

Date: February 26, 2025
HCR 5001, Hearing in the House Federal and State Affairs Committee
John Axtell, volunteer coordinator for Kansas Campaign for Liberty
Opposing HCR 5001, with written and oral testimony
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I am John Axtell, from Wichita. I am the volunteer coordinator for Kansas Campaign for Liberty.

Honorable Chairman Kessler and members of the Senate Federal and State Affairs Committee, I oppose HCR 5001 for several reasons.

A term limits amendment will not “clean up” Washington.

Founder James Madison disliked term limits, reasonably believing that “the greater the proportion of new members, and the less the information of the bulk of the members, the more apt will they be to fall into the snares that may be laid for them.” In other words, he believed that term limits can work against the will of the people, creating a large population of new and vulnerable politicians every election cycle.

The problem in Washington is more than just the bad elected officials who have been in office far too long. After all, when these bad elected officials leave office, they leave behind the lobbyists, the donors who grew politically powerful, office staff who want to keep their jobs and careers, political party leadership, and other participants in this bad legislator’s circle.

When the newly elected legislator arrives in Washington to replace the one who has been term limited out of office, these powerful establishment players do not go away and die. They will be there, just as hungry and clever as before, and they will do all they can to teach the new legislator their ways.

We have all seen exactly how this works. New candidates swear to be one way when running for office, but quickly change after only a short time in office, being overtaken by this establishment influence. How many candidates have you seen who sign a petition or survey stating that they will only vote for balanced budgets, who get elected and then return to their district announcing that they voted for a budget that did not balance?

These legislators are taught that they can vote for unbalanced budgets as long as they turn the volume up on the message that “it could have been a lot worse” if you had voted for the other candidate. The real solution is simple, but difficult, and is to create grassroots movements to hold elected officials accountable to every vote they make. These movements leave little room for the corrupt political forces working against the people, and keep elected officials true to their constituents. Again, building these movements is hard work!

The delegates cannot be constrained by the people of Kansas

Once the delegates meet, they are under another authority, and can no longer be constrained by the State of Kansas.

Two Kansas legislators recently filed a lawsuit in federal court, asking this court for permission to violate the supermajority requirement in the Kansas Constitution. The justification for this lawsuit was found in the 1975 Dyer vs. Blair case, where the Illinois legislature wanted to ratify a new amendment to the US Constitution, but did not have the 60% supermajority required by the Illinois constitution for passage.

The Dyer court stated that the Illinois constitution was not binding on the Illinois Legislature when voting to ratify a new amendment to the US Constitution under Article V. They said “the Illinois constitutional provision may only be precatory in its effect on the federal process, and [the legislative houses] are free to accept or reject the three-fifths requirement” imposed by the Illinois constitution.

The word precatory means only a wish or suggestion, and having no authority. Since the Illinois constitution is merely precatory, all subordinate statutes and such will also be precatory.

Also, if the legislature is participating in a “federal process” when voting on an issue under Article V, then certainly delegates are also participating in a “federal process” when attending the convention.

Therefore, the delegates attending the convention may also ignore the Kansas Constitution or statutes, as they will only be precatory.

Please also note that the Illinois legislature may accept the supermajority requirement of the state constitution, so it cannot be in violation of the federal constitution.

Summary

Term limits will not solve the problem. If anything, they are likely to make new legislators more vulnerable to the corrupt influences in Washington DC. A constitutional convention is a very bad idea, and the lawsuit against the Kansas Constitution demonstrates that members of the Kansas legislature cannot be constrained by their oath to support the Kansas Constitution. This leaves the delegates at a constitutional convention free to follow suit.

I urge you to vote against HCR5001. Thank you for your consideration of my testimony.

Respectfully submitted, John Axtell