

## Testimony of Rob McCarthy in support of HJR No.1

Chairman Wiggam, Vice Chairwoman John, Ranking Member Kelly, and members of the committee:

### Why a Convention of States?

My answer is “Why not a Convention of States?” As a Town Councilman for over 10 years in Apple Creek, House District 1, I have taken upon myself to study our nation’s history and the intent of our founding fathers and I am astounded at how far our nation has strayed from that intent. All one has to do to realize this fact is to look at Article 1 section 8 of our US Constitution that lists the responsibilities of the Federal Government (very few and limited) and then read the 10th Amendment: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” The current federal government is anything but limited and especially in these last 11 months, we have seen it encroaching into every area of our lives, from how we worship to what we put in our bodies!

The greatest fear of our founders was a “runaway” federal government (as opposed to the fear of a “runaway convention”), their premise being an understanding of human nature as seen in James Madison’s famous quote, “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.” Therefore, they implemented various checks and balances in our Constitution, along with separation of powers between the three branches, (the lines of which unfortunately have been blurred over time by the avarice of men).

The last check put in place by the founders is Article V which Colonel George Mason of Virginia insisted be put in place before he would sign the Constitution, as a protection for the states from a central government that he feared would become too powerful. In the end, he still did not sign for as Madison explained, “no amendments of the proper kind would ever be obtained by the people, if the Government should become oppressive, as he [Mason] verily believed would be the case.”

Just as our founding fathers pursued every legal route they could to protect their rights as English citizens from the repeated abuses of power by the King before the American Revolution, so it behooves us to do the same now to protect the rights of the citizens of these United States by following the legal route given us by them-Article V.

Remember our Constitution has worked well for us over the last 234 years. Considering that the average length of a constitution globally since 1787 is 17 years I would say they did something right so why not give the legal “safety valve” they Included for the protection of “We the people” a try?

In the words of President Ronald Reagan during the last national debate over a Convention of States, "If not now when? If not us who?" The national debt was three trillion dollars then and now....?

And in response to the fear of a "runaway" Convention of States let's look at the mandate for the last and only Convention: after time it became apparent that the Articles of Confederation drawn up in 1777 as the foundation document of the newly formed United States gave very little power to the central government to regulate it's domestic affairs, therefore for the existing Confederation of States finally convinced the Continental Congress, in February 1787, to call for a convention of delegates to meet in May in Philadelphia "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." So, we see that it was not a "runaway" Convention at all but rather one that clearly followed the mandate of the States which called for it!

Rob McCarthy