

My Testimony in favor of SCR 4004

Ken Clark, Hilton Head Island, SC

Good Morning Chairman, and distinguished committee members. My name is Ken Clark, I live in Hilton Head Island SC and am the Regional Director for US Term Limits which is seeking to hold an amendments convention for proposing an amendment to the US Constitution, limiting the term of members of the United States Congress, we are a single issue organization.

“Experience must be our only guide, reason may mislead”

For my testimony this today, I’d like to quote John Dickinson, a delegate to the 1787 Federal Convention: “Experience must be our only guide, reason may mislead us. The following historical references will demonstrate that not only do we have a rich history of State Conventions, but also hundreds of State Constitutional Conventions and State Amendments Conventions proving that the myth of a runaway convention is not only false but denies the facts of our history and our true experience with conventions. The supporting evidence will address the following points:

The 1787 Federal Convention was not a “runaway” convention. The convention was not called by Congress for the “sole express purpose to revise the Articles of Confederation, but was called by the state of Virginia “to devise such further provisions as shall appear to them necessary to render the Constitution of the federal government adequate for the exigencies of the Union. James Madison refutes the false “runaway” charge in Federalist 40.

An Article V convention is limited to the amendment(s) or topic(s) of the applications submitted by 2/3 of the states. Congress has absolutely no authority on the subject. (Federalist 85)

There have been numerous State Conventions prior to and after our nation’s independence. (Rob Natleson, “The 37th Convention of States Discovered!”).

The state legislatures control the convention process and the commissioners at the convention. (Maine appointment of commissioners for the Washington Peace Conference of 1861).

There have been hundreds of State Constitutional Conventions and Amendment Conventions throughout our nation’s history. Approximately 233 constitutions and 12,000 amendments ratified. New Hampshire has experienced 17 conventions, mostly for proposing amendments, none of these conventions has ever been a “runaway.” NH conventions have proposed 215 amendments and the people ratified 119 of them. (The Council of State Governments).

State Conventions have been held every year since 1892! The association is the National Conference of Commissioners on Uniform State Laws, known today as the Uniform Law Commission. The rules and processes used by the ULC are virtually identical to an Article V convention, except that uniform state laws are proposed instead of amendments to the Constitution.