

To Rep. Carpenter, Chair; Rep. Kessler, Vice Chair; Rep. Hoye, Ranking Minority Member; and Members of the Kansas House Committee on Federal and State Affairs:

**RE: Opposition to Kansas HCR 5005**

My name is Judi Caler, and I'm President of Citizens Against an Article V Convention. Thank you for the opportunity to submit written testimony.

US Term Limits (USTL) claims a supermajority of American voters support their application asking Congress to call a convention under Article V. But a poll which focuses on the subject of a proposed amendment (i.e. term limits), while ignoring the risks of an Art. V convention, is not a measure of public opinion on an Art. V Convention.

USTL gives legislators the false impression that 75 or [80% of their constituents](#)<sup>1</sup> support an Article V convention, when they poll "term limits" and fails to mention a convention called under Art. V—an issue which few Americans recognize or understand.

All applications asking Congress to call an Article V convention (A5C) jeopardize our federal Constitution and endanger our Liberty.

Convention Delegates, as sovereign Representatives of "We the People," have the inherent Right "to alter or to abolish" our "Form of Government," as expressed in the Declaration of Independence, para 2. And we don't know who those Delegates would be or how they'd be selected!

Legislators have been assured by special interests that State Legislatures would appoint convention Delegates, set the Rules, propose and ratify Amendments, and thereby control the Convention. But that isn't true!

Article V of the U.S. Constitution provides that when 2/3 of the State Legislatures apply for it, Congress calls a convention. The convention would be a federal convention called by Congress to perform the federal function of addressing the federal Constitution.

The Necessary and Proper clause [U.S. Constitution, Art. I, Section 8, last clause] puts Congress in charge of setting the convention Rules to carry out the "call." And the "call" includes deciding how the Delegates are selected. After the convention convenes, the Delegates can change the rules and do whatever they want.

Delegate bills, like SB 92 (2023) are ineffective for their intended purpose, in that Delegates to an Article V convention (A5C) would have more power than state legislators and Congress and could dissolve both. Therefore, Delegates aren't subject to state law. Delegate bills do serve one purpose, however: to give legislators a false sense of security by fooling them into thinking they can prevent a "runaway" convention—so that they'll vote for the applications.

Whether or not you think congressional Term Limits is a good idea, is irrelevant. It is simply bait to snare legislators' votes.

And don't expect the "safeguard" of ratification by  $\frac{3}{4}$  of the states to save us. The Delegates can change that process too, just as they did in 1787.

I urge you to **Vote "No" on HCR 5005**, and all applications asking Congress to call an Art. V Convention.

Thank you for your consideration.

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<sup>1</sup> <https://www.termlimits.com/polls/>