

TESTIMONY  
OF  
BEN TERRILL  
KANSAS HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS  
FEBRUARY 15, 2023

Mr. Chairman and Members of the Committee:

My name is Ben Terrill. I am a resident of Shawnee, Kansas. This is my eighth year as a volunteer and my fifth year serving as the Legislative Liaison for Convention of States Action here in Kansas. I represent over forty thousand petitioners and dozens of other volunteers.

Thank you for hearing testimony on this resolution today. Why did we request it and why are we taking your valuable time?

Because we have all come to the distressing conclusion that selecting the best candidates and voting them into office at the federal level no longer secures our rights in the Constitution from the federal government itself. We find the government in Washington has, in fact, become an enemy to our liberty, and the vested interests there do not and will not permit its correction unless by external intervention.

We have also found to our great surprise that the framers of our Constitution provided a way for us to check the powers of the federal government. This way to restore constitutional order is through you, our Kansas legislators, named as officers of the Constitution, in the fifth Article, to be able to propose amendments without the consent of Congress, the President, or the Supreme Court when two-thirds of the states call for a convention to meet and deliberate on amendments of the same subjects.

That you have this power has never been denied. It is written in the plain language of the Constitution. Not only that, but Kansas is no stranger to this process, having made eight calls for such conventions between 1907 and 1978. Two of those calls are still active, one from 1951 for changes to federal taxing authority and another from 1978 for a balanced budget amendment.

Our proposal has been brought before this committee several times beginning in 2015. It was passed out of this committee each time except in 2017. And it

has been voted on in the House twice: once in 2016 and again last year; each time receiving over sixty percent of the votes cast.

The reason we are here asking you yet again to exercise your authority is because our government is designed for the ambitions of one part to be checked by another part. Such is our system of shared sovereignty called federalism. Since you have the authority, and if you see the problems as we do, or even partly so, then you have a moral responsibility to exercise your authority. Just as you would expect an officer of the law who witnessed a theft or assault to do something to restore property or peace, you also are right to expect action of yourselves in this matter.

Some will argue that this particular part of the Constitution must not be used. It's too full of unknown dangers, they will say, and other federal officers should just live up to their oaths. Well, what about the known dangers of continuing to live like we are under a federal government that is daily breaking the Constitution? And what of your oaths as officers of the Constitution to support and defend it?

The truth is that people often require incentives to do what is right and disincentives to keep from doing what is wrong. Some may want all people to be angels, but that will never be. As James Madison wrote in *Federalist 51*:

***If men were angels, no government would be necessary.*** If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. (Emphasis, mine.)

Here is a partial list of specific federal government abuses:

1. Department of Education, 1979-80.
2. Authorizing and funding the NSA to surveil US Citizens, 2001-02.
3. Nationalization of healthcare and medicine, 2010.
4. Closure of over 225,000 acres to mining in Minnesota, Jan. 31, 2023.
5. Elimination of all but LED lightbulbs, becoming effective from January through July 2023.