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HCR 5008, Hearing in the House Federal and State Affairs Committee
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Opposing HCR 5008, with written testimony
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Honorable members of the House Federal and State Affairs Committee,

I oppose HCR 5008 for many reasons and have stood against it for over a decade.

This House Resolution to call an Article V Convention to place fiscal restraint amendments in our U.S. Constitution is basically the same that has been tried and failed in this State for over a decade as a pseudo Balanced Budget Amendment and has been rescinded by many States after they realized they were sold on something that was not a solution.

The Constitution and the House of Representatives already have the restraining order.

Our Compact, the U.S. Constitution was built from the ground up as a document of restraints and already has fiscal restraints linked to those limited and defined powers. Our Constitution is a binding document created by the States to put restraints on the Federal Government to specifically limit its power. In that binding document the Congress was fiscally restrained to spend only for those items specifically delegated by the States in Article 1, Section 8.

The Power of the Purse.

Our Founders also specifically delegated to the House of Representatives alone the Power of the Purse to fund and defund only those things specifically delegated to the Federal Government by the States. It delegated those powers to the House alone because it was the body closest to the people. As Madison wrote in Federalist 58, the Power of the Purse was the people's way to redress grievances and to stop the growth of government and stop the unconstitutional usurpations of the other branches of government.

"The House of Representatives cannot only refuse, but they alone can propose, the supplies requisite for the support of government. They, in a word, hold the purse that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can

arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure."

But today we barely hear anyone speak of it or demand the use of it for fiscally restraining a federal government gone wild with spending and debt. And as such we let our elected representatives keep spending to fund branches and departments of the Federal government that constantly violate the rights of the people and the sovereignty of our States. Where has Convention of States supporters been for the last decade demanding that the House use this power to fiscally restrain the federal government? Nowhere!

We already have the document and the tools to restrain the Federal government. All it takes is for the States and the people to enforce the terms of their Compact! If the States are unwilling to enforce the terms of their Compact then adding more terms is just a diversion from that oath and solemn duty. Adding more ink to paper will do nothing because paper and ink do not enforce themselves. The States and the people must actively demand their Congressional Representatives in the House defund all usurpations by our overgrown government. We have all the tools we need today but just need the States and the people to act!

Fiscal Restraint? Kansas must first clean its own House...

If the Kansas State legislators who support Convention of States for fiscal restraint cannot stop their overspending or balance their own budget without doing it on the backs of the taxpayers of this State then they have no business demanding that the DC Swamp act any differently. Kansas has a Balanced Budget requirement in our State Constitution, but instead of cutting spending and cutting taxes, our legislature just keeps spending and then passing massive tax increases to "Balance the Budget" on the back of the people to pay for their overblown budgets just like Congress would do with an amendment.

Maybe Kansas should clean its own House first as an example to Congress how they should act instead of writing more useless words into a Constitution that they themselves do not follow. There are many Convention of States supporters that have voted for massive spending and also voted in support of one of the largest tax hikes in history of our State just a few years ago. It is hypocritical of our legislature to even think about supporting an Article V Convention for fiscal restraints when they cannot even stay in their fiscal lane here in the State of Kansas.

Ignorance and Immorality is what is killing this republic.

“My people are destroyed for lack of knowledge: because thou hast rejected knowledge, I will also reject thee, that thou shalt be no priest to me: seeing thou hast forgotten the law of thy God, I will also forget thy children.” – Hosea 4:6

Should the people of America and the people of Kansas expect those who push for an Article V Convention be highly educated on the history of liberty that molded the Constitution in the minds of our Founders and the massive amount of documentation they produced before, during and after its creation to fully spell out its intent and what the States and the people must do to defend it? It would seem to be an obvious prerequisite in order to understand what is already in the Constitution and supporting documents produced by our Founders to know what could possibly need correction. But unfortunately, those pushing for an Article V Convention today prove over and over they have no idea what is in the Constitution or the words and intent of the men who wrote it.

Exhibit A below is from an excuse letter from the House Leadership to the Republican House Caucus concerning the push by the people for a special session a few years ago to stop the COVID -19 lockdowns and jab mandates being unconstitutionally imposed by the Federal government and our Governor and the “imposition” it would be to have to “interpose” against it.

“James Madison’s “theory of imposition” state governments use public opinion, petitions, and instructions to federal representatives to push back against a federal government acting excessively. None of these modes of action require a special session. In Federalist 26, Alexander Hamilton wrote that state legislatures were naturally “jealous guardians of the rights of the citizens.” They could “sound the alarm” to citizens when the federal government exceeded its rightful powers.” – Republican House Leadership

So the House leadership indicated that no action was necessary to stop the federal government from locking down or shutting down businesses and attempting to mandate jabbing the people of this State with a needle of untested poison other than just “sounding the alarm” or sending a nasty letter. The people of Kansas had already sounded the alarm for many, many months and were demanding the State DO SOMETHING to INTERPOSE and NULLIFY these unconstitutional acts by the Federal government and the Governor immediately.

Madison and Jefferson showed us early on how the States and the people stop the Federal government from going beyond their delegated authority thus stomping on the sovereignty of the States and the rights of the people. The Kansas Republican leadership showed their clear ignorance of Madison’s words and actions on how the States are to enforce our Constitution. The term Madison used was Interposition, not Imposition! I know it was an imposition for

the State legislature to actually take a stand against the medical tyranny forced upon us by the Federal government, but their letter showed an unbelievable level of ignorance that they broadcast out to the entire House Republican Caucus.

The Real Solution and The Solemn Duty of the State Legislature:

INTERPOSITION: Websters 1820 Dictionary definition:

1. A being, placing or coming between; intervention; as the intervention of the Baltic sea between Germany and Sweden. The interposition of the moon between the earth and the sun occasions a solar eclipse.

2. Interveniient agency; as the interposition of the magistrate.

James Madison who drafted our Constitution declared in his Report of 1800 the specific duty of the States when the Federal government steps outside the limits of their Compact:

*“in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, **the states** who are parties thereto, have the right, and are in **duty bound, to interpose** for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.”*

Notice when the Constitution was being violated early on by the Alien and Sedition Act our Founders never indicated or said anything about the solution being to amend the Constitution or the States were duty bound to amend more words into our Compact when the current words were being ignored and usurped? The words of the 1st Amendment couldn't be clearer, it was just the duty of the States to interpose to secure the rights of the people against these violations of our freedom of speech.

Would it not be foolish for States to call for an Article V Convention if the government attempts to confiscate arms from law abiding people by force? What possible language could ever be written stronger than “Shall Not Be Infringed”? Convention of States is simply a diversion from what our Founders instructed the States to do to stop an out of control and tyrannical Federal government.

Writing in Federalist #46, James Madison provided a 4-step strategy to bring down unconstitutional federal programs, agencies, rules, laws and executive orders:

“Should an unwarrantable measure of the federal government be unpopular in particular States, which would seldom fail to be the case, or even a warrantable measure be so, which may sometimes be the case, the means of opposition to it are powerful and at hand.

The disquietude of the people; their repugnance and, perhaps refusal to cooperate with officers of the Union, the frowns of the executive magistracy of the State; the embarrassment created by legislative devices, which would often be added on such occasions, would oppose, in any State, very serious impediments; and were the sentiments of several adjoining States happen to be in Union, would present obstructions which the federal government would hardly be willing to encounter.”

And still we see nothing about amending our Compact, but only ways of defending it from violation by our States not complying with acts outside of the current Compact. Convention of States is simply a diversion from the solemn duty of our States and State legislators to interpose against these usurpations and our right to nullify all attempts by the Federal government we created to violate of our Compact. The real questions here are who enforces our supreme law if not the States and the people? Who will enforce more words amended into our Compact?

Laws that cease to be enforced, cease to be law. If it is not the duty of the States to enforce our Compact and thus secure the rights of the people then why do we need States or State government or State Constitutions at all? It is obvious that the solution is for the States and the people to enforce our Compact, our supreme law. Without that then amending in more words/laws is just a fools errand.

One of our Founders, Daniel Webster said it best on the solemn duty of the States:

“It will be the solemn duty of the State governments ...to interpose between their citizens and arbitrary power. These are among the objects for which the State governments exist...”

Glen Beck, one of the top Conservative broadcasters and COS supporter said a few months ago when rescinding his support of Convention of States, “we are not the people to open up this sacred document” and I and others have said for over a decade that we don’t have men educated on our Constitution and humble enough today to understand the intent of our Constitution to be up to the task of amending the wise words of our Founders.

In surveys around the U.S and Kansas less than 2% of the people could name all 5 freedoms found in the 1st Amendment. We are not up to the task or we would be wise enough to follow the clear words of our Founders on how to enforce our Compact instead of diverting from that solemn duty to amend our sacred Compact.

“Those who expect to be both ignorant and free, expect what never was and never will be.”
— Thomas Jefferson

Our Constitution is not the problem! It just needs enforced by the States and the people!

The Convention of States supporters in Kansas had the COS supporting former Kansas Attorney General create a document declaring that the legislature could just ignore the State Constitutions 2/3rds vote requirement stating that the legislature “cannot be constrained by the people of Kansas.”

WHAT AN OUTRAGEOUS STATEMENT BY CONVENTION OF STATES!

This is a direct quote from the legal “opinion” touted by the “leader” of the Convention of States during a committee hearing 2 years ago in the Kansas Senate.

In this hearing he demanded that the Kansas Legislature violate the Kansas Constitution to ram his scheme through.

That’s right, the solution to fixing Washington, D.C., according to the Convention of States, starts with violating the Kansas Constitution!

Sadly, we saw the President of the Senate on the floor a few years ago state that he would declare the resolution passed under that scheme to violate the Kansas Constitution and pass a Convention of States resolution by simple majority if they got the simple majority vote. Thankfully many Senators stood up for our Constitution and refused to vote for the resolution under that scheme that day.

Unfortunately there are many others willing to violate the very Constitution they swore under God to support, just to ram this resolution through again this year. And now we hear that they are going to actually have the out of control Federal Courts overrule the will of the people of Kansas and our 2/3rds constitutional requirement!

Is that not the exact problem we have today? Politicians in DC ramming through what they want in violation of their Constitutional limitations? Out of control Federal courts stomping on our rights and our State sovereignty? You must stop them trying to implement that same scheme here in Kansas again this year and tell them the will of the Kansas people will not be overruled by the swamps courts!

Demand Convention of States openly rescind their scheme to violate our Kansas Constitution to unconstitutionally push through their resolution and send it to the swamp courts!

VOTE NO ON HCR 5008, the dangerous Convention of States resolution and tell Convention of States that ***this is not how we operate in Kansas*** and that you take your oath

to the Constitution seriously and will not stand for any process or any organizations that wants you to disregard it!

We the People of Kansas who support our Constitution are watching and will not support anyone who dismisses our Constitution to get what they want!

Sincerely,

Robert Wood

Kansas Citizen in Defense of Liberty