

Full Statement to the State Government Interim Committee, August 26th, 2021

Chairman Bratcher and honorable members of this State Government Interim Committee, I want to thank you for giving me this opportunity to speak with you today about Article V and the Convention of States Action project.

Due to time constraints for which the Convention of States Action is limited to during our presentation, we wanted to express all of our thoughts surrounding not only the Convention of States resolution, but our views on the use of Article V.

My name is Mary Jo Wedding and I am the Kentucky State Director for the Convention of States Action. I am a life long resident of Northern Kentucky and a citizen concerned with the state of affairs that our Constitutional Republic is in.

But who I am is not as important as who I am here to represent. Today I speak for those volunteers that are in attendance, as well as, the tens of thousands of citizens across the Commonwealth that agree that a convention should be called to impose fiscal restraints on the federal government, reduce the scope and jurisdiction of the federal government and discuss term limits for congress and other federal officials.

They not only support the Convention of States resolution to enact Article V but feel that without it, our Constitutional Republic will not survive.

We have put our faith and trust in our elected officials to govern in a manner consistent with the Constitution. The outline is there to follow, but yet no matter who we elect, the federal system, as a whole, continues to push beyond its jurisdictional authority prescribed to them by their enumerated powers. As their power and control increases, our freedoms and liberties are diminished.

Today, our federal system is out of balance and these systemic imbalances can only be corrected through constitutional amendments. We no longer have the three branches of separated powers, but rather four, where the administrative branch has more power than the others.

Routinely, throughout the Federalist papers and other documents, our founders clearly recognized the absolute need for checks and balances to secure our liberties and counteract the nature of man to accumulate power as well as government abuses of their power.

Federalist paper 51, James Madison or Alexander Hamilton wrote:

"It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature...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."

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Understanding that men are not angels, interests were allocated to the three branches not four.

The Administrative state exercises Congressional legislative power, has the last word in regulatory principles deferred to it by the Supreme Court and administrative law to enforce orders by the Executive branch.

Charles Cooper, appellate attorney and, according to The National Law Journal one of the top ten civil litigators in Washington, stated in his 2015 article...

“It can truly be said that, in the main pursuits of everyday life, we are ruled by a one-branch government. And the "experts" who run it are accountable to no one: They are not elected, nor are they controlled by those who are elected. And they certainly are not angels.”²

To expect those in Washington DC to reign in their own power, is a fantasy. So that is why we are looking to you, to fix this problem and it is in your authority and power to do so.

James Madison, while presenting the 1st amendment under Article V assumed that

*“The state legislatures will jealously and closely watch the operations of this government, and be able to resist with more effect every assumption of power than any other power on earth can do; and the greatest opponents to a Federal Government admit the state legislatures to be sure guardians of the people’s liberty.”*³

With 2/3 of the decisions affecting our citizens made by the Federal Government today, we asked you, respectfully, where have you been?

I have met with many of you, over the years, to discuss Article V and the Convention of States project. While a great many of you are in support of a Convention, some are not.

Amazingly enough, some actually state they prefer nullification. A process that is, like the very usurpation we are discussing here today, unconstitutional. However, even with that, we wonder,

nature...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.”

<https://guides.loc.gov/federalist-papers/text-51-60#s-lg-box-wrapper-25493427>

² “It can truly be said that, in the main pursuits of everyday life, we are ruled by a one-branch government. And the "experts" who run it are accountable to no one: They are not elected, nor are they controlled by those who are elected. And they certainly are not angels.”

<https://www.nationalaffairs.com/publications/detail/confronting-the-administrative-state>

³ “The state legislatures will jealously and closely watch the operations of this government, and be able to resist with more effect every assumption of power than any other power on earth can do; and the greatest opponents to a Federal Government admit the state legislatures to be sure guardians of the people’s liberty.” <https://www.loc.gov/item/mjm023581/>

“what has been nullified? With more than a century now of unconstitutional directives, I think we are a little behind schedule.

“We the People” feel we have become pawns in the political elite’s desire for control and the usurpation of the constitution and we have had enough.

George Washington, in his farewell address to the United States, expressed our opinion perfectly...

“If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.”⁴

The federal government is out of control. It’s created a crushing national debt through improper and imprudent spending. They have invaded their legitimate role between the states through the manipulative process of federal mandates, a large portion unfunded to a great extent and has ceased to live under a proper interpretation of the Constitution.

So why is there opposition among our Kentucky legislators to an Article V convention to propose amendments? Primarily it is the lack of education and the understanding of historical precedent.

The large portion of our population, those engaged and disengaged in the political process, is not even aware that Article V offers a solution to our problems. Maybe because teaching and understanding civics is not the priority that it should be.

None the less, for those that are aware, there are two groups of people that oppose. Of course, there are progressive groups that want to maintain the status quo and increase the centralized power of the Federal system, eliminating the people from the decisions that affect our lives.

But the most perplexing, are the groups that claim their focus is on preserving the Republic and enforcing the rules of limited government. Followers of organizations like the John Birch Society, Eagle Forum and the Tea Party are led to believe they can just put the genie back in the bottle.

⁴ If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. “Washington's Farewell Address to the People of the United States of America”

https://www.loc.gov/resource/dcmsiabooks.washingtonsfaw00wash_5/?sp=17&r=-0.511,-0.098,2.021,0.979,0

Just enforce the enumerated powers! The Administrative State is unconstitutional! The solution, they say, is to elect moral and just people!

None of these groups offer a workable solution to the federal dysfunction that continues to expand each and every day, but yet, they continue to argue against using the only Constitutionally approved method to correcting these issues, which is Article V.

More times than not, they repeat the talking points from propaganda distributed decades ago full of false narratives, opinions taken out of context, deliberate lies (hoping no one will fact check them), or risks that they are not able to logically and or factually explain.

I often hear that Congress doesn't uphold the Constitution we have now, why would they pay attention to an amendment.

Most people are referring to **this** Constitution, not this one.

This is the Constitution Annotated and it is much different from our pocket constitution. This is the one that Congress, the Judicial branch, sometimes the Executive branch and the rest of the country follows, changed every day by opinions handed down by the US Supreme Court.

The reality is, as a society, we have given this branch of our federal system the most power, when in fact, they were created and intended to have the least power. However, without an amendment to address supreme court opinions, this injustice cannot be corrected.

And the most frequent concern and the most riddled with misinformation is that the Article V Convention for proposing amendments is a Constitutional Convention, often referred to as a "Con Con". Their argument is that a convention could "runaway" and re-write the constitution. This is not only absurd it is not correct!

It is true that the convention of 1787 was a Constitutional Convention which created our Constitutional Republic by our founding fathers. However, Article V of the US Constitution only authorizes a "convention to propose amendments" to our current Constitution. No more and no less!

And finally, the 1787 Convention was a "runway", Commissioners were sent to the Convention to amend the Articles of Confederation and after ignoring their instructions re-wrote a whole new Constitution.

This is ridiculous and if anyone took the time to research the history of the 1787 Constitutional Convention, you would find that prior to attending the Convention, every state knew what was on the table.

If we continue to repeat misinformation, the truth is never exposed. It's natural to be cautious about proceeding in a direction that has never been tried before, but understanding the risks should be based on facts, historical records and precedent, not speculation.

Whether you, as our state legislators want the responsibility or not, you took the oath. It is up to you to hold our federal government accountable and if enacting Article V is the only legal, constitutional way to do so, then it must be done.

This process was placed into our Constitution for a reason and we, respectfully ask that you support and pass the Convention of States Action resolution which applies for the call for an Article V Convention for proposing amendments.

Thank You for you attention to this issue.

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List of Documents Included in the Convention of States Presentation packet in preparation for the State Government Committee, August 26th, 2020

- **Executive Summary of the Convention of States Project**
- **Confronting the Administrative State, National Affairs Charles J Cooper**
- **A Response to the Runaway Scenario, Article V Information Center**
- **Five Myths about an Article V Convention, Convention of States**