

## **My opposition to HCR5001: Making application to the U.S. Congress to call a convention of the states to establish term limits for members of U.S. Congress.**

### **The the sponsor and all members of the Committee of Federal and State Affairs:**

Regardless what items you plan to propose pursuant to any application by the States in this union, the state of Kansas has NEVER in my memory, ever exercised its retained power and jurisdiction as a sovereign country (State) to successfully and consistently Nullify any unconstitutional laws, EOs, Mandates, and any supreme Court negative on our State, etc -pursuant to the Kansas Constitution and/or the U.S. Constitution as clearly stated in the 9<sup>th</sup> and 10<sup>th</sup> Amendments of the U.S. Constitution. Also, creating “TERM LIMITS” on elected representatives serving in U.S. Congress, may have some positive affect on the U.S. general government but will result in collateral damage to our limited practice of democracy by removing a power from the electorate and preventing truly qualified individuals from serving at the discretion of voters (or state legislatures if the U.S. 17<sup>th</sup> Amendment were repealed by U.S. Congress). The solution is not a state convention but a demand by the States, and the voting electorate for U.S. Congress to do their job by repealing the 17<sup>th</sup> Amendment to the U.S. Constitution or be voted out of office in the next term. It is critical for U.S. Senators to be selected, removed, or replaced by State Legislatures, not by popular vote, in order to restore proper term limits in the appropriate upper house of U.S. Congress.

### **Here are a handful of bullet points explaining why HCR is not only unnecessary and potentially risky solution in our modern era, especially as direct constitutional nullification is never exercised by our State government:**

- There is no constitutional authority for a limited convention.
- There is no guidance on how delegates would be selected.
- There is no guidance on who could qualify as a delegate.
- There is no guidance on how many delegates each state could send.
- There is no provision for stopping a runaway convention.
- There is no provision for how rules would be established.
- There is no provision for how rules would be enforced.
- There is no role provided for the people to play in the process.
- There is no power provided for the people to stop a convention once it starts.
- There is no description of the ratification conventions Congress could choose to call.
- There are no rules governing the ratification conventions Congress could choose to call.
- There is no means provided for either the states or the people to challenge Congress’s choice of the method of ratification.
- There is no test provided for a qualifying application submitted by a state.
- The acceptance by one Congress of a state application for a convention does not bind subsequent Congresses from accepting that application.
- Application for a convention submitted by one state legislature does not prevent subsequent state legislatures from revoking the previous application.
- All these issues would be challenged in court and would take years to be decided.
- The issues to be addressed at a convention to propose amendments would likely be moot by the time the challenges reached the U.S. Supreme Court for final adjudication.
- If 100 percent of registered voters opposed an amendment proposed by a convention, but the requisite number of state legislatures or ratifying conventions (according to the process determined by Congress for consideration of proposed amendments) supported it, then that amendment would become part of the Constitution regardless of the will of the people.
- The same scenario is true if a proposed amendment were approved by 100 percent of registered voters but rejected by the ratification conventions or state legislatures (according to the process determined by Congress for consideration of proposed amendments).

Respectfully,

Mark A. Powls