

**Date: February 10, 2022**  
**HCR 5027, Hearing in the House Federal and State Affairs Committee**  
**John Axtell, volunteer coordinator for Kansas Campaign for Liberty**  
**Opposing HCR 5027, with written and oral testimony**  
**Wichita, KS 67205, 316-393-8174, [johndowneyaxtell@yahoo.com](mailto:johndowneyaxtell@yahoo.com).**

I am John Axtell, from Wichita. I am the volunteer coordinator for Kansas Campaign for Liberty.

Honorable Chairman Barker and members of the House Federal and State Affairs Committee, I oppose HCR 5027 for several reasons.

**First, the Constitution is already powerfully written to limit the federal government, and if enforced, would truly do so.**

I agree with proponents that our federal government is out of control.

I think we all agree that the Constitution is not being followed.

But our Constitution already has the words needed to reign in our federal government, if we only chose to enforce these words.

For example, let's look at our federal debt and out-of-control spending, which is a huge issue.

Our debt is caused by our unconstitutional fiat currency, a currency not backed by gold or silver, which can be printed with abandon to fund the many unconstitutional bureaucracies that burden American families and businesses.

Gold and silver money, which is required by our Constitution, forces governments and families to spend responsibly. With sound money, the current federal spending and debt become virtually impossible.

The solution, therefore, is not to amend the Constitution, but to enforce it, by repealing the unconstitutional Federal Reserve Act, repealing the authorizations for the many unconstitutional federal bureaucracies, and so on.

**Second, amendments created as a result of this resolution will not enforce themselves.**

So, many of us agree that we are not enforcing the Constitution, and that is the problem. So, if these proposed amendments are ratified, who will enforce them?

Amendments that truly decrease the power or authority of the federal government will not enforce themselves. No constitution can be created that will enforce itself against the powerful groups in Washington.

Us conservatives make fun of gun-free signs, but proposing that new amendments will enforce themselves is akin to suggesting that we must make gun-free signs bigger, brighter, and bolder. Gun-free signs must be enforced to be effective, and any new amendments will also need to be enforced.

The founders, and many since, have made it clear that our freedoms rely on disciplined and diligent enforcement of the Constitution by the people of this country. That is what is missing today.

**Third, truly “conservative” amendments will have no chance of passing.**

At least 38 states have passed ObamaCare Expansion. 49 states imposed shutdowns on churches and businesses during this last two years.

Simply put, there is no evidence that conservative amendments will be ratified, and there is plentiful evidence that bad amendments will be passed.

**Fourth, Mason was clear that amendments were to fix defects in the Constitution, and not to rein in the federal government.**

In the “Records of the Federal Convention”, pages 202-203, found in the Library of Congress, Colonel George Mason is reported as saying, in paraphrase, that “The plan now to be formed will certainly be defective, as the Confederation has been found on trial to be. Amendments therefore will be necessary... It would be improper to require the consent of the national legislature, because they may abuse their power, and refuse their consent on that very account. The opportunity for such an abuse, may be the fault of the Constitution calling for amendment.”

**Fifth, nothing about Article V guarantees a “safe” convention.**

In the “Records of the Federal Convention”, page 479, found in the Library of Congress, Colonel George Mason is noted as saying that he “would sooner chop off his right hand than to put it to the Constitution as it now stands”, and that, should

his disagreements with the current Constitution not be addressed, “his wish would then be to bring the whole subject before another general Convention.”

Colonel Mason did not sign the Constitution.

James Madison wrote, in a letter to Jefferson dated April 22, 1788 (from “Writings of James Madison”, edited by Gaillard Hunt) “Mr. H—y is supposed to aim at disunion. Col. M—n is growing every day more bitter ... I think the Constitution and the Union will be both endangered ... And if a second Convention should be formed ... [i]t will be easy also for those who have latent views of disunion, to carry them on under the mask of contending for alterations...”

So, Mason clearly expressed his intent to use Article V to throw out the Constitution of 1787 and start over, and Madison saw Mason’s plan as a real possibility.

**Sixth, a careful look at proposed amendments, and at people involved with COS, shows that new amendments will grow, not shrink, the power of the federal government.**

One proposed amendment in Levin’s book, on voting requirements, sets strict requirements on US citizens, but sets no requirements for, or restrictions against, voting by non-citizens or illegal residents. While this amendment initially sounds tough, it opens the door for states to allow non-citizens and even illegal residents to vote!

Another of Levin’s proposed amendments actually establishes the constitutionality of the many unconstitutional alphabet-soup bureaucracies!

The Convention of States has on its own board a Professor Robbie George, who has helped prepare a dangerous replacement to our Constitution.

How do we know this? On November 8, 2021, several Pennsylvania Senators conducted a roundtable discussion about whether they should pass Mark Meckler’s “COS” application. (a video of this discussion can be found at [pasen.wistia.com/medias/rkbijcu4yq](https://pasen.wistia.com/medias/rkbijcu4yq))

Meckler told this roundtable: “...Professor Robbie George at Princeton who is considered the foremost conservative constitutional scholar in America is on our Legal Advisory Board. ... [43:02 – 43:25]

Professor George is also on the Constitution Drafting Project, and co-authored their “Conservative” Constitution. In this constitution, our Second Amendment is replaced with the following: “Neither the states nor the United State shall make or enforce any law infringing the right to keep and bear arms of the sort ordinarily used for self-defense or recreational purposes, provided that states, and the United States in places subject to its general regulatory authority, may enact and enforce reasonable regulations on the bearing of arms, and the keeping of arms by persons determined, with due process, to be dangerous to themselves or others.

So, our right to keep and bear arms shall not be infringed, except....

That will be the end of the Second Amendment as we know it.

**Seventh, the actions of leading proponents of this resolution provide proof that this process cannot be trusted.**

I admire many of the proponents, people who I have often worked with, side-by-side, in the grassroots. I agree with their concerns.

However, in 2021 I testified against a similar resolution in the Kansas Senate committee. At the hearing, whereas the Kansas Constitution requires a 2/3 vote of both chambers to pass this resolution, I heard the lead proponent at that hearing virtually DEMAND that the legislature VIOLATE this constitutional requirement, and instead “pass” his resolution with a simple majority. He demanded that they violate an oath sworn under God.

To justify his scheme, this proponent pointed to legal opinion that said it was ok with the federal government, which IS the problem, for our legislature to IGNORE their state constitution, because the Convention of States process “cannot be constrained by the people of Kansas”.

So, this person proposes to “fix” the federal government, by ignoring our state constitution, because the feds say it is ok.

This willingness to brazenly violate the Kansas constitution, in a desperate attempt to pass their resolution, is proof that no rules – not even the Constitution itself – will be honored in an Article V constitutional convention.

This willingness to break the law is the problem. It is the cause of our nation’s ills.

In conclusion, we must enforce the Constitution if we want to solve our nation's problems and reduce the size of federal government. Proposed new amendments are not only unnecessary, but dangerous. I agree with the proponents that the Convention of States process "cannot be constrained by the people of Kansas".

I urge you to vote against HCR 5027.

Thank you for your consideration of my testimony.