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March 13, 2019

HCR 5009

House Committee on Federal & State Affairs

Written testimony by Mark Desetti, KNEA

In opposition

Mr. Chairman, members of the Committee, thank you for the opportunity to submit written testimony in opposition to HCR 5009 calling for a Constitutional Convention.

Given the current state of political discourse in the United States, we can think of no more dangerous an idea than to throw the United States Constitution open to an unlimited re-write. Our country has never been more polarized and less willing to compromise than we are right now. And we don't only mean Congress – we mean the population as a whole.

Our Constitution has served this nation well for over 200 years. Throughout those years, the rule of law has protected us from undue government intrusion into our personal lives. Yes, we might have disagreements with some court decisions, or we might complain of congressional overreach, but we are a people protected and still living in liberty thanks to our Constitution. If we disagree with congressional overreach, we have the ability right now to use the ballot box to remove from office members of Congress that vote for such overreach.

Let us not forget that the Constitution allows us to petition for specific amendments without going through a complete re-write of that document. We have done this 27 times. We have even had to pass an amendment to repeal an amendment we passed earlier.

In the case of a Constitutional Convention, there cannot be limits on what can be debated and what can be changed. Indeed, the convention can essentially toss out our Constitution in its entirety and start from scratch. It is a process that cuts out the people and is entirely controlled by politicians and special interests. Politicians would choose the delegates and special interest lobbyists would get to work immediately pressing their own agendas. The resolutions passed by states cannot limit the agenda of the Constitutional Convention.

Still more alarming is the fact that the Constitutional Convention has the power to change the process for ratifying the amendments they write, completely cutting out the people.

A Constitutional Convention would devolve into a battle of left versus right. It would throw our country into great turmoil, a period of extraordinary tension and deep anxiety, and likely find itself quickly mired in momentous, lengthy legal and political battles of great consequence to the nation's future.

The Constitution has served us well for 200 years. It is part of our national identity. As elected members of state legislatures, you have taken an oath to defend the Constitution, not put it in harm's way. Our veterans have fought and sacrificed to protect the freedoms we have in this sacred document.

We urge you to reject HCR 5009.