Approved: March 10, 1997
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 24, 1997 in Room 519-S of the Capitol.

All members were present except: Representative Doug Mays, Excused
Representative Cliff Franklin, Excused
Representative Peggy Long, Excused
Representative Candy Ruff, Excused
Representative Jene Vickrey, Excused
Representative Galen Weiland, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Representative Ed McKechnie
Sherry Smith
Roger Mundy, Kansas 10th Amendment Society
Craig Ewy

The Chairperson announced there are seven members absent as they are having a subcommittee meeting on **HB 2159**.

HCR 5001 - Constitutional Amendment providing for constitutional convention to consider revision or amendment of the constitution relating to the structure and finance of taxing subdivisions of the state.

The Chairperson opened the hearing on **HCR 5001.**

Representative Ed McKechnie testified as a proponent for **HCR 5001**, stating this is a philosophical discussion as to the future of our state. This suggests departure from the normal "box" of Topeka political thought. It is believed that government cannot and should not protect the public from itself. **HCR 5001** is a proposal to engage Kansans in a sincere political philosophy about the future of our state and enable our citizens to actively participate. (Attachment 1)

Sherry Smith, testified as an opponent to **HCR 5001**, stating she was not opposed to the idea of abolishing property tax, but to call for a constitutional convention is dangerous. A constitutional convention cannot be limited in its scope. There is no guarantee that those most knowledgeable in the principles our Republic was founded on will be the ones sent to a constitutional convention. The constitutional convention is too corrupt to open up that process. (Attachment 2)

Roger Mundy, Chairman, Kansas Tenth Amendment Society, testified opposing **HCR 5001**, stating the foundation of the Constitution as laid upon this ground: That "all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people." (The Tenth Amendment to the United States Constitution). The will of the state process is constitutional, safe, and more powerful than any other proposal to restore "balance" in the federal-state relationship. Its power has existed as long as the Constitution but has been unexercised for 80 years. (Attachment 3)

Craig E. Ewy, Halstead, Kansas, testified as an opponent to **HCR 5001**, stating control should be left to the local people in each situation instead of mandating control at the state level. (Attachment 4)

The Chairperson closed the hearing on **HCR 5001.**

The Chairperson asked the committee what their wishes were on **HB 2025**.

Following discussion, Representative Ballou moved and Representative Franklin seconded to amend (a) stalking the same person the 2nd time within 7 years and (b) stalking while under a restraining order.

Representative Ballou withdrew his motion and Representative Franklin withdrew his second.

Representative Grant moved and Representative Faber seconded to amend by removing "severity level 5, nonperson felony" and replacing with "class A nonperson misdemeanor". The motion carried.

Representative Mason moved and Representative Gilbert seconded to moved **HB 2025** out as amended. The motion carried.

Representative Grant moved and Representative Samuelson seconded to accept bill introduction requested by the Kansas Racing & Gaming Commission amending K.S.A. 74-8809, K.S.A. 1996 Supp. 74-8810 (a) (1), K.S.A. 74-8811, K.S.A. 74-8836(g), K.S.A. 1996 Supp. 74-8816(f), K.S.A. 74-8831 and K.S.A. 1996 Supp. 77-8836(g). The motion carried.

The following attachments were distributed: Racetrack Lottery Games by Greg Ziemak, The Kansas Lottery (Attachment 5), Joseph G. Herold, Attorney at Law (Attachment 6). and Jamie Cheatum, Syracuse (Attachment 7)

The meeting adjourned at 3:10 p.m.

The next meeting is scheduled for February 25, 1997.

FEDERAL & STATE AFFAIRS COMMITTEE

DATE: 2/24/97

NAME	REPRESENTING
Craig E. Ewy	Emma Township
Clyde Young	Lakin Township Harvey Co.
Steve Blanck	Hubbell + Assoc.
Paul Degener	Self
Lisa Meyer	KS Gov. Consulting
Roger Mundy	KANI-10th Annual Soc.

STATE OF KANSAS

ED McKECHNIE
REPRESENTATIVE, THIRD DISTRICT
224 W. JEFFERSON
PITTSBURG, KANSAS 66762
(316) 231-1669

OFFICE
JAN.—APRIL
ROOM 502-S
STATEHOUSE
TOPEKA, KS 66612
(913) 296-7699

TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER APPROPRIATIONS
SUB-COMMITTEE ON CORRECTIONS AND PUBLIC SAFETY
RULES AND JOURNAL
NATIONAL CONFERENCE OF STATE LEGISLATURES FISCAL AFFAIRS AND OVERSIGHT COMMITTEE
JOINT COMMITTEE ON LEGISLATIVE POST AUDIT

February 24, 1987

Testimony on HCR 5001
Rep. Ed McKechnie

Thank you for the opportunity to testify in support of House Concurrent Resolution 5001. I am pleased this committee has taken the time to consider such a piece of potential landmark legislation.

I have not rounded-up a group of proponents to extol upon you the virtues of such a proposal. Nor have I prepared for you a diatribe for you as to why the people of our state want you to support HCR 5001. This is a philosophical discussion as to the future of our state. There was no road map for the founders of our nation in 1787, nor was there at the Wyandotte Convention in 1859.

Those framers of our government chose to be there in pursuit of a grander ideal. Likewise, I would challenge you to be part of the thought of a grander ideal for today and tomorrow. Each of you must decide what is the right thing of Kansas.

On July 4, 1776, the date most Americans consider to being the birth of this nation, the Continental Congress adopted the Declaration of Independence. A pertinent passage for today is..

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another...

I am not suggestion something as radical, but I am certainly suggesting a departure from the normal "box" of Topeka political thought. I said a moment ago that July 4th is the date most Americans consider the birthday of our nation, but it wasn't until 1787 that the present Constitution was proposed to the several Legislatures by the Continental Congress. It was adopted by the states in August of 1788. It took three

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more years to ratify the Bill of Rights, which finally was done by the eleventh state on December 15, 1791.
Our own state Constitution was the fourth such effort and began in July 1859 in Wyandotte. Previous documents had been drafted in Topeka, Lecompton and Leavenworth. The Wyandotte Constitution was approved by voters in October 1859 and accepted by the Congress in January 1861. I have attached a commentary on the history of the Wyandotte Constitutional Convention provided to me by the Kansas State Historical Society.

I offer this information to remind you that a representative democracy is not easy. It takes work and a true discussion of political philosophy. I propose to you that this type of discussion rarely occurs during the political discourse of the Legislature and is currently a missing ingredient in our life today.

For instance. I would suggest to you that Kansans want their property taxes lowered. In comparison with other states, like Missouri, our tax rates are higher and the perspective of Kansans is that we are paying higher taxes for only similar services.

However the truth is that we are paying higher taxes per capita for higher serves per capita than our neighbors in Missouri. The fact is that Missouri has more than twice the population paying taxes than we do for a similar structure of services. Is the problem that our taxes are too high to operate our current structure of government or do we have a larger structure of government than our citizens wish to pay taxes for?

This session a major focus of our discussion will center on the prospect of reducing taxes. I believe that at some point we will abolish the mill levy and fund schools solely through income and sales taxes. When we do our constituents will still have concerns over property taxes. They will still believe that taxes need to be reduced.

Then what will we do?

I would suggest that the real culprit of our taxes problems stems from the Wyandotte Convention and the discussion of the size of counties. There has been a long perpetuated rumor that the Legislature wanted Courthouses only a horseback ride away so they wouldn't have to pay for lodging for

judges riding the circuit.

In fact the discussion was for constituents to be able to ride horseback to the courthouse from any where in the county and return on the same day.

Is that a good reason for having a 105 counties today?

Kansas has the fifth highest number of governmental units in the Union right behind Texas, Illinois, Pennsylvania and California. Meanwhile we are currently 32nd in population.

Maybe we should have 105 counties, 304 school districts and numerous townships and assorted districts. Maybe we should. But if we should perhaps our constituents should face the fact of how much it costs to operate them and make that choice.

I believe government cannot and should not protect the public from itself. HCR 5001 is a proposal to engage Kansans in a sincere political philosophy about the future of our state and enable our citizens to actively participate.

I commend the leaders of this committee for having this discussion today. I did not believe this Resolution would ever be considered and I applaud your willingness to think big about the challenges that lie ahead.

I encourage you to continue considering this issue throughout the interim and engage the public in this discussion.

I am prepared to answer any questions at this time.

WYANDOTTE CONSTITUTIONAL CONVENTION and the

CONSTITUTION OF THE STATE OF KANSAS

In July 1859 fifty-two delegates gathered in Wyandotte, Kansas Territory (now part of Kansas City, Kansas), to draft a constitution under which they hoped Kansas would be admitted into the Union. This was the fourth such document to be written.

Previous constitutions had been drafted by delegates in convention at Topeka, Lecompton, and Leavenworth. The Topeka document, which prohibited slavery but excluded free blacks and mulattoes from the state, was completed on October 23, 1855, and approved by a vote of 1,731 to 46 (proslavery party not participating) on December 15. Nearly two years later, the Lecompton Constitution, a pro-slave document, was drafted and submitted to the voters; but the vote was only "for the constitution with slavery" or "for the constitution without slavery," and free-staters refused to participate. Not surprisingly, the "constitution with slavery" won 6,226 to 569. The third constitution, drafted at Leavenworth in March of 1858 and ratified on May 18, 1858, was similar to, but more "radical" than, the Topeka Constitution: the word "white" did not appear and it had no exclusionary clause. For a variety of reasons, all three failed to gain the necessary congressional approval, and a fourth convention and constitution was required.[1]

The Wyandotte Constitution included a bill of rights, provided a structure for organizing state government, and prohibited slavery. The document passed the convention in July and was approved by Kansas voters in October 1859. Finally, it was accepted by the U. S. Congress in January 1861. When President James Buchanan signed the bill for admission on January 29, 1861, this document became the Constitution of the State of Kansas. With amendments, the Wyandotte instrument remains the foundation of our state government and law.

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[1] Alfred T. Andreas [with William G. Cutler], The History of the State of Kansas, 2 vols. (Chicago, A. T. Andreas, 1883; Reprinted, 1976), 1:114; Robert W. Johannsen, "The Lecompton Constitutional Convention: An Analysis of its Membership," Kansas Historical Quarterly 23 (Autumn 1957): 225-243; see Robert Stone, "Kansas Laws and Their Origins," in William E. Connelley, History of Kansas, 5 vols. (Chicago: American Historical Society, 1928), 2:993, for helpful comment on all four conventions and constitutions; T. Dwight Thacher, "The Rejected Constitutions," Kansas Historical Collections, 1883-1885 3 (1886): 436; G. Raymond Gaeddert, *The Birth of Kansas* (Lawrence: University of Kansas Publications, 1940); T. Dwight Thacher, "The Leavenworth Constitutional Convention," Kansas Historical Collections, 1883-1885 3 (1886): 5.

The Wyandotte Constitution

With the free-state faction firmly in control, the territorial legislature of 1859 approved a fourth constitutional convention. In early June, delegates were elected to gather at Wyandotte on July 5. Thirty-five Republicans and seventeen Democrats were chosen to attend the convention; interestingly, this was the first time delegates carried these now familiar party labels, the Republican party having been formed in the territory just a few weeks before.

The original state constitution drafted by these delegates established the basic law and structure of government. Most of its provisions were not particularly controversial. The Wyandotte delegates patterned their document after the constitution of Ohio and borrowed ideas from other states and the earlier, rejected Kansas constitutions. A few issues, however, did stir up considerable controversy and spirited debate.

By this time the issue of slavery was all but decided in the territory, so the decision to make Kansas "free" was no surprise. This did not mean that the delegates or Kansans generally were egalitarian, however. The delegates did not adopt an "**exclusionary clause**" (a clause that would have prevented free blacks and mulattoes from entering the new state of Kansas), but the vote on this provision was a close one, reflecting the conservative nature of this particular convention of delegates, and they failed to keep "white" from being inserted into several significant parts of the document. Thus, black Kansans could not vote under the Wyandotte Constitution, and they were excluded from service in the state militia: Article VIII: "the militia shall be composed of all able-bodied white male citizens, between the ages of twenty-one and forty-five years."

The same constitutional provision that denied the franchise to the black man, also affected Indians and women. There was some support among the male delegates at Wyandotte for granting equal voting rights to Kansas women, but the majority would not accept this "radical" idea, and **suffrage** was granted only to "Every white male person, of twenty-one years and upward." Largely because of the efforts of Clarina Nichols, however, the Wyandotte Constitution did not totally ignore woman's rights. Women were allowed to participate in school district

elections, their rights to own property were protected, and the legislature was to "provide for their equal rights in the possession of their children."

A third point of considerable contention pertained to the political boundaries of the new state. The first three constitutions written in Kansas adopted the existing **boundary lines** for the Kansas Territory. The eastern, southern, and northern borders were the same as they are today. The western border, however, extended as far as the Continental Divide and included the Pikes Peak gold fields. Although not a major issue at earlier assemblies, at Wyandotte the boundary question caused much controversy. Many delegates saw this huge territory as a disadvantage and sought to fix the western border far to the east of the Rockies. Democratic delegates also wanted the state's northern border extended to the Platte River, but Republicans united to defeat this effort, in part, wrote John A. Martin, because Lawrence and Topeka feared it would shift the population center and thus keep one from being selected capital. The old northern border was retained and the western border was fixed at 102 degrees west longitude (actually, just west of the 102nd Meridian). Kansas emerged from the convention with its present rectangular shape.[2]

The Wyandotte Convention witnessed a lively debate over the **site of the future capital** of Kansas. Delaying that decision, the convention voted only on a temporary **capital site**. Eight towns received votes on the first ballot. But with the choice limited to the top three on the second ballot, Topeka won with twenty-six votes, Lawrence polled fourteen, and Atchison six. Topeka promoters made the most of this early advantage, and their city won the statewide election for the permanent site on November 5, 1861.

A fifth point of some controversy arose in connection with a proposed **homestead provision**. This constitutional protection of hearth and home was on its way to becoming "an American institution" by 1859, with Texas being the first state to make it a part of its constitution in 1845. As finally adopted the Kansas provision read: "A Homestead to the extent of one hundred and sixty acres of farming land, or of one acre with the limits of an incorporated town or city, occupied as a residence by the family of the owner, together with all the improvements on the same, shall be exempt from forced sale under any process of law, and shall not be alienated

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[2]John A. Martin, "The Wyandotte Constitutional Convention," *Kansas Magazine* 5 (March/April 1911): 23.

without the joint consent of husband and wife when that relation exists . . ." (Article XV, Section 9) Robert Stone, writing on the "Sources of the Kansas Constitution" in 1920, gave major credit for its passage to delegate Samuel A. Kingman, a lawyer from Brown County who later became chief justice of the state supreme court. According to Stone, the homestead doctrine "fosters the family as the primal factor of society and thus promotes general welfare. To protect the home is to preserve the family from disintegration. To dignify the wife is to develop citizenry. If the homes are permanent in character the community will build schools, churches, libraries. The spirit of free citizenship and patriotism will thrive, and the state will be healthy and prosperous."[3] Although Stone claimed that Kansas courts had "given liberal construction" to the homestead provision, more recent scholars have argued that generally these complex laws, while promising a measure of "social" security, failed to provide much real protection.[4]

The convention also discussed and passed articles dealing with **finance and taxation**, corporations, and banking and currency. With regard to taxes, Article XI (Section 1) instructed the legislature to "provide for a uniform and equal rate of assessment and taxation; but all property used exclusively for State, county, municipal, literary, educational, scientific, religious, benevolent, and charitable purposes, and personal property to the amount of at least two hundred dollars for each family, shall be exempted from taxation."[5]

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[3]In A. E. Drapier, Kansas Constitutional Convention (Topeka: Kansas State Printing Plant, 1920), 697.

[4]Paul Goodman, "The Emergence of Homestead Exemption in the United States: Accommodation and Resistance to the Market Revolution, 1840-1880," *Journal of American History* 80 (September 1993): 470-498.

[5]Glenn W. Fisher, "The Worst Tax in the Civilized World? Property Tax Reform and The Kansas Tax Commission," *Kansas History* 19 (Autumn 1996): 202; Dr. Fisher briefly covers the property tax provision of the state's four constitutions in his *The Worst Tax? A History of the Property Tax in America* (Lawrence: University Press of Kansas, 1996), 72-78. See also, "Annotated Constitution of Kansas," Appendix B, in A. E. Drapier, *Kansas Constitutional Convention: Proceedings and Debates of the Kansas Constitutional Convention. . .Wyandotte in July, 1859. Also The Constitution Annotated to Date, Historical Sketches, Etc.* (Topeka: Kansas State Printing Plant, 1920), 634.

When initially reported from the committee on Finance and Taxation and brought before the convention for consideration, Section 1 read as follows: "The legislature shall provide for a uniform and equal rate of assessment and taxation**, and taxes shall be levied in such manner as the Legislature shall prescribe**; but all property **appropriated and** used exclusively for State, county, municipal, literary, educational, scientific **and** religious purposes, and two hundred dollars for each **head of a** family, shall be exempted from taxation."[6] This first section was passed, with only minor amendment, after only very brief discussion. The only hint of controversy arose when delate S. D. Houston of Manhattan tried to add the following clause to the end of the section: "Also the real estate and personal property of widow ladies, deprived of the right of elective franchise."[7] On motion of J. P. Slough of Leavenworth, the amendment was tabled; "the yeas and nays being demanded and taken thereon, resulted--yeas 28, nays 20."[8]

The Proceedings record some brief debate on subsequent sections pertaining to contracting public debts and financing "internal improvements," but the sections were passed substantially as reported from committee. Some attention also was given to the advisability of including or prohibiting the levying of a "poll tax." William C. McDowell, a Democrat from Leavenworth, moved a new proposition "that the State Legislature shall never levy a poll tax." Arguing that if not made a qualification for voting this particular tax could extract revenue from those who might otherwise be missed, Houston argued that the convention should leave this as an option for the legislature. McDowell countered "that political economists agree that the basis of all taxation should be property . . . . The only mode of collecting taxes is to pursue property."

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[6]Drapier, *Kansas Constitutional Convention*, 325-326. Bolded portions note differences in section as finally passed.

[7]Ibid., 326.

[8]Ibid. The rest of the sections, two through eight, were taken up thereafter and dispensed with rather quickly. "Debate" takes only about three proceeding's pages (326-329). The convention came back to the article on "Finance and Taxation" the following day.

Nevertheless, this particular subject was tabled and the article as amended was referred to the committee on phraseology.[9]

Under the provision of the constitution as approved by the Wyandotte convention and ratified by Kansas voters, "The legislature of 1861 had retained in force the Territorial act of 1860 providing for the assessment of taxes," wrote G. Raymond Gaeddert. "This act had provided for exemptions, stipulated the duties of county assessors, provided for a county board of equalization, permitted the township trustees to determine the rate or amount of taxes to be levied and made the county treasurer the collector of the taxes."[10]

On July 29, 1859, a new free-state document was adopted and signed. Because they objected to several key provisions, all seventeen Democrats refused to sign, and the subsequent campaign for ratification of the Wyandotte Constitution was a bitter partisan contest. On October 4, 1859, however, supporters won by nearly a 2 to 1 margin--10,421 to 5,530--and on December 6 an election for state offices was held. In the gubernatorial contest, Dr. Charles Robinson of Lawrence defeated the incumbent territorial governor, Samuel Medary. Republicans also won 86 of 100 seats in the legislature.

RATIFICATION AND ADMISSION

The campaign for ratification of the Wyandotte Constitution was a bitter partisan contest. On October 4, 1859, however, supporters won by nearly a 2 to 1 margin--10,421 to 5,530. On December 6, an election for state offices was held. In the gubernatorial contest, Dr. Charles Robinson of Lawrence defeated the incumbent territorial governor, Samuel Medary. Republicans also won 86 of 100 seats in the legislature.

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[9]Ibid., 334.

[10]G. Raymond Gaeddert, *The Birth of Kansas* (Lawrence: University of Kansas Publications, 1940), 128.

After the October vote, official copies of the proposed constitution were prepared and sent to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives. The House acted first. A bill for Kansas admission was introduced on February 12, 1860. Within two months, the congressmen voted 134 to 73 to admit Kansas under the Wyandotte Constitution. A separate bill was introduced in the Senate on February 21, 1860, by William H. Seward of New York. A long-time champion of the free-state cause in Kansas, Seward appealed for immediate action. But the admission bill was referred to committee and finally carried over to the next session.

With the election of Abraham Lincoln, southern states began to leave the Union and opposition to Kansas admission decreased. The senators from South Carolina were the first to withdraw from Congress. They were followed by those from Mississippi, Alabama, and Florida. These last six senators left their seats on January 21, 1861. Later that same day, the Senate passed the Kansas bill. A week later the House passed the bill as amended and it was sent to the president for his signature. President James Buchanan signed the bill making Kansas the thirty-fourth state on January 29, 1861.

Most Kansans were overjoyed with the news, but there was little time for celebration. Lincoln was inaugurated on March 4, 1861, as southern states continued to secede. The first Kansas State Legislature convened on March 26. South Carolina troops fired on Fort Sumter on April 12. The battle for Kansas was finally over. But the conflict, which for the past six years had caused the shedding of Kansas blood, now engulfed an entire nation.

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Fisher, Glenn W. "The Worst Tax in the Civilized World? Property Tax Reform and The Kansas Tax Commission." *Kansas History* 19 (Autumn 1996): 200-215.

Gaeddert, G. Raymond. *The Birth of Kansas.* Lawrence: University of Kansas Publications, 1940. Contains a helpful discussion of the convention proceedings.

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Martin, George W. "The Boundary Lines of Kansas." *Kansas Historical Collections, 1909-10* 11 (1910): 53.

Martin, John A. "The Wyandotte Constitutional Convention." *Kansas Magazine* 5 (March/April 1911): 23.

Phillips, William A. "The Wyandotte Convention." *Kansas Monthly* 4 (January 1881): 1.

Price, David H. "Sectionalism in Nebraska: When Kansas Considered Annexing Southern Nebraska, 1856-1860." *Nebraska History* 53 (Winter 1972): 447.

Purdue, Rosa M. "The Sources of the Constitution of Kansas." *Kansas Historical Collections, 1901-1902* 7 (1902): 130. Like other writers, Purdue identified the Ohio Constitution as the one having the most influence.

Simpson, Benjamin F. "The Wyandotte Constitution." *Kansas Historical Collections, 1883-1885* 3 (1886): 385. Simpson, the convention's youngest delegate at age 23, identified the north and west boundaries, exclusion, apportionment, and the homestead exemption clause as the "hard-fought questions."

Stone, Robert. "Kansas Laws and Their Origin," in Connelley, William. *History of Kansas.* Chicago: American Historical Society, 1928, 993. First published in Connelley's *Kansas and Kansans* (1918), 935-952.

Waters, Joseph G. "Fifty Years of the Wyandotte Constitution." *Kansas Historical Collections, 1909-1910* 11 (1910): 47-52. Waters marveled at the lack of "free-state" passion found in the constitution drafted at Wyandotte, and criticized the delegates for not including woman suffrage.

"What Might Have Happened Had Lecompton Prevailed." *Kansas Historical Collections, 1907-1908* 10 (1908): 216.

Prepared for State Representative Ed McKechnie
by
Virgil W. Dean, Ph.D.
KSHS, February 10, 1997
272-8681 X274

1-12

COUNTRY ORGANIZATION

Article IX, section 1, of the original state constitution provided for the organization of counties and townships:

> The legislature shall provide for organizing new counties, locating county seats, and changing county lines; but not county seat shall be changed without the consent of a majority of the electors of the county; nor any county organized, nor the line of any county changed, so as to include an area of less than four hundred and thiry-two square miles.

Accordign to James W. Drury, "The territorial legislature established thirty-six counties and fifteen more were added by 1861 . . . Major additions were made in 1867 (thirty-five new counties) and 1873 (twenty-two new counties). Many legislatures added counties and changed county boundaries or names. Some of the expansion was found to be unjust and was later reversed. . . By 1893 the current pattern of 105 Kansas counties had emerged." (Drury, 215)

The original article was first brought before the Wyandotte Convention by Ritchie for the committee on county and township organization, July 15, 1859. (*Proceedings*, 189) Debate on this article occured as the final wording was hammered out. (see, 195-200; 221-228, reconsideration of section 1) Several issues were discussed but it seems that the most attention was given to the question of legislative authority in the whole matter and to size and location of county seats: some concern expressed about convenience for residents. On July 16, 1859, Burris (225) the "four hundred and thirty-two square mile" limitation; he argued his case based on the Iowa example.

Socolofsky and Self make reference to the Garfield County ("the ill-fated 106th county") situation where Eminence won the county seat war and its "embittered" rival, Ravanna, "ordered a resurvey of the county which disclosed that the area was slightly smaller than the 432 square miles then required for a new county." The county was subsequently disorganized and attached to Finney. (Map #41) They also wrote:

> In 1873 all of the remaining area of the state was divided into named counties by the Kansas legislature. For the region of the twenty-five counties which came into existence between 1881 and 1888, this earlier legislature supplied names not necessarily used when the country was eventually settled and organized. . . Counties in this far-western part of the state were small in area, like their counterparts in the east. Early boomers of the area expected far greater population than came to live there, but the primary reason for the small-sized counties--about six or seven hundred square miles in area--was the desire that every citizen should be able to travel by horseback from his home to the county seat and return in one day. (Map #42)

Anderson, Lorene, and Alan W. Farley, compilers. "A Bibliography of Town and County Histories of Kansas." *Kansas Historical Quarterly* 21 (Autumn 1955): 513-551. Most items from this fine bibliography are indexed below.

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Drury, James W. *The Government of Kansas*. Fourth Edition. Lawrence: The University of Kansas, 1993.

Gill, Helen G. "The Establishment of Counties in Kansas." *Kansas Historical Collections* 8 (1903-04): 449-472. Includes numerous maps depicting dates of organization, 1855-1904.

Holt, Daniel D., compiler. *County History Project: Kansas Committee For the 125th (Anniversery of Statehood)*. Topeka: Kansas State Historical Society, 1987. A county survey which lists significant events, people, and legends from all 105 counties with some source material.

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Schellenberg, James A. *Conflict Between Communities: American County Seat Wars*. New York: Paragon House Publishers, 1987. A trained sociologist, the author uses historical county seat war incidents for a comparative study of violence and conflict between mid-western frontier communities.

_____. "Conflict and Resolution in County Seat Wars." *Journal of the West* 13 (October 1974): 69-78.

_____. "County Seat Wars: Historical Observations." *American Studies* 22 (Fall 1981): 81-95. The Gray County seat conflict is the author's example for a broader discussion of this American phenomenon.

Scott, Steven L. "Great Plains Hamlet County Seat." *Heritage of the Great Plains* 19 (Spring 1986): 1-14. A geographer looks at the importance of the county seat prize to the "Great Plain Hamlet," defined as "places that perform at least the rudimentary functions of county government, but have populations of 250 or less;" Gove is the lone Kansas town in this grouping.

Socolofsky, Homer E. "County Seat Wars in Kansas." *The Trail Guide* 9 (1964): 1-25.

Socolofsky, Homer E., and Huber Self. *Historical Atlas of Kansas*. Second edition. Norman:

University of Oklahoma Press, 1988. Originally published in 1972. Maps #38-41 pertain to county and county seat organization and location.

NOTE.—By way of explanation, it should be stated, perhaps, that this reference is to the proceedings of July 14th—the first day's work of the assistant reporter, W. H. Drapier, and when he would be most liable to mistake *the names* of debatants. It is an error that cannot be corrected any further. A. E. DRAPIER, Official Reporter.

SATURDAY, July 16, 1859.

The Convention met at 9 o'clock.

Prayer by the chaplain.

The PRESIDENT. I am requested by the chairman of the committee on printing to say that any corrections of the official report of proceedings, in order to be incorporated in the pamphlet edition, must be made before ten o'clock; after that time no corrections can be made.

The roll was called, and the secretary reported as not answering to their names—Messrs. Brown, Hipple, Hubbard, May, Perry, Slough, Stinson and Simpson.

CORRECTION OF THE JOURNAL.

The journal of yesterday was read.

Mr. FOSTER. Mr. President, in the vote taken on the substitute offered by the gentleman from Douglas (Mr. Thacher) that none of the provisions of the article on education should be extended to negroes or mulattoes, I am recorded as voting in the affirmative on laying it on the table. I did not so vote, or was mistaken as to what I was voting on. I desired to vote for the substitute, and not to table it. The vote does not stand as I desire it.

Mr. LILLIE. My motion is reported as being only to strike out the word "agriculture," when the fact is, my motion was to strike out the word "agriculture" and insert "industrial."

COUNTY SEATS AND COUNTY LINES.

The PRESIDENT. The clerk will make the corrections. The business before the Convention at the hour of adjournment, was the consideration of the article on county and township business. An amendment to section one was pending, proposed by the gentleman from Wabaunsee (Mr. Ross). The amendment was to strike out all in the section relating to county lines.

Mr. LILLIE. Mr. President, I offer the following substitute for the amendment:

"Provision shall be made by law for erecting new counties and the organization thereof, for locating county seats, and for establishing and changing county lines; *provided*, that no portion of an organized county shall be attached to or stricken off from another without the consent of a majority of the legal voters residing thereon."

Mr. THACHER. I suppose it would rather be a substitute for the whole section.

Mr. LILLIE. I offer it as a substitute for the whole section.

Mr. GRIFFITH. Mr. President, the section is precisely what we want—no more nor no less. It is all we desire. It is a sufficient protection to counties that have already established county seats and built their county buildings, and leaves an opportunity for proper clippings. If we pass the

substitute, it will be impossible to clip the counties. The people of large counties will never consent to have any portion of their territory taken from them, not even when it is necessary for the convenience of the people [*136] residing thereon. I suppose *there are cases where persons are obliged to go twenty miles to their county seat; when, if stricken off, they might not be compelled to go more than five. If we pass the substitute, it would be a bar to all clipping, because those principally interested generally cannot get the vote of a majority. I prefer it as it now stands.

Mr. LILLIE. If the question be taken upon the article as it stands on the secretary's desk, I will withdraw my substitute.

Mr. THACHER. I believe the article as read by the clerk—as it now stands—is just what we all want. I hope the article will be allowed to remain as it is.

Mr. BURRIS. Mr. President, I thought of offering a substitute, but I have an amendment here which will meet the end I desire to reach. The amendment will be this:

"Nor organize a new county or change the lines of counties already existing so as to embrace an area of less than four hundred and thirty-two square miles."

The PRESIDENT. It is suggested that members having corrections to make in the official reports will hand them to the messengers or sergeant-at-arms.

Mr. BLUNT. Mr. President, I am satisfied with the section as it now stands. I think we are manifesting a great want of confidence in our future legislation [Legislature?]. If we are to carry out all the details of county matters, we had better abolish our Legislature entirely, and go to legislating for the interests of the people of the Territory. I think this matter should be left to the Legislature. Every gentleman who has given this matter any thought knows it is rather a complicated question, and surrounded by a good many difficulties. I think we should certainly have sufficient confidence in those who are to make our statutes and provide for the welfare of our future State, to trust this matter in their hands. I shall vote against this motion, but for the original amendment.

Mr. BURRIS. Mr. President, I do not understand that my amendment proposes to legislate. It is merely a restriction upon the Legislature, just such as we have incorporated in other articles of the Constitution. My understanding is, that the design of a Constitution is to establish the fundamental principles upon which the Legislature of the State is based and restricted. The substance of my amendment is the same as is that incorporated in the Constitution of the State of Iowa, with which I am more familiar than with any other State Constitution. There the Legislature is prohibited from organizing any new counties with an area of less than eighteen by twenty-four miles; and I will state that I know that provision has given entire satisfaction to the people of that State. Three-fourths of the counties in Iowa are twenty-four miles square, and one-fourth of them are eighteen by twenty-four. There it is divided into townships, as it is here. The country is very similar to this. The smallest counties are eighteen by twenty-four miles square, and that is the smallest that can be made under the Constitution. I think this is a proper restriction; and eighteen by twenty-four is as small as a county ought to be. I first thought of proposing twenty-four miles square, but sometimes it would not be so convenient to the people. I think there would

necessity, in any part of the Territory, to organize a county of less area than four hundred and thirty-two square miles. Inasmuch as it works to the satisfaction of all in Iowa, I have no doubt but that it would be satisfactory here. I hope the amendment will be adopted.

Mr. KINGMAN. Mr. President, I believe the Convention is ready for the question, but I am not right certain I am. I wish to state that I have a personal and local interest in this question, and from that consideration I may be driven to wrong conclusions. Last winter we found that we were likely to acquire a Territory which would change the whole face of our [*137] county contrary to the wish*es of four-fifths of the residents of the county; but by sending a special messenger to the Legislature we found out and headed off the scheme. I propose to offer an amendment to stop that constant change of county lines and breaking up of county seats. It is this:

"The Legislature may provide by law for the organization of new counties, locating county seats, and the changing of county lines, but shall not change the county lines or county seats without the consent of a majority of the people of the county to be affected thereby."

I offer this as a substitute for the entire section.

Mr. HUTCHINSON. Mr. President, I would enquire whether these same questions have not been settled once or twice by the Convention?

The PRESIDENT. Very nearly the same have been disposed of at previous sessions. The Chair is not clear of the right to rule the substitute out of order.

Mr. BLUNT. Mr. President, it appears to me the gentleman from Brown (Mr. Kingman) proposes the same matter we had under discussion yesterday, and which was voted down as not being the sense of the Convention; and the same difficulty appears that is found in the first section as reported by the Committee. His proposition is that no county line can be changed without the consent of a majority of the people in all the counties interested. There may be, as I have stated, and as is frequently the case, a change of county lines proposed, which would interest four different counties, and it seems to me if the proposition of the gentleman prevails, that notwithstanding a majority of three of those counties interested would be in favor of such change, still they are debarred from making such a change for the reason that a majority of the fourth county is not in favor of such a change. It was in view of this difficulty, and of the impracticability of our fixing this matter definitely, that I proposed to leave it for future legislation, by which this matter of the change of county lines might be accomplished satisfactorily to the people; and which I believe can be better done by the Legislature.

Mr. GRIFFITH. I am one of those who believe that the section as reported is all we want. Therefore, in order to test this matter, I move to lay the pending substitute and amendments on the table.

Mr. KINGMAN. Will the gentleman withdraw his motion for a minute?

Mr. GRIFFITH. I will, sir.

Mr. KINGMAN. The language of the section was as carefully drawn to obviate the objections of the gentleman from Anderson (Mr. Blunt) as I thought it possible for it to be. It is not the people of the county to decide, but a majority of the people of all the counties interested.

Mr. GRIFFITH. There is no county established but that the whole county would be affected by cutting off a portion of its territory; and perhaps

every voter thus cut off would desire to remain. If we leave the matter with the Legislature, of course these things will enter into the discussion of the question and the matter can be settled more satisfactorily; and sir, to test the matter, I renew my motion that the pending amendments and the substitute be laid on the table.

The yeas and nays were demanded on this motion, and being ordered and taken, resulted—yeas 19, nays 24—as follows:

YEAS—Messrs. Burnett, Blunt, Crocker, Dutton, Graham, Greer, Griffith, Hutchinson, Hoffman, Lillie, Lamb, Middleton, Moore, McCullough, Preston, Stokes, Townsend, Thacher and Williams—19.

[*138] *NAYS—Messrs. Arthur, Brown, Barton, Burris, N. C. Blood, Foster, Forman, Hanway, Houston, Ingalls, Kingman, McDowell, McCune, McClelland, Palmer, Parks, Porter, Ritchie, Signor, Stinson, Stiarwalt, Simpson, J. Wright, Wrigley and T. S. Wright—24.

So the Convention refused to lay the amendments on the table.

Mr. J. BLOOD. Mr. President, the same question was decided yesterday. I think every member of the Convention must see that it will prevent the minorities from ever obtaining justice. It restricts the Legislature and deprives them [it?] of the power of ever doing justice to minorities.

Mr. RITCHIE. It seems to me the same objection may be raised to this substitute that was urged against the report of the committee—it will allow three-fourths to rule the one-fourth. It is contended from one quarter that the counties in this Territory are not laid out on township lines, and it would be a very great convenience to alter, and have the county lines laid on township lines, and every county to keep themselves as large as possible. It is not to be presumed that a county will vote to cut off any part of itself notwithstanding it may put a large proportion of the inhabitants proposed to be cut off to a very great inconvenience if they are obliged to remain. The same objection will be raised in my county. I could have no objection to the amendment offered by the gentleman from Johnson (Mr. Burris) if county lines were laid out on township lines, but then we would have to go through the Territory, and lay out new counties. And if we were to do this, I do not believe the counties on an average would be as low as four hundred and thirty-two square miles. And I do say that the decision ought to be referred to a vote of the people interested, who might wish to be cut off and added to another county. I don't believe you can find an instance where a majority in any one county would be willing to let another county take a piece off, notwithstanding it would be a great convenience to the people residing on it.

The PRESIDENT. The Chair, on refering to the amendment offered by the gentleman from Doniphan (Mr. Wrigley) yesterday, finds that it is identical with this, and is under the necessity of ruling, that the amendment is not before the Convention.

Mr. GREER. Mr. President, I offer the following as a substitute for the whole section. The Convention has already decided to confer the power upon county boards, and I think it should remain there:

"No new County shall be laid off hereafter, nor old County reduced to less contents than four hundred and thirty-two square miles; leaving the power to change County lines and seats with the County boards."

[illegible] move to lay the amendment on the table.

[illegible] agreed to.

[illegible]r. President, as there have been so many a[illegible]nts

and substitutes offered, I think it would be well to have the section and substitute read. (The secretary read the section and amendments). It seems to me that is now extending to the Legislature all the power that is proper to protect the rights and interests of the people. It is saying that they shall provide for the location of county seats, organization of new counties and changing county lines, but restricts them so that they shall not change county seats without a majority of the people are in favor of it; and that there shall be no new county of a less area than four hundred and thirty-two square miles. This is not legislation, as has been intimated. It is merely restriction; and I cannot see any valid objection to this. I think that it is no more than we ought to have for the protection of the interests of all the parts of the Territory.

The substitute was adopted, upon a division—affirmative 24, negative 12.

Mr. INGALLS. I wish to move a reconsideration of the vote by which [*139] the amendment of *the gentleman from Doniphan (Mr. Wrigley) was lost yesterday forenoon.

The PRESIDENT. The gentleman is not in order. The question is upon the adoption of the section as amended.

The section as amended was adopted.

Mr. INGALLS. I now renew my motion, Mr. President, in order to bring the amendment proposed by the gentleman from Brown (Mr. Kingman) before the Convention.

The PRESIDENT. The motion can hardly be entertained, as the Convention has substantially rejected the same question in voting for the adoption of the section. The Chair is unable to determine any manner in which the question can now be reached. The whole of these reports will again be in the hands of the Convention, at which time amendments may be made, by reconsideration.

Mr. GRAHAM. Mr. President, I move that the report as amended be referred to the committee on Phraseology and Arrangement.

Mr. HUTCHINSON. I move to strike out the last section. If we cannot trust the Legislature with it all, we cannot with this.

The PRESIDENT. According to the recollection of the Chair a similar motion was lost.

Mr. HUTCHINSON. We may as well provide that business men shall put out signs in front of their houses.

Mr. KINGMAN. Another provision was necessary, for in another part of this Constitution, under the Legislative Department, we have a provision that officers may be removed by impeachment; and if the gentleman will consider, he will see, that justices of the peace, without the expression contained in this section, can be removed in no other way. They can be removed in this way for one hundredth part of the expense that would attend an impeachment.

Mr. GRAHAM. I move to lay the motion on the table.

This motion was agreed to.

The report of the committee on County and Township Organization was then ordered to be printed as amended, and referred to the committee on Phraseology and Arrangement.

PREAMBLE AND BILL OF RIGHTS.

The PRESIDENT. The Chair will state that the report of the Committee on Preamble and Bill of Rights was made the special order for to-day.

Mr. KINGMAN. I move that we take it up.

The motion was agreed to.

Mr. KINGMAN. I move that we go into committee of the whole.

The motion was agreed to.

The Convention accordingly resolved itself into a committee of whole—Mr. Stinson in the Chair—and proceeded to the consideration the report from the committee on Preamble and Bill of Rights.

Mr. KINGMAN. I move that it be read and considered section section.

The CHAIRMAN. If no objection be made it will be so read by the Cle

The first section was read. (The report is printed in the Proceedi of Friday, July 15th).

Mr. HUTCHINSON. In the twenty-fifth line instead of "parallel" ins "meridian."

The CHAIRMAN. If there is no objection the change will be made.

Mr. MCDOWELL. I would enquire whether the boundaries given h are the same as those in the organic act?

Mr. HUTCHINSON. They are the same except the western; which so fixed that we are four hundred and seventy-five miles from east west. I would also state that there was an effort made to put the west boundary where the natural boundary is. After diligent enquiry, it ascertained that the one hundredth meridian west would be in a coun which is at present being settled; the one hundred and first will proba be settled, but at the one hundred and second, or twenty-five degrees w [*140] from boundary, it was believed was placed upon a natural san divide, where no part of the population would be cut off that wanted to with us. There was another objection to placing it upon the meridian giv in our organic act. By going one degree further we strike the bounda of New Mexico. By this division it leaves a niche of sixty-seven miles tween the western boundary of Kansas and the eastern boundary of N Mexico. The proposed State of Jefferson proposes to take some from N Mexico, some from Nebraska, and probably some from us: certainly th is no argument bearing against this. It is believed this is the t boundary.

Mr. MCDOWELL. Mr. Chairman, I offer as an amendment to that p of the preamble just read, the following additional lines:

"*Provided*, however, that if the people of Southern Nebraska, embrac between Platte River and the Northern boundary of Kansas, as establish by Congress, agree to the same, a vote is to be taken by them, both upon t question of boundary and upon this Constitution, at the time this Cons tution is submitted to the people of Kansas, and provided Congress agr to the same, the boundaries of the State of Kansas shall be as follow Beginning at a point on the western boundary of the State of Missou where the thirty-seventh parallel of North latitude crosses the sam thence west with said parallel to the twenty-fourth meridian of longitu west from Washington; thence north with said meridian to the middle the South Fork of the Platte river; thence following the main channel said river to the middle of the Missouri River; thence with the middle the Missouri river to the mouth of the Kansas River; thence s on t western boundary line of the State of Missouri to the place o ning

Mr. GRAHAM. I move to lay it on the table.

My name is Sherry Smith, I live in the 77th district. I am opposed to HCR No. 5001. I am not opposed to the idea of abolishing property tax, but to call for a constitutional convention is dangerous. A constitutional convention cannot be limited in its scope, no matter what you are told up front. As all of you know, it takes a lot of money to campaign for a position, there is no guarantee that those most knowledgeable in the principles our Republic was founded on will be the ones sent to a constitutional convention. And since there is computerized voting & ballot tabulation in the major population centers in this State, we have no way to verify that our votes are counted correctly.

The escalating demands for tax revenue is a symptom of a problem, let's attack the problem. Our monetary system in the country is the real problem. It is a giant ponzi scheme run by individuals who have no allegiance to our Republic. Fractional reserve banking allows bankers to create their product with a bookkeeping entry, with very little reserve. If the loanee cannot make payments because a bad crop or he looses his job, the bank can get the property, having loaned money on it that was created out of thin air. The ponzi scheme part is that the interest required to be paid on loan is never created with the loan, so that the interest money must come from somewhere else in the economy. Since the only way money is put into our economy is thru debt, it is a given that some people are going to default on their loans. Multiplied by the 84 years the Federal Reserve has been in existence, it is not hard to see why there is only about $5 trillion in the M1 & M2 money supply in circulation, but the estimated public and private debt is $20-25 trillion.

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The other major problem affecting tax revenue is the trade policy that is being force-fed to us despite our objections. We are told that our exports have increased because of NAFTA & GATT but it is not so widely reported that what was once trade surplus with Mexico in 1993 of $1.7 billion is now a deficit of $16 billion. We are inundated with products from China. China is building up their military with those trade dollars, we will probably be sending our sons and now daughters to fight against the weapons purchased with those trade dollars.

Tax revenue is inextricably linked with the real wealth of our nation. Real wealth is either derived thru applying human labor to develop a raw resource of the earth as with farming or mining or thru adding value to something thru manufacturing. Farmers are severely hamstrung in this country because of the monopolies of the food distribution system. People trying to make a living thru manufacturing are at the mercy of Wall Street that has no concern to what is best for the our country economically, just what is best for the bottom line in the short term. Service jobs do not create wealth, they are only possible in an economy that produces sufficient wealth to sustain them. If people do not have jobs they will not be paying taxes, if they don't have good jobs tax revenue will be minimal.

Please do not vote for the uncertainties of a constitutional convention. The system is too corrupt to open up that process. We can't even get our federal representatives to sincerely attempt campaign finance reform. You will be presented with a safe & more powerful tool to attack the root of this and many other problems that ultimately stem from the federal government. That proposal, "The Will of the State Process" is a tool the legislature can use to address the problem of federal mandates. I hope you will consider the proposal.

Sherry Smith

THE WILL OF THE STATE PROCESS
THE RESTORATION OF THE SPIRIT OF FEDERALISM

I consider the foundation of the Constitution as laid upon this ground: That "all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people."
(The Tenth Amendment to the United States Constitution)

"To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition."
- Thomas Jefferson 1791

"The single greatest power of the Constitution is the only unamendable power in the entire Constitution. It is this undeniable power of the State Legislature that alone is powerful enough to fully restore the Great Federal Union of the States of America."

"THE WILL OF THE STATE is the process based upon this power that can accomplish the restoration of the United States of America to a Constitutional Republic."

- Roger Mundy, Chairman
Kansas Tenth Amendment Society
PO Box 1026
Wichita, Ks. 67201
(316) 742-9907

Fed.State
2-24-97
Atch #3

THE WILL OF THE STATE PROCESS: CONSTITUTIONAL AND LEGAL BASIS

I. Article V. of the US Constitution: Amending processes of the Constitution limited by 3 conditions (two expired in 1808).
* Last condition is still in effect:

> "...that no state, without its consent, shall be deprived of its equal suffrage in the Senate."

II. Unamended Original Intent meaning of "state" in Article V.:
Elected representatives of body-politic of state - state legislature.

III. Unamended Original Intent meaning of state suffrage in the Senate:
Suffrage executed by ambassadors of State legislature, US Senators, accountable to state legislature.
- US Senator was considered a "somewhat hollow honor", as Senator was under control of state legislature.
- US Senator - not officers of the United States according to US Senate, itself - determined in a judicial ruling: Senate constitutionally acting in judiciary capacity over impeachments in first & only impeachment attempt of a Senator.
- Impeachment attempt established US Senator default status: Senators are ambassadors/agents of state legislatures (now chosen by popular election).

IV. Law of Principle & Agent
* Only the principle in a contract (in this case, US Constitution) can correct violations of contract by its agents.
* Supreme Court Justice Ginsburg: federal government is agent of states.
* Constitution divides federal agency and Tenth Amendment reiterates:

  "The powers ... reserved to the States, respectively, or the people."

  - One power of the respective states, (as opposed to the people) is the power of state legislatures over its two agents in the Senate;
  - One power of the people is the power over their agents in the House of Representatives.
* Article V. specifically naming "in the Senate: (rather than "Congress" or "House of Representatives") is a specific guarantee of a right & power of state legislatures (principles) over their Senators (agents).

V. Seventeenth Amendment changed ONLY the mode of election of Senators (ambassadors of state legislatures to the federal union of the States).
* If the right of equal suffrage in the Senate was intended to be ended by the 17th Amendment then 17th Amendment is null and void, because:
  (1) when 17th Amendment was proposed it called for ratification by three -fourths of the state legislatures, not by unanimous ratification, and therefore would have denied some States equal suffrage without their consent, in violation of the Article V. conditioning clause.
  (2) the 17th Amendment was not ratified unanimously and therefore would also have committed the same violation.
* If the right to equal state suffrage in the Senate was intended to be ended by 17th Amendment, then all acts of Congress since its ratification are also null and void, because since then Congress would have been illegally constituted (with two Houses of Representatives).
* The court must assume therefore, that NO other aspect of the relationship between the state and the Senate has ever been changed other than the mode of election of US Senators.

VI. The power of the state legislature over its two US Senators is unchanged, but simply has not been exercised for over 80 years.
* Ample time has been given to a "politico" role for Senators, with dismal results.
* The principle must reinstitute accountability of its agents to itself.
* The Supreme Court has stated that the states must use the "political process" to redress its grievances with the federal government, not rely on the Court. The WILL OF THE STATE Process is such a political process.

VII. The state legislature as principle over its agents can:
(1) Instruct its agents on what to introduce and how to vote;
(2) Compel its agents to give an accounting of their compliance;
(3) Remove and temporarily replace its agents, pending official replacement by popular election.

THE WILL OF THE STATE PROCESS:
RESTORING FEDERALISM - SENATE ACCOUNTABILITY

The WILL OF THE STATE Process is Constitutional, safe, and more powerful than any other proposal to restore "balance" in the federal-state relationship. Its power has existed as long as the Constitution but has been unexercised for 80 years.

Fully one half of the Constitutional duties of the State legislature go unfulfilled every session - the control of its agents in the federal government, arguably their most important political duty. If necessary, the legislative session should be lengthened to accomplish the tremendous task of reasserting Federalism into the American political system.

Standing committees must be formed to accomplish the long work of undoing the many violations of the Constitution committed by agents that have long been held unaccountable. The WILL OF THE STATE Process is the political process necessary for this great task, and must be backed by procedural and criminal sanctions, as noted below.

THE WILL OF THE STATE SUMMONS TO APPEAR:
At least once each year, the state should summon its Union agents, its Senators, to appear before the legislature assembled, with fanfare, and media to present these ambassadors with their orders:

The WILL OF THE STATE DOCUMENT:
* Clause by clause copy of US Constitution, with inserts of "State Position" statements following each clause selected by the state legislature, noting the state position upon the performance of the federal government in regards to that clause or series of clauses (perhaps "Compliance"/"Not in Compliance"). This is an official legislative position, and need not agree with Court opinion. (The Court has final say over specific cases before its bar, not over the Constitution in general and operates upon the assumption of the constitutionality of legislative acts until litigation raises such issues on a per case basis.)
* The State could cite its position upon infractions and remedies.
* Specific actions that the State has determined that its US Senators will perform could be designated as: "WILL OF THE STATE ORDERS" (i.e. to introduce bills, move for commissions, etc., and directions on how to vote as an agent of the state).
* Open hearings should be held in the preparation of the WILL OF THE STATE DOCUMENT for public input into its formation.
* NOTE: It is essential that the State legislature prohibit itself from attempting to attain largess with abuses of the process (i.e. by continuing abuse of certain infamous clauses like "interstate commerce", "necessary and proper", "general welfare" clause, etc. On the other hand, the State should not overly limit exercising its Constitutional power over its agents. Such abuse in the first case or under-use in the second could destroy the powerful reforming potential of the WILL OF THE STATE Process.

OTHER WILL OF THE STATE DOCUMENTS AND PROCESSES:

The WILL OF THE STATE AMENDMENTS:
Used to Amend the WILL OF THE STATE DOCUMENT, quoting only those clauses effected by changes in STATE POSITIONS or WILL OF THE STATE ORDERS.

The WILL OF THE STATE SUMMONS OF ACCOUNTABILITY:
Commanding its agent(s) to appear before the State legislature at any time, whether Congress is in session or not (a proper exercise both of the law of principle & agent, and of the guaranteed state right of consent to denial of its equal suffrage in the Senate), requiring its agents to give an accounting of their compliance with the WILL OF THE STATE DOCUMENT.
* Meant to be used when agent is perceived to not be in compliance, and affording agents the opportunity to confront accusations of non-compliance.

The WILL OF THE STATE VOTE OF CONFIDENCE/NO-CONFIDENCE:
Process following appearance of agent before legislature to give accounting.

The WILL OF THE STATE RECALL ELECTION:
Replacement of agent(s).

The WILL OF THE STATE Criminal Sanctions:
Refusal to appear when Summoned - Felony crime, with possible fines and imprisonment of up to six years.

THE WILL OF THE STATE:
NOTES ON LEGAL AND CONSTITUTIONAL BASIS I:

ARTICLE V. OF THE US CONSTITUTION: the AMENDING PROCESSES

When Amendments to the Constitution were created following the processes of Article V, they were "valid to all intents and purposes, as part of this Constitution" ... "PROVIDED THAT..." they did not amend 3 things. The first two had to do with the migration of people to the States and duties imposed upon that migration. The prohibition upon amending them expired in 1808.

THE ONLY UNAMENDABLE POWER IN THE ENTIRE CONSTITUTION

There is only one power eternally unamendable in the entire Constitution.

> "...that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

No valid Amendment to the Constitution can eliminate this power. Arguably, not even a unanimous ratification (the giving of consent) by all the states could amend this guaranteed power, because it would be the dissolution of the Union of the States of America (the United States of America), itself. What is a union that has eliminated the representation of all of its members? It is a union in name alone - an organization that has only usurped powers, that has violated the very reason for its formation. Since the entire purpose of the Constitution was the establishment of the Union of the States, such a theoretical unanimous ratification by all of the States to deny their own equal suffrage in the Senate should rightfully be considered as the single most unConstitutional act possible for the States-united to ever engage in.

THE FEARS OF THE FOUNDERS

All of the Founders of the Great Federal Republic of the United States of American shared two great fears. They feared for the survival of the Union on one hand, and they feared for the survival of the individual States, one the other. On one side, they feared that the Union would dissolve and subject the then-totally independent States to being conquered by foreign enemies from outside of the Union. On the other side, they feared that the States would lose all of their independence to the national government, and would be conquered by domestic enemies from inside the Union. The Founders were divided as to which was the greatest threat, on group fearing the former the most, the other fearing the latter, but both groups rightfully feared both possibilities. The unamendable provision of Article V of equal State suffrage in the Senate was designed to counter both of these possibilities. This is the probable reason why it is the only unamendable power in the entire Constitution. It is also why it is the appropriate solution to the situation that the States and the people (who look for them for protection), find themselves in today.

THE EFFECTS OF THE STATES NOT EXERCISING THEIR MOST FUNDAMENTAL POWER

> "It is a misfortune incident to republican government, though in a less degree than to other governments, that those who administer it may forget their obligations to their constituents, and prove unfaithful to their important trust." -Federalist Papers #62

> "It adds no small weight to all these considerations, to recollect that history informs us of no long-lived republic which had not a senate."
> -Federalist Papers #63

Tod[illegible] it is easily observed that both of the greatest fears of the Found[illegible] hav[illegible]rgely come to pass.

The fear of a loss of independence of the various States to the national government has largely come to pass through unconstitutional federal mandates and the threat of the loss of "federal funding" for States that refuse to obey the orders of their "agents." The very survival of the States depends upon the States exercising their guaranteed power over the Senate to restore a "balance to the federal-state relationship".

The fear of being conquered by outside forces has also largely come to pass through the passage of the many unconstitutional treaties ratified by the uncontrolled Senate - treaties that place the United States under the power of unelected foreign bureaucrats and powers. A simple example of this is found in Senate Document No. 87 of the 83rd Congress, 1954; entitled:

"Review of the United Nations Charter"

> "...The Charter has become 'the supreme Law of the land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding ... demands that every State in the Union accept and act upon the Charter..."

This deliberate mockery of the Supremacy clause of the Constitution, is not only unconstitutional and illegal, but an arrogant violation of the oathes of office of every Senator who voted for the passage of this position. It is an historical example "that those who administer ... may forget their obligations to their constituents, and prove unfaithful to their important trust." The very survival of the Union of the States (the United States) depends upon the States exercising their guaranteed power over the Senate to compel their agents to obedience to the Constitution.

THE NECESSITY AND DUTY OF THE STATES TO EXERCISE THEIR SUFFRAGE IN THE SENATE

The survival of the Union of the States and the survival of the States, themselves, is the necessity that requires the States to exercise the very power the Founders created (and protected from amendability) for this very purpose. The greatest Constitutional duty that the States are under and have always been under, is the conscientious exercise of this - their greatest Constitutional power, their right to equal suffrage in the Senate. Admittedly, this right and duty has been unexercised for over eighty years, and may be difficult to reinstitute, but the results of the States' neglect are now obvious and can only lead to the conclusion that the States must abandon their neglect and hold their ambassadors to Congress, their US Senators, accountable for their acts in Congress (as they originally did - see NOTES ON THE LEGAL AND CONSTITUTIONAL BASIS - II ORIGINAL INTENT).

THE WILL OF THE STATE PROCESS

No power in the entire Constitution is as fundamental and undeniable as the power of the States to equal suffrage in the Senate. And no proposal is as safe, or as Constitutional, or as powerful to effect the obivously needed reforms in the restitution of the Union of the States and the powers of the independent States as the WILL OF THE STATE Process which is based directly upon this guaranteed power. (SEE THE WILL OF THE STATE PROCESS)

83d Congress SENATE Document No. 87

REVIEW OF THE UNITED NATIONS CHARTER

A COLLECTION OF DOCUMENTS

SUBCOMMITTEE ON THE UNITED NATIONS CHARTER

Pursuant to S. Res. 126
83d Congress, 1st Session

January 7, 1954 Ordered to be printed with illustrations

UNITED STATES PRINTING OFFICE WASHINGTON: 1954

The war of 1898 was fought in support of an oppressed country. The efforts of our government in this regard reached fruition in the convention of representatives of the nations of the earth at which the Charter of the United Nations was adopted. It was promptly ratified by the Senate of the United States, thereby proclaiming allegiance to its principles and providing precedent and example for other countries. The United States has consistently regarded its treaties with other nations as inviolate.

The Charter has become "the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." U.S. Const., Art. VI, sec. 2. The postition of this country in the family of nations forbids trafficking in innocuous generalities but demands that every State in the Union accept and act upon the Charter according to its plain language and its unmistakable purpose and intent.

THE WILL OF THE STATE:
NOTES ON LEGAL AND CONSTITUTIONAL BASIS

II. Unamended Original Intent Meaning of "State" in Article V.
III. Unamended Original Intent Meaning of "State Suffrage" in Article V.

ORIGINAL INTENT

No legislator would be pleased to find that the laws that they had passed were being redefined or interpreted in ways that they had never intended them to be understood. It would defeat the very basis of representative government and would make the laws created under it a mockery of the intentions of the duly elected lawmakers. This is the basis for the long standing legal principle of "Original Intent" that was recognized by the Founders, legal scholars and Jurists, that "The first and governing maxim in the interpretation of a statute is to discover the meaning of those who made it." (Justice J. Wilson)

It is imperative then that in the unamended clauses (or in this case, the unamendable clause - see Notes on Legal and Constitutional Basis #I) of the Constitution be interpreted according to the intended meaning of "those who made it." This is true, even for those who wish that the intent of the Founders were something different than it actually was in the case of the equal suffrage of the States in the Senate, or in any case. If the Original Intent of the Founders is not followed in all cases of unamended clauses of the Constitution, then it can be said that Americans have no Constitution at all, and are living in a lawless land. Those who would interpret the Constitution to mean something different are actually attempting to amend the Constitution without the due process of the law.

"STATE" SUFFRAGE IN THE SENATE

The Original Intent meaning of State suffrage in the Senate, is demonstrated by the many writings of the Founders, like the Federalist Papers, authored by James Madison, John Jay and Alexander Hamilton. State suffrage in the Senate was understood to be the will of the State legislature as expressed through their "agents" in the federal government, their Senators, who were the State governments representatives in the Union of the States (the United States).

> "The State governments may be regarded as constituent and essential parts of the federal government; whilst the latter is nowise essential to the operation or organization of the former." -FP 45

> "No law or resolution can now be passed without the concurrence, first, of a majority of the people [through the people's representatives or agents in the House of Representatives -ed.], and then, of a majority of the States [through the State Legislatures' representatives or agents in the Senate -ed.]." -FP 62

> "In this spirit it may be remarked, that the equal vote allowed to each State is at once a constitutional recognition of the portion of sovereignty remaining in the individual States [State Legislatures -ed.], and an instrument for preserving that residuary sovereignty." -FP 62

EARLY PRECEDENT BASED UPON ORIGINAL INTENT

The relationship between a State's US Senators and that State's Legislature was established and practiced by the founders themselves, reflecting exactly what they had intended when they instituted the right of each State to equal

Suffrage in the Senate. This relationship was described by an authority that cannot be considered as an advocate of the system established by the Founders. Exerpts follow from his work:

> THE NEW AMERICAN GOVERNMENT AND ITS WORK
> by James T. Young, Prof. Public Administration
> Wharton School of Finance & Commerce
> Univ. Pennsylvania
> 1917
> Published by McMillan

"It is in the Senate more than in any other part of our government that we may grasp the political thought of the fathers. ... The minds of the leaders at that time were occupied with grave fears lest the new Federal government, which they were about to establish, might overshadow and perhaps destroy the authority of the States. The new government, it was hoped, would strengthen the union against outside enemies, but no one knew what scheme of centralization might develop at any moment.

"In the earlier days, Senators were looked upon as AMBASSADORS OF THEIR RESPECTIVE STATES, LIMITED IN THEIR INDIVIDUAL DISCRETION, and SUBJECT TO INSTRUCTIONS FROM THE LEGISLATURE which had elected them. Until about 1825 the Senate was not regarded as of equal importance to the House of Representatives, or even to the State Legislature. Men often preferred leadership in their State legislatures to what was considered 'the somewhat empty honor of the senatorial dignity.'"

SENATORS ARE NOT OFFICERS OF THE UNITED STATES

During the first and only impeachment trial of a Senator, Sen. William Blount admitted to taking a bribe for delivering an appointment to the US Military Academy, but the Senate acting in its Constitutional judicial capacity over Impeachments concluded that Senators and Representatives were not impeachable because they were not "civil officers" in the intended sense of the Constitution, but were accountable to the source of their authority. In the House it is the people directly. In the Senate it is the people indirecly through the State Legislatures. If it is sucessfully argued that this authority was changed when the election of Senators was changed to popular elections instead of through election by State Legislatures by the 17th Amendment, it becomes an inescapable conclusion that the 17th Amendment is invalid along with all of the acts of Congress since 1913. (See NOTES ON LEGAL AND CONSTITUTIONAL BASIS - V: THE SEVENTEENTH AMENDMENT).

The only conclusion that can possibly be drawn if it is found that the Seventeenth Amendment is not invalid, it that it only changed the mode of election of Senators AND NOTHING ELSE IN THE POWER OF THE STATE LEGISLATURES OVER THE SENATE. By the precedent set by the Constitutional judicial body of the US Senate sitting as a Court of Impeachment, every US Senator is Constitutionally under the authority of the Legislature of his State, and must submit to instructions from that lepislature as its ambassador to Congress, and rightfully should be held accountable for the performance of this duty.

THE WILL OF THE STATE PROCESS

The WILL OF THE STATE Process is the process that allows the States to once again institute true federalism in the political system of America, and to perform their duties as full members in the Union of the States, instructing and holding accountable their ambassadors to Congress, the State's US Senators.

STATES MUST RELY ON "POLITICAL PROCESS"

1989 - Hon. John H. Sununu
Gov. New Hampshire
Past Chair - Nat. Gov. Assn.
from ACIR (Advisory Commissin on Intergovernmental Relations)

"Hearings on Constitutional Reform of Federalism:
Statements by State & Local Government Association Representatives"

"The specific issue dealt with the latest decision by the Supreme Court, South Carolina v. Baker. In that decision, the Court held that the Congress literally has the authority to invade and destroy what had been one of the last vestiges of a state's capacity to do business on its own, namely, the right to issue tax-free debt instruments.

"The Supreme Court made it clear that the government entities outside of the federal government ought to be addressing such inequities in the federal system through the political process.

"That's tyhe general term used by the justices. What "political process" means specifically is left open. But they were saying, don't expect us to arbitrate your differences, and if you force us to arbitrate those differences, and if you force us to arbitrate those differences in the court structure, don't expect us to settle these cases in the direction you want.

ALL RIGHTY THEN

The Court has rightly taken the position that it is not the final arbiter of the political differences between the feds and the states. It has taken a punitive position against the states most commonly when the States have distrubed their repose by filing suits against federal encroachments of state powers. Why in the name of God do the states persist in such futile moves? It is because they don't understand the nature of their powers.

States should never go to the Supreme Court when an issue of the Constitutional power of the States verses the Federal government is raised. They should use the "political process". That political process is properly the power guaranteed to the states in Article V of the Constitution, the "equal suffrage in the Senate" that each State cannot be denied without its consent. Amendment 17 cannot be assumed to have abrogated this right, therefore it still exists and is embodied in the WILL OF THE STATE PROCESS.

Ladies' & Gentlemen, it is a great honor to be able to talk to you today regarding HB 5001 CR. Being a member of the rural community I have great concern over this issue. In my school year's I learned about how this country was founded on the basis of the people running the country not the country running the people. I feel that if this bill would pass, there would be more control directed away from the rural people and turned over to the city's and the state.

My father served as a township board member for more than 20 years. This gave me ample opportunity to see the effects of local people running local government. I can remember many times when my dad and I were driving down the road and he would see a problem, or we would be visiting neighbors and they would suggest something that needed to be done. This is a system praised by county commissioners and many rural people.

One example of why we should not take this control away from local people, is what happened when the Hesston tornado came through our area. The city of Hesston received the relief money to rebuild and repair after the tornado. Some of this money was to go to Emma Township to pay for the sand removed from the road's by the tornado. This money was also to be used to repair the road to the city landfill, which was torn up by the heavy truck traffic after the tornado. Emma township never saw this money. My dad confronted the city about this and was told that the money belonged to the city of Hesston. The township repaired the road and sanded the road's with their own money. The city of Hesston built a new shelter house with the money they had left over after rebuilding.

If local control is taken away from the people in any situation, I feel that there will be many more stories like this one. Any consolidation can be done at this time by any governing body. Let's leave this decision up to the local people in each situation, instead of mandating it at the state level.

Thank you for your time, and I am sure that many people in the state of Kansas would appreciate this issue being left alone.

Craig E. Ewy
Rt. 1 Box 52A
Halstead, Ks 67056

(316) 327-4485

Fed & State
2-24-97
Atch #4

RACETRACK LOTTERY GAMES
HB 2174

There are five areas in House Bill 2174 which could negatively affect Kansas Lottery sales and revenue transfer to the State Gaming Revenue and General Funds.

1. Start-Up Costs:

   The bill requires that all costs associated with the implementation of racetrack lottery games such as advertising and promotions, consulting services, equipment, tickets and other products and services be borne by the racetrack lottery retailer. There is no specific language, however, providing for start-up funding for this purpose. The Kansas Lottery does not have the resources available to fund the start-up of racetrack lottery games.

2. Retailer Commissions:

   Currently, Lottery retailers are receiving 5.0 percent of sales as a commission. The proposed legislation would establish 7.5 percent as a minimum commission. This 50 percent increase (approximately $4.5 million) could not be borne as an administrative expense of the Lottery. If it were, it would create a severe negative impact on the Lottery's financial condition. Since there is not sufficient revenue in the Lottery administrative budget to pay for this 50 percent increase, the legislature would have to determine the source of this additional $4.5 million.

3. State's Share of Revenue:

   The State will receive 10 percent of the "net income" (revenue minus prizes) "from racetrack lottery games" after expenses from the Lottery and the Racing and Gaming Commission are deducted. The racetrack retailers will receive 69 percent of net income after expenses. Currently, the Kansas Lottery transfers 30.75 percent of gross revenue to the State of Kansas before deductions are made for prizes and expenses.

   It also appears that revenues going into the State Gaming Revenues Fund for the on-line instant bingo sales would be 22.5 percent rather than 30.75 percent.

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4. Keno:

Keno, as defined in H.B. 2174, is similar in many respects to the Keno game currently conducted by the Kansas Lottery, with the exception that the prize payout in racetrack lottery retailer version would be from 80 to 95 percent. This large payout could have a negative effect on Kansas Lottery Keno sales which are based on a 54.5 percent prize payout.

5. Other Lottery Games:

Because of the statutorily mandated transfer of a minimum of 30 percent of Kansas Lottery gross sales, the Lottery's prize payout averages 53.5 percent for its various games. This is because the revenues remaining after paying prizes and transfers to the State of Kansas are necessary for paying retailer commissions and administrative expenses. Payouts of 80 to 95 percent in racetrack lottery games would also negatively affect sales of Lottery games other than Keno.

Kansas Lottery
2/20/97

JOSEPH G. HEROLD
Attorney at Law
1208 SW Tyler Street
Topeka, KS 66612-1735
(913) 223-8055 Telephone
(913) 234-8824 Telefax

To: House Federal and State Affairs Committee

Re: House Bill 2169 (Concealed Carry)

February 19, 1997

MEMORANDUM OF SUPPORT

I am an attorney in private law practice in Topeka and the purpose of my written testimony is to provide some historical and legal insight in support of this proposed bill. The views presented here are my own.

HISTORICAL BACKGROUND

There was no prohibition preventing the general public from carrying concealed weapons for self defense in Kansas at the time of statehood. The first statute to address this issue was Section 282 of the General Statutes of Kansas 1868. This statute stated in part:

> "Any person who is not engaged in any legitimate business, any person under the influence of intoxicating drink, and any person who has ever borne arms against the government of the United States, who shall be found within the limits of this state carrying on his person a pistol, bowie-knife, dirk or other deadly weapon...."

This statute was amended in 1903 by House Bill 72 which prohibited anyone other than law enforcement officers or their deputies from carrying concealed weapons. The amended statute can be found at Section 2365 of the General Statutes of Kansas 1905, however, unfortunately the House and Senate Judiciary Committee records and minutes for the 1903 session are not available at either the State Historical Society or the Legislative Administrative Services office for the purpose of reviewing the Legislature's intent in amending this statute.

During the same time when concealed carry was legal so was the death penalty from statehood until 1907 (then again from 1933 until 1972, and finally once again in 1994). The last legal hanging prior to 1907 was in 1870 when William Dickson was executed at Leavenworth. Thus during the time period generally acknowledged as the wild west (i.e., the 1870's and 1880's), Kansas apparently did not have enough of a crime problem to warrant the use of the death penalty. An argument could thus be made that our state's history would appear to indicate concealed carry did not result in an inordinate number of "wild west" shootouts during the actual days of the wild west in Kansas, at least based upon the lack of any application of the death penalty for the same.

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LEGAL BACKGROUND

History aside, the Kansas Supreme Court's holding in Robertson v. City of Topeka, 231 Kan. 358, 644 P.2d 458 (1982), should leave no doubt Kansas citizens must at times look to themselves for defense from criminal threat.

In Robertson the City of Topeka was sued for monetary damages for the destruction of some residential property based upon the alleged negligence of three police officers. The policemen were called to a house by the owner for the purpose of removing a man whom the owner believed to be intoxicated and capable of burning down the owner's house. However, the policemen chose to leave the trespasser at the house and removed the owner. Fifteen minutes later the house was burned by the trespasser.

In Robertson the Court stated in part at page 363:

> "...It is generally held that the duty of a law enforcement officer to preserve the peace is a duty owed to the public at large, not to a particular individual....Absent some special relationship with or specific duty owed an individual, liability will not lie for damages...." (Emphasis added).

Although the Supreme Court decided the Robertson case based in part upon the discretionary function exception of the Kansas Tort Claims Act, the language quoted above was the second basis and is the law of Kansas. The police simply owe no specific duty to protect any one individual from criminal harm, just the public in general. This applies even when the police may make bad decisions in the exercise of their duties.

Since the police cannot protect everyone, everywhere and at all times, the question which should be asked when considering a concealed carry law is: Shall Kansans be allowed the opportunity of exercising reasonable self defense for themselves? This is the real issue to be addressed when you debate the merits of this bill.

Thank you for your time and consideration.

Very truly yours,

Joe Herold

Joseph G. Herold
Supreme Court #12015

February 19, 1997

House Federal and State Affairs Committee

Dear Chairman and Committee Members:

My name is Jamie Cheatum, Syracuse, Hamilton County, Kansas. I encourage you to pass HB 2159, the Concealed Carry Weapons bill, and my reasons why are personal.

In August, 1994, my 18-year old daughter began college and was a member of a college cross-country team. The second week of workouts, she was running their normal 6 1/2 mile morning workout when with approximately 1/2 mile to go (while running alone because she wasn't as fast as the top runners, but faster than the slow ones--kind of an in-betweener when the pack time--difference between the top and bottom--is 6:00 minutes) a group of Hispanics in a car started to follow her. One got out and gave chase to her. She outran him to the school dorm parking lot and slipped on gravel between two cars. She proceeded to scream, and with a bloodied and bruised knee, got up and ran again. Some football players heard her scream and came out of the dorm at which time the Hispanic who was giving chase ran to the trailing car, and they speed away.

This almost ended a college education for this young girl as she called home crying and ready to pack up and come home. She is an honor student (Phi Theta Kappa) and is doing tutoring.

After having her freedom restricted because of this incident (very seldom went anywhere alone on the advice of police), she worked at the school and took an apartment with two other girls. In the fall of her second year, the three girls started being stalked (what the police said) by some Hispanic gang members. They got the girls' phone number, learned where they lived, what cars they drove, and when they went to classes. These girls began to, for safety sake, travel together to school, carry cell phones with police numbers pre-dialed so all they had to do was press "send". The police were almost escorting them to and from school with officers visiting with them between classes as to their plans for the day so they could station officers, caller I.D. on the phone, etc.

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We, and the police, think they may have finally scared the stalker off. One officer even told me to arm my daughter, and we talked seriously of doing it. Even though it is illegal to carry a concealed weapon, it is better to be tried by twelve than carried by six, or live with the embarrassment and scars of an attack. My daughter needs this piece of legislation to keep her a law-abiding citizen.

I can assure you that if a criminal wants a weapon he will have one even if they are outlawed, and it will be concealed. Give us law-abiding citizens the ability to defend ourselves without becoming criminals. HB 2159 is a good bill. I encourage you to pass it.

Thank you,

Jamie K. Cheatum

Jamie K. Cheatum