

## **Government, Military and Veterans Affairs Committee February 1, 2019**

**BREWER:** [00:00:10] Good afternoon, ladies and gentlemen. Welcome to the Government, Military and Veterans Affairs Committee. My name is Tom Brewer. I am the representative for the 43rd Legislative District and Chair of this committee. We will start by introducing the members of the committee starting on my right.

**BLOOD:** [00:00:27] Senator Carol Blood, District 3 which is western Bellevue and southeastern Papillion, Nebraska.

**LOWE:** [00:00:31] John Lowe, District 37, which is southeast half of Buffalo County, Kearney, Gibbon and Shelton.

**HILGERS:** [00:00:37] Mike Hilgers, District 21, northwest Lincoln and Lancaster County.

**La GRONE:** [00:00:41] Andrew La Grone, District 49, Gretna and northwest Sarpy County.

**M. HANSEN:** [00:00:46] Matt Hansen, District 26, northeast Lincoln.

**KOLOWSKI:** [00:00:49] Rick Kolowski, southwest Omaha, District 31.

**HUNT:** [00:00:53] And Megan Hunt, and I represent District 8 which includes the neighborhoods of Dundee and Benson in midtown Omaha.

**BREWER:** [00:01:01] My committee clerk, Dick Clark-- my committee clerk, Julie Condon, my legal counsel, Dick Clark, and our pages, Preston and Casey. All right. Today we are here to hear

testimony on LR7 and LB151. I would ask at this time that you place your cell phones on silent or vibrate and silence any other electronic devices. The senators will be using their laptops and their cell phones to collect information and also monitor if they are due in another committee hearing. So understand that they need to do that in order to keep their communications open. Please record your attendance to the hearing on the white sheet at the table. And I want to emphasize that not everybody in this room has to testify. If you wish to go ahead and get a green sheet, fill it out, and record your opposition or support, you may do that. If you wish to testify, you'll need to fill out a green sheet, bring it up, give it to the committee clerk. And then we are going to have a different procedure this afternoon. I'm going to do a quick head count here. I need a show of hands of those who are going to testify in support. OK. I need a show of hands of those in opposition. OK. And those in the neutral position. All right. Always got to have one of those. All right. In order to get through the numbers that we have here, we're going to use three minutes. So you're going to come up, and you'll have a green light, your amber light for a minute, and then the red light. Now to help you out because some people become very focused and don't watch for the red light, there'll also be an audible sound that will-- will go. I will let you finish your sentence, your statement, but I'm going to have to expedite the closures. Some like to use that as just kind of a reference; they just keep on going. So I'll give you a little bit leeway on that, but that-- that's you're warning to-- to wrap it up. With that said, let's go into some of the other requirements here. When you come up, be sure that you state your name and then spell your name. That is for the record. Also be sure to speak into the microphone because that way the transcript is accurate of your testimony. We have received a lot of letters both in opposition and support. Those names will be read off at the end. Understand that 5:00 the night before is the cutoff for those letters. So if they come in after that, they will not be recorded either in support or against the-- either one of the-- the bills we're looking at today. And the other part is understand our purpose here is to collect information, to ask you questions. We're not-- we're not to harass you or badger you. We're going to try and just gather information so we can make decisions on these different pieces of legislation. So with that said, Senator Halloran,

come on up. Welcome to the Government, Military and Veterans Affairs Committee. And we will begin with LR7.

**HALLORAN:** [00:05:14] Thank you, Chairman Brewer, and members of the Government, Military and Veterans Affairs Committee for this hearing today. Good afternoon. For the record my name is Steve Halloran, S-t-e-v-e H-a-l-l-o-r-a-n. I represent District 33 which is Adams and part of Hall County. I'm here today to present my legislative resolution LR7 which calls for the state of Nebraska to call for a limited Article V convention of states which would discuss and potentially propose amendments to the U.S. Constitution. It takes 34 states with matching resolutions to call a convention. Currently 12 states have passed resolutions that meant-- that match language for LR7. On Tuesday the Arkansas Senate passed that state's COS Legislation taking Arkansas one step closer to becoming the 13 state to pass a convention of states resolution. In 2019 there are 25 states where there is either active convention of states legislation or it has already passed in one chamber. Once that 34-states threshold is met and an Article V convention of states is called, and through a convention process amendments are proposed, those proposed amendments would still have to be ratified by 38 states as laid out in Article V of the United States Constitution. LR7 calls for a convention to propose amendments in the following areas: 1. impose fiscal restraints on the federal government; 2. limit the power and jurisdiction of the federal government; and 3. limit the terms of office for its officials and for members of Congress. By requiring matching resolutions by 34 states, it naturally creates a structured framework for the topics discussed during the convention. Let me repeat that. By requiring matching resolutions by 34 states, it naturally creates a structured framework for the topics discussed during the convention. All 34 states will be disciplined from their own state legislatures to stick to limiting discussions to the 3 topics. One item submitted to the committee today is a report commissioned by the U.S. Department of Justice at the request of the Attorney General to study Article V. That report concludes that Article V conventions are limited and the process, including ratification, is saved. I wanted to make sure everyone had a copy of this

report. I would like to shift gears a bit and take a few minutes to refute some of the arguments from those who oppose an Article V convention of states which you will hear from later in this hearing. You will hear the terms "runaway convention" and "Con-Con." Con-Con refers to constitutional convention. Excuse me. The constitutional convention is convened to write a new government charter as was done in 1787 to fix the failed Articles of Confederation. Through that process, the Constitution was created. Note that it took 3 years for-- for the 13 states to ratify the newly created Constitution. Clearly even that convention was not a runaway convention; it took 13 years. However, an Article V convention of states operates within the U.S. Constitution as a method to propose amendments to the Constitution, not as an instrument to rewrite the Constitution. Article V explicitly states that a convention can only meet for the purpose of proposing amendments. The Founding Fathers wisely decided that there needs to be two ways in which amendments could be proposed in the case the federal government became too powerful. Article V provides equality between Congress and the states. Then there is a fear of a runaway convention. They will tell you that we don't control the process. That once a convention of states convenes, the delegates from each state will become drunk with power and propose amendments outside the scope of which the convention was called. Remember, 34 states, 34 individual states with matching resolutions call for an Article V convention of states. Clearly these states have a mutually understood purpose. I do have a bill, LB451 Adopt the Faithful Delegate to a Federal Article V Convention Act, that will ensure that Nebraska delegates to an Article V convention will be bound to the scope of the subject matter in the state's application to a convention of states. You will hear about this bill very soon. Other states have adopted similar legislation that would put constraints on their delegates. Second, one could reasonably agree that delegates or commissioners will conduct in a civil manner much like other interstate compacts. But let's just say that for some unknown reason, delegates or commissioners of the states represented at the convention go off the rails and pass, by a majority vote of its members, proposed amendments to the United States Constitution that fall outside of the scope of the-- of the called convention, say for example, eliminate the Second Amendment or

outlaw abortion. Those proposed amendments would still have to be sent to the states for ratification. Remember, it takes three-fourths of the states, 38, to ratify an amendment to the Constitution. This, excuse me, this is the same high ratification benchmark required by Congress, when Congress proposes amendments to the Constitution. So let us now focus on how Nebraska would handle the ratification process of proposed amendments to the federal constitution be they either proposed by Congress or a convention of states. Article IV Section 2 of the rules of the Nebraska Unicameral Legislature states, "When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills." Given that a proposed amendment to the United States Constitution would be referenced to this committee, the Government, Military and Veterans Affairs Committee, the same process of public notice, public testimony, and committee-member questions, would be engaged. Then the bill would have to go through the executive committee process of voting the bill out of committee. If passed out of committee, it would be on to the legislative floor for debate. If the bill is allowed to be fully debated and the bill is passed by the Nebraska Legislature, it would be ratified by the state of Nebraska. A similar process would be needed to be conducted by the other 49 bicameral state legislatures. If and only if 38 of the 50 states ratify the proposed amendment of the United States Constitution, does the amendment get added to the United States Constitution. That is an extremely high bar to achieve as it should be. To date, 33 amendments to the United States Constitution have been proposed. Twenty seven of these have been ratified by requisite number of states. By my limited math skills, that leaves six proposed amendments that have yet to be ratified. So the fear of a runaway convention is absurd. There are a multitude of procedural layers and steps before any proposed amendment is added to the United States Constitution. With that, I would be happy to answer or attempt to answer any of your questions. Thank you, Chairman Brewer, and committee members.

**BREWER:** [00:14:05] Thank you, Senator Halloran. All right. Questions on LR7. Senator Hunt.

**HUNT:** [00:14:13] Thank you, Chairman Brewer. Thank you, Senator Halloran. What do you-- what do you estimate the cost of a constitutional convention if we-- if we pass this in Nebraska?

**HALLORAN:** [00:14:25] I haven't pretend-- I don't have an idea. I have not pretended to-- to arrive at a cost, but when we get to the Faithful Delegate Amendment, the cost directly to Nebraska would be centered around those delegates and what they might be paid to participate in-- in the-- in the-- in the convention of states process. So we-- we'll discuss that when we discuss the-- that bill.

**HUNT:** [00:14:47] Thank you.

**BREWER:** [00:14:47] Additional questions. Seeing none, you'll stick around for closing?

**HALLORAN:** [00:14:56] No, I'm not going to stick around. No. Yes, I will.

**BREWER:** [00:15:00] Funny. Funny. OK. All right. A couple more house cle-- household issues here that we have to take care of. There are three chairs here in front. What I'd like to do is have the next testifier in the first then second then third, just stack them up that way. And just as they move forward and take a chair, you move up and-- and assume one of the seats. That way we kind of know who's coming. I don't have half the stand-- room stand up and try to come up here at once. It's called organization. We're going to go for that. The materials that you want to hand out, I would ask that you have twelve copies. If you don't have twelve copies, I'll let the page know, and they'll burn some more copies so that everybody gets a copy of the materials. Again, we're going to use the light system and the tone that will let you know that it's time to stand down. What we'll do then is open it up for questions and if-- if at that time any of the information that we're asking applies, then

continue on with whatever your issue was at the end. But we're going to hold fast on this times so we can get things going. With that said, the first man up is in the first chair. Come on up. Welcome to the Government Committee.

**MARK MECKLER:** [00:16:19] Thank you, Mr. Chairman, honorable members of the committee. My name is Mark, M-a-r-k, Meckler, M-e-c-k-l-e-r. I'm a resident of the second-greatest state in the union; that is the state of Texas. I'm here today representing an organization called the convention of states Action. We are the primary organization in the nation promoting this Article V convention of states. The primary reason I wish to address you today is to talk about your very unique role in our constitutional system of governance. In the federal system of governance, the most powerful people in that system are actually state legislators. As I travel around the country, not many state legislators are aware of this. When you come in and they show you around the facility, they generally don't tell you about your power in federal government. And your power is this: you have the power to call a convention, the power to propose amendments, and the power to ratify those amendments. That power is vast. It gives you the power to actually reform our system of government, in this case according to our resolution, to reform the system of government and return it to something much more closely resembling the original principles set forth in the original Constitution ratified in 1789. In your state there are well in excess of 10,000 people in support of this resolution, around the country now 3.75 million people in every single state legislative district in the country. This is not a partisan issue. We've polled all over the country. The numbers are consistently two-thirds of the American public is in support of calling a convention of states according to this resolution. And that's Democrats, Republicans and Independents across the board have been polled. What I'm asking you to do today is to stand for your constituents and to stand for this country and its foundations. Approximately 65 percent of your state budget today is controlled in one way or another by the federal government. That's true across all 50 states. This runs between 60 and 65 percent. Yet your constituents elect you to control your state in total. They have absolute

faith in you as their representatives. They have elected you to speak for them, to work for them, and to represent them. Yet approximately 65 percent of the time you do not have that right. I'm asking you to step up and reclaim that right on behalf of your constituents. I ask you to support LR7 and return the power to where it belongs, here in the great state of Nebraska.

**BREWER:** [00:18:37] All right. Thank you for your testimony. Questions. Senator Blood.

**BLOOD:** [00:18:42] Thank you, Chairman Brewer Did you say your name is Mr. Meckler?

**MARK MECKLER:** [00:18:45] Yes, ma'am.

**BLOOD:** [00:18:46] Mr. Meckler and you're from Texas.

**MARK MECKLER:** [00:18:47] Yes ma'am.

**BLOOD:** [00:18:48] And what organization do you work for, please?

**MARK MECKLER:** [00:18:50] Convention of States Action.

**BLOOD:** [00:18:52] And can you tell me who funds that-- that--

**MARK MECKLER:** [00:18:54] Yes, ma'am. That's-- that is run out of my home office. My wife is the development director. We have over 80,000 small donors across the country. Last time I checked the average donation was just about \$36.

**BLOOD:** [00:19:05] So you don't have any big corporate money behind you in any fashion, not a



single check and if I were to go and look at your bookkeeping,--

**MARK MECKLER:** [00:19:09] No, ma'am.

**BLOOD:** [00:19:09] -- it would be all just citizens that gave you \$5 and \$10 checks.

**MARK MECKLER:** [00:19:13] As I said, the average donation is about \$36.

**BLOOD:** [00:19:18] And where in Texas is this located at?

**MARK MECKLER:** [00:19:20] Well, the organization doesn't actually have an office. We're virtual. But I live in a city called Leander, Texas.

**BLOOD:** [00:19:27] And so are you considered a nonprofit?

**MARK MECKLER:** [00:19:29] Yes, ma'am.

**BLOOD:** [00:19:30] And so under-- with the nonprofit law, what are you considered, a 501(3)?

**MARK MECKLER:** [00:19:32] We're a 501(c)(4) organization.

**BLOOD:** [00:19:36] And how long have you been in existence?

**MARK MECKLER:** [00:19:40] Approximately five years.

**BLOOD:** [00:19:40] Five years?

**MARK MECKLER:** [00:19:40] Yes, ma'am.

**BLOOD:** [00:19:44] And so what is the mission statement for your organization?

**MARK MECKLER:** [00:19:46] I can't quote you the exact mission statement that is filed with GuideStar, but basically we educate and promote the convention of states resolution around the nation.

**BLOOD:** [00:19:57] And is it those funds that pay for you to be able to travel from--

**MARK MECKLER:** [00:20:01] Yes, ma'am.--

**BLOOD:** [00:20:01] --Texas to here?

**MARK MECKLER:** [00:20:01] --That is correct.

**BLOOD:** [00:20:02] And then-- but you are a paid employee of that--

**MARK MECKLER:** [00:20:05] Yes, ma'am.

**BLOOD:** [00:20:06] --profit? And did you start the non-profit?

**MARK MECKLER:** [00:20:07] Yes, ma'am.

**BREWER:** [00:20:10] OK. Are there questions that reference LR7?

**BLOOD:** [00:20:11] There are. I'm trying to get some background--

**BREWER:** [00:20:14] All right.

**BLOOD:** [00:20:15] --so I know who I'm talking to you. Are you saying that I can't ask these questions?

**BREWER:** [00:20:19] No. Just get to it.

**BLOOD:** [00:20:21] Excuse me.

**BREWER:** [00:20:24] Get to the question.

**BLOOD:** [00:20:27] And so I'm a little concerned that we have people from other states coming to tell us what we need to do in Nebraska. I respect the fact that you do this and I respect your job. But it does bring me concern. Why would you say that we need people from Texas to come to Nebraska to tell us what we need to do?

**MARK MECKLER:** [00:20:48] With all due respect, Senator, I don't believe I told you what to do. I asked, and I was trying to educate you on what your job is according to the United States Constitution. My job is to provide support and education to grass roots across the nation and to answer legislators' questions across the nation. This is something that's never been done before in American history. So my job and my mission is to provide the education, the support, materials necessary for people to understand the process so that they can make decisions as they see fit on behalf of their constituents.

**BLOOD:** [00:21:18] Why do you think this has never been done in history?

**MARK MECKLER:** [00:21:21] Because it's a very high bar and I think that was intentionally set that way by the founders. The founders wrote about this, and they hoped that it would be actually very difficult to do because they wanted to make sure that it would take a very broad consensus across the nation in order to change the Constitution. They didn't want us changing it on mere swings in public opinion, say from election to election. They really wanted to make sure that a broad consensus developed across first, two-thirds of states to call the convention, and then, three-quarters of states to ratify. So it is an exceptionally high bar.

**BLOOD:** [00:21:49] Interesting. All right. Thank you.

**MARK MECKLER:** [00:21:52] Thank you, Senator.

**BREWER:** [00:21:54] Additional questions. Senator.

**KOLOWSKI:** [00:21:58] Yes. Thank you, Mr. Chairman. Thanks for being here, sir. Appreciate it very much. As you go around the country and you're in different locations I'm sure you're asked this question. Just think of it as someone's asking and get him-- to get an answer on something like this. Why does the Constitution need reforming?

**MARK MECKLER:** [00:22:19] I think that's probably the most important question I get asked, Senator. I really appreciate that question. The reason it needs reforming is because we've changed that Constitution pretty dramatically especially over the last 115 years, sometimes through what I would describe as the appropriate process which is the use of Article V through Congress proposing

amendments and then the states ratifying. But quite often, and frankly more often than that, it's been changed by either the Supreme Court, by Congress acting on its interpretation of the Constitution, but fundamentally by the judiciary. And it's been changed in ways that were dramatic, that the founders never intended. I'll give you just one specific example and then you could follow if you like. Thomas Jefferson was asked if he could get public funding for the University of Virginia. He's the greatest of the founders in promoting public education, and he was asked by William Henry Lee in a letter why he didn't get public funding for the University of Virginia. And Jefferson said, well that would be unconstitutional without an amendment. And to date, there's been no such amendment, yet we've spent \$100s of billions on education. That's because of Supreme Court interpretations of the Commerce Clause which, in my opinion, are both inappropriate and nonsensical. So that's why we need to take the Constitution back to something closer to its original meaning.

**KOLOWSKI:** [00:23:35] And again within your response you said, that's my opinion.

**MARK MECKLER:** [00:23:40] Of course.

**KOLOWSKI:** [00:23:40] And there'll be many people with other opinions--

**MARK MECKLER:** [00:23:44] Yes, sir.

**KOLOWSKI:** [00:23:44] --different than yours that would reinterpret in other ways. And on a national basis, Supreme Court, whoever they might have been at the time of the decision, has made the rulings also, [INAUDIBLE]. Correct?

**MARK MECKLER:** [00:24:00] They've made rulings? Absolutely, the Supreme Court has made

rulings.

**KOLOWSKI:** [00:24:04] OK.

**MARK MECKLER:** [00:24:04] Yes.

**KOLOWSKI:** [00:24:05] But you're just-- you-- you disagree with many of those rulings that have taken us down a different path in your mind.

**MARK MECKLER:** [00:24:13] That have taken us away from the original intent of the Constitution. Yes, Senator. And in fact, the founders themselves proposed Article V as a way to remedy that. And we know that from history. Shortly after the Bill of Rights was ratified, the Supreme Court took original jurisdiction over litigation between states. That was something the founders never intended. And so the founders immediately proposed and ratified the 11th Amendment restructuring and taking that jurisdiction away from the Supreme Court. So we know from the founders' actions themselves if we felt that the Supreme Court exceeds its jurisdiction or does things that we deem improper, Article V is the proper methodology for remedying those defects.

**BREWER:** [00:24:55] All right.

**KOLOWSKI:** [00:24:56] I'll come back to some other questions. Thank you.

**MARK MECKLER:** [00:24:58] Thank you, sir.

**BREWER:** [00:24:58] Go ahead, Senator Hansen.

**M. HANSEN:** [00:25:01] Thank you, Chairman Brewer, and thank you for coming to testify. So kind of falling off from Senator Kolowski's questions, OK, you're advocating for a con-- you're advocating for a Article V convention. Kind of my question is to what end? You know, you've mentioned one Supreme Court case and Commerce Clause. Your organization, or you at least personally, are unhappy with-- what are the specific amendments you envision or would hope would come out of a convention?

**MARK MECKLER:** [00:25:28] We don't propose specific amendments, but the resolution itself is structured in what's called a subject matter format. In other words, there are three subject matters in the resolution. These are amendments which would impose fiscal restraints on the federal government, amendments which would impose term limits on federal officials that would include Congress, the judiciary potentially, and also federal bureaucrats, and amendments which would restrain the scope, power, and jurisdiction of the federal government. So any amendments which would fall within any three of those points in the resolution would be germane in a convention.

**M. HANSEN:** [00:25:59] OK. And I guess-- so you founded an organization and have fund-raised to create an organization. What-- what amendments are you hoping-- you're obviously working to something more specific than just constraining the federal government. So if we're going to vote on this and advocate it for and hand it off to a nationwide selection of delegates, what's going to be some of the first proposals they're going to see and act on?

**MARK MECKLER:** [00:26:23] Sure. To be clear and I'm happy to give you my personal opinion-

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**M. HANSEN:** [00:26:26] Sure.

**MARK MECKLER:** [00:26:26] We as an organization don't advocate for particular amendments. We're advocating for a process-- convention in a particular scope because the convention itself was always intended to be a deliberative body. And so we hope that they will deliberate along these lines and propose amendments. On a personal basis what I believe will come out of convention, where there's pretty much national consensus, are things like a balanced budget amendment in some form or shape imposing Generally Accepted Accounting Principles on the federal government, passing an amendment for-- which requires that Congress live under all the laws that they pass. I believe that some form of term limits will come out of convention probably relatively lengthy term limits would be my expect-- expectation. And then some form of pushing back on government intervention I think probably in the area of land use. A lot of the western states suffer under pretty heavy regulatory scheme from the federal government. There's a lot of support across the country for pushing back on that. So those are some of the things that I would expect to see come out of the convention.

**M. HANSEN:** [00:27:24] Thank you.

**BREWER:** [00:27:27] Senator Blood.

**BLOOD:** [00:27:28] Thank you, Chairman Brewer. I was doing a lot of research before today's meeting and read a lot, so I've got a few notes. So Rob Natelson, is he an adviser in your organization?

**MARK MECKLER:** [00:27:40] Yes, ma'am.

**BLOOD:** [00:27:40] OK. So that's the connection there. That-- that helps me a lot. So he-- I saw a



statement where he said we could combine the old Article V applications as far back as the 1800s that really don't have anything to do with what Senator Halloran has in LR7. Would you agree with his views or those of the Article-- Article V activist I'm reading on-line that suggest you can combine conventional state applications with others that are unrelated?

**MARK MECKLER:** [00:28:06] I would--

**BLOOD:** [00:28:07] [INAUDIBLE]

**MARK MECKLER:** [00:28:08] --I'd love to-- I would love to see that because that's not my understanding of Professor Natelson's position. No, I absolutely don't agree with that. The law says, as practiced over the last couple 100 years, that applications must aggregate. And that means they must be the same. We know that from practice specifically there've been over 400 applications made to Congress for a convention of states and they've never called one. We've never had one because we haven't had 34 or two-thirds of states that have aggregable applications. So I don't believe that's correct, and I would appreciate if-- if you're able to citation the-- Professor Natelson saying that.

**BLOOD:** [00:28:43] OK. So you believe that they must aggregate. So when the-- the people go for rescission then that's something that you're agreeable with since it's decades old.

**MARK MECKLER:** [00:28:51] It depends on the application whether I would agree with rescission.

**BLOOD:** [00:28:56] Thank you.

**BREWER:** [00:28:58] Additional questions. Senator Hilgers.

**HILGERS:** [00:29:01] I don't know if Senator Hunt had a question or not. She, I don't know, had her hand up before but.

**BREWER:** [00:29:05] Senator Hunt.

**HUNT:** [00:29:08] Thank you, Chairman Brewer. Yeah. I guess-- so this-- this resolu-- resolution would constitute our application for the convention of states, and as Senator Halloran mentioned, this resolution matches the same one that's been passed by how many other states?

**MARK MECKLER:** [00:29:24] Twelve states, so far.

**HUNT:** [00:29:26] Twelve other states.

**MARK MECKLER:** [00:29:27] Yes, ma'am.

**HUNT:** [00:29:27] And you need 34--

**MARK MECKLER:** [00:29:28] Thirty four to--

**HUNT:** [00:29:29] --to pass this resolution?

**MARK MECKLER:** [00:29:30] That's correct.

**HUNT:** [00:29:31] OK. Do the state applications-- so I guess the state resolutions, do they need to

all match to get the requisite number to move to a convention?

**MARK MECKLER:** [00:29:44] Yes they do.

**HUNT:** [00:29:44] OK.

**MARK MECKLER:** [00:29:46] That's referred to as aggregation.

**HUNT:** [00:29:47] OK. OK. Thank you.

**BREWER:** [00:29:52] All right. Senator Hilgers.

**HILGERS:** [00:29:55] Thank you, Mr. Chairman. Thank you, Mr. Meckler, for being here. I appreciate your testimony. When you were here two years ago, excuse me, on LR6, there was a pretty fulsome discussion about the history of Article V, some of the guardrails, etcetera. I would encourage anyone here or watching on-line or reading the transcript later to pull up those transcripts. I won't go into a lot of that today, but I was wondering if you might be able to respond a couple of criticisms or objections maybe, to put it lightly, that people raise about the Article V process and at least get your viewpoint on the record. One is the idea that there could be a runaway convention. So could you speak a little bit to the extent that you see that there are guardrails to protect against a runaway convention?

**MARK MECKLER:** [00:30:27] Sure. There are a lot of process guardrails that are in place to prevent a runaway convention. I would start at the end because I think this is the most important one. The founders set a very high bar for ratification. So even if you presume that none of the process guardrails along the way could prevent a runaway convention, in the end it requires 38

states, that super, super majority, to ratify anything. You guys know how difficult that is in your own legislative body, for example, overcoming a filibuster. This is even a higher bar; it's a three-quarters majority. And so anything that comes out of convention is merely a suggestion.

Convention itself has no power. It takes 38 states to ratify. So I think it would be, I would say, impossible to ratify anything that I would describe as radical on either side of the political divide. I think that's the final answer. On a process perspective the way it works is each state is passing the same resolution. The resolution is the measure whereby your state is actually calling for and authorizing a convention. There are three areas for that convention. All states will propose the same resolution or we won't get to convention which means: you'd have agreement of 34 states what the limitations are of the subject matter; you will choose your commissioners; you may choose to have a delegate limitation, and I know that's being discussed later; your commissioners will be bound by what you send with them which is called a commission which says what they may or may not do; any action they would take outside that commission or outside of the rails of the convention would be null and void under basic agency law as well as under your authority as the state sending that Commissioner and that-- delegating authority; you can withdraw or discipline your commissioner at any time and then replace them with another commissioner. And so all along the way, this process is completely controlled by you as the state legislature.

**HILGERS:** [00:32:06] I appreciate that answer. Following up on one thing you said which is that commission statements themselves-- could you just briefly explain what those are?

**MARK MECKLER:** [00:32:14] Sure and I think there's some historical context for this that's important. I hear people say that the 1787 convention was a runaway convention. First of all, incredible insult on the founders who we all revere and admire. But the reality is and this has now been researched, you can pull their commissions from the National Archives. Those commissions say what the authority of the commissioners are. In the case of 1787, they were given total authority

to do anything necessary to render the Constitution adequate for the exigencies of the Union. So they had full authority. You're able to limit your commissioners' authority in any way you like in that commission. And I assume that the states will do so.

**HILGERS:** [00:32:49] And I think I'm-- I've-- I've seen a lot of historical research on this. And I think that is almost entirely true. I do think there are a couple states who didn't have the same full scope. There certainly was a supermajority [INAUDIBLE]--

**MARK MECKLER:** [00:32:59] There were actually two states that did not. One was New York, and Hamilton was the primary delegate. He left and never voted in convention. The other state was Massachusetts; they did not vote either.

**HILGERS:** [00:33:08] Yeah. Well, I appreciate that. I think that historical record is very important especially as we-- we don't have much in the way of precedent for this at all, really. And so I think-- I appreciate you being able to put some of that on the record today. Thank you.

**BREWER:** [00:33:18] All right. Additional questions. Senator Hunt.

**HUNT:** [00:33:22] Thank you, Chairman Brewer. I have an article here from the Federalist Society where Professor Natelson says that he believes that older, unrescinded applications could still be valid. Were you aware of this article?

**MARK MECKLER:** [00:33:34] Yes ma'am.

**HUNT:** [00:33:35] OK. So do you consider his position in this article to be that these resolutions, these applications for the convention of states don't need to be identical because if unrescinded

applications are valid, then they wouldn't be identical to what we have here?

**MARK MECKLER:** [00:33:55] I'm very familiar with that article, Senator, and what he's actually saying in that article which I believe is legally correct which is any application that was a resolution passed by a state remains an active resolution until rescinded. What he does not say in that article which is-- is, what I think is the implication of the question is, if they're on a different subject matter they would aggregate. So that the question of aggregation is a separate question than whether an unrescinded application stays on the books. The answers are different. Unrescinded applications stay on the books until rescinded but they do not aggregate with applications that are not the same.

**HUNT:** [00:34:30] Understood. So you're saying that they could aggregate if they were literally identical but--

**MARK MECKLER:** [00:34:34] If they were--

**HUNT:** [00:34:36] --but not if they don't.

**MARK MECKLER:** [00:34:36] --For example if you had a-- if you had an application-- if we could go back in time and we had our resolution and somebody had passed that 25 years ago, then-- and it was identical to the one you're considering today, then yes, that would aggregate. But if it's not the same resolution, it will not aggregate.

**HUNT:** [00:34:53] For the record, do you agree that resolutions that are different, that address different specific issues or whatever, that we could combine them to reach a convention of states?

**MARK MECKLER:** [00:35:05] No, ma'am. Different resolutions are not aggregable.

**HUNT:** [00:35:08] OK. Thank you.

**BREWER:** [00:35:09] Senator Lowe.

**LOWE:** [00:35:13] Thank you, Chairman Brewer, and thank you, Mr. Meckler, for being here.

Twelve states have already passed this Article V, and it has taken some time. How long has it taken for this?

**MARK MECKLER:** [00:35:26] Five years--

**LOWE:** [00:35:26] Five years?

**MARK MECKLER:** [00:35:26] --since we began, sir.

**LOWE:** [00:35:27] OK. So Nebraska, if we decide to do so, would pass it this year and maybe another state or two. By the time we get to 33 states, some time might elapse. And the thinking of the current legislature may have changed, the balance of the parties may have changed. And is there any fear of the-- the parties being changed-- changing, that the intent of what you're doing now will change in the future, by-- by the new states?

**MARK MECKLER:** [00:36:11] I would answer that question in two parts. We're currently pending in 24 legislatures. I've testified at 4 already this year. I have 3 that I believe are very close to passing. So I expect we're going to pass somewhere between 7 and 10 states this year. Now I'm an eternal optimist, so I'll give you that caveat. So I don't think it's going to take as long as people think. I do think that legislatures can change in composition politically and ideologically and that's

what they're intended to do. The beauty of Art-- the Article V process is any future legislature that does not like this particular application or resolution can rescind it in the same way that this legislature has the right to pass.

**LOWE:** [00:36:45] Thank you.

**BREWER:** [00:36:46] All right. Additional questions. I have one quick one for you. Is Texas among the twelve?

**MARK MECKLER:** [00:36:55] Yes it is, Mr. Chairman.

**BREWER:** [00:36:58] All right. Senator Hunt.

**HUNT:** [00:36:58] I have one more. How many-- how many applications passed last year?

**MARK MECKLER:** [00:37:02] No applications passed last year. We passed in 19 houses, but in no states did we pass both houses.

**HUNT:** [00:37:07] And how many are we at this year, one more time?

**MARK MECKLER:** [00:37:09] This year we just started, we're pending in 24 legislatures. This year we've passed completely the Arkansas Senate. I'll be there next week for House committee hearings. We just passed the Wyoming committee, and we're pending, obviously, here.

**HUNT:** [00:37:23] Thank you, sir.



**BREWER:** [00:37:26] All right. Any additional question-- questions. All right. Seeing none, Mr. Meckler, thank you for your testimony.

**MARK MECKLER:** [00:37:31] Thank you, Mr. Chairman, committee members.

**BREWER:** [00:37:51] Good afternoon and welcome to the Government Committee.

**JOE STEPHANS:** [00:37:53] Good afternoon.

**BREWER:** [00:37:55] Just so, so everybody's on the same sheet of music here, we are on those that are in support of LR7 right now. And we'll continue to do the rotation up here with the next speakers up so that we have people sequenced. That said, you may begin.

**JOE STEPHANS:** [00:38:11] Good afternoon, Chairman Brewer and members of the committee. My name is Joe Stephans, spelled J-o-e S-t-e-p-h-a-n-s. I'm here today to testify in support of LR7. I'm currently serving as the State Director of the convention of states Project in Nebraska as a volunteer. Since February 2017, the number of petition signers in Nebraska increased by 187 percent. Surveys in 2018 show 66 percent of Nebraskans across both parties support an Article V convention of states. In our travels across the state, people now recognize us and come and talk to us about our progress. At the State Fair last year, Bernie Sanders supporters sought us out and signed our petition. People are tired of the dysfunctional federal government. The people of Nebraska want solutions to the problems they see. Senator Kolowski, this-- this is going to lead to one-- reference one of your questions. Nebraskans want to solve the national debt problem because no one in Washington, D.C. seems to be working at the situ-- solution. People of Nebraska want to stop federal judges from exceeding their authority and not following previous precedents. For example, the 8th Circuit Court of Appeals panel ruled 2-1 that unpaid citizen activists, like myself,

can be forced to be comply with same registration reporting and disclosure requirements as professional lobbyists working for large corporations. This decision is unprecedented and represents a significant strike against Americans' First Amendment right to petition the government for a redress of grievances. In *Calzone v. Summers*, the majority concluded that the First Amendment does not shield citizen activists from these requirements or the penalties for noncompliance. This represents the first time that any federal appellate court has held that a general governmental interest in knowing who is pressuring and attempting to influence legislators, even where no one is giving or receiving anything of value, can justify burdening citizens' political speech. What impact will this decision have on our second house? Because of nonsense like the 8th Circuit decision and the ongoing budget fight in D.C. Nebraskans want term limits for federal officials in Congress. Since I became a state director of the convention of states Project, the arguments against Article V convention of states have not changed. This includes the Eagle Forum's recent Open Forum letter in the McCook Gazette. There is absolutely no new academic research to support the arguments from opponents of Article V. There's two new books out: there's Timothy Dake's book, *Far From Unworkable: the Fears, Facts, FAQs and Court Findings Relating to the Constitution's Provisions for an Article V Amendatory Convention*; and Rob Natelson's legal treatise on *The Law of Article V*. Thank you. I'm ready to address any questions you have.

**BREWER:** [00:41:23] Thank you for your testimony. Thank you for watching the light, too. All right. Questions? Senator Blood.

**BLOOD:** [00:41:30] Thank you, Chairman Brewer, and thank you for your testimony. I'll make this really easy. I-- I-- I think I'm going to hear this more and more and I know I've seen this in my e-mails. I keep getting a reference to a survey. And I've not had anybody tell me what those survey questions are. I know, as anybody does that's participated in surveys, that sometimes the data is-- is comprised in a different fashion than sometimes exactly how they were ans-- questions were-- were

answered. And so my concern is that I-- I, as state senator trying to make a really hard decision here, I would really like to see the data. Is that available?

**JOE STEPHANS:** [00:42:08] Well, I can-- yes, I can try and get that to you after the fact. I did show you the questions briefly but, you know, as volunteers out there in the hallway trying to catch you and your busy schedules, it-- but I will make sure you get that.

**BLOOD:** [00:42:19] Yeah-- yeah-- you can e-mail it to me or drop it off in my office. I would be very appreciative to see the actual questions and the window of time that the survey was done in.

**JOE STEPHANS:** [00:42:28] Sure enough.

**BLOOD:** [00:42:28] Thank you very much.

**JOE STEPHANS:** [00:42:29] Yeah.

**BREWER:** [00:42:30] All right. Additional questions. Seeing none, Joe, thank you for your testimony. All right. Welcome to the Government, Military and Veterans Affairs Committee. Now just so we have all the rules straight, Colonel Baker, I'm sorry, Mr. Baker is going to be testifying here. He is my LA but there are to be no special treatment. He is fair game for anybody that wants to ask any questions. He is on leave to come in here and speak and so feel free to ask whatever questions you want. With that said, you may begin.

**TONY BAKER:** [00:43:15] Thank you, Chairman Brewer. Good afternoon members of the Government, Vet-- Military and Veteran Affairs committees. My name is Tony Baker. That is spelled T-o-n-y B-a-k-e-r. I'm here today to testify in support of Senator Halloran's LR7. For the

record, as Senator Brewer noted, I'm presently on vacation as I am an employee of this Legislature. Time is of the essence so I'll get straight to the point, the opposition you will hear today are here to do one thing. They're here to instill fear in you. They want you to be afraid of the plain language in Article V of the U.S. Constitution. They want you to think this document, they claim to support and defend, has this terrible, dangerous flaw in it that we should guard against ever using. Many opponents, who in Article V convention are good and decent American patriots who love our country, it's not that they're ignorant like I used to be. It's, as President Reagan said, they know so much that just isn't so. I encourage you to read the paper I've written on the subject of the so-called runaway convention. It's being included in the handouts that I gave the clerk. This will be the most common of the misguided arguments against the resolution you will hear today. Instead of fear, it's my hope today to help instill a great swell of pride in each one of you. As Mr. Meckler said, you're the most powerful politicians in the United States. Not only can you propose amendments to the Constitution you can ratify them. No other elected official has that power, not the president, not members of Congress. There is a good reason why the framers of the Constitution entrusted so much power in state legislatures-- state legislators like you. The delegates at the constitutional convention did not completely trust this new federal creature they had just created in the new Constitution. They knew the states had created the federal government, and they wanted to make sure the states had a way to change it if it ever exceeded the enumerated powers that they had just given it in the Constitution. This is why, on the second to the last day of the convention, the language allowing the two-thirds of the states to call a convention was added to the Constitution. Of all the 100s of changes to the constitution that were debated over the 4 months of the convention, this was the only one that passed without debate with a unanimous vote. You have a choice today. You can be seduced by the fear of a theoretical boogie man who will destroy our country if a bunch of states get together and have a meeting, or you can fear the out-of-control federal government we see every day driving our country off a cliff. I don't think Nebraskans scare that easy. Thank you. That concludes my testimony.

**BREWER:** [00:46:03] Thank you for your testimony, and I would have bet money that that red light would have went on. Senator Blood.

**BLOOD:** [00:46:07] Thank you, Chairman Brewer. Thank you for your testimony, Mr. Baker. I've got to ask a couple questions. Why, when somebody has a different opinion than the opinion you're bringing forward, is-- it's giving us false information or the boogey man? Why-- why is the fact that you oppose them not incorrect, but if they oppose you, it's incorrect? I'm a little concerned about how you introduce this. Can you tell me why you-- you did that?

**TONY BAKER:** [00:46:38] I-- I-- Senator, forgive me if my language indicated that-- that I hold people that disagree with me on this point in some form of contempt. I don't. I used to be just like them. I first started studying this in 2012, and for the first couple of years I believed the same thing they did. I believed that having a convention of states was a-- was a risky proposition where all kinds of malign actors could show up and derail the process, and the next thing you know we got a new Constitution and our country is destroyed. I believed that. And a lot of people you're going to hear today are going to believe that, too. It's just over the course of the next several years of study and-- and-- and lifelong learning that I've discovered that's not true. And so I disagree with them because I can prove what they say isn't true. And I don't have any contempt for them. As I said, I think most of them are really good Americans. You're going to hear from Kathy Wilmot today. I like Kathy. She's from the Omaha Liberties Ladies. She is a good and decent patriotic American that loves her country. I just differ with her on this.

**BLOOD:** [00:47:50] And it might be more appropriate to lead with that as opposed to saying that people are instilling fear because, to be very frank, sir, I've received three threatening e-mails in reference to this, and they were not for people who were against it. So when you talk about people

having a different-- different opinion than you, that concerns me when you say that they're trying to instill fear. So I would just say I don't disagree necessarily with anything you're saying. It's how it's being said. I think that-- that from the e-mails I've seen some tempers are kind of high already. So I think if we're going to stoke the fire, we need to be kind of careful.

**TONY BAKER:** [00:48:27] Yes, Senator.

**BREWER:** [00:48:29] All right. Any additional questions. Senator Lowe.

**LOWE:** [00:48:36] Thank you, Chairman, and thank you, Mr. Baker, for being here. You had some education and you've taught some in the past.

**TONY BAKER:** [00:48:50] Um-hum.

**LOWE:** [00:48:50] Can you give me a little background on-- on-- on what you've taught, you know, as far as your education and your focus on something like the Article?

**TONY BAKER:** [00:49:04] The things I taught really didn't have anything to do with the construction of the Constitution and what the Constitution means. It had a whole lot to do with defending the Constitution, though. I was a tactics instructor at the command of General Staff College at Fort Leavenworth. I taught Army majors who were there for the one-year course, in plain English, how to kill people and break things on a regional scale. I taught warfare.

**LOWE:** [00:49:30] I will be very gentle with my question then.

**TONY BAKER:** [00:49:31] OK.

**LOWE:** [00:49:31] Is this political, conservative versus Democrat, do you believe? Is it something that was brought-- I'm kind of leading on to where I was leading with Mr. Meckler. Is there any-- are you afraid that I, as a conservative, would lay this down and allow future legislatures replaced by somebody who's not a conservative, whether it's Green Party, Libertarian, or Democrat, the ability to fulfill this Article V?

**TONY BAKER:** [00:50:25] As Mr. Meckler said, any future legislature, so as not to assume this binds the hands of a future legislature, can rescind this if they would like. Insofar as your first question about whether or not this is a politically partisan thing, obviously you heard that it's not. Unfortunately, I think a lot of people view it as such. I wish they wouldn't. For example, if a convention's ever called, if 34 states make application, a convention is called and amendments are voted out of that convention. And if you're a conservative, imagine some far-left amendment that you would really object to. If you're a liberal, imagine some far-right amendment you would really object to. Now pretend laying in front of you on this table is a map of the United States. Thirty of those states are presently red. Both houses are controlled by Republicans. Nineteen are presently blue. Both houses are controlled by Democrats. One is purple; that's Minnesota. It's split. Now show me the path to 38 states, 38 states. Seventy-six houses of state government just like this one containing, if you want to get a 51 percent vote that would be about 2800 senators just like you would have to press the green light in order to ratify an amendment to the United States Constitution. As he said, it was a very high bar. And so it doesn't matter if we have a convention and there's conservative ideas proposed out as-- out as amendments or liberal ideas. Both of them still face that high bar. And so as Mr. Meckler said, I don't think the idea of radical amendments to the Constitution coming out of this convention is a very likely idea because it's just-- it's hard enough to get them ratified anyway. If they're radical, it would be next to impossible to get them ratified.

**LOWE:** [00:52:12] One more?

**BREWER:** [00:52:14] You get one more.

**LOWE:** [00:52:15] I'm still not trying to piss you off.

**TONY BAKER:** [00:52:17] [INAUDIBLE]

**LOWE:** [00:52:19] So you don't believe that this could be a-- could become a runaway convention?

**TONY BAKER:** [00:52:28] In the handout I provided, there's seven reasons listed in there why it-- it's illegal for it to become a runaway convention. Feel free to go down through there. But assuming for sake of argument that all seven of those things are ignored and an illegal amendment is proposed out of the-- out of the convention, once again we run into the high bar of three-fourths or 38 states that have to ratify it. And so even if a radical or illegal amendment is proposed out of the convention, I just don't understand how it gets ratified. Nobody can sit down with a map of the United States and draw the path. Nobody can tell me, this person stood up in front of a TV camera yesterday and said, "If I ever get picked to be a delegate from a state at a convention of states, I am going to exceed my state's commission and I'm going to go rogue and I'm going to propose crazy amendments." Nobody's gone on TV and said that. No state has said that. There's no record of that happening in the United States in the 300-plus years we've been doing state conventions in the country before it was even a country. There's never-- there's no evidence of a rogue, out-of-control, runaway convention of any sort. I mean it's like thinking Nebraska, Kansas, and Colorado are in the Republican River Interstate Compact, and be like thinking those three states' delegates are going to get together and build a dam across the Republican River without asking anybody or something. I



just don't see how it's going to happen.

**BREWER:** [00:53:58] Senator Hilgers.

**HILGERS:** [00:53:59] Thank you, Mr. Chairman. Thank you, Mr. Baker, for being here. I think it's a testament to you for taking time off work to come down. I know a lot of people travel from across the state to be here and for you to take off work to be here testifying and put so much work into your research, I greatly appreciate--

**TONY BAKER:** [00:54:11] Thank you.

**HILGERS:** [00:54:13] --commend you, sir. Just a brief question along the lines of what I spoke with Mr. Meckler, I always felt like fairly skeptical of the idea that you could-- that you could get rid of the 38-state ratification requirement of Article V. And the one counterpoint that's always been raised, it's one I touched on earlier with Mr. Meckler, which is well, the original constitutional convention they went in-- they went in with some limited scope for their work, and they did away with those rules and came up with a whole new convention. Is that going to happen again? Mr. Meckler and I dialogued about the commission statements and how that would have a-- sort of an inherent limitation on the work that any constitutional-- the delegates would do at a con-- at a Article V convention. In your research, it's a long-winded prelude, I apologize, but in your research do you have anything to add to the argument that you-- we could not-- the delegates could not do away with the 38-state ratification requirement?

**TONY BAKER:** [00:55:02] Well, first of all, the plain language of the Constitution doesn't in any Article of the Constitution, nowhere in there does it give anybody the power to have-- the plenary power to convene a constitutional convention for the purpose of rewriting the Constitution of the

United States. The only authority contained in the U.S. Constitution is that contained in Article V. And it works. There's been 33 amendments proposed to the U.S. Federal Constitution using the two-thirds of Congress method. Twenty-seven of those have been ratified. Six of them failed ratification. It's interesting to note, my favorite Constitutional Amendment, the Twenty-First, that restored-- that ended prohibition, Nebraska did not ratify that; and yet there were enough states that did and-- and it became part of the Constitution. There's no power in the document. Secondly, there's-- there's all kinds of history. There's-- there's court precedent. I'm trying to go fast here. There's-- there's laws on the books. There's yeah-- there's no authority to do that. It's illegal.

**HILGERS:** [00:56:08] Thank you.

**BREWER:** [00:56:10] All right. Additional questions. I have one for you.

**TONY BAKER:** [00:56:14] Um-hum.

**BREWER:** [00:56:15] I get a number of e-mails and calls on this subject. I know that probably surprises you. Since you were seeing the world one way and now you see it another, is there a book you read, is there a person you talked to, what-- what's the light-bulb-coming-on moment that caused this?

**TONY BAKER:** [00:56:39] Oh, man. Gosh. Well, in 2012 when a friend proposed to me this idea of a convention of states, and I-- and I opposed him on it, he told me I was ignorant. So I guess that was the first motivation. And so I read the Constitution. I'd never read it cover to cover. And then I became really interested in the 55 delegates that were sent there. There were 39 on the last day and 36 there that signed it, but I was really interested in just exactly who these people were. And so I started studying the delegates that got sent to the constitutional convention. And then I started

reading Elliot's debates. That's one of the citations on the back of my paper. Elliot's debates is a compendium of every note taken in the 1787 constitutional convention. It talks about what each of-- Madison's notes are the most extensive but it talks about-- you get an insight into what these guys were thinking. On September 15, two days before the end of the convention, Colonel George Mason of Virginia stood up, he was George Washington's neighbor, and he refused to sign the Constitution in the end. And him and George Washington had a falling out. But he stood up and he said, look, we've got to put a way for the states to amend the Constitution in here, and this thing is incomplete without it. And so when I read about what George Mason did, I found out that the very first draft of the Constitution, the first draft of Article V in June, said two-thirds of the states. It didn't have two-thirds of the Congress. And then, Mr. Hamilton from New York saw it and he goes, what are you talking about, the Congress can't-- can't do this? And so to appease Mr. Hamilton, they sent it back to the committee, the detail committee. The detail puked out another copy, and it had done away with the states and inserted two-thirds of Congress. And it stayed that way all the way to September 15, until George Mason caught it and said, hey, we got to be sure and put this back in. It was there to start with in June-- but in June they were this close to the constitutional convention collapsing over the issue of representation. The small states wanted a Senate where everybody got two senators. The big states wanted a unicameral Congress that was proportioned just on population. And so they were that close to the whole thing falling apart. And so they put the whole Article V thing aside because they didn't want a new argument. Sorry, I could go on all day.

**BREWER:** [00:59:01] And I'm sure you would. [LAUGHTER] Any additional questions. Yes, Senator Hunt.

**HUNT:** [00:59:07] I just have a statement. I just want you to know that a lot of my constituents have been commenting about this bill and I'm not surprised that they've been commenting on my bill-- on this bill. And they're making my feelings-- their feelings known to me. And I don't know

what I think about this yet, but the fact that you think I'm ignorant if I might disagree with you is going to have an influence on me. So thank you.

**TONY BAKER:** [00:59:33] Well, I hope it's not a negative influence. I'm ignorant about a whole bunch of stuff.

**BREWER:** [00:59:38] All right. Any additional questions. With that said, Colonel Baker, I'll need you to get punched back in and to work. Thank you.

**TONY BAKER:** [00:59:45] Yeah.

**BREWER:** [00:59:49] Next up. Welcome to the Government, Military and Veterans Affairs Committee.

**STEVE RIESE:** [01:00:02] Thank you. Good afternoon, Chairman Brewer, members of the committee. I'm Steve Riese, spelled S-t-e-v-e R-i-e-s-e, and I live in Plattsmouth. Question. What is the greatest threat to our nation's security? It's not ISIS. It's not the Russians or even the Chinese. I quote, "The most significant threat to our national security is our federal debt." That was Admiral Mullen who was, when he made that statement, the Chairman of the Joint Chiefs of Staff back in 2011 when our federal debt was only \$15 trillion. Today it stands at \$22 trillion, a whopping 50 percent increase in just those 7 years. So we have a gargantuan debt; that's no secret. However, the debt's damaging impact on our nation's security is not very well known, damaging to our security and to our-- our way of life. The relationship between security and the economy is complex and enormous. It's because security is achieved not only by military means but by the whole of the economy. With unprecedented deficits, we can no longer recall-- rely on our traditional ability to fund hard power that is to buy things. We must also rely on soft power, that is, the ability to

generate economic power and project our national values. Mullen continued, "The debt burden would inevitably constrain funding for a strong military and effective diplomacy." My own personal experiences from the Cold War in Germany, from minefields in Bosnia, and supporting the troops in Iraq and Afghanistan through analysis, regardless of the situation, U.S. security posture was always stronger when the economy was doing well. The world looks to the U.S. for leadership and our ability to project power and values. While no one seriously believes that America will see a total collapse anytime soon, economically our fiscal future is bleak. Our ability to defend our values and way of life come into question. As a taxpayer, my individual share of the current federal debt is \$180,000, \$180,000. That's both depressing and outrageous. And it is good that we're all seated because each and every taxpayer in this room owes \$1 million of that future debt. That is debt that Congress has already promised to overspend. The federal debt is expected to reach a 145 percent of GDP by 2047. It sounds like a long way off, but debt over 100 percent is a classic failure point. We're going to spend \$364 billion this year on interest, 8 percent of the federal budget, projected to go to \$1 trillion per year by 2028, 10 years away. Think about that. That's \$1 trillion not available for defense or infrastructure or education or Medicare every year, \$1 trillion because our Congress is not mature enough to balance a checkbook. Even more tragically the crushing debt becomes a crushing future for our children. It's a form of debt bondage under the federal government which we place upon future generations. It's unquestionably, morally wrong. As a taxpayer I'm disheartened, and as a responsible parent I'm outraged. We can fix the situation with the convention of states as has already been outlined. I won't go into detail there, but I do want to go back to one of our founders who understood this threat.

**BREWER:** [01:03:33] All right. Go ahead and finish the founder's comment.

**STEVE RIESE:** [01:03:36] The founder's comment is Thomas Jefferson who said, we must not let our rulers load us with perpetual debt, and I place economy among the first and foremost of our

virtues and public debt as the greatest danger to be feared. Modern patriots couldn't have said it better. Thank you, Mr. Chairman.

**BREWER:** [01:03:51] Thank you for your testimony. Questions. Senator Blood.

**BLOOD:** [01:03:56] Thank you, Chairman Brewer. And thank you. I agreed with pretty much everything you said. And it was really nice to hear you speak from the heart; I appreciate that. But when you asked us what the greatest threat was, I thought you were going to say "apathy" because it's the minority of the population that votes in who we have in office, that votes in who we have in Congress. I'm curious; did you vote the same person back into Congress in your district--

**STEVE RIESE:** [01:04:19] In my district--

**BLOOD:** [01:04:21] --or did you vote for somebody else?

**STEVE RIESE:** [01:04:22] the U.S. Congress in the primary, no; in the general election, yes.

**BLOOD:** [01:04:26] So the question that I have-- and I'm asking you because-- because you're really talking about things that I relate to as a person on the street, not as a public official. I'm always curious when I talk to people that want to change the Constitution to hear whether they helped with get-out-the-vote efforts, helped register people to vote, because when I think of the greatest threat I think apathy, lack of people going to the polls, did-- not realizing that one vote does and can make a difference. So I'm curious, did you go through that first and get frustrated and decide that this was the way to go? Or did you feel that this was the way to go and the other's really not important? I'm just kind of curious to hear where you're coming from.

**STEVE RIESE:** [01:05:10] Well, first of all, I'll say I don't disagree with you that apathy is a problem. I would also connect that to education.

**BLOOD:** [01:05:17] Um-hum.

**STEVE RIESE:** [01:05:17] We have a huge education problem. We need more education on history and things like that, so that when these issues come up we're all better informed on them. It doesn't-- it shouldn't come as a shock to people that government operates the way it does once they start digging into it. So I will say that. I did some research into it. I found-- I did try the election process, working through the election. The power of incumbency is incredible. There is-- there is almost no way to overcome that in most of the districts in our-- in our country. Once a person is in office, that time spent in office is spent getting ready for the next election. And most of the decisions that get made seem to revolve around that. There are some true patriots there with good honest hearts, but they don't survive long. That's my own-- my own personal opinion.

**BLOOD:** [01:06:04] Say and-- and-- so I always remind people we do have the ability to vote these people out. There's plenty of examples of really good people that've gotten elected with very little money, just a lot of shoe leather. And I think that we've been educated to think that it is all about money, and only the people that have the money can win. So I think there's a lot of fine examples of fine public servants. They're just trying to do the best job they can. I do think that there are people that perhaps we need to-- to get on their way, and-- and make our country less partisan, and start thinking about the people in the politics.

**STEVE RIESE:** [01:06:37] Senator, I don't disagree. I will say that the empirical evidence is that in a large scale it doesn't work. It's not working. And these corrections, from the look I've done into it, these will work. These will place corrections on the system because the system itself is broken.

Good people go to Washington, they get corrupted, and the system is failed.

**BLOOD:** [01:07:01] Well if they get corrupted, they're not so good, though.

**STEVE RIESE:** [01:07:02] I'm sorry.

**BLOOD:** [01:07:03] If they get corrupted, they're not so good because they're choosing to do that, right?

**STEVE RIESE:** [01:07:06] If they get-- if they get corrupted, then they need to be replaced. But if you look at people that are in there for 30 or longer years, it is-- it is not serving the nation's interest. It's not what they-- they raise their hand. They took the same oath that I did as a military officer to "support and defend the Constitution of the United States against all enemies, foreign and domestic." And they're not doing that.

**BLOOD:** [01:07:28] And you and I agree on that. Thank you very much.

**STEVE RIESE:** [01:07:31] Thank you.

**BREWER:** [01:07:32] Any additional questions. Seeing none, Steve, thank you.

**STEVE RIESE:** [01:07:39] Thank you.

**BREWER:** [01:07:41] Next testifier. All right. We need to make sure people speak into the microphone so it is recorded correctly and we get a transcript that's accurate. With that, sir, you may begin.



**MARK ADAMSON:** [01:07:57] You bet. Thank you, Senator Brewer, Senators. For the record, my name is Mark Adamson, M-a-r-k A-d-a-m-s-o-n, and I am a Nebraska native. I'm a Nebraska businessman and I have been a volunteer for convention of states for five years. Thank you for taking the time to listen to my testimony in favor of LR7. I'd like to focus on one of the primary components of convention of states that matters to me, and that is the issue of term limits that was discussed briefly here with the previous person. Let me begin by saying, it's my contention that the majority of elected officials, though certainly not here, will never voluntarily and on their own limit either power or term. I believe our-- many of our representatives in Washington D.C, have stopped representing the people, "We the people", a long time ago and instead focus primarily on themselves and, almost as soon as elected, their own reelection. I believe the founders-- I mean, I could never imagine career politicians who stayed in office for decades. Back then they didn't even live that long. We've had politicians that have stayed in office for 30, 40, 50 years. And I don't believe our founders ever imagined elected officials that would become wealthy in public service. As I was doing some of my own research for this, I ran across some quotes from Benjamin Franklin and I thought-- although our Nebraska legislatures don't make a lot of money, Ben Franklin had proposed that elected officials not be paid at all. He had this crazy idea that folks would become elected public servants for love of country. And so he would be appalled I think, and any of our founders, related to the amount of time that some of our officials spend in office or that, when they finally did leave, they could move to K Street, make millions of dollars as a lobbyist. This is one of the reasons why I believe the approval rating for Congress is generally under 10 percent. For those who think that elections themselves are enough as a form of term limit, I'd simply say that when approval ratings are-- or hover near 10 percent, the reelection of incumbents is over 85 percent, that something must be wrong. Even in so-called wave elections, incumbents are reelected at a rate of 75 percent or more. Keep in mind that we managed to elect a president every 4 to 8 years, so the presidency is term limited. Entrenched politicians of both parties contribute to the ongoing gridlock

we see in government every single day. It's the reason why we don't seem to accomplish almost anything. But there is bipartisan-- bipartisan support for term limits. Many public polls back me up on this. And if you want more evidence, consider the Cruz-Rooney amendment proposed a couple of years ago. Amazingly, Senator Cruz, President Trump and Beto O'Rourke all agreed. Think about that. I simply say it is my belief that term limits would allow for more civility, we could use more of that, better cooperation, and more willingness to work across the aisle for the greater good. Thank you.

**BREWER:** [01:11:15] Mark.

**MARK ADAMSON:** [01:11:15] I'd be happy to take any questions you might have.

**BREWER:** [01:11:19] All right. Questions. Senator Blood.

**BLOOD:** [01:11:21] I originally wasn't going to ask any questions but you kind of brought something in mind. So you're right; people stay way too long in Congress. I don't disagree. But wasn't this last election very, very different? Weren't there a lot of people--

**MARK ADAMSON:** [01:11:35] The majority of incumbents were still elected.

**BLOOD:** [01:11:36] We got a lot of new blood in Washington after this last election--

**MARK ADAMSON:** [01:11:41] We had some-- we had a lot of retirement--

**BLOOD:** [01:11:41] --especially women and minorities.

**MARK ADAMSON:** [01:11:41] --particularly on the Republican side. I believe up to 40 that were retirements on the Republican side. But of those that weren't retiring, of those that were incumbents most were reelected. And when the-- when the-- when the approval rating is less than 10 percent and the election rate for incumbents is 85 percent, something's quite-- not quite right. And I tend to think for myself, it has as much to do with lobbyists, special interest money and things along those lines than anything else. That's why our founders thought-- believed that folks would go into public service for public service, and they wouldn't stay very long. That's why Ben Franklin didn't think that anybody should be paid; he didn't want them to stay long. We were supposed to go back to our farms, our businesses, our families, and not be an entrenched member of a ruling class which is what we have today, in my opinion.

**BLOOD:** [01:12:34] But there were-- 20 House Republicans got reelected.

**MARK ADAMSON:** [01:12:39] That's true.

**BLOOD:** [01:12:40] So I hear what you're saying. And again I don't disagree with what-- a lot of what's being said. There is a lot of stuff that needs to change. But I also think, in the same vein that-- that you are gathering voices, I feel that the people that are sick of apathy and sick of people speaking in a voice that is not theirs are also joining together and marching the streets and trying to make a difference as well. I'm just curious if maybe you guys should get together and find some middle ground and make a change.

**MARK ADAMSON:** [01:13:11] Yeah. Well, I agree with you Senator. You know it amazes me that so many people think that there's this magnificent brain trust in Washington D Street-- in D.C. that consists of all of the most intelligent, incredible, amazing, accomplished people. I would dare say to you folks that there are people in this room, in this room, that could do a better job than the

folks that we've elected to office repeatedly. And that's why I'm in favor of term limits. I appreciate it.

**BLOOD:** [01:13:38] Yeah. I don't want to get started again on term limits, so thank you for answering that question.

**BREWER:** [01:13:43] All right. Any additional questions. Seeing none, thank you, Mark.

**MARK ADAMSON:** [01:13:48] OK. Thank you, Senator Brewer.

**BREWER:** [01:13:51] Next testifier. Welcome to the Government, Military and Veterans Affairs Committee.

**BRYCE JOHNSON:** [01:14:08] I do. Good afternoon, Chairman and members of the committee. My name is Bryce Johnson, B-r-y-c-e J-o-h-n-s-o-n and I live in Lincoln District 25. I'm speaking today from the perspective of a Nebraska convention of states volunteer and a licensed professional mechanical engineer. I intend to offer a unique perspective on this resolution in terms of the inefficiency of government, general and specific examples of environmental public policy, and the concept of smart systems design. Every system by the laws of nature includes waste and imperfection. The growth of our federal government outside of the structure of our Constitution exposes these imperfections in the form of increasing national debt and burdensome regulations. As a consulting engineer my state and federal clients, who must-- must comply with a long list of federal regulations, are the most difficult to work with. Their costs of construction is the highest often without a measurable return on investment in financial or environmental terms. I have a great relationship with my clients, and I put high value on that local connection. And if any of my state or federal clients are reading this, it's not you, it's the other one. Waste in an ever-increasing list of

regulations harms our economy and ultimately puts stress on the weakest in our society, the working poor. The waste is easily accounted for in the physical laws of nature. The second law of thermodynamics states that every process moving through time is irreversible and generates unusable energy. I often characterize this as a chaos in the universe, always increasing, and something we need to manage. Under the stress of decision-making and a complex system of regulations, this chaos sometimes takes the form of extreme views that depart from the simple beauty of federalism and a limited federal government. One of these extremes has led to a proposal for a Green New deal in Congress. So let's consider environmental policy. There have been good actions taken, some of it led at the federal level by the EPA, to reverse damage to the ozone layer. New refrigerants are continuously developed based on their ozone-depletion potential and global warming "depential"-- potential, ODP and GWP. GWP has two factors: global warming, the release of a greenhouse gas like methane; and, efficiency which affects the release of CO<sub>2</sub>. An efficient refrigerant uses the least amount of energy to change phase from liquid to a vapor and back. Some of these efficient refrigerants also have the property of high flammability. Propane is a refrigerant. I'm tracking research and potential public policy that could increase efficiency at the risk of endangering the health and safety of the public. Locally we simply need to pass and enforce an updated state energy code. If that happens, I can honestly recommend compliance to my Nebraska clients because the code language is based on engineering analysis that proves economic payback. This Green New Deal concept as proposed would release more greenhouse gases than it eliminates. And the spending required to make that first mistake would lead to the second mistake of increased national debt. This terribly bad idea would again hurt the weakest in our country, the working poor, as everyone is forced to make improvements that would never pay back. As a runaway-- as a runaway Congress that considers extreme ideas like the Green New Deal is an example of a system that is not smart. A smart system is one that-- in which measurable results can be optimized in a form of continuous improvement. Couple that with the second law of waste that I mentioned in my first point, and it's clear we need to return our federal government to its original

restricted and smart design. As mentioned in previous testimony, we have parliamentary procedure as a protection against rogue-- rogue activity. And when called and assembled, a convention of states will represent-- will be-- will be rep-- have representation in a one-state, one-vote structure. The United Nations is protect-- protected by a one- state-- one-nation, one-vote structure to limit the influence of an extreme population like China.

**BREWER:** [01:17:21] You covered a lot of ground in a hurry there.

**BRYCE JOHNSON:** [01:17:22] Sorry about that; rookie mistake.

**BREWER:** [01:17:27] All right. I think you'll probably be able to finish your points here with the questions that are asked.

**BRYCE JOHNSON:** [01:17:32] OK.

**BREWER:** [01:17:32] Any questions? Well, just out of curiosity, what was left in your statement there?

**BRYCE JOHNSON:** [01:17:40] Thank you. The United States uses the electoral college to balance the equations such the-- such that environmental policies that may apply in California are not forced on Nebraska where we know what's best for our agricultural-urban mixture of popu-- population and natural resources. In con-- in conclusion, I urge this committee to use the other-- and other senators to deploy the other feature of a smart system, that which allows good ideas to move past the stops. LR7 is a good idea and deserves to move out of committee for discussion on the floor of the Unicameral. After discussion, LR7 deserves a vote so I urge all senators to vote for cloture after what we can assume will be an attempt to filibuster in a form of political theater. The

real way to pull out the stops is to sign on as a co-sponsor and show the United States how we do it in Nebraska efficiently leading the way towards the common good. Thank you for the additional time.

**BREWER:** [01:18:26] All right. And I know I pulled the rug out from underneath all you guys, changing it from-- from five to three, but understand that it's going to be a very long day.

**BRYCE JOHNSON:** [01:18:35] OK.

**BREWER:** [01:18:35] Thank you for your testimony. I see no other questions. That's it, thank you. Next up. Before you start--

**GRANT HANSEN:** [01:18:55] Yes.

**BREWER:** [01:18:55] --real quick. A raise of hands of the proponents that are left. Two, three, those in favor of LR7. All right.

**BLOOD:** [01:18:58] They seem to be really confused.

**BREWER:** [01:18:58] All right. In fairness what we're going to do is, as soon as the individual in the chair and the front row's exhausted, we're going to flip to opponents and we'll go an hour at that and then we'll flip back again. Otherwise it's not going to be a fair situation. That said, you may begin.

**GRANT HANSEN:** [01:19:40] Good afternoon, senators of the Government and Military and Veteran Affairs Committee, and Chairman Brewer. My name is Grant Hansen, G-r-a-n-t H-a-n-s-e-

n and I am a constituent of Senator Wayne in the great District 13 of Nebraska. And I'm here today in support of LR7 and the main purpose of my arguments today is, you have all received the paper that I wrote, is to show how-- bipar-- how really this should be a very bipartisan resolution. I'm only going to be able to hit the highlights of it due to time, but I would encourage you to please read it. But if you do not want to waste time on the opinions of a 17-year-old high school junior, well I probably wouldn't blame you. The most-- of the three things that are on this resolution, the most concerning to me, of course, is the national debt, nearly \$22 trillion. It has grown about \$16.2 trillion since my year of birth, and during that time there have been three United States presidents, two of whom have been Republicans. Not only during that time have different presidents been in office of different parties, but there have been countless shifts in both the Senate and the House of Representatives. Really nobody at this point seems to care. The most concerning thing to me is that when that bill comes due and of course it will, the weight of a collapsing economy will crush just about every livelihood in the American-- every-- of-- every American citizen and it will not discriminate by Republican, Democrat, white, black, Latino or race in any way. In fact, the only way it possibly will discriminate is against people of the younger generations as they will have to deal with the consequences of that longer. And thus it is one of the more alarming things to me. The second most important thing to me on this bill is shrinking of the federal government. Again I will not spend too much time on this as my time is running short, but today I hold up as an example the work of our current President. The current administration has removed nearly 600 government regulations. There is two-for-one policy and it's really, with the exception of the stock market shakeup in December, contributed-- contributed to some of the greatest economic numbers in my short lifetime. And that is for-- really, for every American citizen. The economy has the lowest unemployment numbers for African-Americans ever and women in the last 60 years. And just today job reports, as you-- I'm sure you've seen, have come out saying 3 or 4 thousand new jobs as compared to the 170,000 expected by MSNBC, shrugging off the government shutdown. Keeping government out of the economy is great for the farmers and small business owners of Nebraska.



Just like eco-- economic collapse, economic pro-- prosperity does not discriminate and, in fact, it is going to be greater for those of the younger generation. I will not address the myth of a runaway convention although I do certainly wish that you would read my point on that, but I will conclude with asking you today what you have to lose. I would say that the future of your grandchildren and children are what you have to lose if you vote against LR7. You have to lose a future for your children which they have no fear--

**BREWER:** [01:22:58] You didn't need to end in the middle of a sentence.

**GRANT HANSEN:** [01:23:01] --Yeah. [LAUGHTER] Well yeah, no fear of the national debt. You have to lose a future in which politicians can hold office for 40 years and still bolster, as a group, a 20 percent approval rating. And you have to lose a future in which small business owners are permanently free of government regulations leading towards ever-- economic opportunity for all. For my future and yours as well as your families, I ask that you stand in support of LR7.

**BREWER:** [01:23:25] Grant, thank you for your testimony. I have a hunch if we had more 17-year-olds like you, we wouldn't be in the fix we're in right now.

**GRANT HANSEN:** [01:23:30] Thank you.

**BREWER:** [01:23:31] So appreciate. Questions. Senator Lowe.

**LOWE:** [01:23:32] Thank you for being here today, and I have socks older than you.

[LAUGHTER]

**BLOOD:** [01:23:54] And he's wearing them.

**LOWE:** [01:23:54] They are washed.

**BREWER:** [01:23:59] OK.

**LOWE:** [01:23:59] I appreciate you coming here today and speaking before us. This has got to be a terrible and a daunting thing because you are much wiser than we are, I believe, and it's an honor to be in your presence today.

**GRANT HANSEN:** [01:24:15] Thank you.

**LOWE:** [01:24:17] The you're going to have to live with the decisions we have made in the past and what we're making today and in the near future. How are you going to pay those back?

**GRANT HANSEN:** [01:24:35] You know for me, it starts with educating those of my generation who don't know these things yet, so that they can continue to-- to, you know, set a-- set an example better than each generation before us. And so that-- then-- we can then take care of the generations before us as well.

**LOWE:** [01:24:59] I'm humbled before your answer. Thank you.

**BREWER:** [01:25:03] All right. Additional questions. Seeing none, thank you.

**GRANT HANSEN:** [01:25:07] Thank you.

**BREWER:** [01:25:07] Thank you for your testimony. Sir, welcome to the Government, Military

and Veterans Affairs Committee.

**JOHN BOELLSTORFF:** [01:25:19] Thank you, and appreciate Senator Brewer and the committee allowing us to speak and give our opinions. I am-- my name is John Boellstorff, J-o-h-n B-o-e-l-l-s-t-o-r-f-f. My background is fol-- I mean geology, worked for the University, and now retired but still working, hunting oil. My testimony is going to be in favor of the passage of LR7, and I'm going to address many of the Congressional term limits portion. Basically I see two huge problems that have arisen due to lack of term limits and the resultant rise of career congressmen. Firstly, congressmen have become unresponsive to the citizenry and beholden to special interests. Secondly, the current system of chairing congressional chairmanships through speakers, etcetera, is based largely on seniority and accrued political and financial power. These factors tend to disenfranchise both individual citizens and the lower-ranked congressmen. The tremendous power and control of the legislative branch of government by majority and minority leaders in the House and Senate are displayed on most-- almost-- almost a daily basis. It's advanced to the point where more concerted effort is placed on the balance of power between the three branches of government than on problems threatening the nation's survival. Consequently governance is basically in limbo while evil forces are working to transform our congressional-- constitutional republic into a socialist state. A viable remedy to this situation is to modify the system so that congressmen focus on the country's problems rather than careers, gaining power, and accruy-- accruing wealth which are age old causes or forces of corruption. Perhaps by minimizing exposure to these sources of corruption via term limits, people seeking power, wealth, and position will be replaced by people motivated to serve the citizenry and to remedy problems facing the nation. Such a change of focus will result in a government more responsive to the wishes of the people, and where each congressman's vote reflects their decision. Of course, there's some people including the military-industrial complex, public institutions and government agencies and others benefiting from status-quo government will fight the convention of states, but how long can we continue borrowing half of every dollar spent,

and along with increasing trade deficits now approaching \$1 trillion a year without impacting our security? So in summary-- I won't read all of this but-- in summary, I see the convention of states may well be the only chance: wrote--one, to secure our security in the nation; but also, a-- to save the United States of America as a light on the hill. And I say don't let the light go out. Please pass LR7. And the main problem in Washington I think is environmental and the corruption.

**BREWER:** [01:28:37] All right. John, thank you for your testimony. Questions. Senator Blood.

**BLOOD:** [01:28:41] Thank you, Chairman Brewer. I'm sorry, can you say your last sentence again; I didn't hear what you said.

**JOHN BOELLSTORFF:** [01:28:45] The last what?

**BLOOD:** [01:28:46] The last sentence that you said?

**JOHN BOELLSTORFF:** [01:28:47] Oh, the last sentence? Oh, I was just saying the main problem in Washington is environmental, and the-- all the special interests and all the-- I think we've sent good people there, and I think it'd be tough for anybody to resist all the pressures to control. I really--

**BLOOD:** [01:29:05] Do you-- do--

**JOHN BOELLSTORFF:** [01:29:05] --I think it's a vicious place. I have been there, but--

**BLOOD:** [01:29:07] And I don't disagree with you so I'm-- but I keep hearing this over and over again--

**JOHN BOELLSTORFF:** [01:29:14] Well--

**BLOOD:** [01:29:16] --gosh, if they're such good people then they should be able to say no.

**JOHN BOELLSTORFF:** [01:29:19] --for example, the Congressional slush fund should be made public. I can see where they'd take somebody out, get him in a compromising situation, take photographs and they've got control of that person. So I might be--

**BLOOD:** [01:29:33] And so an honest person would say I cheated on my wife with my staff person or I did this or I did that, I don't deserve to be in this position anymore, I'm going to step down as opposed to take money, right?

**JOHN BOELLSTORFF:** [01:29:46] But, yeah, I can see where people are controlled by a few, so we aren't represented and I don't-- you know, so I-- you call--

**BLOOD:** [01:29:52] No, I agree.

**JOHN BOELLSTORFF:** [01:29:53] --representatives don't give their true decision. It's controlled by somebody else.

**BLOOD:** [01:30:02] So I ask you because I'm sure that-- that you vote. I get the impression that you're a longtime voter.

**JOHN BOELLSTORFF:** [01:30:07] Oh, yes.

**BLOOD:** [01:30:09] So why do we keep voting the same people into office, I keep asking this question,--

**JOHN BOELLSTORFF:** [01:30:12] OK.

**BLOOD:** [01:30:12] --and then we make excuses for their bad behavior?

**JOHN BOELLSTORFF:** [01:30:16] Because you get duped. I-- I-- I've--

**BLOOD:** [01:30:17] I--

**JOHN BOELLSTORFF:** [01:30:17] --been Republican,--

**BLOOD:** [01:30:20] --asked, sir--

**JOHN BOELLSTORFF:** [01:30:20] --Democrat, Independent. I voted for Obama two times. First time I voted for him because during his campaign he preached how he was going to do something about the lobbyists. He was going to do away with the lobbyists over and over. Once he got elected, not a word. That's why, you can't believe what they say.

**BLOOD:** [01:30:40] And again, regardless of who you vote for because I'm-- I'm not taking sides on either side, yeah, I think it's really important that we start paying attention to who's lying to us.

**JOHN BOELLSTORFF:** [01:30:48] Yeah, I don't see it as-- I don't see it as a partisan thing at all. I see it as a system-- a system problem--

**BLOOD:** [01:30:53] It's systematic.

**JOHN BOELLSTORFF:** [01:30:54] --where special interests have come in there with all sorts of problems and people-- humans are humans, you know?

**BLOOD:** [01:31:01] So how about we say they can only have \$20,000 to run for office and anything more than that, they'll have to take out of their own pockets?

**JOHN BOELLSTORFF:** [01:31:09] Yeah.

**BREWER:** [01:31:10] And what was the--

**JOHN BOELLSTORFF:** [01:31:10] I think you know the previous speaker-- I think you could, if you advertised, I think there's plenty of people in this country that would be more than happy to take say one term or they-- you know, basically on their own if they would say buy them room and board and the necessities so they didn't have to pay for that but without any salary. I think you'd have plenty of people running for the job that really, truly wanted to solve problems and better the country.

**BLOOD:** [01:31:39] Thank you for that clarification. Thank you.

**BREWER:** [01:31:43] Any additional questions? Seeing none, thank you, sir. All right. Next presenter, have a seat. Sit down and rest for a second here.

**LARRY STORER:** [01:32:16] Chairman, ladies and gentlemen, excuse my raspy voice a little bit. I would like to thank that gentleman for correctly referring to our constitutional republic. On and on

nowadays, you hear people say it's a democracy--

**BREWER:** [01:32:33] All right. Can we get your name--

**LARRY STORER:** [01:32:34] I'm sorry.

**BREWER:** [01:32:34] --and spelling?

**LARRY STORER:** [01:32:34] Larry Storer, S-t-o-r-e-r, 5015 Lafayette Avenue, Omaha, Nebraska 68132, District 8. I get tired of people calling us a democracy. At a Hillsdale College thing this morning, they referred to us as a democratic republic. Well excuse me. There's a democratic Republic of Haiti. Look what democracy has done there. Look what democracy is doing in New Zealand. I represent myself. I am what-- here-- the Constitu-- your State Constitution refers to as an elector. I also hope to speak for the electors of this state which are the other citizens. I do not speak for the convention of states project. I used to be a volunteer. I am no more. I do not speak with them anymore. I speak for Article V, Article V by itself. It is in the Constitution and every one of us that are at that roundtable or a citizen, we are sworn-- have sworn a duty to "preserve, protect and defend the Constitution." So you cannot take Article V out of the Constitution. Now let's dissect what our Article V actually says on the blackboard. It does not say state legislature. It does not say the federal government. It does not say the Congress. It says the people. We heard about George Mason a little earlier. There were some states that refused to sign. There were some other delegates that actually refused to go. We had people sent out to find them and take them out of the taverns to bring them back so they could have a debate. And those debates were a lot more American than some of the debates we had last year. Read-- I just recently read our state constitution. I'm sorry I am embarrassed by that. You people are the ones that call it a constitutional convention. It's OK because you run the state, but our federal Constitution does not call it a constitutional convention. It



promises us a constitutional republic and there will be no other constitutional conventions unless the federal government does it. You need to understand that. They did not give you the power to run my convention. I'm an elector. I am a citizen of a state. I have a right to pick a delegate or, excuse me, I have a right to start a committee, OK, committee of correspondence. We have a right to talk about delegates. We have a right to have a city convention or a state convention. We have a right to go to a federal convention and iron out the differences with the other states so that we can have 26 states, is it? Similar? But it doesn't have to be 100 percent. Do you think our federal people agreed on everything? That's why you only have nine states ratify. Final statement; the World Herald does us dishonor, after the last week or two, and the state of Nebraska really, this will get into it this afternoon, the state of Nebraska really has no right to take that process away from us. So--

**BREWER:** [01:36:30] OK.

**LARRY STORER:** [01:36:30] --the Faithful Delegate Act really ought to be stricken. I will talk about that later.

**BREWER:** [01:36:34] All right.

**LARRY STORER:** [01:36:36] Thank you. It is your sworn duty.

**BREWER:** [01:36:37] Hang on just a second here. We may have some questions for you. And just-- just for the record here because I wasn't carrying chairs as we made the transition, you're speaking in opposition to LR7.

**LARRY STORER:** [01:36:46] I am in favor of LR7.

**BREWER:** [01:36:49] OK. I just want to make sure. And are there any questions at this time? All right. Thank you, sir.

**LARRY STORER:** [01:37:01] Thank you. Oh, can I just add 30-seconds worth? I am one of those that don't trust our government, either. I'll tell you why. I have gotten no replies on the e-mails I have previously sent. So I leave it to you.

**BREWER:** [01:37:21] Sir.

**LARRY STORER:** [01:37:22] And I was blindsided this morning, too, so. You can enter those into my testimony please. I didn't have time or money. [INAUDIBLE]

**BREWER:** [01:37:30] You are a proponent?

**ROB MERRILL:** [01:37:32] Yes.

**BREWER:** [01:37:32] OK. I believe you'll be the last proponent before we make the transition here.

**JIM MCGINNIS:** [01:37:37] Senator, I'm a proponent.

**BREWER:** [01:37:38] You're still a proponent. OK. You'll be the last one. All right. Thank you. Sir, go ahead. Welcome to Government Committee.

**ROB MERRILL:** [01:37:48] Thank you. Thank you, Chairman Brewer. My name is Rob Merrill, R-o-b M-e-r-r-i-l-l. I came down here today from Norfolk, Nebraska in Madison County, and I

appreciate being in front of you folks today. You may hear some repetition in my testimony at this-- at this late-- late date, but I would like to-- would like to tell you that it wasn't all that long ago I could do the Minute Waltz in 57 seconds so we'll see what happens. I am before you today asking support for LR7. It is my belief that an Article V convention of states is needed to accomplish three objectives. Number one is to impose physical restraints on the federal government. It is no secret that our country is \$21 trillion in debt with no willingness in Congress to keep it under control. Number two would be to limit the power and jurisdiction of the federal government. Unelected bureaucrats should not be allowed to make sweeping decisions that impact millions of Americans. Number three would be to limit the terms of office for appointed officials and for members of Congress. I believe term limits keep fresh ideas in perspective in public offices. They would help ensure that no one individual can focus more on keeping a job and a certain level of power than representing the public. It is my hope as this is debated that the discussion will be based on facts and not on myths. And there are two myths that I'm referring to. The first myth is, an Article V convention of states is a constitutional convention designed to rewrite the United States Constitution. It is, in fact, a convention to propose amendments to the Constitution. Any proposed amendments still must be ratified by 38 of the 50 states as outlined in our federal Constitution. Number two is that Congress controls the process. This is untrue. Congress simply keeps a tally until the 34-state threshold has been met as outlined in the Constitution. Our Constitution says very plainly that upon reaching the 34-state threshold, Congress shall call a convention of states. "Shall" in legal terms means "must." The states can then do what the Congress would not do. In the time it's taken me to drive here today and address this committee, the national debt has increased to over \$10 million. Some faceless, federal bureaucrat is crafting mandates for us to follow, and a lifelong politician is ignoring the wishes of their constituents in favor of keeping their political power and influence. And we cannot afford to wait any longer. Thank you for your time and your consideration.

**BREWER:** [01:40:30] Thank you for your testimony.

**ROB MERRILL:** [01:40:34] Yes, sir.

**BREWER:** [01:40:34] Questions. Questions. Seeing none, thank you and thank you for making the drive.

**ROB MERRILL:** [01:40:40] You bet. Thank you.

**BREWER:** [01:40:48] Welcome to the Government Committee.

**JIM McGINNIS:** [01:40:50] Good afternoon there, Senator Brewer, Chairman person, fellow senators of the Government, Military and Veterans Affairs Committee. Jim McGinnis, J-i-m M-c-G-i-n-n-i-s. I represent my-- I represent-- I'm the founder of A Republic, If You Can Keep It. Our goal is the education of the Constitution and the action-- and the action towards returning the Constitution to its original intent, for to say positive and negative amendments to the Constitution that we have now. That being said, why am testifying today? I do support LR7. The reason why I support it is because imposing fiscal restraints on our federal government is the idea that you, the senators of the state of Nebraska and our Unicameral 49 senators, you actually have or used to have the right to fund the federal government. You gave that right up in 1913, or your fellow --your prior senators before, gave that right up in 1913 with the 16th Amendment, and put it on our backs by the way. Just to--want to let you know that. I'm not blaming you guys, but I'm hoping that because of LR7 we can have a convention of states so we can change that and get back to what we used to be. The other factor I'm talking about also is the idea of the power and jurisdiction of our federal government. It used to be that you guys controlled our senators of our federal government. You gave that up in 1913 also. I'm asking you to take it back. That's the purpose of the convention of

states. One other thing I'll throw in there since I got a little time here is the idea-- I find it very interesting that the 22nd-- the 22nd Amendment was added to our Constitution by the legislative branch of our federal government and that gave-- put term limits on the executive. We talk about the term-- we talk about the power of-- power between the branches of government and the separation of power and a balance of power. When it came to term limits, I guess the legislative branch, having the-- the idea of the proposed amendments and the states ratifying it, gave the executive branch of our federal government term limits but didn't put term limits on the other two branches. That's very interesting, too. And so since I've-- that's-- that's all I really have to say about it. I'm trying to give you guys your power back. You guys are the ones who could stop the overspending. You guys are the ones who could stop the jurisdiction and power of our federal government. Take back those senators. We wouldn't probably have the Affordable Care Act if we didn't have the 17th Amendment. Wha-- you guys would have said, what are you people doing? There's numerated powers. Let's live by the numerated powers. Thank you, Senators.

**BREWER:** [01:44:03] All right. Thank you for your testimony. Questions. All right. Thank you. All right. We are now switching to opponents. OK. And we have the chairs and the assembly line there. Very good. Welcome to the Government, Military and Veterans Affairs Committee, and you may begin whenever you're ready.

**MATTHEW PARKER:** [01:44:32] Thank you, Senators. My name, for the record, is Matthew Parker, M-a-t-t-h-e-w P-a-r-k-e-r. I am a resident of Omaha, Nebraska. I am testifying today to encourage you to vote against these resolutions, LR7 specifically, because I believe that a convention of the states, a convention to propose amendments by the states is an untried, untested, and unknown quantity that our country does not need and indeed has never used. I have three primary points for why I oppose it, and I urge you to oppose it as well. First off, there is no precedent for using an Article V convention in the history of the country since the passing of the

Constitution. It has not been done. The only possible other precedent that we have is the constitutional convention which multiple people have mentioned. However, I do think it is important to remember that a number of the delegates going to the constitutional convention and all of the delegates to the previous Annapolis convention before the constitutional convention believed that they were acting to amend the Articles of Confederation. While not all of them were, there were a number of delegates who went to those early meetings with the idea in mind that they were there to amend the articles, not to completely rewrite them. However, there were a number of other people and eventually their position carried, that believed that the articles were fatally flawed. While proponents of this bill will say that that is not an example of a runaway convention, for those commissioners that were sent with the idea that they were only there to rewrite the Articles of Confederation it most certainly is, and that is a precedent to keep in mind. Second, I do not believe that America now is at a worse point than any previous time in our history-- and at no previous time in our history, no matter how bad, no matter how divided, no matter how burdened with civil unrest, America has never called an Article V convention. If we are not worse than they were, if we are not more burdened or more desperate as a country than they were, we should not take steps that they did not consider or that they considered too extreme. And finally, I am opposed to it because there is no broad legal consensus about how it will proceed. I will absolutely admit there are very thinking minds and sincere minds that say that a restricted convention would absolutely work. And I do believe they are arguing in sincerity. However, there are equally sure and equally sincere minds arguing that once you start tinkering with the engine of our democracy, the only thing that you can do is see it out. You cannot restrict a body based on the Constitution that they are going to be amending. And amending a Constitution is fundamentally an act of rewriting it. Therefore for those three reasons and knowing that my time is about to run out, I urge you to stand against this bill and vote down LR7. Thank you.

**BREWER:** [01:47:25] Thank you for your testimony. Questions. Senator Hilgers.

**HILGERS:** [01:47:29] Thank you, Mr. Chairman. Thank you, Mr. Parker. Is that right?

**MATTHEW PARKER:** [01:47:33] Yes.

**HILGERS:** [01:47:33] Thank you for coming and providing your testimony today. I appreciate it and I appreciate the very lawyerly one, two, three, of your argument. I'm going to combine one and three if you don't mind. I think there's some similarity between the two. And I-- and I take it-- your point that-- I take your point that Article V has it-- that that has not been used before. My question to you is are there any-- is there ev-- any circumstance you could imagine in which an Article V convention would be appropriate to call.

**MATTHEW PARKER:** [01:48:00] That's difficult, and that's a question that I have asked myself because I wanted to try to understand kind of all sides. And if I can't understand the other side, then I shouldn't necessarily be presenting it. I believe that an Article V convention-- I struggled to come up with a circumstance in which I believe an Article V convention would be a superior convention or a superior process to using the congressionally initiated amendment process because I-- we have always been a divided country, and we have always been a country that was very passionate about the-- about our political beliefs. And regardless of the fact that Congress is human and obviously they are prone to the same flaws as any human being among us, I do believe that there is something about being in that building, being among those people, that moderates someone. And I worry that a convention of the states, regardless of if it is limited or not, could still be, by its very nature, a very aggressively divided or divisive thing. So no, I cannot come up at this time with a set of circumstances where I would support Article V convention.

**HILGERS:** [01:49:13] Thank you. So would-- I just have a couple of questions. But to that point

though, how would you respond then to the counter argument which is, hey look I understand we've never used it? We're not-- we're not going to use it because we've never used it. Well that means we will never use it. And so how would you respond to the argument that wha-- that position then in-- is-- is the essence a de facto striking or amendment of the Constitution as the Article V provisions?

**MATTHEW PARKER:** [01:49:36] There are things in the Constitution that have never come up. There has never been in the history of our country any attempts to quarter troops among the citizenry, right? We haven't had a robust Third-Amendment legislation. There are things that have stayed unchallenged since the beginning of the Constitution because we haven't needed them. The fact that something was entirely relevant and important to Colonel Mason and important to Alexander Hamilton because a-- Hamilton specifically is quoted as saying that he wanted Congress to have no part, and once the states say that a convention's on, a convention's on. And the fact that some of those things have never been used or have not been relevant is not-- a-- a-- a strike against our Constitution or a strike against the people that wrote it. It's only showing that our country has evolved and our-- not in the sense of becoming better but in the sense that issue-- not every issue is universal, not every issue is going to last 200 and, you know, 30, 40 years. Sometimes things are going to be very important in 1787 and are not going to be nearly as important in 2019.

**HILGERS:** [01:50:39] I appreciate that example, but wouldn't you say that the Third Amendment is a prohibition, right? It's a prohibition on quartering troops whereas this is a permissive right. Can you think of any permissive right in the Constitution that has not been exercised?

**MATTHEW PARKER:** [01:50:51] I cannot honestly say at this time that I can.

**HILGERS:** [01:50:53] No, and I think that's-- I-- and I take your point that it hasn't been used and there is some uncertainty there. But I think ultimately as a-- it is a question in my mind of whether



you-- being able to define the cert if-- we haven't used it but there has to be some circumstances under which it would be used. But let me ask you briefly because I don't want to take up a lot of time, the point which you made on your second point which was that the-- the delegates to the convent-- constitutional convention had in their mind that they were only there to amend the articles and they didn't have a broader purpose. And I'm curious the evidence and background for that particular point.

**MATTHEW PARKER:** [01:51:29] So prior to the constitutional convention there was a gathering of delegates called the Annapolis Convention. The Annapolis Convention was convened specifically to discuss the Articles of Confederation and how to revise them. In addition to that, there had been numerous movements within the Congress that existed under the Articles of Confederation including Pickering-- George Pickering had proposed multiple amendments to revise the Articles of Confederation. And so we have accounts and we have a legislative history of other thing-- other gatherings, other-- people coming together thinking that that was their purpose. And we have reports from the very early days of the constitutional convention, because at the time it wasn't called the constitutional convention, right, they didn't call it that from day one, with-- that argued in favor of amending the Articles of Confederation. I will grant, of course, that it very quickly became apparent that they-- there was a general consensus that they could not preserve the Articles of Confederation because of the fatal limitations, but I do believe the historical record backs up that there were a number of delegates, albeit not all, that thought their duties were amendment, not overturned.

**HILGERS:** [01:52:42] So-- and I only ask these questions because you obviously done the his-- you've done research, you've looked at the history, but-- but I think that my reading the historical record sort of doesn't square entirely with that read. And I understand the Annapolis Convention, but that was not the Constitutional Convention.

**MATTHEW PARKER:** [01:52:57] No.

**HILGERS:** [01:52:57] And the call of the Constitutional Convention was much more broad including, and I've seen the research on the commission statements that Mr. Meckler referenced earlier, the-- those commissions they, not all but certainly a supermajority, were not limited to an amendment of the articles. They, in fact, were, and I have a difficult time pronouncing the word, but they were to meet sort of the-- the needs of the time, exigency of the time. So and I think that was-- I believe in Federal 78 was a echoing of that precise concept which was what the delegates that convention had a very wide breadth and the idea that they would limit it to only amend-- amending the Articles is not consistent with histor-- with the historical record. So how do you would you respond to that?

**MATTHEW PARKER:** [01:53:36] I'd say that there's a difference between what your commission allows you to do and what you go to the convention thinking you're going to do. And I will grant you that a number of the-- a number of the commissions specifically referenced greater plenipotentiary powers, however, that doesn't change the fact that a number of the delegates thought they were going specifically for a much more limited purpose.

**HILGERS:** [01:53:57] Mr. Parker, that is an excellent point, and I completely agree with you. And then I would say and this is my last question. Is it the-- the commission statements are the outer balance, so certainly someone could come in saying look I'm going to do something less than this outer bound in my mind but ultimately there's an outer bound of authority that they have as an agent for their particular state. Here the outer bound is not do whatever you want. Here for LR7, the outer bound is limited to the scope within the-- the-- the actual-- the constitutional call. So wouldn't that argument-- isn't-- isn't that consistent with the proponents of this bill or the-- of the LR say? Yet,

may-- maybe someone is actually thinking even more narrowly than what's in LR7, but ultimately no matter what it is that they do, they are limited by the outer bound of LR7 which is not we're going to-- we're just going to throw the Constitution out and do something different.

**MATTHEW PARKER:** [01:54:43] I'm going to try to answer very briefly because I don't want to take time from other people--

**HILGERS:** [01:54:47] And I appreciate that, Mr. Parker. Thank you very much.

**MATTHEW PARKER:** [01:54:48] --and what I want-- the-- funnily enough, the thing that that brought to mind is very non sequitur, the execution of John the Baptist, where King Herod told his daughter that I will give you anything you want for-- for you have danced for me, not thinking that she would ask for something as out there, destructive, and damaging as the execution of John the Baptist. She asked-- she asked for the execution of John the Baptist, and John the Baptist was executed. We see throughout history, throughout literature where multiple times, where you give someone author-- broad authority without thinking they will take it to the ultimate authority. And I would say that the question then is, is LR7 giving broad authority that people will take much farther than they expected, then this legislature expected it to be taken and will it be detrimental?

**HILGERS:** [01:55:44] Thank you very much for coming down today, Mr. Parker. Thank you.  
Thank you, Mr. Chairman.

**BREWER:** [01:55:49] All right. Additional questions. I guess I would just have one, and it would be whether or not the idea of it taking 38 states to ratify, does that give you any peace of mind, that it would have to be an incredibly high bar for it to actually become reality?

**MATTHEW PARKER:** [01:56:06] It does, but I think that goes partially back to what Senator Lowe said. And that's what concerns me is that this is a process which, once started, will be overseen by people we do not know in circumstances we do not yet understand. And the fact that it requires 38 states does not mean that once started there could not be a complete sea change to one political party or to the other that could represent a very different political circumstance, a very different social circumstance than we were laboring under when the bill was passed. And that's one of my concerns is, I trust the Nebraska Unicameral Legislature that I get to vote on. I'm not sure about the Nebraska Unicameral Legislature two years in the future that I've never met or other state Legislatures two years or four years in the future that I cannot possibly know.

**BREWER:** [01:56:58] Well, you have researched and thought this through. It is refreshing, so thank you for your testimony.

**MATTHEW PARKER:** [01:57:05] Thank you.

**BREWER:** [01:57:08] All right. The next opponent. Is Senator Hilgers leaving just on your account? [LAUGHTER]

**JOHN CARTIER:** [01:57:31] I hope he'll be back in time.

**BREWER:** [01:57:32] A familiar face back to the Government, Military and Veterans--

**JOHN CARTIER:** [01:57:34] It's great to be back. Excellent.

**BREWER:** [01:57:35] --Affairs. Welcome.

**JOHN CARTIER:** [01:57:38] Good afternoon, committee members. For the record, my name is John Cartier, spelled J-o-h-n C-a-r-t-i-e-r. I'm testifying today in my capacity as the director of Voting Rights for Civic Nebraska. Civic Nebraska's mission is to promote nonpartisan voting-rights reforms across the state and to protect the rights of Nebraskans from things that will harm their ability to vote on Election Day. Today on the second best day of the year, my birthday, I will be testifying against both LR7 and LB451 for a variety of reasons. Most important to us is the very real possibility that if the convention is called and proponents pass everything they wanted, many of the protections afforded to voting rights would be placed in danger. Last time I sat before this committee and testified against the idea of a convention, the conversation steered unproductively towards the possibility of whether a runaway convention was possible. My views haven't really changed on that subject, but what I think is more important than talking about that issue is what exactly LR7 calls a convention for and why proponents like Mark Meckler want it to happen. I had a really spirited debate with Senator Laura Ebke on Facebook about this recently. I respect her a lot, and she brought up some great points, but we definitely disagree on whether a convention is a wise decision in today's political climate. I bring her up because she attended, in 2016, a simulated convention of states in Colonial Williamsburg, Virginia. This event was sponsored by Mr. Meckler's organization, Convention of States Action. Here they passed all sorts of interesting amendments. This includes: number one, raising the debt ceiling will require two-thirds vote of both houses of Congress; number two, limit Congress's power to regulate interstate commerce; three, term limits on the U.S. House and the U.S. Senate; four, give the states the power to rescind federal laws, and regulation with three-fifths ratification; five, eliminate all taxes on income, gifts, and estates; six, allow Congress to repeal any federal regulation unless a majority of both houses vote to affirm or adopt the regulation. The two I'd like to focus on is number one, giving the states the power to rescind federal law and regulation without-- with three-fifths ratification, and two, allowing Congress to repeal any federal regulation unless a majority of both houses vote to affirm or adopt the regulation. As an organization dedicated to protecting and advancing voting rights, we have

serious concerns with both of these proposed amendments. For this conversation, it is crucial to understand that the Department of Justice is a voter's last line of defense against state infringement of voting rights. We are deeply uncomfortable with giving three-fifths of the states the ability to rescind federal law, since the articulation of voting rights, as we understand them today, comes primarily from three pieces of federal legislation. That is the Voting Rights Act of 1965 the National Voter Registration Act of 1993, and the Help America Vote Act of 2003. To allow the repeal of these acts, despite opposition from-- despite opposition from 20 states, is unacceptable. A good example of why this is-- is not good for us is to look at the Voting Rights Act of 1965. This was not a very popular bill in the south or anywhere else really where the fervent remnants of racism were still around. Looking at the electoral map during that time period, voting rights afforded by the federal government would have been placed in extreme jeopardy if states could outright repeal its protections. Two paragraphs left. Good?

**BREWER:** [02:01:02] And are you about to beep?

**JOHN CARTIER:** [02:01:04] Yeah.

**BREWER:** [02:01:04] All right.

**JOHN CARTIER:** [02:01:06] Furthermore--

**BREWER:** [02:01:06] Go ahead, John.

**JOHN CARTIER:** [02:01:07] Thanks. Furthermore for Congress to have the ability to repeal any federal legislation unless a majority of both houses affirm it makes our federal protections of voting rights especially vulnerable to the political whims of Congress. Civic Nebraska's position is that a

slight majority in one chamber by one party should not jeopardize federal protections of our civil rights, and procedurally allowing for the repeal of federal law by three-fifths of states is too undemocratic for our tastes. Bottom line the 2016 convention-of-states simulation proved that even the most limited convention that stays neatly within its proposed boundaries could not only devastate Nebraska's state budget but also weaken crucial federal protections of our voting rights by subjecting federal law to the will of 24 percent of the population. Or rather to the slight majority of one chamber of Congress. For these reasons, we cannot support Nebraska's petition to join the Article V convention of states. I'll take any questions you have now. Thank you.

**BREWER:** [02:02:02] Thank you for your testimony, John. All right. Questions. Questions.

**La GRONE:** [02:02:08] I think Senator Hunt had her hand up.

**BREWER:** [02:02:10] Oh, I'm sorry.

**HUNT:** [02:02:11] Thank you. Thank you, Chairman Brewer. Happy Birthday.

**JOHN CARTIER:** [02:02:13] Thank you. Good to be here.

**HUNT:** [02:02:14] I'm so glad you were born.

**JOHN CARTIER:** [02:02:15] Me, too.

**HUNT:** [02:02:17] Thank you. That goes for everyone here. So just so I'm understanding, so this-- this convention of states that was the simulation passed all these hypothetical amendments that could conceivably be passed if we were to have a convention of states.

**JOHN CARTIER:** [02:02:34] Yes, Senator.

**HUNT:** [02:02:34] I--

**JOHN CARTIER:** [02:02:35] Oh, sorry.

**HUNT:** [02:02:35] No, please.

**JOHN CARTIER:** [02:02:36] Yes, Senator. In-- in the packet I gave you there is a printout of the complete list of the amendments that the convention passed. And, you know, despite what our friend Mr. Meckler has said, he's been very public about thinking that a lot of those ideas were really good. And that's something that they're going to definitely pursue at whatever convention falls under this legislative resolution.

**HUNT:** [02:02:59] So with that three-fifths of states ratification, not only voting rights but things like gun rights, things like public education, things like abortion, things like immigration, these things could also come under-- could be repealed by a vote of the states, too. Correct?

**JOHN CARTIER:** [02:03:18] Correct.

**HUNT:** [02:03:18] OK. Thank you so much.

**JOHN CARTIER:** [02:03:19] Thank you.

**BREWER:** [02:03:20] Senator La Grone.



**La GRONE:** [02:03:21] Thank you, Chairman Brewer. Welcome back to the Government Committee and Happy Birthday.

**JOHN CARTIER:** [02:03:26] Thank you.

**La GRONE:** [02:03:27] So I don't want to go too far into what I know you-- one, what Senator Hilgers' already touched on, Mike, what I know you two had a robust discussion on the mike last time this was around. But there is a-- one thing I did want to delve into but let me act-- I think you mentioned in your testimony last time, so I'm real quick see if that's still your position. And if it's not, I'll just spare us all the time. [INAUDIBLE]. But I think last time you were here you mentioned that in a runaway convention scenario that you could have a situation where the three-- the-- the ratification process wasn't necessary. Is that still your position?

**JOHN CARTIER:** [02:04:05] Well, if we have a sliding scale of the possible and, you know, what's not possible, I-- you know, anything involved in convention, based on prior procedure in our history, I think that could happen. You know, it's-- it's not out of the question. I-- I can sympathize with a lot of the proponents here today; they want to fix a lot of things that they think's really wrong for our country right now. But again just not really understanding the process behind it is concerning for my understanding. And while it's true that why-- you know, you need-- it's 34 states to ratify, correct? This can go through the state legislatures or it can go through special state conventions, and there's another issue behind that is how long is that open for? Because right now once Congress puts out an amendment to the states to vote on it, you know, it's-- it's in there indefinitely until it's passed or not. So is this going to be the same process? I would presume. So that means once something comes out of convention, it's going to be circulating around the States forever.

**La GRONE:** [02:05:08] OK. So just to follow up on that a little bit, and I just want to delve into what would that actually look like if we got there because I think we've had-- in the past we've had really good discussion--

**JOHN CARTIER:** [02:05:19] Um-hum.

**La GRONE:** [02:05:19] --on whether or not it's possible. I don't think that one is. But one thing I think we haven't really touched on yet is what happens if we get to that point? Which again I disagree that we would--

**JOHN CARTIER:** [02:05:30] Um-hum.

**La GRONE:** [02:05:30] --but I'm just curious what that-- that would look like. So assuming that what you just said is true, assuming that it would, you know, go off the rails and it wouldn't require ratification by the states, wouldn't there still need to be just your traditional norms of self-determination and self-governance? So wouldn't that still serve as a check even if what you're saying is true and it did go off?

**JOHN CARTIER:** [02:05:53] Possibly but if we're being really studious about history and looking back at all the bizarre things that have given rise to empires coming and going, you know, I don't really want to leave anything to chance necessarily.

**La GRONE:** [02:06:07] Well, I'm actually glad you touched on that because that's exactly where I was going. I think that-- so there's some really good scholarship out there on norms of international law that developed after the fall--

**JOHN CARTIER:** [02:06:19] Hmm.

**La GRONE:** [02:06:19] --so leaning on empires coming and going and, really, the requirement of self-determination outside of persistent objectors like North Korea and China, etcetera, has still been there, and so my-- my question is when we're looking at what that has traditionally required and if you're not familiar enough with that that's totally fine. You know, you can tell me you don't know and that's completely valid--

**JOHN CARTIER:** [02:06:43] It's been a little while since I was in school, but I'm--

**La GRONE:** [02:06:45] Yeah.

**JOHN CARTIER:** [02:06:45] --curious-- curious to--

**La GRONE:** [02:06:46] But the requirements that we generally look to in-- when those situations arise are: one, democratic support; two, some lengthy level of unrest; and three, some level of violence. And I think right now today we've had two great examples of that, horribly great examples, but in Venezuela and then in Catalonia they're two different respects that-- in Venezuela you see all three elements there. And then in Catalonia we're missing the persistent level of violence. So in Venezuela you've seen the international community turn against that, whereas in Catalonia you have seen them support the Spanish government. And so if we're going to-- if-- the claim is, and again correct me if this isn't your claim, that it could go off to where we're throwing out the Constitution completely, doing something new. Wouldn't we still need those other elements present in order to have that nightmare scenario?

**JOHN CARTIER:** [02:07:40] Can you break down the three elements? One's civil unrest--

**La GRONE:** [02:07:42] So generally what you look for is civil unrest for a prolonged period of time and democratic support against the current, established government, so to speak.

**JOHN CARTIER:** [02:07:53] I see. Well, you know, those three metrics merely-- what came to mind in my head is all the, you know, school shootings that happen in our country all the time, like there's violence everywhere in the country. We don't have the civil unrest like we did in the '60s and back to the prior testifiers points that, you know, I don't think we've gotten to a point in our country where it's gotten so bad that we need to use an option such as this convention to fix the mess that we're in. Because if-- if our predecessors were at that point where they're, you know, shrugging off slavery, shrugging off discrimination and segregation and they did all these things without a convention. And here we are in 2019 with all the modern tools of today and supposedly all, you know, everybody is-- is in it to be a patriot. I'm going off the rails here but I-- and long-winded answer, I think that three criteria, without knowing more about it and how it applies here and what that does on a convention, is a good point but it doesn't convince me otherwise. Because I want to go back to what the proponents say they want to do at the convention and what those real implications will be to our economy and to our roads, to our schools, you name it. Everything touches the federal budget.

**La GRONE:** [02:09:11] OK. And again I just wanted to flesh that out since we hadn't gotten beyond the--

**JOHN CARTIER:** [02:09:15] Yes.

**La GRONE:** [02:09:15] --what would happen if we got there, you know. I disagree if you get there,

so thanks for your time.

**JOHN CARTIER:** [02:09:19] You're welcome, and congratulations, Senator.

**La GRONE:** [02:09:21] Well, thank you.

**BREWER:** [02:09:22] All right. Additional questions. The only one I would-- would have for you, John, is I get the feeling that the ones that are really feeling desperate are focused on that debt and how it, at some point, will reach a point of no return, or that's the fear. How do you think we can get a handle on the-- on the debt situation so that it doesn't eventually cause us to collapse?

**JOHN CARTIER:** [02:09:53] I-- I'll reference one thing. In your packet is a letter by a bunch of economists to I think it was President Obama at the time. They all said a balanced budget amendment is a terrible idea. What happens if you're in a time of war and you need to borrow money? What happens if you're going through a terrible depression and you to borrow money? In their opinion, it really put-- it hamstrung the government's ability to respond to these serious events. But to bring up Senator Blood's point, I think the greatest thing that we can do to fix all our problems is to educate as many people as possible, get them registered to vote, and get them to the polls to vote. Because until we start having a majority of the population actively voting in every election, we're going to keep having problems and constitutional convention isn't going to fix that.

**BREWER:** [02:10:36] All right. Well, always good to see you.

**JOHN CARTIER:** [02:10:41] Pleasure.

**BREWER:** [02:10:41] Welcome back.

**JOHN CARTIER:** [02:10:42] Thank you.

**BREWER:** [02:10:42] And Happy Birthday.

**JOHN CARTIER:** [02:10:43] Thank you.

**KATHY WILMOT:** [02:11:00] Someone always feels the need to introduce me before I get here, but they never spell my name.

**BREWER:** [02:11:05] Yes, we had been warned that you might make an appearance.

**KATHY WILMOT:** [02:11:10] I must be riding in on a broom or something. I'm not really sure what's going on here.

**BREWER:** [02:11:14] Welcome to the Government, Military and Veterans Affairs Committee.

**KATHY WILMOT:** [02:11:17] OK. Thank you. I've done my research and I've dug at the roots, OK? I'm Kathy Wilmot, K-a-t-h-y W-i-l-m-o-t. By the way, I'm not a Liberty Lady; I've never even been to one of their meetings. Thank you for the opportunity to speak in opposition, and I'm going to try to condense because I didn't know I had three minutes. But if you will look at Article V very closely, the only thing it really talks about is a convention. Somebody told me the-- yesterday, that this is a convention for proposing amendments. It's a convention; its duty would be to propose. So there's no different kinds really in here. There's one convention. Black's Law Dictionary in that event then says a constitutional convention is a duly constituted assembly of delegates or representatives for the people of a state or nation for the purpose of framing, revising, or amending

its Constitution. And I think you'll notice that Meckler dropped everything except writing a constitution. But there's more involved. In 2011, Rob Natelson-- up until that point-- I started in this battle clear back in the '80s. Rob Natelson said in 2011 that I hope you never hear the words "constitutional convention" pass my lips again because he said by doing so it is a serious mistake because it causes people to misunderstand what the convention's about. Now it tells them what it's about. Also there are interesting people in groups when I look and see who's connected here. We have moved to amend. We've got Wolf-PAC, Convention of States Project, Citizens for Self-Governance, and the last two are both Meckler's groups. He has some other ones. Also in his July 2015 publication, David H. Guldenschuh, and I can share that publication with you, revealed he had "hosted a telephone conference", this is a quote, "of all the major stakeholders in the convention movement" clear back in 2013. Who participated? Balanced Budget Amendment, Convention of States Project, Compact for America and Wolf-PAC. So this is all a concerted effort. And then he goes on to state, we discussed whether there were ways for the groups to work together and support each other and the consensus was it's too soon to merge our efforts. Now I want to-- I guess I'm going to have to jump quickly. As for money, you asked a question, one of you did, follow the money. Now CS-- COS touts that it's like \$25 at a time. You have to remember mult-- multiple organizations have been founded by Mr. Meckler, and one of those organizations is Citizens for Self-Governance which they have documented at least \$5.4 million from the Koch brothers going to that effort. So if you're going to try to ask questions about money, remember they're hiding under different shells and so you'll want to look under every shell. Convention of state or, excuse me, Congressional Research Services reports also warned us that the number of delegates for each state may actually be set by the electoral-college formula. Now wouldn't Nebraska stack up well with its five electoral delegates compared to California? And I've got so much more to tell you. I'd be glad to visit with you later.

**BREWER:** [02:14:39] Well, this may come as a surprise, but I got a whole roomful of people that

got a whole bunch more to tell me, so. All right. Let's go ahead with questions. Questions. Well, you must have done a good job in the time you had.

**KATHY WILMOT:** [02:14:53] I think it was that warning.

**BREWER:** [02:14:54] Thank you.

**KATHY WILMOT:** [02:14:56] Thank you.

**BREWER:** [02:15:09] Welcome to Government, Military and Veterans Affairs Committee. Begin whenever you're ready.

**SUSAN SORIENTE:** [02:15:11] Thank you. Thank you. Good afternoon. My name is Susan Soriente, S-u-s-a-n S-o-r-i-e-n-t-e, and I'm here speaking in opposition of this LR7. And I feel that it-- it-- I've been listening to the people, of course, and hearing their frustration. And I get that frustration because I'm fairly frustrated with what goes on in the government, often because I feel like my voice isn't necessarily represented, my desires aren't universally adhered to. It's all about me, I guess, but I think how do you figure these people that are for this that sending in a whole bunch of different people are going to give them exactly what they want when they're not getting it from the people right now. I don't-- I think that's expecting something that is out of the realm of realistic. And so I don't believe that it could be limited necessarily. I think a convention could go open wildly to do different things. I've heard people here today talk about things beyond the scope of what was originally laid out. And so I would want to make sure that my desires would be represented at this convention beyond what has been laid out because I'm afraid that it would go past the three that are proposed. And I would like to have, as somebody mentioned as I think you mentioned, Senator Brewer, that the Second Amendment-- Amendment would be changed and gun



registration required for everyone or you don't have a gun. I would like that there would be no death penalty, that we get rid of the death penalty. I want the Equal Rights Amendment passed. I want equal pay for women required and no restrictions on abortions. I want all citizens required to vote and voting would be by mail. I would like to eliminate Citizens United and not allow anonymous or secret funding of candidates and limit the amount any group or individual can give to any candidate. There's these things and others that I have on my list, but I feel like this is a definite bad idea because of the possibility that it goes beyond what's stated. And it is just a tool to vent frustrations and get their-- get the way that they want because they cannot influence the present government as they would like to. And I, as a daughter of a Revolutionary War hero, I would fight for these things just as he fought for our-- our way of life, for our government.

**BREWER:** [02:18:23] All right. Thank you for your testimony. Questions. All right. Seeing none, thank you for your testimony. Good afternoon, and welcome to the Government, Military and Veterans Affairs Committee. You may begin whenever you're ready.

**RENEE FRY:** [02:18:54] Thank you so much. Good afternoon, Chairman Brewer, and members of the Government Committee. My name's Renee Fry, R-e-n-e-e- F-r-y. I'm the executive director of OpenSky Policy Institute and I'm testifying in opposition to LR7. The need to use great care with taxpayer dollars is critical at all levels of government. However, LR7's call for fiscal restraint could cause incredible damage to our state and national well-being. Many proponents of a convention of states want a federal balanced budget amendment requiring the federal government to spend no more than it receives in a given year. The problem with this is that going into debt at the federal level actually works to stabilize the economy during recessionary periods. During an economic downturn, businesses and consumers spend less which leads to job losses. At the same time, expenditures for unemployment benefits and other benefits, such as SNAP and Medicaid, increase. This increase-- these increases in federal benefits help cushion the blow to the economy and keep

the purchases of goods and services from falling further. This helps the families that receive the benefits but also helps preserve the remaining jobs and incomes of those who produce or sell groceries, health care, and other services. This is why Macroeconomic Advisers, an economic forecasting firm, found that recessions would be deeper and longer under a constitutional balanced-budget amendment had one been in place for FY 12. They found that the effect in the economy would be catastrophic and would have doubled the unemployment rate. This is also why more than 1000 economists, including 11 Nobel laureates, issued a joint statement condemning a constitutional balanced-budget amendment that was considered by Congress in 1997 warning that it would mandate perverse actions and would aggravate recessions. The delegates of the convention of the states simulation passed an amendment that would have eliminated the federal income tax which makes up 57 percent of federal revenue and would have imposed a supermajority requirement to raise federal taxes. Such an outcome would require-- require us to cut our federal budget in more than half which would have a destructive impact on Nebraska's economy. Defense spending, Social Security, Medicare, education would all be decimated. If a family was unable to increase their debt, we would not be allowed to borrow for college, health emergencies, or to buy a home. The Social Security trust fund is deliberately building up assets to help pay for the retirement of the baby boomers. Under a balanced budget amendment or a mechanism that would limit the debt, the trust fund would never be able to use its safe balances to fund benefits because they were not raised in the current year. Balanced budget requirements, strict debt ceiling limits, and other arbitrary finance restrictions limit America's ability to respond to national security crises. Limiting our ability to spend and borrow during times of war and natural disasters is ill-advised. Given that all that is a risk under a convention of states, we urge you to oppose LR7. Thank you. I would be happy to answer questions.

**BREWER:** [02:21:49] Well done on time. All right. Questions. Well, you must have did a good job. Thank you. Thank you for your testimony.

**RENEE FRY:** [02:21:58] Thank you.

**BREWER:** [02:22:10] You can turn that into the clerk.

**DONNA ROLLER:** [02:22:13] Oh, OK.

**BREWER:** [02:22:14] Welcome to the Government, Military and Veterans Affairs Committee.

You may--

**DONNA ROLLER:** [02:22:19] Thank you.

**BREWER:** [02:22:19] --begin whenever you're ready.

**DONNA ROLLER:** [02:22:21] Thank you, Senator Brewer. The previous testimonies have been really excellent. I will just say I agree and they were part of my testimony so they-- Oh I'm sorry. Donna Roller D-o-n-n-a R-o-l-l-e-r. So I agree with the excellent facts given in the last three testimonies. First of all, I just want to say, why do we introducers of bills, and there was another person, always say what you will hear? They claim to know what I'm going to say, and that is not that person's job. And I've heard that through other committees as well this year. And I'm illiterate. I can think critically. I'm here. I can express my opinion granted by the state, this state's constitution. And my testimony is based on research and study. And I was a little concerned that Senator Blood was also receiving threatening mail. This Constitution is not broken. The problem is the Constitution is not being upheld. This resolution is part of a misguided campaign promising to solve the problem creating by ignoring and refusing to abide by the Constitution. This means to save the Cons-- Constitution we need to change the Constitution. The Constitution is not to blame. Changing

it is not the answer. And I've heard testimony about the budget; the other previous testimony talked about that. But here's another point that I'd like to make, as-- as I've read articles where the government really never intends to get out of the debt, and people think we should get out of debt. And the reason is, is that our government actually makes money off the debt by selling bonds across the world. And the fear is actually when the dollar is not the world currency. And if a country declares it, not to trade with the dollar, it is a cause for war. An amendment to end Citizens United would solve enormous problems. That's already been talked about. And why is Washington corrupt or broken? Because it's full of corporation money. Very-- billionaire people who have brought the corruption to Washington are also funding this movement to rewrite our Constitution. The same people supporting the constitutional convention also support the party causing the deficit. And I have a little bit of time here. I had some comments about Mr. Meckler. And I, too, found research where his donations were considerable. And also ALEC is behind this, and the Koch brothers are behind that, and they probably wrote this bill. I don't know for sure. But, you know, I really would like to get the oligarchs and the big money and the corporations out of our government. So, you know, let's-- I don't think that this convention is going to do that. So there's one thing I want to-- that I found is Article V of the Constitution does not give the state legislature to power-- the power to call a convention. It says the Congress shall call a convention for proposing amendments subsequent to the application of the legislatures of two-thirds of the several states. State legislatures apply for the convention. But Congress calls the convention. That means Congress will have the control over the convention the very body that the advocates for the convention hoped to rein in. And I'm sorry, I'm out of town-- out of time.

**BREWER:** [02:25:50] That's all right; I wanted you to finish your statement there.

**DONNA ROLLER:** [02:25:52] Thank you very much, sir.

**BREWER:** [02:25:54] OK. Questions. Questions. All right, thank you for your testimony.

**DONNA ROLLER:** [02:26:01] You're welcome.

**BREWER:** [02:26:05] All right. Next opponent. Can you give her your sheet, please?

**JUDY KING:** [02:26:16] I didn't prepare for this one until I got here today, listening to some of the testifiers, but my name's Judy King, J-u-d-y K-i-n-g. And looking at this committee, I think there's only two women on it, and we're 50 percent of the population, so I'm not real fond about going back to our founding father's day. I kind of like being able to vote, and I don't like having someone suppress my vote, and I believe that's what limiting-- term limiting does. It-- it allows me or-- keeps me from voting. And balanced budget, Obama had our debt down after Bush crashed it. Republicans elected a president that thinks more of Russia than our country and has spent more than \$1 billion on this last shutdown, on our economy. Green energy, you can't even get the other side to believe in climate change so how can you do anything-- change-- change the environment there until the other side's willing to listen about climate change. And land use and eminent domain, our-- our people in Nebraska don't want their land taken for the pipeline, but corporations have come in here and they're trying to take land away from our private-- priv-- for our private owners. That's about all I have.

**BREWER:** [02:27:54] All right. Thank you for your testimony.

**JUDY KING:** [02:27:58] Yep.

**BREWER:** [02:27:59] Questions. Seeing none, all right. Next testifier. We're going to finish up with the ones in the front row here, and that'll put us under one hour, and we'll transition back to

supporters of LR7. Sheets. All right. Welcome to the Government, Military and Veterans Affairs Committee. You can begin whenever you're ready.

**CINDY MAXWELL-OSTDIEK:** [02:28:27] Hi. My name is Cindy Maxwell-Ostdiek, C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k. I'm from Omaha, and this is my first time speaking, testifying at our Legislature. And I'm excited to be here today. Thank you, Senator Brewer and the rest of the members of the committee. I am here as a woman, a wife, and a mom. I feel very strongly about this resolution, and I am adamantly opposed. There may be shortcomings to our Constitution, and corrections, I believe, should follow the proven process where the rest of our amendments have followed. The enactment of our amendments through the House of Representatives and the Senate and then being ratified by the states has served us well to make improvements to our Constitution. I can vote. Black people can vote. There are lots of issues that have been improved in our Constitution, and I think that the man from Texas who talked about wanting to go back to the original wording is very concerning. I believe that we must guard against powerful business interests and political parties weakening our Constitution or creating wholesale changes to citizens' rights and protections. I'm a mom to three young children. I do ask you to protect all Nebraskans and our future generation from a rash, unproven experiment with our country-- our country's Constitution. I'm sorry I'm a little nervous, so I apologize for misspeaking.

**BREWER:** [02:30:15] No-- no worries. Thank you for your testimony. Senator Blood.

**BLOOD:** [02:30:19] Thank you, Chairman Brewer. And thank you for testimony; you did great. No worries. So I had a lot of noise over here, and I couldn't hear everything that you were saying. So I just want to ask you one question. What is your biggest fear if this were to happen?

**CINDY MAXWELL-OSTDIEK:** [02:30:33] The current political climate is so extremely

partisan,--

**BLOOD:** [02:30:44] Hmm.

**CINDY MAXWELL-OSTDIEK:** [02:30:44] --and there are people I think who are patrio--  
patriotic and believe in our country and want the country to move-- change a different direction, but  
I think there are some people who have interests that would not be for equality, I think people that  
have interests that would be definitely cited for corporate and business interests to potentially hurt  
our environment and protections for things like voting rights. I am very concerned about that  
because I've seen in the last election, in November, it seemed that there were many states where  
people were unable to vote,--

**BLOOD:** [02:31:33] Um-hum.

**CINDY MAXWELL-OSTDIEK:** [02:31:33] --and their votes were difficult to be counted. And  
that is something I'm very concerned about.

**BLOOD:** [02:31:38] So if I hear you correctly, you're concerned that the progress that's been made  
might not continue to move forward, but will go backward.

**CINDY MAXWELL-OSTDIEK:** [02:31:47] Yes, and I did do research. I'm not an expert. I'm--  
but I did read up and looked into what constitutional scholars--

**BLOOD:** [02:32:00] Um-hum.

**CINDY MAXWELL-OSTDIEK:** [02:32:00] --are concerned about with this. And I know that the

last convention of states, which is the one that gave us the current Constitution, was intended really to just I think improve trade. I mean I think that if I read correctly the history about it, was that it was to improve trade, and we ended up with a whole new document. And there were excellent ideas in that document. Obviously, we had to amend it many times and through the years, and I think that it's paramount to be careful with this because I think sometimes the urge to rush to fix a current problem without, you know, taking into account how it would affect people who are disadvantaged, people who are underrepresented. I'm worried about that.

**BLOOD:** [02:32:48] Very good. I hope you continue to come and testify at other hearings. Thank you.

**CINDY MAXWELL-OSTDIEK:** [02:32:51] Thank you.

**BREWER:** [02:32:52] All right. Any additional questions. Seeing none, thank you for your testimony. All right, now we have another familiar face back. Welcome to the Government, Military and Veterans Affairs Committee.

**GAVIN GEIS:** [02:33:08] Chairman Brewer, members of the Government Committee. My name is Gavin Geis, G-a-v-i-n G-e-i-s, and I am here on behalf of Common Cause Nebraska. Now bear with me. I had a thing prepared, and then I listened to Senator Blood as she just listened compassionately to all of the proponents today. And I did the same and came up with some of my own thoughts, and so now I have to try to combine the two. So I'm going to try to do that here in three minutes,--

**BREWER:** [02:33:40] Go.

**GAVIN GEIS:** [02:33:40] --give my original thoughts and my own new thoughts. So here we go.



So my-- my new thoughts were that from both sides of this I'm hearing some similar-- some similar concerns, and those concerns are that there is a lot of corruption. There's a lot of worry about federal corruption. There's worry about federal money. There's campaign money, there's cam-- there's lobbying, there's just worry about a lot of corruption in D.C. from both sides. And my-- I understand that, right? I work with Common Cause; we get that. And my reaction to that is only that I don't know why that-- why an Article V convention would be free of that. I-- I understand; I am compassionate to people who want a convention. I'm compassionate to that concern. I get it, right? Common Cause gets that; we're there with you. We want to fix that, too. But I don't know why an Article V convention would magically be free of that. It's going to be there, too. It's going to be knocking at the door asking for a lot--the voice in an Article V convention. An Article V convention wouldn't simply escape it. It'd be there, too. So we have to find solutions before we go to an Article V convention. If you're worried about corruption, if you're worried about campaign spending, if you're worried about lobbyists, it's not going to be fixed in an Article V convention. The other-- my other point-- the original point I was going to make is that our systems we worked so hard to introduce at the state and federal level over a century, these systems of open records, public meetings, conflicts of interest, we don't know what lays in wait in an Article V convention. We just don't know. We can talk about all-- whether there's going to be a runaway convention, what the Constitution says; we can worry about those things, but there are a lot of other little questions that we don't know. There are a lot of little questions that I-- I worry about: what kind of documents can I request out of this; will I be able to meet with my Nebraska representative at an Article V convention; will the press have access; even if there are draft rules before a convention will they adopt those? I don't know. And will they revise those? And even in those revisions, it's taken us decades and decades and decades and we still can't get them right. There are today rules we're looking at now to fix during this session. So I'm-- I'm done.

**BREWER:** [02:36:34] So all right, Gavin, you thought that through, so I. And you didn't need

notes. It came from the heart. All right, questions. Yes, Senator Blood.

**BLOOD:** [02:36:42] Thank you, Chairman Brewer, and thanks for calling me compassionate. I do try. Depends on who you talk to though. What's hard-- the hardest thing for me in these hearings is to keep my mouth shut because you guys bring up questions in my head every time pro or con people speak. So this is something we hadn't really thought about. So delegates are meant to be our voice kind of like elected officials but--

**GAVIN GEIS:** [02:37:14] Right.

**BLOOD:** [02:37:14] --not necessarily elected officials. So when it comes to public information, would the laws apply to them like it does to us, does it? [INAUDIBLE]

**GAVIN GEIS:** [02:37:25] I hope. We just don't-- we don't know-- we don't know what a delegate to a constitutional convention is--

**BLOOD:** [02:37:34] So when it--

**GAVIN GEIS:** [02:37:34] --because the founding fathers didn't know about-- I mean they didn't have that concept at that point. We've created this notion of a sunshine law in the past century. This is a new idea that we've built with our own two hands.

**BLOOD:** [02:37:50] Are you an attorney?

**GAVIN GEIS:** [02:37:51] Yes.

**BLOOD:** [02:37:51] I was going to say, I always say I can't throw a rock in this building without hitting an attorney.

**GAVIN GEIS:** [02:37:54] We're kind of filthy. Yes. We're everywhere.

**BLOOD:** [02:37:56] So isn't there a law-- isn't there a statute or laws about public information and what must be shared, what can't be shared?

**GAVIN GEIS:** [02:38:05] And who they apply to?

**BLOOD:** [02:38:06] Yeah.

**GAVIN GEIS:** [02:38:07] And that's the key, right? Who they apply to. And we would have to go through and revise who they apply to. But we don't yet know who these people are and what kind of body they're going to be. Are they going to be a constitutional agent? Are they going to be a state agent? Who are they-- who-- what authority are these people going to have? Are they going to have state authority? Are they going to have federal authority? Are they going to be above Congress? We-- we just don't have good-- I don't-- I don't think we have good terminology to say what kind of authority these agents are going to have.

**BLOOD:** [02:38:47] But they'd have to meet in an open forum that everybody can-- so there's no-- nothing that precludes it from being behind closed doors?

**GAVIN GEIS:** [02:38:53] We-- I-- like I said, we don't have the terminology to say what-- what rules they'll make and to say who has the authority to regulate those rules.

**BLOOD:** [02:39:07] Where would that language come from?

**GAVIN GEIS:** [02:39:09] The Constitution frankly because they will, as far as I can gather, be constitutional ad-- agents. The Constitution gives them-- Congress will gather them, but the Constitution gives them their authority.

**BLOOD:** [02:39:22] Interesting. Thank you.

**BREWER:** [02:39:26] Senator Hilgers.

**HILGERS:** [02:39:26] Thank you, Mr. Chairman. Mr. Geis, good to see you.

**GAVIN GEIS:** [02:39:28] Yes.

**HILGERS:** [02:39:28] Appreciate your thoughts, as always. I had one question for you, but then you-- what you just said a second ago kind of gave me a second thought which is I've always assumed and I did-- that similar to the initial convention that the agents are agents of the state. You raise this sort of a concept that I'd never thought about before and I don-- I guess I wanted to see if you could unpack it a little bit--

**GAVIN GEIS:** [02:39:48] Right.

**HILGERS:** [02:39:48] --which is this notion that you could be const-- you could be a constitutional agent so in that instance the-- I mean there's an agent and a principal, right?

**GAVIN GEIS:** [02:39:54] Right.

**HILGERS:** [02:39:55] So the agent and the state could be a principal. Could you explore that a little bit more of how-- the constitutional agency theory?

**GAVIN GEIS:** [02:40:01] Right. Well, my-- my thinking here is that where will these individuals get the authority? Who's granting these individuals their authority? Certainly it's not any state document that's granting them their authority to do what they're going to do. It's no state constitution. It's no state statute. We can't by ourselves as the Nebraska Legislature, the Nebraska Constitution do anything. It's the U.S. Constitution that says you have this authority to do this thing. And so no matter what's called here, and feel free to disagree with me--

**HILGERS:** [02:40:43] No. I--

**GAVIN GEIS:** [02:40:43] I respect your opinion but it strikes me that whatever this body is, their authority comes from the U-- United States Constitution. And so they have to be constitutional agents of some variety, and their authority they can reference only back to the U.S. Constitution is where they draw it from. And they'll be a U.S. Constitutional body.

**HILGERS:** [02:41:06] So I take the point that it would be helpful to have some explicit grant of agency, right? Just like if I have an agent that's operating-- if I'm the principal and I have an agent, I would like to have their agency limited to whatever task that I want them to perform. And I see that point and I think, you know, there is context, Senator Halloran has brought legislation to try to address that point. I'm going to think more on the constitutional principle argument that you've raised.

**GAVIN GEIS:** [02:41:34] [INAUDIBLE]

**HILGERS:** [02:41:34] The question I was going to ask, and I appreciate the dialogue as always, the question I was going to ask is, and it's the same one I asked of Mr. Parker which is, there's a lot of obstacles being articulated by opponents about-- to a convention and an issue now of open records could be one issue--

**GAVIN GEIS:** [02:41:52] Right.

**HILGERS:** [02:41:52] --or the new problem, is it going to be runaway, etcetera. The question I ask you is under-- are there any circumstances in which you would advocate for an Article V convention?

**GAVIN GEIS:** [02:41:59] Are there any circumstances?

**HILGERS:** [02:42:07] Um-hum.

**GAVIN GEIS:** [02:42:07] I think there could be dire circumstances. I think there are national dire circumstances. I just don't see our nation in dire circumstances.

**HILGERS:** [02:42:16] OK, thank you.

**GAVIN GEIS:** [02:42:17] I don't.

**BREWER:** [02:42:19] OK. Senator La Grone.

**La GRONE:** [02:42:21] Thank you, Chairman Brewer. And welcome back to the Government

Committee. So I'm going to ask you basically the same kind of questions I was asking Mr. Cartier earlier except I'll try to make them more succinct this time. And that's basically accepting that-- I-- that I'm not-- I get your position on the runaway convention. I'm not saying that I agree with it. Assuming for the sake of argument that-- that that occurs, wouldn't the backstop of traditional norms of self-determination and--

**GAVIN GEIS:** [02:42:53] Right.

**La GRONE:** [02:42:53] --democratic legitimacy still apply in that situation?

**GAVIN GEIS:** [02:42:56] So let's just walk that through then. OK. So there is a runaway convention. It issues something out of it. Would the traditional norms of-- this is a very heady question you've ask-- issued. Man, you need to issue these beforehand if you're going to ask me. Did you know he was going to ask this?

**HILGERS:** [02:43:25] I did not know; that was a surprise.

**GAVIN GEIS:** [02:43:27] I still think you need to mow on this one as well.

**HILGERS:** [02:43:29] Good question.

**GAVIN GEIS:** [02:43:29] I will have to dwell on that I'm sorry, I can't answer--

**La GRONE:** [02:43:35] That's fair. That's absolutely fair.

**GAVIN GEIS:** [02:43:35] --this on the spot. This is really too hard. Thank you for asking.

**La GRONE:** [02:43:38] Well, thanks for trying anyway.

**BREWER:** [02:43:39] All right. Any additional questions?

**GAVIN GEIS:** [02:43:42] Or mockery; I will take-- I will take mockery. It's OK.

**BREWER:** [02:43:45] No. Hey. That's wha--

**GAVIN GEIS:** [02:43:46] No one else will but I will take mockery.

**BREWER:** [02:43:47] -- that's why you make the big bucks.

**GAVIN GEIS:** [02:43:49] Yes. You know me.

**BREWER:** [02:43:50] Thanks for your testimony. OK. Now we will transition back to opp-- to proponents. Oh, are there any more remaining proponents, people who are in support of LR7? All right. Seeing none, well good, jump back to opponents? Come take a chair. Wow, we may get to the second bill today. Seeing none, those-- oh, come on up. Neutral. Are you?

**KATHRYN SPEICHER:** [02:44:30] No, I'm not neutral.

**BREWER:** [02:44:32] You're not neutral? Well, come on up. We'll take you anyway. OK. Let's see. If you can turn the green sheet into the page there, they'll get your data. All right. Welcome to the Government, Military and Veterans Affairs Committee.



**KATHRYN SPEICHER:** [02:44:51] Thank you.

**BREWER:** [02:44:51] You may begin whenever you're ready.

**KATHRYN SPEICHER:** [02:44:52] Can you hear me? My name's Kathryn, K-a-t-h-r-y-n, Speicher, S-p-e-i-c-h-e-r. I'm here to testify against LR7. I have to read my handwriting. I think that the people who have testified for this do have a specific changes in mind, but I believe this opens, in general, Pandora's box. And with the current divisiveness in our country, I'm concerned how this will affect minorities and myself as a woman and just a number of populations who aren't as well representative. I also believe that if this is passed the long-term, and I'm old enough to look long-term at things, could possibly result in the breakdown of this union. And I truly do believe that. Elimination of income taxes for-- burdens the poor because if people aren't taxed by their income, it becomes kind of a flat tax. Balancing the budget would be great, but there will always be sound reasons such as crises, war that could justify borrowing. And we don't know what's coming tomorrow. Judicial reform, term limits, that's good, but you also throw out the learning and expertise along with the bad judges. I believe change should come from voters, voter registration, voter education, elimination of corporations as people, dark money, etcetera. And I have worked to educate voters, get out the vote, do petition drives. I worked on campaigns. I think we did change things in the House and I believe in "we the people." Vote, and be careful what you ask for.

**BREWER:** [02:46:56] OK. Thank you for your testimony. Questions. Senator Blood.

**BLOOD:** [02:46:56] Thank you, Chairman Brewer. Just a quick question.

**KATHRYN SPEICHER:** [02:47:05] Um-hum.

**BLOOD:** [02:47:05] If I hear you correctly, and I keep hearing the same message over and over again, you feel concerned by the bipartisan nature of what's going on in our country right now.

**KATHRYN SPEICHER:** [02:47:15] I do. I do. I believe we should-- I believe in a two-party system. And I've been registered as an Independent, Republican, Democrat. I believe we need to talk to each other. I truly do.

**BLOOD:** [02:47:27] I concur. I'm sorry, I didn't get to see your T-shirt on this side of the room. What does your T-shirt say?

**KATHRYN SPEICHER:** [02:47:30] OK. "We the People."

**BLOOD:** [02:47:31] Oh, good for you.

**KATHRYN SPEICHER:** [02:47:32] Thanks.

**BLOOD:** [02:47:32] Thank you.

**BREWER:** [02:47:35] All right. Any additional questions? Seeing none, thank you for your testimony.

**KATHRYN SPEICHER:** [02:47:38] Thank you very much.

**BREWER:** [02:47:44] All right. Any other opponents? Seeing none, we will transition to those in the neutral position. Come on up. Welcome to the Government, Military and Veterans Affairs. You are free to start whenever you're ready.

**MERRILL BARLOW III:** [02:48:09] Chairman Brewer, Vice Chairman Blood, members of the committee, thank you for allowing me the opportunity to testify today. My name is Merrill Barlow III, however, I've been called Buzz since I-- before I left the cradle. I've lived in Omaha, Nebraska for 46 years, and I'm also a volunteer with Wolf-Pac here today to speak on LR7 as neutral. If adopted by this Legislature, LR7 would be a legislative application under Article V of the U.S. Constitution for a convention for proposing amendments. Article V of the U.S. Constitution allows for our state legislatures to apply for that, a convention for proposing amendments. This is distinct from a constitutional convention because a convention for proposing amendments cannot change the Constitution. The only thing it can do is propose amendments which are not legitimate parts of our Constitution until ratified by three-quarters of our states. This is significant as it gives the final say about what belongs in our Constitution to us, the people of our state governments. It is specifically designed to guard against extreme or random amendments. The minimum threshold of 75 percent of the states need to ratify an amendment ensures only those popular with a supermajority of Americans succeed. Our founders gave us this constitutional right as protection against a dysfunctional, oppressive, or corrupt congress. It is a constitutional check on power in the same hallowed family as presidential veto and the Senate's right to advice and consent. It protects the interests of the people by giving them the means to seek redress with Congress proves itself to be the problem they would otherwise be responsible for solving. It's significant to note that the Constitution's inclusion of this procedure was an important reason the states ratified our Constitution in the first place. Nebraskans led the call which became the 17th Amendment. After 66 years of inaction by Congress to address the issue, the Populist Party incorporated the direct election of senators in its Omaha platform. The year? 19-- 1892. As the call approached its trigger point of two-thirds of the states making the call, Congress quickly responded with the amendment in 1912 followed by the shortest ratification period of any amendment to date, 11 months. We should not cower in fear regarding having a discussion. We should relish a battle of ideas and the

products of our labor. In your consideration of LR7, please do not give weight to inaccurate claims that smear one of our state's most important constitutional rights as illegitimate-- illegitimate or something to be feared. The fact is every peer-reviewed report on the convention clause of Article V agrees that it is well understood and extremely safe. Those peer-reviewed reports may be found from the Department of Justice, American Bar Association, and Congressional Research Foundation. I provided some quotes from those sources at the end of my testimony. As honorable senators in our representative democracy, you must assess LR7 on its merits that is according to whether you agree with the reforms it seeks to promote. I thank you for your time and your service.

**BREWER:** [02:51:15] Wow, that was absolutely perfect timing. I don't know how you did that, but, just-- just for clarity here, you're coming in in the neutral position.

**MERRILL BARLOW III:** [02:51:23] Correct.

**BREWER:** [02:51:24] OK. The general message throughout your presentation was positive, though. I mean that-- that-- the concept is a good concept. Am I reading you right there?

**MERRILL BARLOW III:** [02:51:41] I am in favor of the Constitution and Article V. And-- and Article V is being attacked. In fact, I feel like some of things I've read is like the Constitution is unconstitutional.

**BREWER:** [02:51:56] OK. Just-- just trying to do some clarification there. Questions. Questions. All right. Seeing none, thank you for your testimony. All right. Any additional in the neutral position. Seeing none, Senator Halloran, would you like to close on LR7?

**HALLORAN:** [02:52:20] Thank you. Thank you, Mr. Chairman. Yes, I would like to close, and I

think I probably should have allowed this last gentleman to close for me. He did an excellent job of stating that there are we that cherish the Constitution in its totality or not at all. I find it difficult when I hear some of the arguments against what Article V clearly spells out allowing for two methods for proposing amendments to the Constitution. I find it difficult to-- to understand the argument that, well, I like Article V except for this part right here that allows for the people, basically the states, to call a convention to meet to propose amendments to the Constitution. There's nothing more ground level than that. Congress is a long ways away. A convention of states is within our own reach within each-- each state. It's within our own reach of our own legislators who are participating in that process called a convention of states. It's hard to reach out to Congress. It's terribly hard to do that. There's a lot of interference in the meantime from special interest and everything else. But when it comes to amending the Constitution, we're on a par value with Congress; the states are. It's really very clearly stated in Article V. And I love the Constitution, and I'm not going to discount that little part that says an alternative for proposing amendments is for a convention of states to be called. And that being said, another person I should have had close for me was that young 17-year-old. I've heard a lot of testimony from a lot of people that have the same kind of gray hair that I do, and they all made very excellent points for and against. And yet that 17-year-old and others like him are going to have to live with the debt that we're leaving them. We're leaving them with a debt that's almost equivalent to the gross national product. And when a country has a debt that equals the gross national product, they're functionally insolvent, they're functionally bankrupt. And that's not a debt I want to leave to my kids or grandkids. I was one of those people that oh I'd say two three years ago I was not excited about this. Then I had my most recent two grandchildren and I became a little bit more concerned about it. I'm OK. I'm going to live through this national debt and whatever circumstance it brings upon our country. But my grandkids are going to have to deal with it, and my kids. And that's a burden I'm not willing to pass on to them. So I'm excited to bring this to you. And I think it deserves floor debate, and I'm asking you to take it to that next stage so that we can have floor debate. Thank you.

**La GRONE:** [02:55:27] Thank you, Senator Halloran. Before we close the hearing on LR7-- Oh sorry, yes, are there any questions? Seeing none, before we close the hearing on LR7, we do have some letters for the record. In proponents, Bruce Watson from Stanson, Brandon Benson who is Nebraska Regional Director for Convention of States, Carol Umberger from Bellevue, Greg Walburn from Alexandria, Jeff Wattier from Grand Island, Jeannette Parr from Juniata, Margo Chenoweth from Norfolk, Paul and Judy Christensen from Papillion, Carmen and Ken Christensen from St. Paul, Tara Giger from Smithfield, Judy Hickey from Omaha, Bryce Johnson from Lincoln, Shelly Martin-Dobbins from Lincoln, Dianna Mastny from Norfolk, Thomas May from Cozad, David McPhillips from David City, David Olson from Grand Island, Ernie Sears from Omaha, Steven Stratton from Omaha, Jerris Cummings from Lincoln, Paul Kimmons from Omaha, Corey Clay from Broken Bow, Mike Kapic, Gene Schultz from Fremont, Blaine Clowser from Milford, Mary Mladovich from Omaha, Rob Merrill from Norfolk, Mike Nicolen from Holdrege, Glen Flint from Springfield, Justin Feder from Ralston, Michael Barnes from Omaha, John Harms from Columbus, Colin Fury from La Vista, Jennifer Darrow from Omaha, John Orr from Blair, Mark Schulte from Omaha, Mike Dobesh from Wood River, Larry Michaud from Omaha, Joseph Jenkins from Omaha. We also have letters in opposition: Elaine Little is the Vice President of the Eagle Forum of Alabama , Kathy Wilmot from Beaver City, Jo Ann Brand from McCook, Marty Brown from Omaha, Barbara Burkard, Howard Burnette, Joe Etheridge from Citizens for Constitutional Government, Connie Maas, Wanda Martens from Ozark, Missouri, Gemey McNabb, Albert Lee Smith, Jr. from Birmingham, Alabama, Nancy Thorner from Lake Bluff, Illinois, Betty Lucas from Mechanicsville, Virginia, Trudy Stamps, Charles and Nancy Peek from Kearney, Lona Ferguson from Omaha, Betty Palmer from Springview, Janet Harvey from Grand Island, Mat-- Mark Detty from McCook, Lisa May from Kearney, Deborah Levitov from Lincoln, Catherine Lohmeier from Lincoln, Deborah Iwan from Kearney, Randall Johnson from Grand Island, and Nancy Carr from Lincoln. We had no letters in a neutral capacity. That closes our hearing on LR7.

We will now move to our hearing on LB451. Senator Howarin-- Halloran, you are welcome to open. Actually, we'll go ahead and take a 5-minute break in between bills.

[BREAK]

**BREWER:** [03:03:49] All right. Thumbs up. Welcome to the Government, Military and Veterans Affairs Committee. We are going to now have a hearing on LB451. Senator Halloran, you may open.

**HALLORAN:** [03:04:05] Thank you, Chairman, Senator Brewer. Good afternoon again. And members of the Government, Military and Veterans Affairs Committee, thank you for this hearing. For the record, my name is Senator Steve Halloran, S-t-e-v-e H-a-l-l-o-r-a-n and I represent the 33 Legislative District. I'm here to-- today to introduce LB451, Adopt the Faithful Delegate to Federal Article V Convention Act, to the committee for your consideration. I will keep my remarks brief this afternoon as I assume there will be quite a bit of testimony to follow. LB451 was created based on the concerns raised during the legislative floor debates during the last biennial session on LR6 and a resolution to Congress for a convention of states to propose amendments to the U.S. Constitution and LB1058, Adopt-- Adopt the Faithful Delegate to Federal Article V Convention Act, as well as findings from the 2017 interim study, LR181, which examined recommendations for procedures to be used for a convention of states under Article V of the U.S. Constitution by the state of Nebraska. The purpose of the Faithful Delegate to Federal Article V Convention Act is to provide the rules and procedures necessary to create a-- to create and guide a Nebraska delegation to any Article V convention called by Congress or a convention of states. It provides the Legislature direction relating to the election of delegates and alternate delegates, if necessary, the recall of delegates from a convention along with the filling of a vacancy called by a recall. Additionally it creates a structure to determine if an unauthorized vote has occurred and the penalty for knowingly

casting an unauthorized vote. Nebraska currently has several convention of states calls for proposing amendments to the United States Constitution. One of those call for a balanced budget amendment has 28 of the 34 states required to call a convention of states. We could very well see a convention of states within the next few years. As a state we must be prepared to act when called. LB451 would provide the framework necessary for us to effectively participate in a convention of states. This ends my testimony on LB451. I would be happy to answer to the best of my ability any questions somebody might have about this bill. Thank you, Chairman Brewer, and committee.

**BREWER:** [03:06:46] Thank you for your opening on LB451. Questions for Senator Halloran. Questions. Seeing none, thank you for your opening and you will stay around for our close. That wasn't a request. Come on up. Have a seat.

**BRANDON BENSON:** [03:07:11] Good afternoon. Thank you, Chairman Brewer, members of the Government Committee. My name is Brandon Benson, B-r-a-n-d-o-n B-e-n-s-o-n. I'm from Louisville, Nebraska. I am Regional Director for the Convention of States Project. I think I know some of you. Some of you might remember I was the legislative aide for Senator Ebke and two freshman senators, Senator La Grone and Senator Hunt. Thank you. Hopefully your freshman year is off to a great start. So LB451 presents Nebraska with a set of procedures with the states initiation of amendments for a convention held under the authority of Article V. I want to visit with you about the practicality of this. I think the key here is recognition that the possibility of a convention happening increases as each day goes on. The balanced budget amendment specific convention effort, for example, depending on who you ask, somewhere between 28 and 32 states, I believe, so very well in the realm of possibilities that that one could happen very soon. So with that knowledge and convention of states we're up to 12 states; momentum's building. I think it's wise and prudent that we do get some procedures in place should a convention take place. So that's the heart of LB451. Outlines a few procedures, Senator Halloran really went into detail there. Among the



procedures the bill covers are selection of delegates. I would prefer the term commissioner. That could certainly be amended, I suppose. Additionally LB451 provides the selection of alternate delegates to the convention. On page 3 it's established that those representatives to a committee are not-- to the convention are not to be compensated. I believe that's an important piece to include in this, and it upholds the spirit and the integrity of the convention. Also mentioned is that our delegation cannot accept gifts from lobbyists. On page 4 you'll see your required oath for attending a convention. Line 17 on page 3 and then carried over on Section 10, line-- or Section-- Section 10 on line 10 of page 5 firmly puts into place our procedures for recalling delegation members who might violate their director-- their directives from our Legislature. That could be perhaps the most important part of the bill right there. Pages 3 and 4 stipulate legislative oversight on our delegation votes. After all, this is a convention of states not of individuals themselves. Those who we send to represent the state's position on the subject discussed do so at the behest of the state. On page 4 that advisory board is also spelled out for that oversight. Opponents will argue against us. I really believe that's just shortsighted. If you have concerns, why not put some safeguards into place. I'm at the end of my time here. I'd gladly take some questions. I will say that I think the issue here from a legal standpoint with both clauses of Article V, the convention mode and also the congressional issuing of amendments, there is equality of purpose there. So--

**BREWER:** [03:10:57] All right. Hang on there.

**BRANDON BENSON:** [03:10:57] --both modes can send them out. They both have to be treated the same in ratification.

**BREWER:** [03:11:04] Right. In the future you need to talk faster.

**BRANDON BENSON:** [03:11:06] All right.

**BREWER:** [03:11:06] Thank you for your testimony. All right. Questions. Well.

**BRANDON BENSON:** [03:11:12] All right. Thank you.

**BREWER:** [03:11:13] Thank you for your testimony. The first proponent for LB451. Proponent. Proponent, someone in support. Go ahead. Move on up. Hand off your green sheet. Any copies? Have a seat. Sit down and relax. Welcome to the Government, Military and Veterans Affairs Committee. You may begin.

**STEVE RIESE:** [03:11:45] Thank you again, Chairman Brewer, and the members of committee. Again I'm Steve Reese. It's R-i-e-s-e, and I live in Plattsburgh. And as Brandon was-- was talking, I was able to go through and cross out about half of my notes, so thank you, Brandon. But a couple points that he didn't bring up. Amendments V-- the Article V process, amendments process is a powerful tool that we have our nation's used over and over again including the 13th Amendment that abolished slavery, the 19th Amendment giving the women the right to vote. But not all the amendments that have been proposed have become law, not by a long shot. Most people are surprised to find that Congress has introduced nearly 12,000 amendments to the Constitution since the Constitution was ratified, nearly 12,000. So you might say we have a runaway Congress. Of those 12,000, nearly 11,700 introduced, only 33 were approved by Congress that got out to go to the states for ratification. And of those only 27, as we know, were ratified. The Article V amendment process is safe and rigorous as it should be. We have a layered defense, as you have heard over and over again today, including the need to be ratified by three-fourths of the states after a convention exactly as if it had been proposed by Congress. And it's true we have not yet had an Article V convention but we've had many other state conventions in our history. Furthermore, the Article V process has been an effective agent of change in our history. As Article V processes have rolled

forward, it has spurred Congress to action and caused them to implement a proposed amendment before the states took that away from them. It's a-- it's a good indication of the power of the Article V convention process. So as Brandon said, we're earnestly considering this. It is practical and wise to-- to do this now that the Convention of States Project is a-- is where it's at. The balanced budget amendment process is, some people say, close to 80 percent of the way to calling for the convention. We talked about the Nebraska delegation being commissioners. As such they're empowered by those commissions. And this should all help to nullify the arguments in opposition to-- to exercise an Article V process that are based on-- on the concept of fear, as we've heard before over and over again. Healthy debate is good and even necessary, but you've heard the claims today saying there's no way to control the process, we could have a runaway process, or even who knows what could happen. And furthermore the fear-based arguments really don't support a rational decision-making process. Nothing in life is certain. The problems we have are enormous, and Congress consistently refuses to enact those solutions. And you, our elected state leaders, have to weigh whatever small risks there are of holding a convention and proposing an amendment that still has to be ratified, against the enormous and near-certain cost and risks of doing nothing. And with that I'll conclude and ask you to vote positively both in committee and on the floor for LB451.

**BREWER:** [03:14:56] All right, thank you for your testimony. Questions on LB451. All right. Seeing none, thank you.

**STEVE RIESE:** [03:15:10] Thank you.

**BREWER:** [03:15:10] All right. The next testifier-- next testifier in support of LB451. Seeing none, we will go to those opposed. Seeing--OK.

**LARRY STORER:** [03:15:40] That's there for a reason. My name is Larry Storer, S-t-o-r-e-r, 5015

Lafayette Avenue, Omaha, Nebraska, District 8. I wear this today for citizens. In your state constitution, you call the electors but you don't say they're citizens, but that's the implication if you read it. If you also read your state constitution, it talks about a constitutional convention and what the legislators, that are the appointees in that process, can do or can't do. But ladies and gentlemen, Article V takes the process out of the hands of the federal government. Why would they send it to a state government when, in fact, they did not trust the state governments at the time the articles were-- the confederation was started? They were meeting in secret. They did not get any approval from state legislatures. In fact, they formed their own legislatures in secret. They didn't trust them. Why should I trust mine? For example, the World Herald prints this back in 2014 about why we probably need something like Article V because our government's not doing it. We had a little confab here in the Rotunda not very long ago. Not one of the convention-of-states people or senators that spoke called it a constitutional convention, but the World Herald turns right around the next morning. There it is, big headlines. Oh, they were talking about a constitutional convention. You better be scared people. They're going to take your Constitution and your government away from you. I don't buy it, neither did the founding fathers. When they told us to stand up, what was it either in the preamble or the declaration, that it is your right and your duty to throw off that government. They weren't telling us to do it again with armed revolution, they were telling us with Article V first. Then if these people don't listen, you might have to do that again. This bill I'm opposed to because it's not necessary. It's not part of Article V. You don't have that power. They took that power away from the federal government and they took it away from the state legislatures. It does not-- it does not say the federal government. It just-- it does not say the Congress, other than to call it, and it does not say states legislatures. It says states, and it was there for the citizens to have a way. You don't have the right to take that away from us, but let's assume that you do have the power. Let's assume that the Congress has the power. Then, for God's sakes, common sense tells you we don't need Article V. So take your power and go to the federal government and say remove it completely from the Constitution. But you're sworn-- I'm just about done-- you are sworn by this

state constitution, by the federal constitution, first of all to up-- sworn to uphold, defend, and protect the Constitution of the United States. So you don't need to take Article V away from us, OK? If you believe that, I think you're on-- state constitution says you should resign. Thank you.

**BREWER:** [03:19:26] All right. Thank you for your testimony. Any questions. All right. Thank you, sir. All right. Any additional testifiers in opposition. Those in the neutral capacity. All right, if you are going to present, move forward so I know who's up.

**KATHY WILMOT:** [03:19:59] Kathy Wilmot, K-a-t-h-y W-i-l-m-o-t. I thank you for this opportunity to let me come and speak in opposition to LB451. And we've listened to all kinds of unfounded claims today by proponents, so I'd like to look at some facts here. The language of the bill implies that delegates can be controlled by the legislature, however, the bill's restrictions will have no bearing on delegates. Article V stipulates that Congress is in control. It says Congress shall-- words mean things, and that's a mandate. And they're going to be able to call this convention. They're not going to give up power. And federal-- this is a federal convention as the bill says. Federal is going to trump state level every time. The Congressional Research Service reports state congress is responsible for determining the number and selection process for delegates, setting internal convention procedures including how many delegates per state, although-- also goes on to say that the electoral college formula will probably use-- be used in determining the number. In an earlier report by that same group, Cyril Brickfield's study that was done for the House-- U.S. House Judiciary Committee, stated for the particular business of amending and revising our Constitution, the convention is possessed of sovereign powers and is supreme to all other governmental branches or agencies. The Convention of 1787, we know that they decided to vote in secret. If that happens today, what are we going to know? I've had proponents tell me, well in the day of cell phones do you really think that could be kept a secret? Well, I'll tell you what, if it isn't, then the people there don't have any integrity and ethics. If they said they were going to do it in secret and they come out

and leak, haven't we seen enough of those problems already? Now let's pretend that the fantasy of COS, Wolf-Pac, and others to have a convention should come to pass. And it's a fantasy, so let's decide that some of the legislators, maybe 20 years from now, are going to be there, and as delegates-- and I think it's an uncomfortable fantasy because how many times has legislation been passed by our legislative bodies that has infringed upon our freedoms, our property rights, and wasted our precious tax dollars? They say their simulation convention was a complete success. But for some reason they passed an amendment to go in and repeal the 16th-- or mess with the 16th Amendment. But yet they tell us 38 states couldn't possibly make a mistake. But now they want to go back and change one that 38 states did ratify. So there is a problem, and I think they're admitting with this bill that they themselves know that it's dangerous. We don't know what will happen. No one knows for sure. This bill itself is dangerous and deceptive, and I think they came up with this bill because they know there are factors about a convention that could possibly go astray. And if they would only be honest, they don't know. No one knows. And they come up and say all these things as though it's a fact. But you need to again dig at the roots. There is no basis for the assumption that the legislature is going to select delegates and control them. You don't find that in the framers' works and there are no specifics in Article V. So I ask that you not advance this bill to the floor.

**BREWER:** [03:23:21] Thank you, Kathy, for your testimony. Questions. Questions. Seeing none, thank you. Next testifier. Welcome to the Government, Military and Veterans Affairs Committee. You may begin.

**RENEE FRY:** [03:23:41] Thank you. Good evening, Chairman Brewer, members of the Government Committee. My name is Rene Frye, R-e-n-e-e F-r-y. I'm the Executive Director of OpenSky Policy Institute. I'll be brief. Our primary concerns with LB451 are twofold. First, unless all other states that make an application for an Article V convention also adopt these restrictions,

this would not be sufficient to prevent a runaway convention as it would only bind our delegates and not others. But more importantly, our concern is that LR7 is already so broad that you don't need a runaway convention to make sweeping and catastrophic changes to the foundation of our system of government. Mark Meckler, President of Convention of States Action, has said a convention of states would allow for term limits on Congress and judges, fiscal restraints like a balanced budget amendment and beyond, elimination of the Department of Education, elimination of the Department of Energy, elimination of the U.S. Senate, elimination of the income tax, and elimination of the IRS. Such sweeping changes would throw our country into a state of disarray, and that is all I have to say. So thank you for your time, and I would be happy to answer questions.

**BREWER:** [03:24:45] All right. Thank you for your testimony. Questions. All right.

**RENEE FRY:** [03:24:48] Thank you.

**BREWER:** [03:25:05] Thank you. Boy, you really know how to spend a birthday, don't you?

**JOHN CARTIER:** [03:25:09] This is-- I would-- honestly, I would rather be no other place except home with my wife.

**BREWER:** [03:25:15] Welcome to the Government--

**JOHN CARTIER:** [03:25:17] It's a lot of fun.

**BREWER:** [03:25:20] --Military and Veterans Affairs Committee.

**JOHN CARTIER:** [03:25:21] Where else do you get to argue constitutional history with a bunch

of fine people? Good afternoon, committee members. For the record, my name is John Cartier, spelled J-o-h-n C-a-r-t-i-e-r. I'm testifying today in my capacity as Director of Voting Rights for Civic Nebraska. Now I did a little-- something different for this bill. I've already given you in your folders materials covering this topic pretty well. I've now handed out to you a markup of Senator Halloran's bill. I went through each section and crossed it out if I think Congress was responsible for making the rules instead of Nebraska. If you take some time to look through that document, it'd be safe to say about 80 percent of it was crossed out. Also included in your packets I handed out earlier is a document titled The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress. Reports like this have been referenced before already. But here is a great breakdown from the Congressional Research Service on the issues and questions that are still heavily debated this day. What I want you to focus on is a portion from page 36 of this report. I didn't print off the whole thing. So if you want to see it, you'll have to go on-line. But it reads that Congress has historically interpreted Article V to authorize it to call an Article V convention as a broad mandate to establish standards and procedures. This viewpoint has evolved during the 1970s and '80s as Congress considered legislation to establish these procedures for an Article V convention. By the mid-1980s, these bills generally included quite specific standards for state petitions. This includes delegate apportionment formulas, delegate qualifications, convention procedures and funding, specific limits for the life of a convention, ratification procedures, and judicial review. That was a lot of stuff. Between 1973 and 1992, 22 bills were introduced in the House and 19 in the Senate that sought to establish a procedural framework. The Senate, in fact, passed a constitutional convention procedures bill on two separate occasions in 1971 and '83. Now why do I bring this up? Because that markup bill you have before you has the sections crossed out where Congress says they get to make the rules. You might say to me, well that's all fine and dandy John but what's so wrong with making sure we at least have some rules if Congress allows us to put them in place. Now that is a fair point, but the uncertainties of the convention and its potential to do what proponents actually want it to do heavily outweigh the benefits of passing this bill today. If



this bill is passed this year, proponents would be able to incorrectly say this bill solves all of our problems, and we should be given the green light to their convention. No, thanks. I would also encourage you to really examine Professor Berger's submitted written testimony. He might have done it for this bill or the one prior. He does an excellent job breaking down the specific questions to really consider before you vote on this bill. In closing, Civic Nebraska opposes this faithful delegate bill because it doesn't actually carry any weight, and it will be used to strengthen Mark Meckler's camp and support his notion that we can control an Article V convention with 100-- 100 percent certainty through these faithful delegate bills. I'll take any questions if you have them now. Other than that, thank you.

**BREWER:** [03:28:22] Thanks John. All right. Questions. Senator Hilgers.

**HILGERS:** [03:28:27] Thank you, Mr. Chairman. Good to see you again. Happy Birthday.

**JOHN CARTIER:** [03:28:28] Glad you're here.

**HILGERS:** [03:28:29] Yeah. Sorry, I had-- I had an obligation I could--

**JOHN CARTIER:** [03:28:32] I see.

**HILGERS:** [03:28:32] --not miss.

**JOHN CARTIER:** [03:28:33] I understand.

**HILGERS:** [03:28:33] Just timing--

**JOHN CARTIER:** [03:28:34] Um-hum.

**HILGERS:** [03:28:34] --which just happened to be when you were testifying. I know it's late in the day. I don't want to take a lot of your time, but I just want to unpack this a little bit. As I understand your testimony, you're saying there have been bills that have been passed by one House or the other but none of them are law, correct?--

**JOHN CARTIER:** [03:28:46] Right. Correct.

**HILGERS:** [03:28:46] --All right.

**JOHN CARTIER:** [03:28:46] None of them are law right now.

**HILGERS:** [03:28:47] And so the per-- proposition that you're putting forward is that-- the idea would be that if Congress could pass a law that would-- could preempt or would preempt anything that the state could do in terms of faithful delegates-- faithful delegates, is that right?

**JOHN CARTIER:** [03:29:00] Yeah. So I would-- I would say that I have about-- I don't know, probably put a percentage number on it. We're doing a lot of guessing in the future here. But if a convention was right on the doorsteps and was about to happen, Congress is going to pass a bill. They're going to do something that's going to make sure that there is a structural procedural frameworks that makes sense across the entire nation. It's going to be standardized. And what's-- what is that going to look like? Well, it depends because as I laid out, there are specific portions that they say that they get the authority to create the rules behind them. And if they have the authority to create the rules such as how are the delegates chosen, how many delegates, how many votes does each state have. Like these are really important questions, and it would be fantastic if Nebraska or

other states could make the rules. But, you know, I just don't see how that would happen.

**HILGERS:** [03:29:48] So I appreciate that. But it's sort of-- it's interesting because the opponents of it-- many opponents and-- I don't think I've heard an opponent who hasn't made this argument in some form or another is we don't know what could happen. We could have this convention. It's going to be the Wild Wild West. There's going to be all sorts of things. It's going to lead to this parade of horrors-- but at the same time what you're suggesting which is actually really interesting is that, hey there's actually been a number of efforts in Congress and that Congress [INAUDIBLE]. What I'm hearing is, hey they could put the rules of the road down. And doesn't that sort of like suggest-- put aside this bill, but doesn't that actually go back to LR7? Doesn't that-- doesn't that weigh in favor of having an Article V convention because the argument now is, look there could be - there will be a framework in place. If Congress will almost certainly ask-- act to put a framework in, that's a good thing, right?

**JOHN CARTIER:** [03:30:31] Um-hum. Let's unpack that a little bit. So the idea behind Article V convention would be to fix the blatant abuses by the federal government, right?

**HILGERS:** [03:30:41] Um-hum.

**JOHN CARTIER:** [03:30:41] Why would we expect the federal government if they get the rules-- like if they get to create the rules behind a convention, they're not going to use that in any way that would affect to the detriment of the states. I think that-- that is a, quite a real possibility.

**HILGERS:** [03:30:55] Well, I guess this is process point versus substance point. Congress, to the extent Congress could have sort of a generalized view of what should come out of the convention, it's one thing. But-- but the process-- what the-- what the delegates-- yeah, whether it should-- there

should be an open records rule or requirement or how, you know, what days they should be-- the way that it should be. Those are process questions. You're not necessarily in-- a good process should lead to a good outcome. But a good process doesn't necessarily lead to one particular outcome or another, so aren't those two different things, process versus substance?

**JOHN CARTIER:** [03:31:25] I would argue that this process versus substance it's-- it's talking about procedure. How are they going to proceed with the convention?

**HILGERS:** [03:31:34] Right.

**JOHN CARTIER:** [03:31:34] Congress maintains that they get to, again, make certain rules such as how are the delegates going to be chosen. I had this conversation with Senator Ebke, and it was-- it was a really, like it was a good back and forth with her. Just check it on Facebook; it's somewhere out there. But-- but what we came back to was that she thought the legislature was going to select the delegates which is what is in Senator Halloran's bill. If that's not the case, then, I mean, who's to say that Congress doesn't pass a bill, and it's going to end up being the governors who select the delegates--

**HILGERS:** [03:32:06] Um-hum.

**JOHN CARTIER:** [03:32:06] --or it's going to be some sort of committee set up through the different caucuses within the state. Like, you know, we can go down that rabbit hole for a while. But I just want to go back to the point that even if this convention were to proceed and it stayed neatly within the lines of what the proponents wanted to do and the lines that-- within those lines is a host of really bad policy decisions in my understanding. And, you know, we don't have to talk about a runaway convention. Let's just talk about what the convention is going to do and what they

want it to do. And then when we can start doing that, we're going to have an honest discussion. OK well, why don't we just have an amendment go through the Senate if we know exactly what specific things we want to accomplish? And they might say, well you know we just-- we just have a corrupt Senate-- Congress and they're never going to pass anything through. If that's the case, why do we have so many amendments on the books right now? Clearly the process has worked before. I don't think we're at a point in our history where it's just so divided, it can't happen again. But again, I respect deeply the proponents on this issue. They're organizing grassroots ground game is just-- it's great. It's really-- it's really something else. I just wish that energy put into that could maybe be funneled into getting people registered to vote, getting them educated, getting them having conversations in their community, going down that route, not having a wholesale changes to the Constitution through the convention. That's-- sorry I was [INAUDIBLE].

**HILGERS:** [03:33:26] No, that's fine. No, I appreciate it. I always appreciate the dialogue. This last question because I know it's late and it's a Friday. It's your birthday. You have other things to do.

**JOHN CARTIER:** [03:33:32] Talk to me.

**LOWE:** [03:33:32] Let's keep him here.

**HILGERS:** [03:33:34] Let's keep him here? No. Senator Lowe. Not at all. So I take your point that look you know, that this bill isn't a panacea maybe, and there's ways that it could go off maybe even in it-- on its own it's imperfect. Maybe it could be superseded by some federal law that-- that Congress could enact as to the procedure the convention. Now so I take it that maybe the bill shouldn't be sort of presented as this 100 percent foolproof mechanism, but take it on its own merits. It's an effort to address a concern that was raised las-- two years ago as to the wild-wild-west

nature of a runaway convention. And on its own merits, it seems to move the ball forward in that regard. So if it was just characterized as an effort that could ultimately be superseded--

**JOHN CARTIER:** [03:34:13] Um-hum.

**HILGERS:** [03:34:13] --but an effort by the state of Nebraska to set some procedures and boundaries or-- or surrounding the agency authority that would give to its delegates, understanding it can always be superseded. On that limited scope would you oppose it?

**JOHN CARTIER:** [03:34:25] Let me put it this way, Senator, if we were to get the 34 states required to go forward with a convention, I will be up here as a proponent saying we should get a faithful delegate bill pronto. That's the off-chance case that, for whatever reason, Congress doesn't pass a bill. But then that also opens up a whole 'nother can of worms as, does every 50 states get to select their own certain rules? And we don't have to belabor this point, but there is also a section in there that tries to restrict how the delegates are going to vote. I put in the column First Amendment issues, beware here; this is a big problem.

**HILGERS:** [03:35:04] Ahh.

**JOHN CARTIER:** [03:35:04] And I always-- and I heard from Senator Murante last time. I remember because it was a good question. He was like, well what about the electoral college, like those guys are bound to vote a specific way under criminal procedure. I was like, wow that's a good point. I looked back and not a single one of the people in the electoral college that switched their vote were actually prosecuted, put in prison, fined, whatever. So there's-- I don't think there's anything to say-- that we can really tell a delegate similar to you, Senator, how you should vote, how you should proceed especially if they're going to be a constitutional actor, right? They're going

to probably have a little bit more authority than maybe even the legislature here. And that's-- I mean, that's again assuming a lot of other things, but--

**HILGERS:** [03:35:41] Well I guess-- I just-- I guess I don't see the First Amendment argument because what you're do-- you're saying like, look, I'm an agent for the principle. I'm-- this happens all the time. And it happens-- it happens even in a state context,--

**JOHN CARTIER:** [03:35:50] Um-hum.

**HILGERS:** [03:35:50] --right? The state can't infringe on free speech, but if you are an actor on behalf of the state, the state can set some bounds. If you're an employee-- just because you're an employee and your employer-- you're-- it, you have a-- is the state, doesn't mean that they-- the state can't put reasonable restrictions--

**JOHN CARTIER:** [03:36:04] Um-hum.

**HILGERS:** [03:36:04] --on how you speak. It's not an infringement on free speech. Similarly here it's a principle agent relationship. So I don't-- I guess it's--

**JOHN CARTIER:** [03:36:09] Ah.

**HILGERS:** [03:36:09] --a free speech argument; I-- maybe, maybe.

**JOHN CARTIER:** [03:36:13] Now would you concede, Senator, that typically between an employee and employer relationship there's an exchange of money for their services?

**HILGERS:** [03:36:19] Sure, sure.

**JOHN CARTIER:** [03:36:19] In this bill it says they don't get compensated.

**HILGERS:** [03:36:22] But there are-- there are con-- they are agents accepting the-- there are-- that's a fair point, but you don't always have to have dollars in order to be an agent, right?

**JOHN CARTIER:** [03:36:32] Correct.

**HILGERS:** [03:36:33] I mean, they are accepting the responsibility to act on behalf-- they don't have to accept that responsibility.

**JOHN CARTIER:** [03:36:36] Um-hum.

**HILGERS:** [03:36:36] If they don't want to act within the authority that-- of the agency that they're given, they don't have to take that responsibility.

**JOHN CARTIER:** [03:36:42] Now that's a good point. And, you know, it'll depend, further down the line, if this is successful, we're going to have to have that conversation. Are they state actors? Are they federal actors?

**HILGERS:** [03:36:50] Um-hum.

**JOHN CARTIER:** [03:36:50] Are they constitutional actors? We don't need to talk about that here [INAUDIBLE], but those-- those are great questions.



**HILGERS:** [03:36:55] So if I were to re-- characterize your-- your position it's, look I don't think-- I'm-- I don't support the L-- the cons-- the Article V process for a lot of reasons; passing this just helps sort of feed the momentum for that. But if we're ever to get to that point, I concede that this could have some value down the road--

**JOHN CARTIER:** [03:37:11] Right.

**HILGERS:** [03:37:11] --is that fair?

**JOHN CARTIER:** [03:37:11] And there's specific provisions in-- in the existing bill. If you try to quiz me on them right now, I might not get them all. But there's things that tinker with it that might make it better, I really-- because I think the last faithful delegate bill might have been an appointment by the Governor for the delegates. I don't really agree with that. This one was [INAUDIBLE] legislature which I think is definitely the way to go for sure.

**HILGERS:** [03:37:32] Well, as always, thank you for your insight--

**JOHN CARTIER:** [03:37:34] Thank you.

**HILGERS:** [03:37:34] --for the conversation.

**BREWER:** [03:37:36] Senator Blood.

**BLOOD:** [03:37:37] Thank you, Chairman Brewer. First of all, I feel peer pressure; Happy Birthday.

**JOHN CARTIER:** [03:37:45] Thanks.

**BLOOD:** [03:37:45] And many more. And I didn't-- what is your title at Civic Nebraska, big cheese of what?

**JOHN CARTIER:** [03:37:50] Director of Voting Rights.

**BLOOD:** [03:37:52] I'm sorry, what?

**JOHN CARTIER:** [03:37:53] Director of Voting Rights.

**BLOOD:** [03:37:54] Director--OK. Big Cheese was not right, I'm sorry. I thought we needed a little levity; it's getting late. So say a perfect world for Senator Halloran that this goes through, and I'm just asking your personal opinion since this is your area of expertise. Do you think that's ever going to change the apathy that exists?

**JOHN CARTIER:** [03:38:15] Hmm.

**BLOOD:** [03:38:15] For example, can you tell me what percentage of registered voters actually vote?

**JOHN CARTIER:** [03:38:20] I can tell you for the Nebraska election here, it was between 54 to 57 percent which is a really good turnout. The last election that took place was, it was incredible. There was a lot of work everywhere getting young people registered to vote. And actually, it turned out it was about 2 million additional young voters that participated in this last election compared to the prior one. So the balls definitely moving forward towards eliminating this apathy. Like my vote

doesn't matter. It's all a bunch of malarkey. But we're going to talk about some other bills this session in the Government Committee, about ways the-- the state can make voting a little bit easier for a voter, and a lot of those constraints that lower the voter part-- participation rate. If we got rid of them, it would make a huge difference. I mean, you look at some of these other states, and they're voting in the 70 percentile. That's incredible.

**BLOOD:** [03:39:10] What states are that? The ones that vote by mail?

**JOHN CARTIER:** [03:39:12] Colorado, Washington, I think Utah is getting up there, Wyoming is pretty high as well, basically all the states that vote by mail.

**BLOOD:** [03:39:19] So what percentage of our population that is able to vote is actually registered to vote?

**JOHN CARTIER:** [03:39:28] I-- I think, trying to recall, for the eligible voter population compared to adults who aren't registered voters, there's about an additional 300,000 people, 200,000 people that we could pick up in registration.

**BLOOD:** [03:39:41] So even if we had this convention of states, and-- and it ended up being an ideal world to the folks that are proponents, that's really never going to change the apasy-- apathy--

**JOHN CARTIER:** [03:39:50] Correct.

**BLOOD:** [03:39:52] --anytime soon unless something-- I mean, unless young people continue to push other young people to vote and have their voices be heard--

**JOHN CARTIER:** [03:40:00] Um-hum.

**BLOOD:** [03:40:01] --because it's really their future that we're talking about.

**JOHN CARTIER:** [03:40:03] Um-hum.

**BLOOD:** [03:40:03] Would that-- does that sound correct?

**JOHN CARTIER:** [03:40:04] That's-- that's a fair characterization, Senator, and I again want to bring up Professor Berger. He's-- He was my-- one of my professors in law school alongside Professor Duncan. They did a really good job teaching me constitutional law. He raises the issue that there is going to be losers, no matter what, in this convention. There's losers in everything. Like you're-- you're going to gain some things. Some people are going to lose stuff. If you create an environment like that and you-- you say there's a constitutional convention and we're rewriting all the rules here and we've got to move forward with them, there's going to be a lot of people like, you know, really upset, and the apathy is going to start turning into something a little more malicious such as--

**BLOOD:** [03:40:43] Anger?

**JOHN CARTIER:** [03:40:44] --civil unrest.

**BLOOD:** [03:40:46] I think we're to have that right now.

**JOHN CARTIER:** [03:40:47] Yeah. We-- we--

**BLOOD:** [03:40:48] And we had it when I was growing up--

**JOHN CARTIER:** [03:40:50] Yeah.

**BLOOD:** [03:40:50] --and not to age everybody on here, but we had it in the '60s. We had it in the '70s. Now it seems like we're in the midst of it. It seems like, oh this is the worst--

**JOHN CARTIER:** [03:40:57] Yeah.

**BLOOD:** [03:40:57] --it's ever been but it isn't the worst it's ever been.

**JOHN CARTIER:** [03:41:00] Yeah.

**BLOOD:** [03:41:00] But I do think people are more apathetic and they don't understand the privilege it is. And it's a privilege to be able to vote.

**JOHN CARTIER:** [03:41:06] Yeah, I mean, and just one last point, at least we don't have National Guardsmen shooting students in universities, you know?

**BLOOD:** [03:41:11] Not yet.

**JOHN CARTIER:** [03:41:12] We've come a long way in our history.

**BLOOD:** [03:41:14] Thank you.

**BREWER:** [03:41:15] OK. Any additional questions. Senator La Grone.

**La GRONE:** [03:41:20] I'll be real quick. I'm not going to dove back into the rabbit hole of a Senator Hilgers--

**JOHN CARTIER:** [03:41:24] Oh, man.

**La GRONE:** [03:41:25] --otherwise we'd be here all night. But I take your point on some of these provisions in the bill, and so my real quick question, if those were eliminated, would that change your position on the bill?

**JOHN CARTIER:** [03:41:36] I think it was like 85 percent of the bill was crossed out.

**La GRONE:** [03:41:38] Correct. There are still some provisions in there.

**JOHN CARTIER:** [03:41:40] I think the one provision I left there it actually says if the United States Congress makes the rules and, you know, this applies so. I'd like that. I mean, that's true.

**La GRONE:** [03:41:49] There's some definitional provisions in there and some crossed-out provisions, you know?

**JOHN CARTIER:** [03:41:53] If this does advance through committee and we get to that point where convention is possible, you know, I'd be happy to work with Senator Halloran office, whoever's carrying that torch at that point, and see what kind of legislation that will best protect Nebraskans' interests here.

**BREWER:** [03:42:09] All right. Any additional questions. Seeing none, thank you for your

testimony.

**JOHN CARTIER:** [03:42:16] Thank you. Yeah. Have a great evening, everybody.

**HILGERS:** [03:42:17] Happy Birthday.

**HUNT:** [03:42:18] Happy Birthday

**BREWER:** [03:42:22] Any additional opponents.

**DONNA ROLLER:** [03:42:29] Hi. Good-- Good late afternoon. Donna Roller, D-o-n-n-a R-o-l-l-e-r. Some interesting things have happened today, conversation and what I've heard. I've heard-- I've seen somebody enter this room and had a brief conversation. And they were for a constitutional convention. And they were reading the Constitution, and they knew nothing about the constitutional convention. They were learning, but yet they were for it. So we have a lot of educating to do here. The other thing is I quoted something, and somebody said that I was wrong. But then it was interpreted that I did not misstate it in my previous testimony today. So my-- given those two factors, while we're going about this, is I'm struggling. I'm not a constitutional law person. And maybe some of you are lawyers, and you can read the Constitution a lot better than me. But I think before this Legislature moves forward, we need an unbiased interpretation of what our actual Constitution says because we're quoting it, we're reading it, and everybody thinks it says something different. So given that, I pulled this interpretation which goes to Article 1, Section 8. And it gives a whole long list of what the Constitution, the duties of the government, are. And the last one, or Section 8, says to make all laws which shall be necessary and proper for carrying into the execution of all of the things listed. So basically the person that I got, you know, that I researched and got this information says, that means Congress, not the state legislatures, get to make the rules for how

delegates are chosen. And that Congress, not the state legislatures, get to decide the-- the appropriation of votes. Congress will have much more power over the convention than the states. Now granted this is an interpretation that I researched, and so somebody, as they did before, can counter it. And that's going back to saying I think we need some legal interpretation here of-- a constitutional specialist not just all of us guessing what the Constitution says. And I don't-- do you have any questions? I don't know anything so I'm just--

**BREWER:** [03:45:14] All right.

**DONNA ROLLER:** [03:45:14] --trying to research. And-- and I'm pretty sure I object to the whole of this.

**BREWER:** [03:45:19] Thank you for your testimony. Questions. Seeing none, thank you. Any additional opponents. Any in the neutral capacity. Seeing none, Senator Halloran, would you like to close on LB451?

**HALLORAN:** [03:45:39] Well, thank you, Mr. Chairman. Thank you, Committee, for your patience, endurance. I truly appreciate it. We've heard a lot today pro and con, and it's a lot to digest; I understand that. But we have recently, I guess quickly and I'll-- I'll just close, but a concern I have is the founding fathers deliberated quite-- over some period of time-- over the summer dealing with the Articles of Confederation. And they ended up finally developing the Constitution. Under Article V, they drew-- they-- they drew a concern over or a definition of who proposes-- proposes amendments to the Constitution, and they also declared how to ratify it. Well, so they declared two methods to do that, not alternate methods, two methods. One could happen. The other could happen. But their concern was-- is that the federal government would get out of hand, that we would end up going back to monarchy, right? They hadn't, just too many years before that, fought a



revolutionary war to relieve themselves of monarchical rule. And so they were a little bit concerned about an executive branch getting out of hand. They were a little bit concerned about a legislative branch getting out of hand, basically the federal government getting out of hand. So they gave two methods for proposing amendments to the Constitution: one through Congress, two-thirds of Congress to propose. When Congress proposes by two-thirds, they're not making an amendment. They have to be ratified by three-fourths of the states, 38 states. They also had the concern that, well, it shouldn't just be in the hands of Congress. Congress shouldn't be the only body that could propose amendments because Congress could get out of hand. And so they developed a second-- this-- this other method to do that. So my question is why, if they were concerned that potentially down the road the federal government could get overbearing, out of hand, huge national debt, why would they then say also, but we're going to make the rules for that other option, all right? We're going to make the rules that govern that other option. It's a contradiction for the founding fathers to do that. We're-- but-- the conclusion I gathered from a lot of the testimony today, for those who are opponents of this, is that we're a bunch of yahoos out here. Each state has a bunch of la-- yahoos for-- for legislators. I don't agree with that. I think we're very confident and very competent that we can govern ourselves with rules and regulations. If you looked at every state, we're all governed pretty much by Mason's rules. If you look at the way the procedures that Congress is governed procedurally, it's-- I'm not sure if it's Mason's rules but I'm going to take a wild stab at it and say it's Mason's rules. Procedurally every legislature in this country runs pretty smoothly and in a similar fashion, governed by similar rules. And thus a convention of states, if and when-- when it's called, will be governed in the same fashion. It won't be willy-nilly. It won't be a mob. It'll be governed in a procedural fashion. So I have no concern about it running off the rails in that fashion. On that, I'm-- I'm going to say that I have seen, over the last two years, a number of bills a lot less worthy of floor time than this. So I'm going to ask you to advance this bill, LB451, to the floor so we can have full floor debate. Thank you.

**BREWER:** [03:49:27] Thank you, Senator Halloran.

**HALLORAN:** [03:49:29] Questions if you like.

**BREWER:** [03:49:30] Questions for the Senator. Senator Blood.

**BLOOD:** [03:49:32] Thank you, Chairman Brewer. Just a really quick one. Again I always listen so close to the testimony that I get questions, and I apologize because I know we all want to go home. You said-- so it's three-fourths of the 38; is that correct? Is that what I heard--

**HALLORAN:** [03:49:47] Three-fourths--

**BLOOD:** [03:49:47] --for approval?

**HALLORAN:** [03:49:48] --to ratify?

**BLOOD:** [03:49:50] Yeah.

**HALLORAN:** [03:49:51] Is that the question? It's three-fourths of the 50 states which is 38 states.

**BLOOD:** [03:50:00] OK. So say that we have part of the states do this. Why can't all 50 states have a say though even if they don't participate?

**HALLORAN:** [03:50:09] If a convention of states is called, the 50 of-- every state will be invited to come to the convention.

**BLOOD:** [03:50:17] But say they don't, that's not--

**HALLORAN:** [03:50:19] Well, say they don't; that's their option. But it would seem rather foolhardy for-- for a convention of states to be called in a state that turns down participation.

**BLOOD:** [03:50:31] So--

**HALLORAN:** [03:50:31] So all 50 states will participate. Each state will have one vote, and each state can be represented by I don't care how many commissioners any state wants to provide to be at that convention. They'll only have one vote when it comes down to voting.

**BLOOD:** [03:50:48] So I guess the thing that I'm concerned about that I haven't really heard addressed, but I heard lots of grunts out here, is that for the states that don't believe in this, they're being told that you're going to have to part-- or you have the option of participating anyway. But we-- whatever we decide you basically have to take it, is basically what we're saying.

**HALLORAN:** [03:51:08] No. What I'm saying is, if a convention of states is called and some states don't agree with the proposed subjects--

**BLOOD:** [03:51:17] Or participate, is what I'm saying.

**HALLORAN:** [03:51:19] Well, they can choose not to participate, but again it's kind of foolhardy. If they're opposed to a specific proposed amendments to the Constitution, I would think, it would be very wise for them to be there to vote against it.

**BLOOD:** [03:51:29] So if they're opposed to the convention of states then you would-- it would be

your expectation that they would come to oppose everything.

**HALLORAN:** [03:51:37] I would be-- Yes--

**BLOOD:** [03:51:39] Interesting.

**HALLORAN:** [03:51:39] Well, I would be very surprised if you didn't have a 100 percent participation by every 50 states if it-- when-- when one is called here.

**BLOOD:** [03:51:48] All right. Interesting. Thank you.

**HALLORAN:** [03:51:50] Um-hum. Thank you.

**BREWER:** [03:51:52] All right. Any additional questions. Seeing none, thank you for closing on LB451. And we do have letters to read in. Let's see if we can do that without readers. All right. We have 17 in-- that are proponents: Jeannette Parr, Carmen and Ken Christensen, Judy-- Paul and Judy Christensen, Corey Clay, Shelly Martin-Dobbins, Donna Mastny, David McPhillips, Dave Olson, Steve Stratton, Tara Giger, David McPhillips, Jerris Cummings, Paul Kimmons, Gene Schultz, Blaine Clowser, Rob Merrill and Randy May of Cozad. Twenty-two opponents: Judith Williamson, Barbara Burkard, Howard Burnette, Joe Etheridge, Connie Maas, Wanda Matens, Gemey McNabb, Nancy Thorner, Judy Zabel, Betty Palmer, Trudy Stamps, Ron and Lynette Nash, Mark Detty, Nancy Carr, Gary Gutgesell, James Woody, Lisa May, Deborah Levitov, Catherine Lohmeier, S. Wayne Smith, Deborah Iwan, and Kathy Lamont. None in the neutral. With that, that closes the hearing on LB451. Thank you.