

Kansas House of Representatives
Committee for Federal and State Affairs
Proponent Testimony for SCR1604
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Chairman and members of the Committee:

My typical testimony on this subject is intended to speak for the 49,000 Convention of States petition signers in Kansas and I want to give them their voice today. However rather than reciting the reasons that a national poll¹ found that 68% of those polled (which included more Democrats than Republicans) back using an Article V convention of states to propose amendments for fiscal responsibility, limits on federal power and term limits, I want to address some of the absurd statements I have heard in this building and seen in communication on this and related legislation.

Opponents have claimed that the amendment convention cannot be controlled and could result in an entire rewrite of our Constitution. I have heard that Congress will decide the rules and select the delegates. The founder of Campaign for Liberty confuses an Article V convention of legislators with a national political convention. Opponents have claimed that the Philadelphia Convention disregarded instructions from the Confederation Congress and was a “runaway convention.”

Fortunately the law and contemporary record tell a different story.²

- There have been more than forty interstate conventions since our founding and not one of those conventions veered from its intended purpose. A list of those conventions is included below.³
- These conventions called under the authority of the US Constitution are not political party conventions. These are serious and intentional meetings funded by the states. There are no bands or balloons. Two attempts were made in the Senate last month to amend the wording of this resolution with unrelated language. The carrier of the resolution asked for rulings on the germaneness of each proposed amendment. The Rules Committee concluded each amendment was not germane. The carrier noted that this is just what would occur at a convention when attempts would be made to steer the convention in another direction.⁴

¹ USA National Public Opinion Survey, Susquehanna Polling and Research, Inc. Conducted September 23-October 1, 2024.

² Harvard Journal of Law & Public Policy, DEFYING CONVENTIONAL WISDOM: THE CONSTITUTION WAS NOT THE PRODUCT OF A RUNAWAY CONVENTION, Michael Farris, April 2017.

³ THE LAW OF ARTICLE V: STATE INITIATION OF CONSTITUTIONAL AMENDMENTS, Robert G. Natelson, 2020

⁴ JOURNAL OF THE SENATE, Twelfth Day, February 26, 2025, Topeka, Kansas

- The Confederation Congress did not call the Philadelphia Convention. It was first called by the Virginia General Assembly. Six states appointed their delegations to the convention before the Congress responded with an acknowledgement of the convention. The Confederation Congress lacked the authority to summon a convention. The convention was under the authority of the twelve participating states.⁵
- Ten of the states at the convention instructed their commissioners following the recommendation of the Annapolis Convention of 1786, to *“devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union...”*
- New York was one of the two states limiting the authority of their commissioners to discussing the Articles of Confederation. When it became apparent that the convention was going to propose a new government structure two of three New Yorkers went home rather than violate their instruction. Alexander Hamilton stayed at the convention and contributed to the debate but did not vote. He is the sole New York signature on the final document. The commissioners at the convention knew the source of their authority and took it seriously, just as every convention since.
- The convention produced two formal measures; the proposed constitution and a proposal to change the ratification requirement of the Articles of Confederation to allow approval by nine rather than thirteen states. The state legislatures began approving the new ratification requirement and calling conventions for ratification of the new Constitution. This change to the ratification process was approved by all thirteen states and the Congress well before the new Constitution came into force on June 21, 1788 with New Hampshire’s ratification.
- Congress cannot hijack the process or the purpose of the convention. Article V gives Congress the requirement to “call” the convention. This call specifies information that the state applications cannot possibly include, the initial time and place of the convention. The Founders would not create a process to by-pass Congress only to give it the authority to make the rules or dictate choose the participants of a convention.⁶

⁵ Id, 2, pg 88-90.

⁶ Id, 3, pg 83.

History of Multi-State Conventions Since 1776

1776-77	Providence, RI	Paper currency and public credit
1777	Yorktown, PA	Price controls
1777	Springfield, MA	Economic issues
1778	New Haven, CT	Price controls and responses to inflation
1779	Hartford, CT	Economic issues
1780	Philadelphia, PA	Price controls
1780	Boston, MA	Conduct of Revolutionary War
1780	Hartford, CT	Conduct of Revolutionary War
1781	Providence, RI	War supply
1786	Annapolis, MD	Trade and commerce
1787	Philadelphia, PA	Propose new governing system
1814	Hartford, CT	NE States response to War of 1812
1850	Nashville, TN	Southern response to northern states
1861	Washington, DC	Propose a constitutional amendment *
1861	Montgomery, AL	Write Confederate Constitution
1889	St. Louis, MO	Propose antitrust measures
1922	Santa Fe, NM	Negotiate the Colorado River Compact
1928-29	Santa Fe, NM	Negotiate temporary Rio Grande River Compact
1928-38	Santa Fe/ Colorado Springs, CO	Negotiate Rio Grande River Compact
1937	Santa Fe, NM	Negotiate Rio Grande River Compact
1946-49	Denver, CO	Negotiate Upper Colorado River Basin Compact

* The 1861 Washington convention failed to achieve a quorum of 2/3's of the states and failed to prevent the civil war.