYRANNY.

Some of the problems with Article V:

WHO are the delegates and what is their motivation?

According to James Madison in Federalist 49, one significant problem with conventions is - WHO will be the delegates? Madison discusses two options for choosing delegates: either through the Legislators or through popular vote of the people. In each case he believed there was cause for concern. In modern terms, when delegates are chosen by the legislators, what we could see are appointments based upon party loyalty rather than upon Constitutional expertise and dedication to Liberty principles. When the delegates are chosen by popular vote, typical election dynamics could determine the outcome. Voters would vote based upon party popularity and perhaps even a “lesser of two evils” and the same corrupt politicians would now be in charge of “fixing” the very problems they created. The ultimate result of both options would be, as Madison states, “The same influence which had gained them an election into the legislature, would gain them a seat in the convention...”

They would consequently be parties to the very question to be decided by them.” According to Madison, the real difficulty with delegates boils down to “motivation”. What will be the motivating force behind the delegates and their amendments? Madison recognized that the only reason we have our current Constitution is that the framers had just come from a bloody revolution that kept the delegates focused upon LIBERTY and that forced them to set aside their party politics and personal motivations: “We are to recollect that all the existing constitutions were formed in the midst of a danger which repressed the passions most unfriendly to order and concord; of an enthusiastic confidence of the people in their patriotic leaders, which stifled the ordinary diversity of opinions on great national questions; of a universal ardor for new and opposite forms, produced by a universal resentment and indignation against the antient government;” ~ James Madison Federalist 49 Madison seems to be telling us that without some overriding and unifying motivation, the convention would likely degrade into another Republican vs. Democrat drama. If we cannot get delegates that are properly constitutionally minded rather than driven by political gain and greed, this will never benefit us.

In years past the State legislators supporting COS promised that they would figure out the delegate selection process before bringing this to the floor for a vote. That did not happen, so a big piece of the puzzle is missing in everyone's understanding of just who will be among those selected as delegates for this convention. Will it be 99.9% Conservative Republicans like the Convention of States Simulation Event held a few years ago? Will it be bipartisan selection of State legislators? Will there be any regular people or Constitutional experts involved? Nobody knows and that is the number one thing every citizen of this State and legislator must know before voting to pass any Article V resolution. It was presented alongside this resolution several years ago and was dropped by the COS lobby because it caused support to go away from both sides on this issue.

WHEN will it be done?

One big difference between nullification and a constitutional convention is the time each takes to implement. Any advocate of Article V must admit that this is a LONG TERM goal and not a quick fix. To call a convention, choose delegates, agree on amendments, an Article V convention could take several years, possibly 5 to 15 years. Adding to the time frame is the Article V requirement of 3/4 ratification by the States. That means EVERY AMENDMENT must be agreed upon (debated), individually, by 3/4 of the States to ratify. During such a time frame, it would be prudent to use nullification to put the brakes on at the State level until corrections (if truly needed) can be made at the federal level.

What will be the scope and impact?

Probably the most debated aspect is the notion of a "runaway convention." Some say the 3/4 ratification is a check on a runaway convention, that 3/4 of the states would never go along with a total rewrite of the Constitution or the addition of harmful amendments. Of course, 3/4 of the states DID ratify the very harmful 16th and 17th amendments. Tinkering with the foundation is always risky business. SO at the end of the day it may well come back to the main issue of the motivation, focus and education of the people and their delegates.

During the last Constitutional Convention the delegates were given very specific instructions to only amend the Articles of Confederation. When they got together they all scrapped that, refused to follow those specific instructions from their States and created a new Constitution. Then they knew that several States would never ratify it, so they reduced the ratification requirements so that the States that would be onboard could ratify it without them. That could very well happen again.

Conclusion:

If you keep getting mugged every time you leave the house. Is the answer to call your City Commissioner to amend the local laws to really tell the criminals once again to stop mugging you? Or will you simply defend yourself from a violation of your rights because the laws on the books won't stop crime. The only things that stop crime are morality or force. They can mug you but they won't do it because its wrong and immoral. They can mug you but they won't because you are a well-armed citizen and that force will stop them if necessary.

An Article V won't stop the DC criminals from stealing our liberty. I don't blame the tyrants in Washington. I blame the State and the people for not supporting and defending the Constitution. We have violated our oath. Our state legislators have violated their oaths each time they take federal bribe money. Until that stops no more words on paper will do a thing to support and defend us or the Constitution. It will make the tyrants laugh after they take over the Convention and codify all of their tyranny in law. I can also tell you that most of the amendments being proposed will do nothing to fix the damage done to our republic. Only fixing our morality will. Only defending our liberty will.

An Article V is great for one thing at this time. It is a great diversion from what is necessary. States enforcing the Constitution and not complying with anymore violations of it. What is working all across this nation is the States standing up and interposing when the Feds get out of their jurisdiction and into the States. That is working well and someone in Washington wants a quick diversion to get legislators away from what is working to take away their power over us. We are in an immediate Constitutional crisis and the focus should be on Nullification because the path to an Article V is a very long one and even when it is ratified it will be even longer before it has any impact on defending our liberty.

Will an Article V keep the Feds from kicking down your door tomorrow and searching your house without a warrant or confiscating your guns? Will it keep the EPA from stealing your property next week? Will it stop the IRS from targeting you and your business next month? Will it keep the NSA from spying on you next year? Will it stop them from forcing vaccines upon you and your children? The clear answer is NO! What will is the State passing strong bills to Nullify all these unconstitutional acts now!

AND FULLY ENFORCING THEM WHEN THEY DO!

Please DO NOT pass the application for an Article V! Please stop being diverted from what must be done to defend the liberty of the people and start focusing on passing bills to nullify federal usurpation of the States power. It is time to stand up and support and defend the Constitution. Only after that is done will the Feds care about following the words or amendments of an Article V. It is time to leave the micro-adjusting screwdriver of the Article V in the Liberty toolbox and get out the Nullification hammer. It is time to fix the immediate problems to restore our republic now because if we don't, we may not have a Constitution left to amend.

Finally, fixing words is not the issue. Fixing ignorance, immorality and apathy is the issue. The people must once again see it as our duty to be vigilant in educating ourselves and our children in our founding documents and great history. To understand that our rights come from our Creator and it is the number one duty of those we elect to defend those rights. And understand that we the people and those we elect to serve us must vigorously defend the sovereignty of our States and the liberty of our people.

Yours in Liberty,
Robert Wood

“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

“Neither the wisest constitution nor the wisest laws will secure the liberty and happiness of a people whose manners are universally corrupt.”

-Samuel Adams