

Date: January 18, 2023
HR6004, Hearing in the House Committee on Rules and Journal
John Axtell, volunteer coordinator for Kansas Campaign for Liberty
Neutral on HR6004, opposing change to rule 2707, with written testimony, available for
oral testimony
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I am John Axtell, from Wichita. I am the volunteer coordinator for Kansas Campaign for Liberty.

Honorable Chairman Patton and members of the House Committee on Rules and Journal, I am neutral on HR6004. I oppose changes to Rule 2707 that would allow the unconstitutional passage of a resolution calling for a constitutional convention with a simple majority of the House.

Will you pass rules that clearly violate Article 2, Section 13 of the Kansas Constitution?

Will you change rule 2707 to require only a simple majority for passage of a resolution calling for a Constitutional Convention?

The “justification” for doing so was presented in a letter from former AG Schmidt to Representative Carpenter.

In this letter, numerous federal court cases were cited, and each time, the federal courts decided that state laws and constitutions could be ignored.

These federal courts called the states’ laws and constitutions precatory, or just a wish, as far as the federal courts were concerned.

So, will you, too, join with the federal courts and call the Kansas Constitution precatory, just a wish?

Will you join this portion of the federal government, the federal courts, in saying that the Kansas Constitution is just a “wish” of the Kansas people, and that it has no binding impact on the Kansas Legislature?

This situation would be different if there was an actual conflict between the federal Constitution and the Kansas Constitution. In that case, there might be cause for rejecting the Kansas Constitution. But that is not the case, as there is no conflict between our state and federal constitutions.

Specifically, Article 2, Section 13 of the Kansas Constitution does not violate any portion of the US Constitution. There is no requirement in the US Constitution for all states to have the same requirements for passing resolutions calling for a constitutional convention. After all, if there were, then the same argument would necessarily apply to voting requirements as well, for example. Yet Kansas has quite different voting laws than California, for example, and the people of Kansas are thankful for that.

Therefore, you, the Kansas legislature, can follow both the US Constitution and the Kansas Constitution by leaving rule 2707 as it is, with wording that clearly supports the Kansas Constitution.

You can be in compliance with both constitutions, or you can violate the Kansas Constitution. It will be your decision.

I urge you to vote against any change to rule 2707.

Thank you for your consideration of my testimony.