

**TESTIMONY OF
KIM STOLFER, President
Firearms Owners Against Crime**



**Public Hearing On:
HR 206 and SR 234
Before the
Pennsylvania House of Representatives
State Government Committee
on
Amending the US Constitution
through an
Article V Constitutional Convention**

October 22, 2019

Chairman Evertt, Minority Chairman Boyle and Honorable Members of the House and Senate State Government Committees, I am Kim Stolfer, President of Firearms Owners Against Crime. I appreciate the opportunity to provide this testimony today regarding these critically important issues; adding Pennsylvania to the calls for amending the US Constitution through an Article V Constitutional Convention.

The purpose of my testimony at today's hearing is to discuss HR 206 and SR 234 and the general process of amending the US Constitution through the Article V process. Both of these bills call for a Convention of the States through the Article V Constitutional process to address identical concerns:

- HR 206: Fiscal restraints, limitations on jurisdiction and term limits
- SR 234: Fiscal restraints, limitations on jurisdiction and term limits

Many recognize that certain changes would be beneficial and, perhaps, are necessary. However, our concerns are to the unintended consequences for our Freedoms and the overly optimistic view that once this Article V process is started that it 'can' be limited effectively and that, once started, this Convention will be out of the control of the states thus endangering, most of all, our basic Freedoms.

The Federalist Papers and the Anti-Federalist Papers are collections of debates between the framers regarding the proposed United States Constitution. Both sides were intelligent educated and honorable people who wanted the best for this country.

Amongst the original framers, the Federalists argued accurately and persuasively that the powers to be granted to the Federal Government are so limited and so narrowly defined that we don't need a Bill of Rights.

The Anti-Federalists argued accurately and persuasively that while the powers to be granted to the Federal Government are narrow and defined, men are not saints and powers will be exceeded and grossly abused. They argued that it is absolutely essential that the powers to be delegated to the federal government must be further constrained and limited by a Bill of Rights.

Time and time again, history has proven that the Federalists were dangerously wrong: we definitely needed and need a Bill of Rights.

Imagine what our country would be like today without the Bill of Rights! Imagine a body of legal decisions with no references to the Bill of Rights. In a previous meeting, attended by myself, Mr. Mark Meckler and others, with Sen. Eichelberger and Rep. Bloom on this issue, Mr. Mark Meckler, an advocate for COS, stated that one of his goals was to remove all the legal annotations to the current US Constitution.

Every day we should all thank God that the Anti-Federalists prevailed in that argument.

It is a dangerous and possibly suicidal fantasy to expect that a majority of 21st Century American Legislatures will send delegates to a Constitutional Convention who are smarter and care more for freedom than the original framers. Both HR 206 and SR 234 speak at length to the limits these resolutions would put on delegates and Congress. So, is this 'really' the way this process

would really work? Considering the actions of Congress over the last few decades, is it not illusory to believe that the states will have 'any' control of a Convention once called and that adequate controls will be instituted and our Freedoms will be protected?

These claims of 'state control' were addressed in the Congressional Research Service that issued a report (4/11/2014) that shows that Congress has *exclusive authority* over setting up the convention. This CRS report shows that true control over an Article V Constitutional Convention rests with Congress and not the states, see quotes from page 4 of the report below:

- First, Article V delegates important and exclusive authority over the amendment process to Congress.
- "Second, While the Constitution is silent on the mechanics of an Article V convention, Congress has traditionally laid claim to broad responsibilities in connection with a convention, including **(1) receiving, judging, and recording state applications;** (2) establishing procedures to summon a convention; ... **(4) determining the number and selection process for its delegates;** (5) setting internal convention procedures, **including formulae for allocation of votes among the states;**

Neither HR 206 or SR 234 address this issue adequately in our view. This report further illustrates that Congress will have true control of any Article V Convention and this undercuts our faith in the ability of 'any' state to adequately control their delegates 'or' to control the agenda/issues that these delegates will consider. In fact, on Page 2 & 3 of both resolutions ignore the fact that Congress, and 'not' the states, is in control of the Article V Convention and not the states. The CRS report confirms this and outlines how overly optimistic both resolutions are in believing that states can dictate to Congress this basic Constitutional function outside the states' sole power in calling for a Convention.

This legislature knows me because of my activism primarily in defense of the 2nd Amendment to the US Constitution and Article 1, Section 21 of the PA Constitution. My remarks are focused towards that area of my expertise.

However, my/our concerns with an Article V Constitutional Convention goes far beyond just the rights of gun owners and self-defense. Even those who wish to see the 2nd Amendment abolished, should fear altering our form of government because every enumerated and un-enumerated right is equally at risk.

The Bill of Rights and the 2nd Amendment:

The "First Law of Nature" is the human right and responsibility of self-defense. This law of nature predates all laws written by man.

Humans need tools to survive and it follows that the Constitution of the Commonwealth of Pennsylvania and the Constitution of the United States both codify the right of individual citizens to keep and carry the tools that are sometimes necessary for both individual and defense.

None of our rights are safe if we lack the ability to defend them. This is the original intent of Article 1; Section 21 of the Commonwealth's Constitution and it is the original intent of the 2nd

Amendment to the United States Constitution. Indeed, the Pennsylvania Right to Keep Bear Arms is the strongest worded protections in both constitutions.

The Second Amendment was ratified on December 15th, 1791. It is as necessary and valid today as it was during its confirmation. The very real protections that this Amendment affords cannot logically be interpreted as being antiquated. Its purpose remains sound and noble because the need is real and perpetual.

This is the right, the “teeth” if you will, that supports the other rights. This right is under vicious attack by powerful forces: Those forces include the United Nations, faithless politicians, and other debilitating influences of socialist and fascist activism.

A plan of rational reaction is in order. First, we need to recognize truth rather than what is fashionably politically correct.

Writing for the Clairmont Institute Dr. Angelo Codevilla informs us that “the notion of political correctness came into use among Communists in the 1930s as a semi-humorous reminder that *the Party’s interest is to be treated as a reality that ranks above reality itself.*”

“Comrade, your statement is factually incorrect.”
“Yes, it is. But it is politically correct.”

“Because all progressives, Communists included, claim to be about creating new human realities, they are perpetually at war against nature’s laws and limits. But since reality does not yield, progressives end up pretending that they themselves *embody* those new realities. Hence, any progressive movement’s nominal goal eventually ends up being subordinated to the urgent, all-important question of the movement’s own power. Because that power is insecure as long as others are able to question the truth of what the progressives say about themselves and the world, progressive movements end up struggling not so much to create the promised new realities as to force people to speak and act as if these were real: as if what is correct politically—i.e., what thoughts serve the party’s interest—were correct factually.

Communist states furnish only the most prominent examples of such attempted groupthink. Progressive parties everywhere have sought to monopolize educational and cultural institutions in order to force those under their thumbs to sing their tunes or to shut up.” (end quote)

The Constitution must be accepted logically, with honesty and in its entirety.

The Second Amendment has been assailed on countless occasions. Disloyal legislators defile constitutional principles with blatant violations of the most fundamental commandment, “the right of the people (properly interpreted as individuals in the First, Fourth, Fifth, Ninth and Tenth Amendments of the Bill of Rights) to keep and bear arms shall not be infringed”.

Our disingenuous Legislators, Attorney Generals and Supreme Court Justices belittle and dishonor the memory, intent and integrity of our Founding Fathers. These self-perceived ethical scholars of law have bastardized the Constitution with their convoluted and ambiguous interpretations of our unequivocal “Bill of Rights”. Virtue by virtue, liberty by liberty, our

Constitutional Republic is being systematically eroded away. It is they who are the most corrupting of outlaws!

Unarmed, we are all vulnerable to tyranny. In truth, it is occurring to this day.

Supreme Court decision: 1803, Marbury vs. Madison, Supreme Court Chief Justice Marshall proclaimed that "any act of the legislature, repugnant to the Constitution, is void". Supported by his proclamation, any law or legislative act that attempts to deprive law-abiding citizens of their Constitutional rights is itself illegal and void from the moment of its enactment.

Lawmen, including prosecutors, are obliged to discern "Constitutional Law". The people must demand from their legislators that they cease their unconstitutional assaults on the American people. If elected officials refuse to obey the limits imposed by the Constitution of the United States then they must vote the traitors out of office, for they are nothing less.

Self-explanatory: In 1856, the U.S. Supreme Court ruled that local law enforcement had no duty to protect individuals but only a general duty to enforce the laws. South vs. Maryland, 59 US (HOW) 396, 15 L. Ed. 433 (1856).

A U.S. Federal Appeals Court declared in 1982, "There is no constitutional right to be protected by the state against being murdered by criminals or madmen." Bowers vs. Devot, U.S. Court of Appeals, 7th Circuit 686 F. 2d 616 (1982).

Preserving your life is a very personal endeavor requiring sound judgment.

Because of their ceaseless and malicious distortion of gun related facts, many members of the news media are morally responsible for these horrific crimes. Knowing full well that women are far more vulnerable, than men, to violent assault, elements of the feminist movement are quite negligent by denying reality.

Many bureaucrats defiantly, and unconstitutionally, prevent honest citizens from exercising the "First Law of Nature". Covertly, elements of government are aiding and abetting the most sadistic malcontents of humanity, the psychopaths and violent criminals within this nation.

The blood of innocents is on the hands of many officials, both elected and unelected.

Without question, many of our elected officials have illegally far exceeded the authority of their office.

"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

---**Benjamin Franklin**, Historical Review of Pennsylvania, 1759.

The United States Constitution does not need a makeover. This Commonwealth and the other States need new politicians -- governors, legislators and judges. A constitutional convention -- called for in the name of good government -- could, and likely will, be a catastrophe.

Closing Thoughts

The U.S. Constitution may not be perfect, but a new constitutional convention will, most likely, make it worse. A Constitutional Convention would be an uncontrollable Pandora's Box that would allow the wealthiest (many of whom generate their wealth through the government) to rewrite the rules governing our form of government.

Every concern raised by HR 206 and SR 234 can be addressed properly under the current Federal Constitution's standards and procedures.

Advocates of a Convention of the States (Constitutional Convention) are upset that the federal government has grown too large. This has happened, they correctly believe, because politicians have ignored the plain meaning of the current Constitution. Yet if that is the case, then rewriting the current Constitution with more or plainer language will only make matters worse.

If politicians can ignore the language of our current Constitution, then they can just as easily ignore the language of another. People who break rules **don't** start obeying them just because 'new' rules are written. **What is lacking is 'accountability'** for politicians who ignore or violate the current Constitution.

Respectfully,
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