

Date: February 29, 2024
SCR 1609, Hearing in the Senate Federal and State Affairs Committee
John Axtell, volunteer coordinator for Kansas Campaign for Liberty
Opposing SCR 1609, with written and oral testimony
Wichita, KS 67205, 316-393-8174, johndowneyaxtell@yahoo.com.

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

Honorable Chairman Thompson and members of the Senate Federal and State Affairs Committee, I oppose SCR 1609 for several reasons.

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

Founder James Madison disliked term limits, reasonably believing that “the greater the proportion of new members, and the less the information of the bulk of the members, the more apt will they be to fall into the snares that may be laid for them.”

In other words, he believed that term limits can work against the will of the people, creating a large population of new and vulnerable politicians every election cycle.

The problem in Washington is more than just the bad elected officials who have been in office far too long.

After all, when these bad elected officials leave office, they leave behind the lobbyists, the donors who grew politically powerful, office staff who want to keep their jobs and careers, political party leadership, and other participants in this bad legislator’s circle.

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

We have all seen exactly how this works. New candidates swear to be one way when running for office, but quickly change after only a short time in office, being overtaken by this establishment influence. How many candidates have you seen who sign a petition or survey stating that they will only vote for balanced budgets, who get elected and then return to their district announcing that they voted for a budget that did not balance? These legislators are taught that they can vote for unbalanced budgets as long as they turn the volume up on the message that “it could have been a lot worse” if you had voted for the other candidate.

The real solution is simple, but difficult, and is to create grassroots movements to hold elected officials accountable to every vote they make. These movements leave little room for the corrupt political forces working against the people, and keep elected officials true to their constituents. Again, building these movements is hard work!

The delegates cannot be constrained by the people of Kansas

Once the delegates meet, they are meeting under another authority, separate from that of the State of Kansas.

The Kansas House recently passed rules to facilitate a lawsuit against the Kansas Constitution. The justification for this position was found in the 1975 Dyer vs. Blair case, where the Illinois legislature wanted to ratify a new amendment to the US Constitution, but did not have the 60% supermajority required by the Illinois constitution for passage.

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

The FEDERAL court decided that the Illinois constitution was merely precatory on the Illinois legislature. There are two important points to be made here:

- The Illinois CONSTITUTION was merely precatory upon the legislature. Therefore, all Illinois statutes and regulations are also merely precatory upon the legislature when working under Article V of the Constitution. Therefore, in FEDERAL court, these same Illinois statutes, rules, and constitutions will only be precatory on delegates to a convention called under Article V.
- The FEDERAL court did NOT call the Illinois state constitution unconstitutional! In fact, the court said that the legislature is “free to accept or reject the three-fifths requirement” imposed by the Illinois constitution. Therefore, there was no compelling requirement for the Illinois legislature to violate their constitution. They merely chose to do so.

Therefore, federal courts will find that any Kansas laws, rules, or constitutional provisions, including this bill, will also be only precatory, only a suggestion, to the delegates while they are assembled at the convention. Federal courts will rule that delegates will be free to accept or reject the constraints of this bill and any other statutes while at the convention, just as the legislature was free to accept or reject the constraints of the Kansas Constitution when calling for a convention under Article V.

I urge you to vote against SCR 1609

Thank you for your consideration of my testimony.

Respectfully submitted,

John Axtell