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Public Hearing

before

ASSEMBLY STATE GOVERNMENT COMMITTEE

ASSEMBLY CONCURRENT RESOLUTION No. 30 ACS

(Applies to Congress for constitutional convention for proposing amendment to balance Federal budget)

LOCATION: Committee Room 4
Legislative Office Building
Trenton, New Jersey

DATE: September 21, 1992
4:20 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Robert J. Martin, Chairman
Assemblyman John Hartmann, Vice-Chairman
Assemblywoman Virginia Haines
Assemblyman John E. Rooney
Assemblyman David C. Russo
Assemblyman Byron M. Baer

ALSO PRESENT:

Donald S. Margeson
Office of Legislative Services
Aide, Assembly State Government Committee

Peter J. Kelly
Office of Legislative Services
Senior Legislative Counsel

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, 162 W. State St., CN 068, Trenton, New Jersey 08625-0068

NOTICE OF PUBLIC HEARING

The Assembly State Government Committee will hold a public hearing on the following legislation:

ACR-30 ACS Applies to Congress for constitutional convention
Kamin/Garrett for proposing amendment to balance federal budget.

This hearing, originally scheduled for Thursday, September 3, 1992, instead will be held on **Monday, September 21, 1992 at 2:00 P.M. in Committee Room 4 of the Legislative Office Building, Trenton, New Jersey.**

The public may address comments and questions to Donald S. Margeson, Committee Aide, or make bill status and scheduling inquiries to Deborah Del Vecchio, Secretary, at (609) 292-9106.

Issued 9/8/92

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY CONCURRENT RESOLUTION No. 30

STATE OF NEW JERSEY

ADOPTED JULY 20, 1992

Sponsored by Assemblymen KAMIN, GARRETT and Solomon

A CONCURRENT RESOLUTION applying to the Congress of the United States for the calling of a convention for the purpose of proposing an amendment to the Constitution of the United States.

WHEREAS, The federal budget has not been balanced in 21 consecutive years and has been balanced just once in the past 30 years; and

WHEREAS, The Congress of the United States has repeatedly repealed statutory requirements that mandate a balanced federal budget; and

WHEREAS, The failure of the federal budget process has produced a large and permanent federal budget deficit and growing national debt; and

WHEREAS, Such large deficits and debt endanger the jobs, incomes and retirement security of the American people; and

WHEREAS, Such deficits and debt also divert scarce public resources from crucial programs to pay interest on the national debt; and

WHEREAS, Such deficits and debt also constrict the federal government's ability to address national problems and respond to new needs; and

WHEREAS, Such deficits and debt also increase pressures to raise taxes on the American people: now, therefore,

BE IT RESOLVED *by the General Assembly of the State of New Jersey (the Senate concurring):*

1. The Legislature of the State of New Jersey makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the sole, specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget.

2. An amendment to the Constitution of the United States to be proposed by a convention for submission to the states for ratification shall:

a. Require that, with certain exceptions, each fiscal year the President of the United States shall submit and the Congress of the United States shall adopt a balanced federal budget;

b. Restrict federal debt, tax increases and the growth of total federal government revenue and spending; and

c. Prohibit the federal government from taking any action that will have the effect of requiring any state or local government to incur any net cost increase, unless the federal government pays for the entire net cost increase.

3. If Congress adopts, before 90 days after the legislatures of two-thirds of the states have made application for a convention as described in section 1 of this resolution, an amendment to the Constitution of the United States containing provisions similar in subject matter to that contained in section 2 of this resolution, then this application for a convention shall no longer be of any force or effect.

4. With the exception noted in section 3, the application contained in section 1 constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for a convention to propose an amendment similar in subject matter to that contained in section 2 of this resolution.

5. This application for a limited constitutional convention shall be automatically rescinded if the Supreme Court of the United States holds that the Congress of the United States cannot call a constitutional convention limited solely and exclusively to the subject requested by two-thirds of the several states.

6. This application shall be deemed null and void, rescinded, and of no effect in the event that a convention called pursuant to this resolution is not limited to the specific and exclusive purpose set forth in section 1 of this resolution.

7. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and the President of the Senate and attested by the Clerk of the General Assembly and the Secretary of the Senate, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, each member of Congress elected thereto from New Jersey and the presiding officer of each house of each state legislature in the United States.

Applies to Congress for constitutional convention for proposing amendment to balance federal budget.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY CONCURRENT RESOLUTION No. 30

STATE OF NEW JERSEY

DATED: JULY 16, 1992

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Assembly Concurrent Resolution No. 30.

The purpose of this committee substitute is to serve as an application to the Congress of the United States for the purpose of calling a convention, pursuant to Article V of the Constitution of the United States, for the sole, specific purpose of proposing an amendment to the Constitution to require a balanced federal budget.

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ASSEMBLYMAN ROBERT J. MARTIN (Chairman): For those of you who are here for ACR-30, I thank you for your patience. We are going to take it up immediately. This bill was released previously from this Committee. Under the laws that we operate under, it is required that a public hearing be held before the bill is voted on by the Assembly. In fact, it must lay over for 20 days before this hearing could have been held, and then after this hearing, it can be acted upon by the Assembly if the leadership would so choose.

Before I take testimony, I would ask the sponsors -- they're both here -- if they would lead off the public hearing. I will tell you now that I have about 20 people who have asked to testify, about two-to-one in opposition -- at least the people who have asked. What I will do after the sponsors have spoken will be to take the people.

The order is random. I have been accused in the past of somehow selecting some people or other first, or others. I just put the two groups in a pile. I will go from opposition to support on a rotating basis until we run out of those who support it, and then we will continue with those who wish to oppose it.

I would ask people, out of respect for the time, to try and keep their arguments to that which is significant, and especially if it's redundant, to try and remove that and hit on the parts that you wish to make most important.

That being said, I would ask the sponsors to speak on the bill. We'll begin with Assemblyman Kamin.

A S S E M B L Y M A N C. R I C H A R D K A M I N: Mr. Chairman and members of the Committee: Thank you again for the opportunity to appear before you on this issue. I will be very brief because there are a number of people who have waited to speak on this issue.

I'm pleased to have Assemblyman Scott Garrett as a cosponsor on this legislation. It's something I have sponsored for some six years.

I just want to address two points. The first point is that in calling for a constitutional convention for a balanced budget amendment, it is a lawful way to do so. It is the second half of Article V of the United States Constitution.

Those who somehow view that acting under the Constitution is anticonstitutional, I have just a basically philosophical disagreement. The reason for that is because our forefathers clearly understood there would be times when the United States Congress, and those who are elected to represent us, may not, in fact, act in our best interests; that of the public.

And where there was discussion about Article XVII, and the way it was changed so that the way we elect our United States Senators, when it was not in the best interests of the United States Senate to vote for a convention, it was this half of Article V that allowed for, and pushed for Congress to ultimately act, and to change the way we elect United States Senators.

The second point, and I think, perhaps, more relevant, is that clearly, Congress is out of control as it comes to spending. I'll let others get into greater detail. But the most recent example that we have was the vote in July by the United States House of Representatives when, in fact, 12 cosponsors of the legislation-- We all know how important being the cosponsor means, it means you put your name to it, that your word is your bond. And yet the Speaker of the United States House of Representatives was able to get 12 members who were cosponsors to change their vote from a yes to a no and defeat the measure by nine votes.

It is for that compelling reason that I feel it's in the best interest not only of New Jersey, but of this country, that we act on this legislation so that we can get control of the fiscal house of the United States of America.

With that I'll defer to my colleague, Assemblyman Scott Garrett.

ASSEMBLYMAN MARTIN: Assemblyman Garrett, good afternoon.

A S S E M B L Y M A N E. S C O T T G A R R E T T: Good afternoon, and thank you, also.

I, also, will be brief. There are just a couple of points that I would like to speak about.

First, getting down to the underlying basis of this legislation -- and that is, the issue of the balanced budget, setting aside for a moment the issue of the convention. I think the issue of the balanced budget is most important at this point in time, and I'm pleased that we're having this hearing just five or six weeks off from the November elections, because when we look at these elections coming up on the Federal level, the issue of the Federal deficit and having a balanced budget has not been raised neither by the media nor by the candidates for the congressional or the presidential election. So I think it's an opportune time for this Committee to have these hearings.

The balanced budget amendment and the deficit we are looking at this time is a grave issue. Currently, 21 percent of all Federal spending is spent on interest payments. For a family of four, that means that approximately $7000 of every family of four in this State and in this country goes to the national debt. We are now looking at a national debt of approximately $3.9 trillion. It took, I'm told, almost 200 years to get up to the first trillion dollars in debt, and in these last three years, Congress has been able to see fit to add another trillion dollars to it in just a three year period of time. So we're now up to almost a $4 trillion national debt.

Now we will hear testimony, I'm sure, since you said we have two-to-one in speakers about this bill, that there are other methods to achieve reaching a balanced budget than calling for a special convention at this time. However, I think now is the time to address the issue, and in this method.

If we look back over the history of Congress, we see that out of the last 61 years, approximately 50 or 52 of those years, we've had deficits. We have not had a balanced budget in the last 22 years. Assemblyman Kamin has already raised the point that we missed the opportunity by nine votes in the Congress, and four votes, I believe it was, in the Senate, to have the opportunity for Congress to give us a balanced budget amendment. But they missed that opportunity. They did not choose to select that opportunity. And the reason they did not choose to select that opportunity is they, as everyone else, are afraid to give up power. Once someone has power in their hand, they are never willing to release it readily. They have had the opportunity to do so; they did not do so at that point in time.

We will hear testimony, also, I'm sure during the course of this hearing, of why a convention will not work and why a convention will be opened up to other issues. I believe you will also hear testimony that there are a number of safeguards available to us. Those safeguards will prevent the calamity that you will hear about of an open convention. Safeguards such as the fact that we will have to have three-quarters of the states -- 38 of the states -- ratify whatever issue comes before us. Three-quarters of the states -- 38 states -- will have to ratify whatever amendment comes out of the convention.

Furthermore, people will be elected to the convention, and those delegates who will be elected will have to run on the platform that they are going to issue, and deal with only one issue in the convention.

Finally, we have the fact that Congress will be the ones that will set and limit the convention, due to the mandates set down in the bill, which have been altered by this Committee and Assemblyman Kamin; that is to say, this bill in its very heart says that there will be only one issue that will

be dealt with, and that is the balanced budget amendment. Should any convention decide to open itself up against the will of this Legislature, then this legislation will become null and void.

Again, Mr. Chairman and members of the Committee who are still here at this point in time, I thank you for the opportunity to have this hearing.

ASSEMBLYMAN MARTIN: Thank you, Mr. Garrett.

Are there any questions for the sponsors by the Committee? (no response)

I'm already going to violate my own rule with respect-- But only once on each side. There are some people from out-of-state -- Representative Dick Allen from Michigan, who is opposed to this. I understand he has a plane to catch, and he's asked-- And I think that those who agree with his position would want to hear from somebody from Michigan, rather than not have him come. So, with everyone's permission, especially mine, I would have him go first.

R E P R E S E N T A T I V E D I C K A L L E N: Thank you, Mr. Chairman and members of the New Jersey Assembly. I appreciate this opportunity.

I am a member of the Republican Appropriations Committee of the Michigan House of Representatives. It's interesting to watch how you do things here. Some things never change across this country.

ASSEMBLYMAN MARTIN: I daresay. Maybe you want to critique us. Please send it confidential, marked to my attention only. Thank you.

REPRESENTATIVE ALLEN: I'm going to paraphrase, as opposed to reading, and hopefully, I can provide somebody with a copy -- they can have copies made -- in the interest of time and the people who are here.

Very briefly, I'd like to talk about the Michigan experience. We called it, I think, HDR-10 at that time. In the mid- to late-1980s, when this issue came before our body --

three separate occasions over, I think, a two-year period, and we spent hours and hours of testimony from so-called constitutional scholars, as well as other individuals and concerned citizens on this issue-- Eighty percent of those people, ultimately, determined that this is too severe a risk, because simply, we do not have any idea of what those rules and procedures will be. It's something that really hasn't been done since, I think, 1787. Even at that time, James Madison warned against a second convention.

Today, and in the Michigan experience, I can tell you that there are some well-organized, well-financed lobbies and special interests out there. You've got them in New Jersey like we do in Michigan. And after the first Michigan experience when we turned it down, those folks came after many of us who voted on the basis of what we considered good testimony, good facts, having studied this issue, that the risk is absolutely not worth it.

Former Chief Justice Burger, in 1988, echoed the sentiments of Madison, and articulated them very well when he said that there are no safeguards. Once you have an open convention, there is no way that we can sit here and guarantee the people of this country exactly what's going to be on those agendas and exactly what that convention will entail.

We know today, as opposed to over 200 years ago, we have a number of special interest groups. And you're going to have people who are going to be clamoring to get the abortion issue on, for and/or against. You're going to have gun control. You're going to have religious issues. There is no way to stop a runaway convention according to 80 percent of those -- and these are professors and people who have studied this from all over the country that we heard testimony from.

It takes a lot of political courage to say no in some instances because, I don't know anybody who doesn't agree, we have a serious need to balance the budget. I have a problem,

however, with ultimately, as I understand it from those so-called experts, much of the procedural aspects of such a convention, if God forbid this comes to pass, will be turned right back into the hands of an irresponsible Congress.

Now many of those special interest groups out there purport to speak for all their members. One of those groups I happen to be a member of, and many of you Republicans are, and that's ALEC. I'm a member of that. They don't have my approval when they're supporting a move that's going to possibly the alter the course of this country.

You know, we have a need, and I think we are, quite frankly, here in Trenton, New Jersey as they were in Philadelphia over 200 years ago, the forefathers of Americans to come. And I think that what happens here today is no less significant, no less crucial, than what happened over 200 years ago. And it rests with you, because now here at this very moment, you -- each and every one of you -- are the caretakers of a document that has served this country, and has served it well. For over 200 years it has survived the test of time and circumstances.

I don't have enough faith in Congress that I'm going to turn over the procedures of how a convention would work. I have enough faith in the American people, but I'm not sure I do from those who purport to represent the special interests of America, because I have already seen them at work.

I have one more point I want to stress. Many of you may or may not have been subjected to some of those pressures by lobbying interests. Let me tell you, they came after us with mass media, newspaper, and television ads, distorting our positions, telephoning threats to our homes at night, even on Sundays, threatening our children and our families. This is how bad it was.

Thank God for those groups who are out there who understand what really is going on here, who rallied to our support, provided some dollars to counter that. And once the

facts were out on the table, once people knew exactly what was at stake here on this issue, our constituency overwhelmingly supported us. And every one of those individuals who stood firm in the Michigan House have successfully run for reelection.

So I hope you won't bend to that. As I said, it takes a lot of political courage, but we're talking about freedom issues here. The national debt is the national debt, and it s important. But I don't know if I'm willing to take a chance on somebody else and relinquish my responsibility and the power I have. I would rather nip it right here.

Thank you, ladies and gentlemen, for your indulgence. Do you have any questions? (applause)

ASSEMBLYMAN MARTIN: Are there any questions for Representative Allen?

ASSEMBLYMAN BAER: I'd just like to thank him and commend him -- I know the Chairman will -- for coming so far to offer us your testimony.

ASSEMBLYMAN MARTIN: We do appreciate it.

REPRESENTATIVE ALLEN: Thank you.

ASSEMBLYMAN MARTIN: And welcome to the Garden State.

REPRESENTATIVE ALLEN: I wish you well on your local problems. We have them in Michigan, as well.

ASSEMBLYMAN MARTIN: We have a few.

The proponents have asked that the following people be heard at one time, also. So one time exception on both sides: Mr. Keating, Mr. Uhler, and Mr. Armor.

Gentlemen, if you could begin by just stating who you are and what organizations you represent? You're occupying one spot here, so you don't get three times the time.

D A V I D K E A T I N G: I am David Keating. I'm Executive Vice President of the National Taxpayers Union, and we represent 6000 New Jersey members.

J O H N C. A R M O R, ESQ.: I am John Armor. I'm adjunct scholar for constitutional studies on behalf of the American Legislative Exchange Council, a membership group of state legislators.

L E W I S K. U H L E R: I'm Lew Uhler, President of The National Tax Limitation Committee, with many members here in your fair State, and across the country. We've been very active, of course, in pursuit of this important resolution and this effort to get a change in the Constitution.

ASSEMBLYMAN MARTIN: Let's begin with Mr. Keating.

MR. KEATING: Thank you very much.

I would just like to say that we've given Congress a credit card, and we put no limit on it. It's no surprise the debt that Congress has run up has grown. It's six-fold in 16 years, and we're convinced that the only way to put a stop to this is through constitutional amendment to require a balanced budget.

Now you, serving in New Jersey as well as your colleagues around the country, have a Federal function as well as a State function. You have the power, indeed, the responsibility, to help put a stop to the out of control government in Washington. By using Article V of the Constitution you can force change in Washington. The states can say what is in the Constitution. After all, the states created the Federal government, not the other way around. So, if things are going badly in Washington, the people in the states can control it.

As far as the convention method itself, I think the key check is that nothing becomes part of the Constitution until ratified by at least 38 states. If there is any danger about a runaway convention, the danger is not the convention will run away from the American people, but that the Congress will run away with the convention by trying to prevent it from ever happening, by trying to stall and delay the states.

But I'm convinced that if New Jersey and other states join the effort for a convention on the balanced budget amendment, there won't be a convention, because Congress will pass the amendment. It was just nine votes short in June, and just a little bit of an extra push from the states will push it over the top and send you an amendment back for ratification.

ASSEMBLYMAN MARTIN: Mr. Uhler?

MR. UHLER: Mr. Chairman and members of the Committee, I've brought copies of a book that I wrote called, "Setting Limits," which has in it a Q & A on this issue, and we'll make them available to the Committee members.

Let me just say that if any of us here thought for a moment that this process was fraught with risk for the future of this nation, we would not be here. We are deeply concerned that the current direction of the nation, without constitutional control of a fiscal nature, is what will lead this nation to ruin. You are in a unique position in New Jersey to reignite and add momentum to this process so that we can finally discipline the Congress of the United States.

In their wisdom, the founders gave us two methods of proposing amendments to the Constitution. The Congress has refused to use that opportunity given it to propose an amendment. We are utilizing the alternative that Madison, in his wisdom, provided us; and that is, the people power through the constituent states.

It is our hope that you will continue the direction you have already set by your vote in Committee, and that you will become one of the states supportive of this effort. As David mentioned, this is simply a proposal process. Whatever the Congress might propose, whatever a convention if one ever were called might propose, cannot become part of the Constitution unless ratified by 38 of the states.

The arguments of those who oppose the process must, of necessity, finally devolve to the following: They must finally say that a convention so convened would have the power to and

also change the ratification process. I simply ask you as legislators, if a convention is convened pursuant to your direction, limited to a single issue, and it were to do silly things and propose a wide range of measures and circumvent the Congress, which would eliminate any surplusage, circumvent the Congress, and send those proposed amendments directly to your Legislature here, I am confident you would throw them in the ash can; that you would follow the procedures of the Constitution, accepting only proposed amendments through the process that's established under the Constitution, and ratify only those that come from that process.

So the fear that is-- The effort to create fear in peoples' minds about this process is, upon analysis, nonexistent, and we would urge you to respond to the fiscal crisis of this nation by supporting this resolution.

ASSEMBLYMAN MARTIN: Thank you.

We have Mr. Armor from ALEC -- American Legislative Exchange Council.

MR. ARMOR: Yes. I specialize, Mr. Chairman, in constitutional law, and have practiced in the Supreme Court. I am also completing a doctorate in political science.

I'm here on behalf of ALEC, the American Legislative Exchange Council, which, as most of you know, is a membership organization of state legislators, bipartisan, whose board of directors and membership generally has accepted this viewpoint, and has asked me to represent it. The overall point is that what we read in the newspapers about the collapse of the currencies in Britain, Italy, and Sweden, is the future of the United States, being offered to us 10 years in advance.

The financial path that we are on is going to make us wind up a wholly owned subsidiary of Japan, Incorporated in a decade or so. Our farms and our factories, our apartments and our offices, will be purchased by foreign interests, as will be our debt, and we will be controlled by other nations. That is the path we are on.

The question is: Is there anything that you in the New Jersey Legislature can and should do to straighten out the mess in Washington? The concern of your constituents about fiscal irresponsibility does not begin at the Holland Tunnel, and does not end at the Delaware Memorial Bridge. Yes, your constituents spoke very decisively in the last election about what they wanted to see in Trenton, but I suggest to you that they are equally, or even more concerned with the fiscal atrocities that are going on in Washington, D.C.

So the question becomes: Is there anything that you can and should do? Now passed out for your consideration later, is a copy of "The State Factor," analysis of ALEC, which I wrote, whose title is, "The National Birthright of State Legislators." That title is there because of the reason that Article V, the second half of it, was put into the Constitution.

Now, you're going to hear from a number of people today, Artie Sum (phonetic spelling) and others, who will say that Article V is too dangerous to use. Now, any of those who have heard from others and respect the judgment of others, and therefore are simply repeating what they're told, do not fault them for a lack of scholarship; that's not their job. But anybody who is a so-called expert should have read the same documents that I've read over the last 17 years, and should give you the same factual information that I'm about to give you. If they don't, they're either being incompetent because they haven't done their homework, or dishonest, because they have and they are deliberately not telling you the truth.

Here is how Article V came to be written in the Constitution as it now stands before you. When the convention first met, the method of proposing amendments was left solely, under the Virginia Plan, in the hands of the states. Then the suggestion was made toward the middle of the summer that the members of Congress might have a clearer idea of what might be

going wrong with the Federal government and therefore have a better method, or a better incentive, to propose changes. So it was switched and the proposal of amendments was given solely to Congress.

But then George Mason, and others of Virginia, made the point: What if Congress became part of the problem, or in Madison's words, "Power, once achieved, is not readily given up"? Therefore the compromise was reached on September 12, moved by Madison, seconded by Hamilton, for the Article V provisions that you see, which give two routes. And again, I'm quoting from Madison, the father of the Constitution, in "The Federalist Papers," where he says that Article V permits, "the correction of errors as they are perceived on the one side or the other."

That means they understood that you in Trenton, you in Albany, you in Annapolis, you in all of the state capitals, might have, on occasion, a different view from the people who serve in the national capital. And when that is so, you, on behalf of your constituents -- you collectively, all 7500 of you across the country -- have a separate and independent power to say what should be the future of the government of the United States.

That power was not given to you accidentally, it was not given to you carelessly, and it was given to you precisely for the circumstance where you, on behalf of you constituents, all across the nation, see a problem that Congress refuses to see, or even seeing it, refuses to act on. That is the specific reason it's in there. If these are times, and this is an issue where that applies, that's exactly what Madison had in mind.

Now, I recommend strongly to you that all of you read this green sheet. It's an article written by Phyllis Schlafly, "Plotting to Rewrite the U.S. Constitution." You can tell from its text, since it refers to the Bicentennial in the future,

that this is six or seven years ago. Of its four pages, less than one half of a column says anything that has any relevance to what you're doing here today. It says two things, and both of them-- I know Phyllis Schlafly, and I've spoken with her face-to-face. She's a lawyer, she's a bright lady, she has an excellent staff, so these are not errors; these are deliberate dishonesties and here's what they are.

First it says that this process described in Article V, "which has never before been used." That's dishonest; that's inaccurate. The 17th Amendment, which made the members of the United States Senate elected, was forced on the Senate. The House passed it eight times. The Senate killed it in committee every single time. But the states out there, on behalf of the people, started passing the same types of resolutions that are before you today; namely, we want the Senate to be elected. We want the Congress to propose the amendment, but if Congress does not, then we want a convention, limited to that purpose, to do the job. When 31 of the then required 32 states had acted, the Senate of the United States relented, and the 17th Amendment was passed.

The proof of what I'm saying is contained in the text, because the third clause said, "This amendment shall not apply to the election or terms of Senators now sitting." Ladies and gentlemen, that's a grandfather clause. We all know what a grandfather clause is. They knew perfectly well, a convention could have thrown them out in the street, told them to pack their bags and go home. So they saved what they could, and they wrote the amendment themselves. That's real politics, ladies and gentlemen. You all know about that. So do I, on behalf of ALEC. That's pressure politics.

That's what Article V is about. If Congress is dead in the water, you all can light the fire. So the statement that it was never used before, is false.

The more important false statement: "At that point the United States Constitution would be up for grabs." Now, if anybody gets into a detailed argument on this, they will tell you that the convention in Philadelphia was called for the purpose only of amending the Articles of Confederation. They may pull out a resolution passed by Congress in August of that year that said so. But if you open your handy copy of the Articles of Confederation, you will find that Congress had no such power.

If you here in Trenton pass a speed limit and you apply it to a road -- because you missed a map -- that's across the line in another state, it has no effect, because you have no authority to do that. Congress had no authority to call a convention. Every meeting of the states, beginning in Albany in 1774, the Continental Congresses, the War Congresses, the regular Congresses, were called by the states, and so was the meeting in Philadelphia. Each state told its delegates what they could do.

And those states generally told their delegates they had plenary power to do whatever was necessary. Delaware, alone, said that its delegates should not amend the Articles of Confederation to get away from the one state/one vote rule.

So if they want to be honest -- if this statement was honest -- it would say, "Yes, a majority of the Delaware delegation was a runaway." That's true, and I'll support that with my dying breath, because I've looked at the original documents. But does that scare anyone in this room, because more than half of Delaware ran away; that the First Amendment to the Constitution is dead meat? It just doesn't hold water. The larger, the false claim has to be made, and it is made right here.

This power was given to you for a reason, when you know a change must be made for the long-term safety and health of this nation, and Congress just won't do it. The reality of

the 17th Amendment shows that when you pick up a board with a nail in it, and you paste Congress upside the head, they will, finally, reluctantly, given only two choices which, have it done onto them, or do it themselves, will do it themselves, which is exactly what the resolution that is before you today does.

I sincerely hope -- I know time is short -- but if any of you have any questions? I don't want any softball questions. Ask me the hardest question you can think of that any of your constituents have raised, because the facts are there. You can read the history, you can read the documents, and what I'm saying is accurate, and I'm willing to support any part of it.

I thank you, Mr. Chairman and members of the Committee, for the opportunity to speak with you today.

ASSEMBLYMAN MARTIN: Questions? (no response)

Gentlemen, I thank you. I hope you get your train back to Washington, and thank you for coming to New Jersey to testify on this important matter.

MR. ARMOR: I'm going to stay. I want to hear all the testimony. Thank you.

ASSEMBLYMAN MARTIN: You're going to hear a lot of people who disagree with you.

MR. ARMOR: I know that. I'm looking forward to it.

ASSEMBLYMAN MARTIN: George Morningstern? After him will be Kevin Hall.

G E O R G E M O R N I N G S T E R N: We're not using the sound system?

ASSEMBLYMAN MARTIN: That's for recording. It doesn't amplify, it just goes right into the recorder. There will be a tra :ript made.

MR. MORNINGSTERN: Oh, I see.

ASSEMBLYMAN BAER: We're close enough to hear.

MR. MORNINGSTERN: All right. I made a few notes here.

Basically you can break this issue, I think, into two parts. First is the balanced budget and secondly is--

ASSEMBLYMAN MARTIN: Just so we understand, Mr. Morningstern, you're not representing anyone other than yourself; is that correct?

MR. MORNINGSTERN: Right.

ASSEMBLYMAN MARTIN: You're from Jackson, New Jersey?

MR. MORNINGSTERN: From Jackson, New Jersey, right.

Do you want me to read?

ASSEMBLYMAN MARTIN: Just start.

MR. MORNINGSTERN: We can basically break this into two parts. One is the balanced budget amendment. The second is the constitutional convention.

As far as the balanced budget amendment goes, what we have here is a constitutional convention which is a reaction to Congress' inability or unwillingness to enact a balanced budget amendment.

Now, no one seems to be questioning the dubious value of a balanced budget amendment. I think that somebody ought to take a little look at this for a couple of minutes.

First of all, I don't see anything -- I don't know of anything -- that says that we're going to remove our instruments of debt that we use to create all this debt and this indebtedness. We're still going to have T-bills. We're still going to have the Federal Reserve. We're going to have bonds and whatnot. These things will be sold. What we've got is a guarantee of payment upon due with this thing. In other words, it's a backward tax increase.

Would anyone care to tell me I'm--

ASSEMBLYMAN MARTIN: This is public testimony. You're giving testimony.

MR. MORNINGSTERN: Okay. As I see it, it's a backward tax increase. What this will do is raise taxes to meet

Congress' spending. There's no indication here that we're going to lower anything. We're simply going to raise Congress' ability to spend the money.

As far as the constitutional convention goes-- For the sake of brevity, I'm not going to go through too much of this, but again, the Articles of Confederation, the controls were ignored by Congress. Why put the Constitution in jeopardy to enact this thing, when there are other ways to do it? We don't need the risks as Representative Allen from Michigan pointed out.

If we can't get an amendment voted in by Congress, with two-thirds to get the balanced budget amendment, how are we going to get 38 states to ratify it? That's my question, also.

Furthermore, I will say, too, that the Burger letter, which I think represents one of the greatest legal minds of perhaps the century, or at least the country at this time, indicates that there are no controls on a constitutional convention. It would be a runaway convention. I'm sure, as Representative Allen pointed out, we've got all these special interests, from abortion to gun control -- God knows what -- would be in there trying to get their piece of the pie. I think that's abundantly clear to anybody who looks at this thing.

With that, for the sake of brevity, I will conclude. Thank you very much for listening to me. (applause)

ASSEMBLYMAN MARTIN: Thank you, Mr. Morningstern.

Kevin Hall, representing "We The People," from Somerville, Massachusettes? After him will be Joseph Plonski, from the Polish Legion of American Veterans.

K E V I N H A L L: Sorry for having a little gruff in the voice. It comes from overnight train riding from Boston.

Anyway, there's basically three areas. I'll be very quick, and a summary area on solutions.

First of all, the convention cannot be limited. At the end of the hearing in mid July, Chairman Martin, you even mentioned that yourself; that you didn't feel that a convention could be limited to one item. It's pretty obvious why: because Article V specifies amendments, not a single amendment. Also, there are about 20 different versions of resolutions around the country. They're not exactly with the same format, so they won't be able to hold it in a court of law to one item.

And the opposition wouldn't be so heavily discussing this idea of ratification and the safeties there if they knew it was just going to be on the issue of -- if they were so certain and could prove that it would just be on that one issue of a balanced budget. I'm personally for a balanced budget.

Also now, on the ratification process: There are three possibilities that could happen during the ratification process, three that have been allowed. In Article V, one way that it could be ratified is three-quarters of the states' legislatures would vote to ratify it. But it says, also, "or conventions of the states." So that's a second way that a constitutional convention could be ratified.

And then there's a third way. The third way is when we had our original constitutional convention, it wasn't going to be ratified, because per the Articles of Confederation, every state had to ratify it and Rhode Island didn't. So what they did is -- and this is the precedent -- they used this Constitution which was not yet approved to use their clause on how to ratify the convention. So the precedent is that they would use whatever new proposal that they have there to ratify this constitution with.

In any case, it's not clear and it's going to be a court case. It's going to be a court case with a lot of different vested interests around -- a lot of money flying around -- to see exactly how it will get ratified. So it's very uncertain.

Now there's also been a constitution proposed, the constitution of the Newstates of America, proposed by Senator Nancy Kassebaum's Committee, back in 1974 (sic). This information that I sent around to you gives many of the proposals, including making the First Amendment, freedom of religion, a privilege, not a freedom any longer, which means just like your driver's license, they could take it away at will. Also, the second part of the First Amendment would abridge freedom of speech in a declared state of emergency. So if we had something like the Iraq war, anyone speaking out, theoretically, could be jailed, per that change. There are many other things there, with gun control, etc.

The main point of it is, this wouldn't have been written by a lot of people with a lot of stature if they didn't think that they could get this Newstates Constitution in.

Finally, I definitely acknowledge that there is an incredible problem with the deficit. It's at $240 billion a year, just on interest alone that we pay. There are certain other solutions out there, too. For one thing I have -- since I'm from Massachusetts, I'm sure I have the pronunciation of this Senator's name wrong, but, Kyrillos, is it?

ASSEMBLYMAN MARTIN: Kyrillos.

MR. HALL: Like I told you, I was certain. Anyway, he has SCR--

ASSEMBLYMAN BAER: It's all right. People here mispronounce it, too.

MR. HALL: Okay. We should get him here to clarify.

Anyway, SR-52, he's put in. What that would do is it would ask Congress to pass a balanced budget amendment. This has been done in Florida and other areas. The main thing is, it's only a few votes away. The only reason these people who are cosponsors of the bill changed from voting for a balanced budget amendment is because their arms were twisted. They have to be twisted back the other way a little stronger. I don't think we have to put our whole nation at jeopardy for that.

And one last thing is, I know a lot of pressure is coming down from the administration, too, regarding a balanced budget amendment, because I've seen articles that President Bush has put out before he was President asking for a constitutional convention.

ASSEMBLYMAN MARTIN: I'll just say for the record, I'm not aware of any pressure being-- I've had pressure only in the sense that a lot of people have taken some positions. I haven't seen anything from the administration. I've seen organized groups, both for it and against it, and I don't know--

MR. HALL: I understand. I don't know about that either, obviously. But I do know that last hearing there were three Federal congressmen down here.

ASSEMBLYMAN MARTIN: I think that was the sponsor's effort to try and bring in some people with stature to testify, who feel strongly for it.

MR. HALL: I understand. Nonetheless, having Federal representatives come down, is not necessarily, "We're going to shoot you if you don't do it," but it's got a certain amount of pressure to it.

Anyway, one thing that could be urged is to have the Bush administration submit a balanced budget. That hasn't been done, or even close to it. So that's another thing.

Anyway, the main thing is, on the limitations it's very vague. Like you said yourself, you don't think that it could be limited.

On the ratification process, vague again. Three possibilities. We probably have a court case with a lot of vested interests.

There has been a constitution proposed that's totally disgusting in my view. We certainly wouldn't want to see that.

And we're not that far away from getting a balanced budget amendment in Congress. I think that could be pushed. I'd like to see that. Thank you.

ASSEMBLYMAN MARTIN: Thank you, Mr. Hall.

I indicated that Mr. Plonski would be next. The past President and Commander of the Polish Legion of American Veterans. We'll take Peter Furey after that, if he's here.

Is Peter Furey here? He said he might have to leave. (no response)

John Budzash will be next.

J O S E P H A. P L O N S K I: Gentlemen of the New Jersey Legislature, I'm appearing on behalf of the New Jersey Department of the Polish Legion of American Veterans. We are an American organization. Too many times we're mistaken for a Polish Legion, but we are not. I just want to clear the air there.

I'm here to speak on behalf of the Legislative Committee of that group. Our Commander is here, and he agrees with the position that we've taken.

Risking a constitutional crisis to obtain a balanced budget amendment is too high a price to pay for financial integrity, even if such a balanced budget amendment could be adopted. Even with a constitutional convention, there is no certainty -- none at all; none at all -- that a balanced budget amendment will be adopted. This fact comes from an expert, Warren Burger of the Supreme Court.

Let me quote from a letter that he sent. This is dated June 22, 1988. He wrote it to Phyllis Schlafly.

"I'm glad to respond to your inquiry about a proposed Article V Constitutional Convention. I have been asked questions about this topic many times during my news conferences and at college meetings since I became Chairman of the Commission on the Bicentennial of the United States Constitution. I have repeatedly replied that such a convention would be a grand waste of time."

I would take Mr. Burger's opinion on the constitutional circumstances regarding a con-con. I think he's

a little more expert than one of the previous speakers who sat here, and carried on a diatribe on how much law he knew. I, frankly, think Mr. Burger is more competent.

Let us say that a limited constitutional convention can be convened. Who will create its rules? Who will create its agenda? Professor Tribe, of Harvard Law School, sees a primary threat imposed by an Article V convention as a confrontation between Congress and such a constitutional convention. This dispute would inevitably draw into confrontation the Supreme Court itself. Mr. Tribe differs with James Davidson--

You heard a speaker here a little earlier who was representing Mr. Davidson, whose National Taxpayers Union is one of the prime movers in this current move for a balanced budget amendment. Mr. Davidson would justify such an unorthodox attempt to secure a balanced budget amendment as a national civics lesson if such a convention cannot be limited. Considering the fact that we are confronted with a 1993 budget deficit of $400 billion, and a national debt of $4 trillion, now is not the time to organize a national civics lesson.

The holding of such a convention at this time would serve as a warning to other countries that a constitutional convention call at this time, just before a national election, could be interpreted as an attempt to cover up the disintegration, to paper over, our failing American institutions.

There have been three states that have withdrawn their approval of a constitutional convention. They are Florida, Alabama, and Louisiana. Florida is a state with the largest annual gain in population. What are you going to do about these three states; ignore them? This leaves you with only 29 states that have requested a constitutional convention. This makes for a total of five states that either have reconsidered

their original resolution calling for a constitutional convention, or which states have never adopted a resolution at all, calling for a constitutional convention.

How about those states who have called for a constitutional convention with no reservations? Are we going to be embroiled in a long, legal fight over who did what when they adopted a constitutional convention resolution? What do you think such an imbroglio is going to do to our currency or our foreign trade with other countries?

I could go on for 18 pages more, to discuss the new constitution written by Rexford Tugwell, a socialist from the Franklin D. Roosevelt era, but I won't. I will not even dwell on the horse trading that will be going on between the various factions of delegates. This would be called the section of the new constitution where "You scratch my back, and I'll scratch your back.

When I was called into service in 1942, I took an oath, a solemn oath, to uphold the President and the Constitution of these United States. I made no effort to weasel out of the entire Constitution by saying, "Well, I'll go, except I don't like that Federal income tax." "I'll go, except I don't like that Federal Reserve Bank." About 16 million Americans swore on the Bible at that time, as I did, to support the President and the current Constitution. Now you are asking us to betray our solemn oath. Most of these 16 million ex-GIs are still standing up for the present Constitution.

Now, you have said the United States Constitution is no good because it must have a balanced budget amendment incorporated into it. Well, all of these efforts are a waste of your time and the public's time, so we want to call off the whole package and go home. Now really, can we?

You have been elected with others to uphold the United States Constitution. You, too, swore on the Bible that you will not betray what you have sworn to uphold.

There were approximately 300,000 ex-GIs who gave their lives for this same Constitution during World War II. This Constitution has adequate safeguards in it for amendments. This should take away those shrill voices who keep screaming for a new constitution because the current Constitution does not meet our current social needs. These people want you to throw out the baby with the water. That is all that will satisfy them.

Thomas Jefferson stated about 200 years ago, "With the change of circumstances, institutions must advance to keep pace with the times." He was correct. That is why the current Constitution can be amended to keep pace with the current times.

Thank you, gentlemen. (applause) I just want to read into the record a resolution that was adopted by the Polish Legion of American Veterans, U.S.A., at its recent convention.

ASSEMBLYMAN MARTIN: Could you do this; could you just make it available for the transcript?

MR. PLONSKI: Sure, I could do that.

ASSEMBLYMAN MARTIN: Thank you.

Next we'll hear from Mr. Budzash, and after him, Loretta Darling.

Longer is not necessarily better, Mr. Budzash.

J O H N L. B U D Z A S H: Oh, come on.

My name is John Budzash. I represent the New Jersey Taxpayers Task Force.

It's truly rare for anyone to have the opportunity to do something in their lifetime that could be considered great. Today you have the opportunity to do something great; and that is, to move this proposed legislation to the floor for a vote, and to work diligently for its passage.

The United States Constitution is, without a doubt, the finest document ever written, but it's not perfect. Even in the time it was written, several states were reluctant to

ratify it, and Massachusettes refused to sign unless amendments would be added in regard to personal rights. The Bill of Rights was later adopted, in 1791.

In this day and age, people constantly try to interpret the Constitution. "What did they mean when they wrote this? Why did they say that?" The simple truth is that all the fine men and women who fought for our freedom like Paul Revere and Betsy Ross, to all the great people who wrote the original Constitution and its amendments, have one thing in common, one reason they sacrificed so much time and effort, why they fought and gave their lives unselfishly for their new country. That one thing was fear, fear of a government out of control by the people who owned the country. They had all watched and experienced an out of control government enslave and ruin the lives of their friends, relatives, and countrymen.

The final straw that started their rebellion was taxes, just like the last straw in New Jersey was taxes when I started the tax revolt here in New Jersey last year -- excuse me, two years ago.

But that was just the surface both times. Underneath lie the most important issues of life, liberty, and the pursuit of happiness through strict control of the monster referred to as government. The monster that had eaten up human freedoms; the monster that had fed from the tax trough of human labor and misery; the monster that didn't care if those who filled the tax trough went hungry, suffered, or lost their homes, as long as the monster had its fill. In spite of the enormous amount of effort and the brilliance of those who wrote the Constitution and amendments, they did not kill the monster as they had intended. They merely rendered it unconscious for a while.

Today, the monster is alive and well, constantly feeding with few ways to stop it. One way, the Gramm-Rudman-Hollings Act for Fiscal Discipline, and to bring

the Federal budget under control by 1991, fell victim to its own loopholes and tricks by Congress, such as off-budget spending and shifting of Federal paychecks and disbursements from one year to another.

A second way is a balanced budget brought forth by fiscally responsible representatives of the people, representatives such as: Senator Ted Stevens of Alaska, who got approval of $25 million for an arctic region supercomputer in an unsuccessful attempt to suck energy from the aurora borealis; Representative Joseph McDade of Pennsylvania, who got 10 million tax dollars for Maywood College in Scranton, Pennsylvania, to study stress on military families -- the nuns who run this private Roman Catholic school were baffled by this unsolicited grant that equals one-third of their entire budget -- ; Senator Ernest Hollings of South Carolina, who spent 4,825,000 tax dollars to monitor a fish lift in Charleston Harbor, South Carolina; or Senator Mark Hatfield of Oregon, who spent 5 million hard-earned tax dollars in 1992 for a salmon summit to keep this fish from being placed on the endangered species list.

Can we depend on a balanced budget from these people, or others, who spend $37,000 to study the handling of animal manure, $150,000 to study the Hatfield/McCoy feud, and who spent $375,000 to renovate a congressional beauty shop, and then another $2 million to remodel their private restaurant? I don't think so.

Congress is responsible for $1.50 in new spending for every $1 in new taxes. Sixty-two cents out of every tax dollar goes toward interest on the national debt. A median income, two-earner family of four that paid $6469 in Federal income tax saw direct waste consume $2251 of it. Interest then consumed another $4011, leaving only $207 to pay for true government services. In 1948 that same family paid 2.3 percent of its income in taxes. Today it's almost 40 percent.

Spending must be brought under control. Pork must be eliminated from our budget. All departments must be held accountable for their spending. The Department of Defense must be stopped from spending $1868 for steel reinforced toilet seat covers that commercial airlines buy for $185. The VA and HUD -- which the "H" in HUD stands for housing, by the way -- should not be allowed to spend $1.5 million to acquire and renovate a theatre in the district of Representative Bill Green, a ranking member of the VA/HUD Appropriations Subcommittee.

The list of uncontrolled, wasteful spending goes on forever. With no controls on spending, waste and pork will continue to run amok. The twin monsters known as debt and taxes will continue to grow and grow, until they finally consume our economy and our country.

Government has proven that it cannot or will not address this problem. Six budget summits held from 1983 to 1990 aimed at reducing the deficit resulted in higher taxes and higher deficits. Proposed balanced budget amendments have all gone nowhere. The 1974 Budget Act, that was supposed to curb spending, has been waived by Congress over 500 times in the last decade. Further, Congress has failed to obey five balanced budget statutes since 1978.

The third and only hope that we have is to call for a constitutional convention to address the need of a balanced budget amendment. This measure was wisely provided for in our Constitution by our founding fathers. Because of their experience they knew that no matter how noble the deed, and no matter how well done, people would always find a way to screw it up.

Scare tactics used by those who oppose this convention come mainly from those who profit from out of control spending. It's a shame that some groups that are here today, such as Hands Across New Jersey, was gullible enough to accept

those lies. It's hard to believe that any organization that claims to support initiative and referendum legislation, that could allow anyone the potential to change our State Constitution, would be afraid to let delegates address this very important national issue.

To fear change because of possible problems is to fear progress. Without progress we will stagnate and die. Without change, our economy will collapse, and the United States will go the way of Red China and Russia. We urge you to support this legislation.

We are in a situation that you can liken to being on a boat that sank in the middle of the ocean. You have two choices: You can either stand there and hope that something will come along to save you, or you can swim and hopefully reach shore. My personal choice is try to swim, try to reach shore, and try to do something to straighten this country out and put a limit on spending before our country does go by the wayside.

Thank you.

ASSEMBLYMAN MARTIN: Loretta Darling? After her, Ted Hussa.

L O R E T T A D A R L I N G: I hear that homework is about to be mandatory around here? Is that true? There's a bill for that, or something?

ASSEMBLYMAN MARTIN: I don't think anybody is going to do it.

MS. DARLING: First I just wanted to say that just because an idea becomes an amendment and then law, does not mean that the law will be enforced. The amendment calling for prohibition was enacted and quickly repealed. A balanced budget amendment to the Constitution, by convention or otherwise, does not guarantee that it will be acted upon and remain law.

As I said, something about mandatory homework that I hear in the Assembly? Well, I brought your first assignment. Before any of you vote on ACR-30, you must read this book. It's called, "The Making of America," by W. Cleon Scoozen. (phonetic spelling) In it you will learn how wonderfully unique our United States Constitution actually is. How, for the first time in the history of mankind, a handful of people put everything they had on the line to throw off the yoke of tyranny, and design a government of the people, by the people, and for the people, whose right to liberty was granted by God.

What a thought: Liberty granted by God. Prior to that time, liberty was something doled out by rulers, kings, pharaohs, tyrants, and czars. The tyranny of the time was King George III, and it was this yoke that Jefferson, Madison, Washington, and Franklin worked so hard to guard you and I against.

And just to appreciate the extent to which Thomas Jefferson went before writing this U.S. Constitution, he learned not only Latin and Greek, but the original Anglo-Saxon languages, so that he could better understand the ancient principles and philosophy upon which our Constitution was based. That's the kind of homework Thomas Jefferson did before lifting a pen to write this precious document we have inherited.

Just out of curiosity -- it sounds like you guys are doing your homework -- but what kind are you doing? Let me read a few lines here. Do you know where these are from: the progressive income tax, the central bank, government education for all? Are these rights from Jefferson's Constitution? No, they are specific planks of the "Communist Manifesto." How did they get into our Constitution? Isn't it ironic that none of these are included in the original Bill of Rights, but have been added by amendment since the adoption of the "Communist Manifesto" by the Soviets. Before you laugh and say, "This girl is nuts," read the "Communist Manifesto" and this book, "None Dare Call it Treason." This is your second assignment.

In it you will find how Gus Hall, the President of the Communist Party, U.S.A., had four goals in 1987: end all nuclear testing; stop Star Wars; stop aid to all Contras; and ratify SALT II. Knowledgeable individuals will recognize that the four-point communist legislative agenda was also the agenda of a majority, or near majority, of the Congress of the United States, and about 90 percent of the major newspapers in America.

How many were accomplished? Read the communist newspaper, People's Daily Word. Their headline? "1987 Was a Very Good Year, and 1988 Can Be Even Better." The ultimate goal of the Communist Party is to remove the United States Constitution as the supreme law of the land and institute their own. Will they be successful? Before you laugh and shake your head, do your homework and read these books. You won't be laughing.

So insofar as there just might be even the remotest chance that there exist those who would like to get their bloody hands on our Constitution, is it not our responsibility, our obligation, dare I say "duty," to see to it that we in no way subject this precious gift, our Constitution, to any unnecessary risk?

"But," you cry, "the national deficit. We must have an amendment to stop the runaway spending, to force Congress with a constitutional convention to make such an amendment." An amendment? I think Americans need only do their homework. You see, when Americans found out that congressmen were writing bad checks and were not to be trusted, the American people were outraged. Nineteen incumbents lost their race in the primary. What will happen when Americans complete their next assignment and find out that not only were they writing their own bad checks, but they were making us, the taxpayers, cosigners on a whole bunch of others?

You see, when a country like Russia or Israel or Kuwait or Saudi Arabia, or even victims of Hurricane Andrew, when they need money, where do they go? To the bank. Well,

what happens at the bank? Bankers are hesitant to lend money without guarantees that it will be paid back, and the bank says, "No." So these countries ask America, and it goes to Congress and they agree to cooperate. But since there is insufficient tax revenue or income to cover this, the money must be borrowed from the bank, our central bank, the Federal Reserve. When the Federal Reserve Bank says, "What is the collateral?" Congress says, "The American people are guaranteeing these loans." The bank says, "Okay," and the amount, including interest, is our debt. The bank holds our government bonds as collateral.

The glaring problem is, what will happen when this private bank calls in its loans or cashes in its bonds? Will we have the three or four trillion to pay it? That's something like 43,000 owed by every single American, including the homeless and my nine-month-old daughter. Will they have it?

"Well, they won't do that," you say. Well, what is it about Americans that makes us loath to consider the ugly truth? Do your homework. What happened in Brazil when the banks called their loans? The people, as a nation, could not pay all the money, so the entire resources of the country were handed over to the bankers, every material thing, the trees, the rain forest, the water, the minerals, the land. "Oh, such an atrocity would never happen here. And even if it did, I am working with the politically correct. They won't bother me," you might think.

Folks, more homework. Robertson's book, "The New World Order" Find out what we're really in for. Find out how the profiteers use a person or a group for their gain, and then eliminate them because they cost too much. Bankers are only interested in the bottom line, profit; not God-given liberty to human life.

If you think that an amendment is the answer to getting Congress to act on a national deficit and balance the budget, then by all means call for a balanced budget amendment

without a call for a United States constitutional convention. There is an Assemblyman who is willing to introduce such a resolution within the week. It will be a companion bill to SR-52, now in our State Senate, which asks for an amendment without the con-con.

Two other states, Florida and California, have introduced amendment resolutions, but have rescinded those which call for a constitutional convention. The sponsor in Florida, Bob Johnson, removed the con-con wording from his resolution, SM-8, as did California Senator, Wadi Deddeh, who also removed the con-con wording from his resolution, SJR-2. They rescinded these con-con calls because they felt that the risk to our most precious Constitution was just too great.

You know, there were several men in history who had the answer to national debt. I call your attention to the time of our Civil War, the North fighting the South. The northern interest was financed by the Rothschild Bank of London; the southern interest financed by the Rothschild Bank of Paris. When the war ended and President Lincoln was badly in need of money to repair his war-torn country, he was approached by these bankers and offered loans at a mere 20 to 30 percent, or so. He said no thanks, that he would authorize Congress to print greenbacks with no usury attached. Lincoln was assassinated.

President Kennedy had enacted an Executive Order to diminish the national debt by printing U.S. notes backed by silver and gold, with no usury attached. President Kennedy was assassinated.

Why is it when a government official takes a firm stand to eliminate our national debt, he is shot? Could this be why Congress is so timid about taking a firm stand on the financial crisis? Whose gravy train were they cutting into? Is it not the very tyranny that Jefferson, Washington, Madison, and the dedicated patriots worked so hard to free us from?

There is today only one answer to paying off our national debt, and there appears to be only one candidate with the courage to enact it. Let Congress mint its coin. In fact, mint one coin out of pot metal, with the face value of $4 trillion, and hand it the Federal Reserve and say, "Thank you, we no longer need your services." Congress already has that power, no amendment needed, no constitutional convention required.

Your last assignment: Listen to a speech by Lieutenant Colonel James "Bo" Gritz, and read his book, "Called to Serve." In it you will find how we can repair America's problems with a few simple fixes.

Those of you who think that ACR-30 is an improvement on Thomas Jefferson's masterpiece, quite simply have not done your homework. God bless America. (applause)

ASSEMBLYMAN BAER: Mr. Chairman, I have to leave at this point, but I'll review the transcript when it's available, for the rest of the record.

ASSEMBLYMAN MARTIN: Thank you, Mr. Baer.

Ted Hussa is next; Sam Perelli on deck.

P H I L I P T E D H U S S A: Mr. Chairman.

ASSEMBLYMAN MARTIN: Do you see what it's like down here?

MR. HUSSA: Excuse me?

ASSEMBLYMAN MARTIN: We have interesting times down here. You're from Denville?

MR. HUSSA: Yes. I'm a member of the Denville Township Republican County Committee, the Personnel NCO for the 2/102 Armor, New Jersey Army National Guard. I'm also the Public Affairs Director for the Church of Jesus Christ of Latter Day Saints in Morristown, New Jersey Stake. Although many of the people in those organizations concur with my views, I'm not authorized to speak for those bodies as a whole.

ASSEMBLYMAN MARTIN: I understand.

MR. HUSSA: I have a transcript of what I'm about to say. I'd like to pass them around. I'm only going to read a portion of it in the interest of time.

The first constitutional convention had the power to establish the three branches of government, which has resulted in all the subsequent laws and administration since that time. That convention established all of its own rules and guidelines. The founding fathers painstakingly worked out all of the important articles and provisions through debate, and often, compromise.

The delegates at that convention could have established any kind of government they wanted. They established one provision whereby additional such conventions could be called; that is, by petition from two-thirds of the states. Yet they could not, and did not, establish any guidelines for such a convention, because any future convention, like the first one, would have the power to establish its own rules.

That is why the convention alternative of Article V is conspicuously vague and devoid of any guidelines. It only states that amendments, plural, would be proposed. This convention alternative, I believe, was designed to allow the American people not to pass just one amendment as ACR-30 suggests, but to discuss several amendments and make significant changes, if so agreed upon, to our fundamental form of government. To say that a convention can be limited to one issue is to seriously misunderstand the important value of this clause. There is no law that limits a second constitutional convention to one issue; neither can there be, because the convention has the power to make its own rules. In this respect, the second convention is just like the first one.

The second summary point is that even if such a convention was held, and if it ended with only one amendment passed and that amendment was ratified, a dangerous precedent

would be established. It would appear that the procedure of passing amendments in this manner was routine. However, because of the constitutional convention's power to change the government as previously described, any future convention, no matter how innocent its purpose may appear on the surface, has the potential of fundamentally changing our form of government.

By assuming control over the amendment process in this manner, the states are assuming a power that was taken from them with the passage of the 17th Amendment; that is, that Senators should be elected by popular vote instead of being selected by state legislatures. The convention alternative of Article V is for changing the government. To use it for giving the states power to persuade Congress is a misrepresentation of its original intent at best, and at worst, a deception by those outspoken individuals who would tamper with our many wonderful rights and privileges guaranteed under the Constitution.

The last summary point I would like to present is that trying to balance the Federal budget by any amendment is not the proper way to balance the budget. It is saying to congressmen, "We are going to force you to do what you are not responsible to do on your own." I submit that if congressmen and women are not responsible to balance the budget on their own, then forcing them to do it will result in it not being done responsibly.

The only way to balance the Federal budget is by not passing appropriations bills in the House of Representatives. Therefore, it becomes all the more foolhardy to open our precious Constitution to a constitutional convention for this kind of reason that was brought about by the irresponsible fiscal behavior of members of Congress. It follows the same logic that says that a whole class of students, or platoon of recruits, should have their rights and privileges placed in question if one student or soldier acts in an irresponsible manner.

Gentlemen and women of this Committee, I urge you to allow ACR-30 to die a peaceful death and not subject the American people to a second constitutional convention, the outcome of which not one member of this Committee can, with assurance, predict, and the implications of which such a precedent would establish, also, members of this Committee, cannot predict. Please join with me and millions of Americans who are organizing to remove these irresponsible big spenders of American taxpayer money.

I am very gratified to be able to give this testimony today. (applause)

ASSEMBLYMAN MARTIN: Thank you, Ted.

Mr. Perelli. After him, Kevin O'Grady.

S A M P E R E L L I: Mr. Chairman, thank you for the opportunity of offering my comments. I don't see any Bible. I don't see anyone swearing me in, so I think the use of the word testimony at these hearings is not exactly what Webster had in mind, because when people testify, if they aren't telling the truth, if they fudge the numbers, they go to jail. It's very simple.

So I'm going to offer to you what I think everyone in this room attempted to offer to you; and that's the feeling of the individual or the groups.

I represent United Taxpayers of New Jersey, an organization that originally was a charter member of the National Taxpayers Union. Let me say from the beginning that I would like to associate my remarks with the National Taxpayers Union, Mr. Keating, Mr. Uhler from the National Tax Limitation Committee, Mr. John Budzash of New Jersey Taxpayers Task Force, and the representative from the American Legislative Exchange Council.

If I didn't know any different, if I didn't see differently, I could swear I was at the hearings for initiative and referendum, for the citizens having the right to place

public questions on the ballot, because I heard, "Chicken Little. The sky is falling. The sky is falling. The sky is falling."

I heard people offer, "testimony." I heard the bishops get up and say, "New Jerseyans don't care for poor people." I heard a group of people from the Jewish community say that -- basically, their implication was that we're a bunch of anti-Semites, and like Nazis, would start a movement in New Jersey using the Populist movement.

And, of course, we had to hear from those racist demagogues who said that New Jersey, basically, is made up of racist communities.

I am still waiting for those apologies to the people of the State of New Jersey for those assertions.

When is it that we cannot trust the wisdom of the people of the great State of New Jersey, and its representatives, at a point where we talk about trying something new? It is 1992. Did we lose sight of that? It's 1992; we need change. We need radical restructuring, or we're facing ruin in this country. We have to send a message.

The message was almost sent recently, when we came nine votes short of having this constitutional amendment forced on the Congress. Nine votes short opened one door. This application, now, to the Congress to create this balanced budget amendment by forming a constitutional convention, specifically limited, would open the other door. And I say, would open the other door, which would cause a hell of a political cross draft, and that's what we're talking about -- opening the door. That's all we're saying: Open the door.

I would close very quickly by saying to you, pass this bill. Trust the people of New Jersey. And I think the most compelling argument that I could make to you, that I think all of us have faith in the American people, and faith in New Jerseyans to make the final decision to reject or approve when, in fact, it comes before us as a constitutional amendment.

I trust the people of the great State of New Jersey. Our organization, United Taxpayers of New Jersey, is not a Chicken Little organization.

Thank you.

ASSEMBLYMAN MARTIN: Mr. O'Grady? After him, Joseph D'Alessio. Is Mr. D'Alessio here? (affirmative response) Is Kevin O'Grady here?

K E V I N O ' G R A D Y: Hello.

ASSEMBLYMAN MARTIN: Good afternoon.

MR. O'GRADY: My name is Kevin O'Grady. I live in Holmdel, New Jersey. I belong to about a dozen organizations, but I'm speaking as just an individual and as a citizen.

I'm going to severely abbreviate my remarks in light of what you referred to before, Mr. Martin.

ASSEMBLYMAN MARTIN: I truly appreciate that. You can understand why?

MR. O'GRADY: Yes, sir.

ASSEMBLYMAN MARTIN: I'm sitting here for four hours and I'm trying to listen to everything, but it's hard.

MR. O'GRADY: I do have some documentation to support-- I'll leave it over here. I'm sure there's a ton of it to look at.

Briefly, as an insurance representative -- I happen to work for a major insurance company here in New Jersey -- I sell safeguards to people, safeguards against liability for charges due to accident or illness or damage which would be beyond the ability of people to pay. I just can't say to these clients to pay your premium and we'll honor your claim if we feel like doing so. I have to sign a legal, binding contract that will stand up in court.

It's the same with any alleged safeguards against a runaway convention. To be a real safeguard, they have to have a valid legal standing, which means they have to appear in the Constitution, in a statute, or in a court decision. Those

promoting a constitutional convention, or con-con have not produced such documentation for any of their alleged safeguards, and therefore are not justified in asking this Legislature to accept them as valid safeguards.

On December 10, 1991, Jim Davidson's National Taxpayers Union held a closed meeting for selected Ohio state legislators, to exert the kind of pressure that the gentleman from Michigan was talking about, at the Hyatt Capital Square Hotel in Columbus, Ohio. The National Taxpayers Union distributed a handout entitled, "How to Restore Federal Fiscal Sanity," which offered their six alleged safeguards against a runaway constitutional convention. My testimony and attached documentation clearly shows that none of the alleged safeguards have any legal standing.

Turning to page one, which is in my documentation over here: Alleged safeguard No. 1 states that the states have the power to limit a convention to only one subject, and all the states' balanced budget amendment resolutions do this. Referring to Article V of the Constitution, which is the only place a con-con is mentioned in the Constitution, there is no provision for the states to be empowered to limit a con-con -- pure and simple.

Turning to page No. 1A, remarks by a professor Dellinger, who is a professor at Duke University Law School, in a report to the Subcommittee on Civil and Constitutional Rights dated July 31, 1985: Professor Dellinger states, "The heart of the present controversy over a con-con is this: A majority of the state legislatures that supposedly count as having applied for a convention have expressly stated that Congress is not to count their petition if the convention cannot be limited to the sole and express purpose of proposing a particular balanced budget amendment. Virtually everyone, supporters as well as opponents of holding a convention, now concedes that it would be either impractical or unconstitutional to limit the convention as the state legislative petitions specify."

Further on, turning to page 1B, Professor Dellinger continues: "The framers of the Constitution thoughtfully provided for a means of amending the Constitution that would be free of the control of existing governmental institutions." The essential nature of a constitutional convention as Professor Dellinger points out is that it be free of control by existing governmental bodies; therefore, clearly, such bodies would be granted no power by the Constitution to limit a constitutional convention.

I'm only going to really address the first of these alleged safeguards because it does become redundant. So, I'm going to abbreviate my remarks only to the first of the six alleged safeguards, none of which have any grounding in any statute, or in the Constitution itself.

Referring to page 1C, Alexander Hamilton wrote in the "Federalist Paper, No. 5," it talks about, "The utter improbability of assembling a new convention under circumstances in any degree so favorable to a happy issue as those in which the late convention met, deliberated, and concluded."

We do not presume that Madison never intended Article V's convention authorization to be used, but he wisely knew when not to use it. The year 1788 was not a good time; today, if anything, it's far worse. Anyone looking clearly at the mental and moral climate of our time must tremble at the thought of a second convention. Americans must keep the door locked and not allow uninspired men, or groups like the National Taxpayers Union with their rhetoric, to tamper wit our greatest national legacy, the Constitution of the United States.

Thank you very much. (applause)

ASSEMBLYMAN MARTIN: Mr. D'Alessio, and then Cindy Povich.

J O S E P H D ' A L E S S I O: My name is Joseph D'Alessio. I'm the President of the American Conservative Alliance.

Mr. Chairman and members of the legislative committee, and citizens of New Jersey: Russian roulette is a deadly game of risk. You put one bullet in the revolver, leaving five empty chambers; spin it, aim it at your head, and fire. The odds are very favorable. You have five out of six chances of surviving, and only one chance out of six of being dead.

A call for a Federal constitutional convention, popularly called the con-con, means playing Russian roulette with our Constitution. The chances are good, perhaps very good, that our Constitution would survive. But isn't it irrational to take such a risk with something so important as the Constitution?

Thirty-two state legislatures have passed resolutions calling for a constitutional convention to consider a balanced budget amendment to the United States Constitution. A balanced budget amendment is a desirable goal, but a good end does not justify a bad means. The con-con would be a very bad and dangerous means.

A decade ago when those supporting the balanced budget amendment began their effort to pass the con-con resolutions in state legislatures, it seemed useful -- an educational device. It dramatized the urgency of our horrendous Federal fiscal problems. It made the statement that the American people are very serious about our demand for a balanced budget amendment. But now that our nation is only two states short of the actual call for a con-con, it's time to stop dangerous bluffing about the Constitution, and talk about the risks and realities.

If 34 states -- two-thirds of the 50 states -- pass resolutions calling for a con-con, the obligation to call one is mandatory on Congress. A roller coaster ride will have started, and there will be no way to get off.

Article V of the U.S. Constitution provides two methods of amendment: "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution," or, "On application of the legislatures of two-thirds of several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures by three-quarters of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress."

The 26 existing amendments to the Constitution were all adopted by the first of the two amendment procedures specified in Article V. The alternate method, a constitutional convention, has never been used, even though somebody said it was used once before. That doesn't make it wrong, but it should require us to evaluate the risks before plunging into a radically different method which could put our entire Constitution on the bargaining table to be torn apart by media, political factions, and special interest groups.

In talking to people who support the con-con as a device to get a balanced budget amendment, several curious factors emerge:

1) They argue single-mindedly for a balanced budget amendment and seldom address the con-con issue at all. They seem to think that when 34 states pass a con-con resolution, that that will, ipso facto, give a balanced budget amendment. The truth is that even if Congress calls for a con-con, there is no assurance that a con-con would pass the balanced budget amendment.

2) They are usually uninformed about what a con-con is, how it would function, and what Article V of the U.S. Constitution requires. They do not present any con-con argument which makes sense constitutionally, legislatively, or politically. They have not evaluated the pros and cons, the risks, and the expectations.

3) They usually pigeonhole everyone who opposes con-con as antibalanced budget amendment, which is false. Many of us do support the balanced budget amendment. I'm a member of a taxpayer group which works in several states, as Mr. Perelli knows, but I do not support the con-con.

The intemperate language and the ad hominem attacks against anyone who opposes con-con are unfair and offensive to any fair-minded person. Most remarkable, many advocates of the con-con, when pressed about the dangers of the con-con, say they really don't want a con-con, and it won't happen anyway. They just want a balanced budget amendment. Isn't that amazing and peculiar to see people supporting a political goal that they do not want to happen and engaging in fund raising for a goal that they do not believe is desirable or attainable?

Would the constitutional convention have a wide agenda in which any constitutional amendment could be considered, or an entire substitute constitution offered in its place of our present one?

Does the con-con provide the opportunity for those who would like to make major alterations in our government? The best way to predict this outcome of any legal controversy is to ask, what is the precedent? We have only one precedent for the Federal con-con: the constitutional convention of 1787. And it was, indeed, a runaway convention. It violated its orders to merely amend the old Articles of Confederation. Instead, it produced an entirely new document, the Constitution. It was fortunate that in that era we had an historically unique group of men to write our Constitution, including George Washington, James Madison, Alexander Hamilton, and Benjamin Franklin. No one has detected men of that stature in our country today.

The text of Article V in the U.S. Constitution uses the plural, "amendments," in referring to the con-con. Article V states that upon the application of 34 states, Congress shall call a convention for the purpose of proposing amendments.

It's not limited. It's rather farfetched to claim that the founding fathers did not mean what they said in plain English: no constitutional authority claims that a con-con could be limited to an up or down vote on a particular balanced budget amendment as proposed by the groups urging it.

Even though the state resolutions explicitly tie their call for a con-con to a balanced budget amendment, those resolutions cannot override the plain words of the U.S. Constitution. And I note that in ACR-30, you have a section where you call for a limited convention, and that in the event that a limited convention would not be called, you would rescind it. But that's easier said than done, my friends. It doesn't work that way.

If not limited to one balanced budget amendment, could con-con be limited to amendments, plural, on the one general subject of fiscal matters? The opinion of constitutional authorities is divided on this question. For example, the former senator, Sam J. Ervin, Jr., believes that a con-con could be limited to one subject. But Gerald Gunther, author of the leading casebook on constitutional law used in all law schools, says it could not.

Any lawyer can give you his opinion on what the con-con procedure can be or should be, but no lawyer, no matter how distinguished, can tell us what it surely will be, because nobody knows. No law exists to proscribe rules for a con-con, and if the Congress passes one now, we would never know its constitutionality until it is reviewed by the Supreme Court.

Materials published by the balanced budget and antitax groups do not offer any arguments in favor of con-con, but they attempt to answer the arguments of those against con-con, stating that there are eight checks standing up as safeguards in which we can place our confidence.

Let's consider them, ladies and gentlemen, and fellow legislators:

1) Congress could avoid the con-con by acting itself: The authors must not have read the U.S. Constitution. Congress does not have this option. Article V imposes an obligation on Congress to call a con-con if 34 states request it. The con-con advocates also base this argument on speculation that congressmen would rather live with a balanced budget amendment which they drafted than one drafted by the con-con.

But those are not the alternatives. Foley's Congress does not want a balanced budget amendment at all. From the viewpoint of the big spending liberals, it makes no sense to plunge us into the uncertainties of con-con where the emergence of a balanced budget amendment would be doubtful, than to send the balanced budget amendment out to achieve probable speedy ratification by the states.

2) Congress establishes the con-con procedures: Con-con advocates assure their readers that Congress has the power to limit the con-con to one topic, and establish all procedures. It's true that Congress has the power to pass such a law, but nobody knows if Congress has the right to pass it, or if it would be upheld by the Supreme Court. No one can assure us what the con-con agenda procedures or method of election would be. Would the con-con be able to propose amendments by a simple majority vote instead of a two-thirds majority required by the Congress? Nobody knows. These are questions still unanswered.

3) The delegates would have both a moral and legal obligation to stay on the topic: That assertion is false. There are no legal obligations whatsoever. The antitax groups have no mandate to determine the moral obligations. Other people have different ideas of what their moral obligations are. The suggestion that each delegate swear to an oath to limit the con-con to the topic for which it was called is probably unconstitutional, and would surely be aggressively challenged.

4) Voters themselves would demand that a con-con be limited: On the contrary, it is far more probable that voters would demand that a con-con agenda would be opened up to other issues. How could a human life amendment be barred when 20 states passed it? A con-con resolution on that very issue -- many controversial issues such as abortion funding, school prayer, forced busing, and the gold standard could be germane to the one general subject of Federal spending.

5) Even if the delegates did favor opening of the con-con to another issue, it is unlikely they will all favor it on the same issue: Maybe that is true, but it sets the stage for very practical compromise. "You vote to open the con-con and consider my amendment, and I'll vote to open it up to consider yours." That type of bargaining would put amendments out on the table to be wrangled about. That's the political process, ladies and gentlemen.

6) The Congress would have the power to refuse to send nonconforming amendments to ratification: It produced a cluster of amendments or an entirely new constitution to Foley's Congress, the Washington Post, The New York Times, the TV networks. So this is no safeguard at all.

7) Proposals that would stray beyond the con-con call would be subject to a court challenge: That's the understatement of the year. Anything and everything to do with the con-con including its call, procedure, and agenda would end up in court anyway. One of the real defects of the whole idea is that it injects the Supreme Court into the middle of the amendment process -- the legislative process.

8) Thirty-eight states must ratify: That's true, but it doesn't have to be 38 state legislatures. If the liberal machinery in Congress by that time has pinned its sails to the con-con idea, Congress could specify that state ratification must take place by conventions, too; thereby passing the state legislatures altogether.

Who would be the delegates to the con-con? How would we elect the persons who would decide which amendments to consider to propose to Congress, and then the states? Nobody knows how the delegates would be selected, who would be eligible, and from what districts they would be chosen?

Some antitax and conservative organizations seem to think they have enough grass-roots support to elect an antitax, conservative con-con. So they are anticipating the power to write a constitutional amendment that they want. These groups who dream about the glory of serving the constitutional convention should ponder the fact that all antitax proposals were defeated in the 1984 referenda. They should also ponder the fact that since they couldn't elect a conservative Congress in a year when the top of the ticket was the most conservative presidential candidate in 60 years, there is no realistic expectation that they could elect a conservative con-con.

The International Women's Year Conference of July 1977, and several White House conferences on families and education, provide frightening lessons in the election of delegates to a onetime-only national conference, and how it can be manipulated by special interest and pressure groups. Those conferences created chaos and controversy, bitterness and divisiveness, and essentially were media events. No one could reasonably assert that their final resolutions represented the majority thinking of the United States.

The con-con poses another danger, which is far greater than the threat of warring factions battling for consideration of their special amendments. It is the danger that the one-world authoritarian liberals will use this opportunity to junk our present constitutional system, and replace it with a different government which they can more easily control. They meet in secluded conference rooms of their tax-exempt foundations and plan for internationalism to replace patriotism, a parliamentary system to replace the separation of

powers, appointed officials to replace government of the people, by the people, and for the people, and the elimination of our unique structure of a republic with its interlocking checks and balances.

Changing our entire structure of government has been a long-time project of the Center for the Study of Democratic Institutions at Santa Barbara, California, which was established by the Fund for the Republic, which in turn was financed by the Ford Foundation. Over a 10-year period, the Center produced 40 successive drafts of an entirely new and different constitution. The project was headed by Rexford Guy Tugwell, one of the academic liberals from Franklin Delano Roosevelt's New Deal brain trust.

In 1974, the Center released its final draft in a book, "The Emerging Constitution." By then, the 83-year-old Tugwell, published by Harper and Row, it was called the "Constitution for the Newstates of America." It is radically different from our present Constitution in ideology, concept of rights, structure of government, and power over individuals. The Newstates Constitution would pitch out 50 of our states and replace them with 10, or a maximum of 20, regional new states, which would not be states at all, but rather subservient departments of the national government.

The government would be empowered to abridge freedom of expression, communication, movement, and assembly in a declared emergency. The practice of religion would be considered a privilege. The newstates political procedures would be controlled by a nationally appointed overseer. If the new states didn't follow the national orders, the watch keeper would require it to forfeiture revenues to the national government.

The president of the Newstates of America would have one term of nine years. The Senate would be made up of 100 persons with lifetime tenure, most of them appointed by the

President. The House of Representatives would have 100 members elected at large as a single ticket with the President and the Vice President, for a nine-year term.

The Newstates Constitution would eliminate our American separation of powers, and checks and balances, and replace them with a government of six branches. In addition to the executive, legislative, and judicial, there would be the electoral, the planning, and the regulatory, and the government would be--

ASSEMBLYMAN MARTIN: Mr. D'Alessio? Excuse me. You've been going for about 20 minutes.

MR. D'ALESSIO: I've got one more. Only about four more paragraphs, okay? I know you've heard a lot of this, but you've heard it in pieces. I want to try and put it all in one cohesive--

ASSEMBLYMAN MARTIN: I'm going to tell the people after you that I don't think there's too much more that can be said, but--

MR. D'ALESSIO: Well, there is, believe it or not.

ASSEMBLYMAN MARTIN: Well, let's hear it.

MR. D'ALESSIO: The Newstates Constitution--

By the way, you know we waited here from 1:00, okay? And I know everybody had a chance to speak and we had other bills. I think the constitutional convention is something that is so--

ASSEMBLYMAN MARTIN: I'm not going to dispute that with you.

MR. D'ALESSIO: --germane that we could have had only one thing today.

ASSEMBLYMAN MARTIN: Just read your paragraphs.

MR. D'ALESSIO: Okay. (applause)

The liberal has-beens of the FDR administration didn't get anywhere with their Newstates Constitution. It was far out and its terminology sounded like George Orwell's newspeak in

"1984." But the conservative movement to get state legislatures to call for a constitutional convention has given the intellectual liberals an opportunity to try again.

On May 30, 1984 a group called the Committee on Constitutional Systems -- CCS -- held a Washington, D.C. news conference and released a summary of the meeting which had taken place that preceeding September 9-10, 1983 at the Woodrow Wilson Center in Washington, D.C. This confirms the powerful elite group that is waiting in the wings to bring about radical restructuring of our Constitution. The Cochairmen of this group are: C. Douglas Dillon, former Secretary of the Treasury; and Lloyd M. Cutler, former counsel to President Jimmy Carter. Others participating on the working panels include: Defense Secretary Robert McNamara; former Senator William J. Fulbright; Congressman Henry Ruess; and representatives from the Brookings Institute, the Rockefeller Foundation, and the Woodrow Wilson Center.

Just to call the role of prominent names is enough to reveal what enormous power from business, finance, media, politics, and academia is all behind this plan for total constitutional change. This group is building up a liberal consensus for these objectives:

1) To allow or require the President to appoint members of Congress to some or all cabinet positions.

2) Increase the terms of U.S. House members from two to four years, with all elections to be held in presidential years.

3) Force the American people to cast a single vote for a package slate consisting of the President, Vice President, and the voters own House candidate.

4) Change a large number of U.S. House seats from election by district to election at large in order to increase the possibility that the political party which wins the White

House will also control the Congress, and that the at large members would be more likely taken a nationwide view of the issues.

Devise a more realistic, feasible method of presidential removal by extraordinary majority in both Houses of Congress.

This goes on and on, but I'm going to stop. I just want to terminate it like this.

Will those responsible in New Jersey realize the real issue? It's not a balanced budget amendment, but the integrity of our United States Constitution. A balanced budget should and can be achieved on its own merits, but a Federal constitutional convention would be a constitutional crisis of divisiveness of destructive dimensions. It would serve the purposes of powerful groups which want to use the approaching centennial observance (sic) of the United States Constitution as an opportunity to bring about their view on the new world order, to replace the American Republic.

Our United States Constitution is an inspired document which has guaranteed our political and spiritual freedom, economic opportunity, state diversity, and national growth. It is a statement of principle and practicality. It has worked well for two centuries and should be the celebration of our Constitution's unique and unparalleled success, not the crisis years when we are uncertain whether or not it will survive.

Ladies and gentlemen, we in New Jersey have the unique distinction and opportunity to kill the con-con, and I beg all of you to do your research and look at the potentials? The risk isn't worth it. Sure, if you want to play Russian roulette, you can, but at stake is the Constitution of the United States.

Thank you very much. (applause)

ASSEMBLYMAN MARTIN: Cindy Povich? Ellen Thorvund will be next.

C Y N T H I A P O V I C H: Mr. Chairman, thank you for the opportunity to speak today. My name is Cindy Povich, and I am Director of New Jersey Citizens for a Sound Economy. We are a 10,000-member State organization -- nonprofit, nonpartisan. We are affiliated with the National Citizens for a Sound Economy.

UNIDENTIFIED MEMBER OF THE AUDIENCE: Speak up, please.

MS. POVICH: Mr. Kamin, Jim Miller -- our Director for Citizens for a Sound Economy, and former OMB Director under President Reagan -- commends you for your initiatives in this matter.

Eleven straight years of budget deficits in excess of $100 billion, and a tripling of the national debt in the last 10 years, clearly indicate that the current rules and structure of the Federal budget process are not sufficient to maintain fiscal responsibility. Without some type of constitutional provision mandating a balanced budget, policymakers appear unwilling to make the difficult choices needed to bring an end to deficit spending. While some measures, such as the Gramm-Rudman-Hollings Deficit Reduction Act have had a positive impact, the only permanent, long-term solution is a balanced budget amendment. Forty-nine out of the 50 states, New Jersey included, have some sort of provision in their constitutions mandating a balanced budget. American families and businesses are forced to balance their checkbooks. Why shouldn't the Federal government live under the same rules?

The national debt, which gets higher with each deficit, leaves a terrible burden for our children and grandchildren who will be saddled with the principal as well as the interest on the debt. The overwhelming support for a balanced budget amendment -- as high as 72 percent by the National Taxpayers Union -- shows that a wide cross section of the American people support this long-overdue addition to our Constitution.

New Jersey CSE has no doubt whatsoever that Congress would preempt a constitutional convention by passing a balanced budget amendment once it appeared likely that the 34th state was about to call for a constitutional convention. In effect, the states have the ability to pressure Congress to do the right thing by raising the perceived threat of a constitutional convention. As things stand right now, the special interests feel completely safe. As you know, Congress recently failed once again to pass a balanced budget amendment, and large deficits are likely to continue.

I urge you to approve this resolution calling for a convention to amend the Constitution mandating a balanced Federal budget, and a limitation on the rate of increase in Federal spending. Recently, you passed a new budget that illustrates both fiscal responsibility and fiscal restraint. Shouldn't elected officials in Washington, D.C. have to live under the same fiscal discipline as elected officials here in New Jersey?

Thank you. (applause)

ASSEMBLYMAN MARTIN: Ellen Thorvund? Susan Grant? Is Ellen Thorvund here? I don't see her. (no response) Is Susan Grant here? Is John Tomiciki here. I don't see him. (no response) Bruce Eden will be next.

S U S A N G R A N T: Thank you for the opportunity to appear before you today. My name is Susan Grant, and I am the New Jersey Legislative Liaison for Concerned Women for America. CWA Is the largest politically active women's organization in the country, representing nearly 600,000 people nationwide.

I'd like to commend those of you who still remain, especially the two sponsors of the bill, for whom I have great respect, and who also represent me in the district. But I do disagree with them on this legislation.

And I have scratched out as much of my testimony as I can.

ASSEMBLYMAN MARTIN: Let's acknowledge Ginny Haines, who has been here the whole time as well.

MS. GRANT: Yes, absolutely. I guess you don't have a choice, Mr. Chairman, but thank you, Assemblywoman.

I do have a complete copy of the testimony here to distribute. Since we have no other predictors of what we could expect if we set in motion a constitutional convention, it might be valuable to look at some of the considerable controversies that surrounded the first one. It is our contention that a convention held in modern day would be even more controversial because of the additional stresses of the media, court challenges, special interest group pressures, and the spotlight of the world.

The first controversy would be, who would call the convention and how would the delegates be chosen? Thirty-two states have issued calls for a convention, some quite long ago. Three states have rescinded their call. Which calls are valid? Who would attend? We have no guidelines for choosing the delegates. In 1787, the state of Rhode Island refused to attend the convention. What would happen today?

One of the fears surrounding this issue is that the convention could not be limited to consideration of only one amendment. Some of the best legal minds in the country have rendered opinions that the convention could not be limited. They're listed here on my handout.

And again, our only precedent is the 1787 convention, which met to amend the Articles of Confederation and ended up throwing them out entirely and starting from scratch. The people are so dissatisfied with business as usual that many are ready to listen to the seductive voices of those who want to make major changes in our system of government. Can we risk it?

But to return to 1787, the convention, although a model of high statesmanship, nevertheless had its critical moments. Amid heated debates between the New Jersey Plan, the

Virginia Plan, the Connecticut Plan, southern states against northern states and so on, at one point a large contingent actually left the convention. Consider that this convention was attended by delegates from only 12 states. Increase that to 50, and add pressures via television, telephone, and fax machine, of a world watching live by satellite. The result must be confusion at best; at worst, chaos.

After 16 weeks, the Constitution was finally written and submitted to the states for ratification, at which point bitter battles threatened to tear the fledgling country apart. New York only agreed to ratify after New York City threatened to secede from the state, and Rhode Island finally acquiesced when told it would be treated as a foreign country, subject to trade regulations if it did not.

Can we heal the rifts that might result from such a thing today? It is true that in 1787 the final result was a magnificent document that has stood the test of time and allowed our nation to become great. The very people who participated in its drafting realized that what they had accomplished had been done against all odds. Could such a task ever be repeated? Should we risk it?

It is hard to believe that a constitutional convention with no set rules or guidelines could be undertaken in an orderly way without frictions, battles, and legal challenges which could be divisive and expensive. At the end there is no guarantee that the desired result, a balanced budget amendment, would even come about. And if it did, there is no guarantee that it would be ratified. And if it was, there is no guarantee that it would be obeyed in the spirit in which it was written. Congress has come more than once within a few votes of passing a balanced budget amendment on its own. Let New Jersey encourage Congress by passing legislation like SR-52, which memorializes Congress to pass a balanced budget amendment without calling for a convention.

In the meantime, we citizens can exert pressure via the ballot box. We have shown that we know how to do that. We were only nine votes away this time. Congress will be very much changed in the next legislative session. Give us a chance to use these tried and true measures.

Whatever your opinion of a convention or a balanced budget amendment, the one thing that is clear is that we really don't know what could be set loose if 34 states call for a constitutional convention. Let's not let New Jersey become the 33rd.

Thank you. (applause)

ASSEMBLYMAN MARTIN: Bruce Eden? Joan Looney will be next. Is she here? (affirmative response)

B R U C E E D E N: Mr. Chairman, much has been said about this constitutional convention, and I think pretty much has been addressed. There's just a few points I'd like to make.

My name is Bruce Eden. I'm the Executive Vice president for the New Jersey Council for Children's Rights. We have 2000 members in the State.

I was reading information on this, as it was handed to me several weeks ago, about this so-called con-con. The issues that I read scared the hell out of me.

I'm going to approach this from an emotional viewpoint because I thought about what happens to my two daughters? If this government is changed, they won't have the same rights that I have; they won't have the same liberties that I have, and they won't have the same life that I had.

They're the ones who are going to be affected by this, and possibly I'm going to be affected by this, and everybody in this room. In fact, we might not have a hearing like this again if this constitutional convention goes through. There will be no State of New Jersey.

Things that I have heard today, I'm not going to address. But things that I haven't heard are such issues like: They talk about state ratification is going to hold back

the wide open attack on the Constitution. I see that there is not going to be any limitation. The first thing that will happen is that the convention would abolish or alter the rules of ratification as was done in 1787. Article V authorizes Congress to decide on the mode of the ratification, either by the state legislatures or by the ratifying conventions set up by the states. On two occasions, special state conventions were empaneled when state legislatures were not likely to approve. The original Constitution was ratified in exactly the same way.

In 1933, when many state legislatures were opposed to legal liquor sales, the 21st Amendment was ratified in a special state convention, and they circumvented the legislatures of the states. If they can circumvent the legislatures of the states, they can circumvent anything that goes on in a constitutional convention.

Some of the things that are being said about the constitutional convention scare me. These are all prominent professors of law, prominent people of law. Christopher Brown, Professor of Law, University of Maryland: "In my view, the plurality of amendments opens the door to constitutional change far beyond merely requiring a balanced Federal budget." Professor of Law, Charles Wright, University of Texas: "My own belief is that a constitutional convention cannot be confined to a particular subject." Neil Cogan, Professor of Law, Southern Methodist: "My understanding of the Federal convention is that it is a general convention; that neither the Congress nor the states may limit the amendments to be considered and proposed by the convention." Lawrence Tribe, from Harvard: "The discretion with which Congress may discharge this duty is pregnant with danger, even under the most salutary conditions." Jefferson Fordham, Professor of Law, University of Utah: "A convention might propose a single

amendment, but it would clearly have a wider range." Charles Black, Professor Emeritus of Law, Yale University: "An Article V convention must be entirely general, and a state application asking for something other than that is void."

"It is doubtful that Congress has the power to limit the convention to the proposal of amendments only on a single subject." That's Charles Rice, Professor of Law, Notre Dame University. Gerald Gunther, who was already mentioned here, Stanford University, Professor of Law: "In my view, a convention cannot be effectively limited."

My children's rights are at stake here. I think for most people in this state and around the country, their rights are at stake here. For a constitutional convention to be held, I can't see it. The con-con is actually a con job. (applause)

ASSEMBLYMAN MARTIN: Joan Looney will be followed by Geoffrey Morris. Is he here? (affirmative response)

ASSEMBLYMAN MARTIN: Ms. Looney.

J O A N L O O N E Y: I'm Joan Looney from Hardyston, New Jersey, and I'm a grandmother. That's why I'm here, because I want my three grandchildren to grow up in a free country like I did. I don't think that's too much to ask. We've been given it already. Why take it away?

As a matter of fact, I voted for Assemblymen Garrett and Kamin, because I know them to be fine gentlemen, concerned for their community, their country, and their children.

However, after the election, it seems that the Assemblymen were invited to Washington and urged to volunteer to sponsor ACR-30, which would call for a constitutional convention. Clearly, the people of New Jersey do not want their Constitution put at risk in this way.

What I'd like to know is, who was it in Washington that persuaded you to call for this convention, and what was their purpose? And I'd like to know something else: Why is it

when we vote for decent, civic-minded people to be public officials, they suddenly become our adversaries? It doesn't make sense, does it?

Mr. Garrett, you talked about safeguards to fend off the convention getting out of hand, and it would be very dangerous if it did. Why take the chance at all, really? Think about it. It's your kids, you know, not just my grandchildren. Your kids, their lives are at stake, too.

Sure, they can live like they do in Russia or over in Europe or someplace, but we've got something special here. Let's preserve it for them.

Also, we've had 26 amendments without a convention. Why, all of a sudden, can we not have an amendment without a convention? Think about it.

Mr. Kamin, you had said that-- Well, you mentioned something about acting in the best interests of your constituents. I don't see you doing that. I'm your constituent. I voted for you, and I see you giving away the most precious thing that we have.

And that's all I have. Anyway, I have to say that you gentlemen should be a whole lot more knowledgeable now. You've learned a lot of history today. You've learned a lot of experiences that you probably never knew about before, did you?

Thank you. (applause)

ASSEMBLYMAN MARTIN: Geoffrey Morris will be followed by Frank Kiernan. Is he here? (affirmative response)

G E O F F R E Y M O R R I S: I'll read an abbreviated version, and I hope the full version can be put into the record?

ASSEMBLYMAN MARTIN: Yes, it will.

MR. MORRIS: My name is Geoffrey Morris, but I'm reading the testimony of Robert Morris, who happens to be my father, and is out of the country. So these are his words that I'm reading. He's Chairman of America's Future. He was Chief

Counsel of the Subcommittee of the U.S. Senate Judiciary Committee, and a civil court judge, and an advisor to the U.S. Senate Rules Committee.

"I am here to express my opposition to the call for a constitutional convention on the balanced budget. Our Constitution has been in existence for 205 years. It is conceded by all to be a role model for all constitutions.

"As for authorities on procedures, there is no better authority than the former Chief Justice of the U.S. Supreme Court, Warren Burger." Whose letter has already been read here before, so I won't read it again.

"As for New Jersey, when the issue was before the New Jersey Legislature in 1988, former Chief Justice Hughes of the New Jersey Supreme Court expressed an identical opinion.

"A few years ago, when our Federal budget deficits were only a fraction of what they are now, approaching $400 billion, it was much simpler to achieve its purpose. If the deficit were only $50 billion or $60 billion, the delegates could make room for the reductions. However, now that it's approaching $400 billion, it would be very difficult to do so, and raising taxes would therefore be necessary. If the delegates would vote to increase taxes, they could not be held responsible because they could say that they are upholding the Constitution in order to do so.

"There are powerful forces in Washington supporting the constitutional convention. One such group is the Committee on the Constitutional System. The Chairman is Lloyd Cutler. He is known as President Carter's advisor regarding the SALT II Treaty, which failed because it could not obtain two-thirds majority. They've put out a big pamphlet. On the back of the pamphlet was Robert McNamara, who is well known to you all, I'm sure.

"He is quoted on the back. It says: 'It is tempting to believe that our constitutional system, having survived for

over 200 years, can handle the daunting challenges it now confronts. But common sense warns that it may not be so.'

"The judicial arm of the United Nations is the International Court of Justice, which was created in 1946. The United States Senate Foreign Relations Committee debated whether we should submit to the compulsory jurisdiction of that body. The International Court of Justice has no limitations, and its decisions cannot be appealed. The United States Senate agreed to submit to the jurisdiction of the court, but resolved that our country would not accept the compulsory jurisdiction of the court when the issue was within the domestic jurisdiction of the United States. But when Senator Tom Connally recognized that the International Court could decide which matters are essentially within the domestic jurisdiction of the United States, in order to protect our sovereignty he added the words, 'as determined by the United States.' These six words are now called the Connally Reservation, and have protected our sovereignty against many efforts on the part of the International Court to cross that line.

"During many years in Washington, I have witnessed many campaigns to get rid the Connally Reservation, and I feel that a constitutional convention would be another such attempt to do so.

"I urge that we do not become the 33rd state to call for a constitutional convention. Thank you." (applause)

ASSEMBLYMAN MARTIN: Mr. Keirnan? Is J. J. Van der Veken here? J. J. Van der Veken? (no response)

Not seeing him, after Mr. Keirnan will be Mr. Oakes. He's here? (affirmative response)

F R A N K K I E R N A N: My name is Frank Kiernan, and I'm a resident of New Egypt, New Jersey, and I'm here speaking on behalf of myself.

In considering the need for a balanced budget and more specifically, a balanced budget amendment, we might look at a

couple of amendments of the Constitution already adopted: in fact, Amendment Nine and Amendment Ten.

Amendment Nine says, "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Amendment Ten says, "The powers not delegated to the United States by the Constitution, nor prohibited by it by the states, are reserved to the states respectively, or to the people."

Considering how those two amendments have been trampled on through the years, there certainly is no guarantee that such an amendment to the Constitution to establish a balanced budget would be adhered to more assiduously.

You know, when you get to speak last -- one of the last speakers -- you kind of try to not repeat other people, and I'll try not to do that.

The question of whether a con-con might trigger a completely different constitution or numerous changes to the Constitution was addressed by some of the prior speakers, and there was a considerable reference to legal scholars. I'm not going to repeat that, except for the reference to Chief Justice Burger's comments on the limited constitutional convention. There is a letter from him to Phyllis Schlafly, which part of it was already read. The first paragraph of that letter was read by the Polish American Legion representative. But I'd just like to read you the second paragraph, and it's short:

"I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a constitutional convention. The convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or to one issue, but there is no way to assure that the convention would obey. After a convention is convened, it will be too late to stop the convention if we don't like its agenda. The meeting in 1787 ignored the limit placed by the Confederation Congress, 'for the sole and express purpose--'"

Now I find, "for the sole and express purpose--" already in this legislation, which my Senator sent me -- Senator Dimon. In fact, he highlighted the areas of that piece of legislation to assuage my fears that this constitutional convention might go astray and go into other areas.

So, at best we can say, there is considerable legal opinion, including a former Chief Justice of the United States Supreme Court, that says you can't limit it. So I would ask the Committee to take those comments seriously.

A prior speaker -- in fact, one of the first speakers to speak before you -- said that this method-- This literature here, said the method had never been used before. In reviewing that literature, what I find is that all of the 26 amendments to the Constitution have gone through the congressional and then the state ratification -- has not gone through a constitutional convention. That's a little different than what that speaker said. So as long as we're being honest, I wanted to clear that issue up.

Another one that I didn't hear is that most of the proposals that I'm aware of for a balanced budget amendment have a provision in which 60 percent of the lawmakers could override. Now that's even less than what's needed for a presidential override. So what we're endangering our Constitution to get, may not even be worth anything at all.

The last thing that I wanted to bring up is that the means of ratification are really in question. The constitution itself could abolish or alter the rules, which was what happened in 1787, or the-- And there's prior precedent for establishing state conventions, not through the state legislatures, which is, in essence, what happened in 1787, and also, for the 21st Amendment.

I have a copy of Warren Burger's letter, and I'd like to distribute it to the members of the Committee, if I could, and then I will thank you. Since there are no questions, I'll let the next speaker speak. See how quick I was? (applause)

ASSEMBLYMAN MARTIN: Thank you.

Lane Oakes? After Mr. Oakes, is Mr. Fitzgerald here? (affirmative response)

L A N E T. O A K E S: Gentlemen, how many are here who would require some copies? I'd like to make copies available to you. Is it 10 or 11 members of the Committee?

ASSEMBLYMAN MARTIN: There are 10.

MR. OAKES: Ten? Okay.

These are documents that I will offer and make reference to. They're not going to be read today, believe me, but please take copies. They're all available to you. In addition, these go along with some of the special reports, "Dial 911 and Die."

Gentlemen, I care not who makes the laws, just let me control the money. That's pretty much the gist of my speech.

You have copies in your packets: a copy of the Constitution, a copy of the "Coalition of Tax and Money Reform," that was a convention that I went to in Colorado on Labor Day of 1991. They scared the hell out of me. They were talking about the very same thing you're talking about here.

A copy of "A Moderate Proposal," by Jean Carpenter. Let me tell you something; she'll open your eyeballs. She talks about the emasculation of states in this thing, in the third chapter, as well as many, many other items that you'll want to take a look at. By the time you get done with this thing-- It goes light, very fast reading, just about as fast as it takes to read the Constitution, and just as easy.

My statement to you that I prepared, I did with some diligence and time. It took me 40 hours to put this all together because I excerpted, and I ticked off, as you will notice some of these documents, what I wanted to talk about. And I synopsized it down to about a 15 minute speech, so we'll get on with that.

No convention, strictly observe this Constitution: Gentlemen, this is all about money. It was about money when it was originally written, and it's about money now. Among other things, the Constitution is a financial contract between 50 states, the people, and a necessary evil -- the historically and potentially runaway power situation called the Federal government.

We are the oldest established form of government in the history of mankind, thanks to our current Constitution. Upon leaving the constitution, Ben Franklin was asked, "What have you made us?" He replied, "A Republic, if you can keep it. I'll be surprised if it lasts 200 years." Two-hundred-and-five years down the line, gentlemen, and we're talking about changing it.

Thomas Jefferson said, "All men should have a purging revolution every 50 years." And peaceably, we have one every time we have an election.

Due to progressive, insidious circumvention, our current Constitution is difficult to recognize from its original intent, but it is still in place. All representatives to the legislature and officers of the court, are required to take an oath of office, which reads, in part: "uphold, preserve, protect, defend the Constitution of the United States of America."

The Constitution is the peoples' protection, barrier, lifeboat; their property that they will protect to death, in the company of the finest men that have gone before us and paid the ultimate price and ultimate love.

"Greater love hath no man than to lay down his life for another." "Give me liberty or give me death." "I may not agree with what you have to say, but I'll defend, to my death, your right to say it." Gentlemen, ladies, you've heard all of this before, but this is what is at stake here.

You don't need a constitutional convention to balance the budget. We already have the solution in so many ways. The Constitution as written has already faced the problem. It was incorporated into the original Constitution. All one has to do is read it -- you have a copy -- and apply the simple language.

The truth of the matter is that the banks don't want to have a balanced budget. It doesn't take God Almighty to balance the sheet. However, he probably would do it by getting rid of professional international money manipulators and tax assessors. You have only to read the Constitution and the Bible thereon.

In truth, a constitutional convention is about legitimating the confiscation and the forfeiture of property by tyrannical nobility and money printers/lenders of the United States.

The meaning of the Constitution: number one, the supreme law of the land. The Constitution of the United States of America is the final authority on any legal matters. All other laws within the nation's boundaries are secondary to it.

"Black's Law" defines the constitution as the organic, fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed; organizing the government and regulating, distributing, and limiting the functions of its different departments; and prescribing the extent and manner of the exercise of sovereign powers -- a charter of government deriving its whole authority from the governed.

The Acts of Congress, like bylaws of an organization or a corporation, deal with lesser matters, are easier to change, need not apply to all participants.

The United States are not a democracy where every citizen votes on every issue as in the ancient Greek city-states, but a republic; that is, representative government

where the citizenry elect representatives to do the peoples' bidding -- the peoples' bidding -- for a term of office as spelled out in the governing documents.

The delegates of the people, in a republican form of government, decide on the laws and budgets without direct approval of the electorate within a certain framework.

Within our constitutional republic, the assemblymen and congressmen are bound by the terms of the foremost authority, can only legislate within its limits, and must return to the people for any additional powers; that is, a constitutional amendment.

At elections, state voters are enmeshed in a bewildering area of proposed amendments for good reason. The legislature has run out of power, they cannot assume power, and must return to the source, the people. All fundamental rights remain the prerogative of the people. Any additional burden to be placed there upon requires their assent by overwhelming margins, generally two-thirds in its request, and then for ratification by three-fourths of the state assemblies for its acceptance, and no state, without its consent, shall be denied its equal suffrage in the Senate. That's the last statement in Article V of the articles of the Constitution.

Likewise, the Federal delegates in Washington are bound in and by the terms of their written proscriptions, that is, but not limited to, Article I, and Amendments Nine and Ten, previously mentioned, of the Constitution of the United States of America.

Thusly, to expand their powers, the Federals must return to the source via the states via constitutional amendment. No other method exists for any change or increase in authority for Federal government.

The Constitution/republic system acknowledges that the people cannot watch the day-to-day mechanism of the legislatures. However, they cannot trust them with unlimited

power. The people have bound their delegates to only limited authority in limited areas under the terms of their respective constitutions, state or Federal, and any change requires consent by those affected.

The Federal government has only 18 areas of operation. You can't recognize that today. It's way beyond 18 areas. We had no business in a lot of wars. Be that as it may.

More so, the bureaucracies are limited by the terms and spirit of the respective governing documents. Problems arise when either the politicians, the bureaucrats, or both, usurp their power, assume others, and violate the basic law.

Our government is the documentation of agreements, accords, and ideas on a piece of paper, called a constitution. Do our presidents take an oath to preserve and obey the Queen of England, the Politburo of the Soviet States or Unions? No, they swear to support, preserve, protect, and defend the Constitution of the United States.

Why a constitution? The government, by document, has three principal aspects: written, in English, substantial. The fundamental law is written down for all to read; that is, the rule of law, not the rule of man.

It's in English. The Constitution is spelled out in the everyday language of its people. It needs no interpretation. Everyone can see for themselves exactly what it says, communicates, reads, intends. It says what it means, and means what it says. The Constitution of the United States of America grants to no governmental branch or special authority the power, exclusive or otherwise, to define or to interpret its meaning.

The Constitution is the supreme law of the land, not the Supreme Court. The Court can only interpret situations and actions in relationship to their compliance to the Constitution.

Substantial, clear, consistent, no changes: The framework of the nation does not change for popular whims, pretended emergencies, or the desires of the power affluent.

The Constitution provides in Article V an elaborate and complicated procedure for amendment. Our basic law has remained fundamentally unchanged, predictable, not bending with the tides. Except for the Bill of Rights, which were a prerequisite condition for adoption-- That is, really a part of the original writing, our Constitution, the document, has suffered, at face, only 16 changes, and in truth, only 14 legitimate changes, the 16th and 17th being proven unratified. The 18th Amendment, prohibition, and the 21st, repeal, cancel each other. The 24th, poll tax, was punitive, antisouthern, the passage of which had no meaning, because no state had required it for years. The 19th, female suffrage, and the 26th, teenage suffrage, changed authority reserved to the 50 states, and these alterations had already been placed into effect by the 50 states, so the amendments were superfluous. The 13th, abolition of slavery of all mankind within the United States. That was a good one.

The 14th further elaborated the due process of the 5th Amendment and other Articles of the Constitution, and together with the 15th, additional suffrage, were products of the reconstruction era and of little significant meaning.

The 20th, early inauguration, reiterated previous procedure.

The 24th, D.C. electors, and the 25th, appointment of the Vice President, were of little consequence and debatable need.

In truth, the only amendments to the U.S. Constitution of any consequence were the 11th and the 12th Amendments. And they were adopted quickly when the Constitution was first being used. They corrected the only possible flaws of the framers. Not bad for 205 years, only two -- three, I'm sorry, with the 13th, the antislavery.

No other amendments really exist. No other method exists for amendment except as Article V provides. Neither

civil war nor economic depression, in spite of popular belief, can change our Constitution.

Nine Supreme Court judges cannot change our Constitution. It requires at least 300-plus congressmen, and 3000-plus state legislators, and 35 state legislatures to change our Constitution. Consider the task of a second constitutional convention of 50 states, when viewed in comparison with 13 colonies, and their then limited scope. There isn't that much time left in life.

Now, please take note. The 16th Amendment was never properly ratified. Read "The Law That Never Was" by William Benson, 1985, whereby thousands of certificated, substantiating documents thereto, nor does, "Congress have the power to enforce this Article by appropriate legislation--" That's your so-called income tax. There's only two forms of tax recognized by the Constitution: that's direct and indirect. And Chief Justice John Marshall has even stated the 16th Amendment added nothing to the taxing powers of Congress.

The 17th, the direct election of Senators, is not valid, and is null and void. The facts are that the State of Utah soundly rejected this amendment, and at least seven others failed to ratify it. Thus at least eight states were denied their suffrage, the very last line of Article V of the Constitution of the United States. At variance with Article V of the Constitution, the 17th amendment is incorrectly declared ratified, and it is thus unlawful; null and void. Read Chapter No. 3, "The States Emasculated," in "A Moderate Proposal" by Jean Carpenter, which is given to you.

Curiously, all of these transgressions occurred under the influence of Edward M. House, during the Woodrow Wilson administration. Wilson published "The New Freedom" -- the new world order, only one word off? -- in 1913, where he wrote, "Some of the biggest men in the United States in the field of commerce and manufacture are afraid of something. They know

there is a power somewhere so organized, so subtle, so watchful, so interlocked, so complete, so pervasive, that they better not speak above their breath when they speak in condemnation of it." See page 26, of the "Shadows of Power," which you don't have there, but I'd suggest you buy it. It's a hell of a good book by James Perloff.

Regarding Edward M. House, biographer Arthur D. Howden Smith writes, House believed that, "The Constitution, a product of 18th century minds and the quasi-classical, medieval conception of republics, was thoroughly outdated; that the country would be better off if the Constitution could be scrapped and rewritten," -- this is back in 1913, people, and we're worried about a budget now? Here's a man who wants to take the whole thing out. And he's got the ear of the President all of the time -- "but as a realist he knew that this was impossible in the existing state of political education." Gentlemen, I suggest we have representatives that haven't even read our document, the Constitution.

House wrote a novel in 1912, "Phillip Drew, Administrator." As in Hitler's "Mein Kampf," outlines of political intent are written. So also, House, in his book, outlines a variety of radical ideas such as a graduated income tax and a central bank.

Read the "Communist Manifesto", as was suggested earlier. You'll find out all about these things -- same idea. This, gentlemen, is how we got to where we are today.

If you want amendments, consider: Try the TV news media on for size. As Felix Frankfurter did with the oil monopolists, so do with the network media and network banks. They create public opinion instead of objectively report.

One more challenge: Get the polls and the media out of elections. But, if so used, give equal time at no cost in all arenas to counter yellow journalism, or shut them down entirely until the event is a fait accompli.

Gentlemen, the solution is simple. Federalize the Federal Reserve. As the lady said, make out a $4 trillion gold note, hand it to them and say, "Here you go, Joe." Congress could declare the value of the money. "You got it. Good bye."

Monetize gold, silver, copper, and aluminum in relation to a dollar value as per the Constitution. All paper currency must be redeemable in commodities above. Stop income tax and social "insecurity" tax. Privatize all retirement plans. Stop Federal manipulation of the economy. Base all taxation on excise taxes of nonessential consumables only, and you will see an economy stabilize in less than one year. That's what I have to offer you.

Gentlemen, I made reference to a man called "The "Shadows of Power". He gives you a reference in "The Shadows of Power", to all of the references that he did to determine his book, okay? Believe me, it goes on. The man did extensive research about it. A little something about the author-- But here are the players who are involved. This is the Commission on Foreign Relations -- this is the Council on Foreign Relations, I'm sorry -- and the Trilateral Commission. These are all the players, by name. Now they may not all be there, but start to recognize these pieces, okay? Because these things are all in place. They're in place for you right now. It's not just the Constitution, it's not balancing a budget. It's to put together the rest of this.

What is FINCEN? The Financial Crime Enforcement Network, as a part of the trust to monitor the fund and to control the American people. The Bush administration has established the Financial Crime Center, FINCEN, in Arlington, Virginia, whereby through the use of sophisticated computers the government has combined more than 100 databases on bank records, criminal suspects, driving records, census data. Gentlemen, you're all in it. Ladies, you're all in it. Everybody is in it.

Now, in addition to this, take a look at your flag there. I understand that's an admiralty flag. Are things done in this room done under admiralty law or common law? I don't know. But whenever you see this admiralty flag up there, I assume that we're operating under entirely different law, okay? So I get a little shook up about whether we have common law anymore, because if you have the new constitution, you will have no common law. As a matter of fact, you might not even have any jobs.

As an additional piece, and I split them apart: (at this point, witness begins to display different articles and clippings to be read) "But first I told him about my court problems with the Supreme Court cases and the change from public law to public policy in 1938; all cases since then to be judged under negotiable instrument law, not common law. But then he told me that all the higher court judges and all the state attorneys were summoned to a secret meeting where they were told that the United States was a bankrupt nation, owned entirely by the creditors and bankers. The judges must take silent judicial notice of this, but never reveal it openly. The courts were henceforth under admiralty jurisdiction, but it was never to be so stated. They were to call it anything else they wanted, but never admiralty. If a litigant once knew that he was really in an admiralty court, he could demand the international contract--" Gentlemen, you can read the rest of it by yourselves, okay?

You got the references. You got the players. You got the idea as to where they're going. I have a quote in here by Chief Justice Burger. Fine, you can go into that yourself, okay?

They've already taken care of the constitutional fact sheet, okay? There's reasoning in there, also, of what the State of New Hampshire had in rescinding theirs.

Now, we get to the "Jurors' Handbook." Read about that, because these are the jury's rights. And I'll tell you something. There is one thing that is left to the citizen yet, and that's the jury. And that's going to be taken away from you, gentlemen, if you have a new constitution.

Trial by jury is guaranteed only under your Constitution at this point. And it's not guaranteed as a right, because your rights come from God. It's guaranteed to the man who is accused, who is in trouble with the law, who is in trouble with the Constitution. That's where that comes from, okay?

Here's an article by Mr. James "Bo" Gritz. He was a member of the CIA and is the most decorated hero in any of the far eastern wars. The man has the Congressional Medal of Honor. George Bush tried to put him in jail, okay? He mentions in there that the United States knows about trafficking. The United States imports 100 tons of heroin per month with United States Air Force facilities on United States Air Force bases over in the yellow triangle.

Gentlemen, this is what it's all about. It's all about money. The new world order; executive orders -- okay?

When you get into executive orders, do you know what's going to happen? These are the executive orders that are planned for you once they can declare a state of emergency: the seizure of all communications media in the United States; the seizure of electric power, fuels, and minerals, both public and private; the seizure of all food supplies and resources, public and private; all farms and farm equipment; the seizure of all means of transportation including personal cars, trucks, and vehicles.

This is what it's about. These are the 15 people that know that you can't mess with the Constitution on one clause. They've already been previously mentioned.

Now, John F. Kennedy was killed November 23, 1963. (sic) In 1964, the early part, you can take a look at our fearless leader over in the Soviet Union, and who else, David Rockefeller. He's over there trying to make wartime trade with the Soviet Bloc.

Lyndon Johnson, he said, he consults with the advisors of the forthcoming Vietnam peace talks, okay? He swore that he'd never seen any of the CRF in there. There isn't one person in that picture other than Lyndon Baines Johnson who isn't a member of the CFR.

Here's a little bit on gun control -- in case you're interested -- that has to do with, of all people, would you believe, Paul Revere -- okay? He was the first guy they tried to take a gun away from. The result was, 73 people were killed, and 200 of the G-Men were wounded trying to take away his guns.

"The Shadows of Power": Read the book. It's a fantastic book.

Now, what they're really after, also, is your children -- "The Children's Crusade." You have direction right now, and that's that additional handout that I was going to save for you later, but I give to you now, okay? They're trying to get your children, and they're trying to do it through the media. They're trying to do it through an organization called "America 2000." You can call up 1-800-USA-LEARN, and you can get all their documentation. But you can also get ahold of an organization over in Bound Brook called SGM Corporation, and they will tell you what that is all about.

People, they want your kids. They're going to brainwash your kids. They're going to try again, for a constitutional convention.

People, constitutional conventions have been around for a long time. Would you believe, in 1792, right after the ratification of the Constitution in the United States, they had

a request for a convention, okay? While the ink was drying on the ratification of the Bill of Rights of the United States Constitution in 1792, the Federalists in Congress were enacting the Alien and Sedition laws in 1792. Under these laws the President could, under his own authority, accuse, arrest, and imprison without trial, any citizen deemed to be promoting sedition by speaking or writing critically about the conduct of the national government. It went into effect. Thomas Jefferson was employed and got the thing kicked out. And when he was eventually elected into office, he issued a presidential pardon for everybody that was concerned.

Gentlemen, we're not talking about balancing taxes. Taxes, that's the easiest thing in the world to do. Ronnie Reagan got shot because he was going to balance the budget in his eight years that he was in office. They wanted George Bush in there because they wanted the new world order going a lot faster than it is right now.

Gentlemen, they're not after your balanced budget. They could care less about your bucks, okay? They're after your nation. They're after your freedom. They're after you.

Thank you very much. (applause)

ASSEMBLYMAN MARTIN: Mr. Fitzgerald is next, followed by Cheryl Lemons.

J A M E S F I T Z G E R A L D: I'm Jim Fitzgerald from Morristown, New Jersey. I realize that this Committee hearing has a certain structure, a certain format. I wish, however, it was different. It would be nice if we had the opportunity to ask some of you questions. You're kind of sitting there listening to all this. Obviously you can't--

ASSEMBLYMAN MARTIN: We've had Committee meetings before the bill was released, and there was a lot of give and take. This is not the first time that this has been around.

MR. FITZGERALD: Well, the reason for my comment, the reason that I suggest that only, and I wasn't aware that you did-- I was at the last hearing, and there was a little give

and take, but a very little. It would kind of at least let us in the room have a flavor for what each of you think about this, and--

ASSEMBLYMAN MARTIN: Well, we voted. I voted for it, so you know that I disagree with almost everybody in the room.

MR. FITZGERALD: Yes.

ASSEMBLYMAN MARTIN: I don't disagree with everything, but it's your opportunity. This is a record, a transcript, which is being kept. So I think that it is important that you say what you want to say for the record.

MR. FITZGERALD: All right. Then I'll start by saying that I disagree with you. Since you've already stated your views, I'll state mine, and you and I take issue.

I think it was the very first or the second speaker, a Mr. Armor, who gave a lengthy dissertation about his constitutional scholarship. Scholarship is a wonderful thing. Unfortunately, in mentioning and quoting Madison and the "Federalist Papers" about why Article V was placed in the Constitution, that was -- at least from the little I've read about it -- it seemed to be pretty accurate.

But you know, half a truth is worse than a lie. Madison's discussion of Article V in the constitutional convention call and its meaning and the reason it was placed in the Constitution took a rather dramatic turn after the first constitutional convention; not when it was written, but after he had the same experience that, unfortunately, we may be faced with if we have another one. His admonition was, "God help us," in essence, if this country ever has another constitutional convention. So the legal scholar neglected to mention that, and I though it would be appropriate if somebody did.

In addition, he quoted Phyllis Schlafly, and while I'm not a member of her organization, my understanding is that she said there has not been a constitutional convention since the

very first one. He said that's a lie, and he went on to talk about the 17th Amendment, when a constitutional convention was being proposed, the Senate then, in fact, did ratify it.

Well, in fact, there was no convention, so it was not a lie.

So, again, on both counts, Mr. Armor, who set himself up to be some sort of a legal authority and a scholar, I think, came up considerably short, if you examine the evidence in the record.

And Assemblyman Kamin and Assemblyman Garrett, in their opening statements -- and as a matter of fact, virtually everyone in all of their comments -- kept discussing the runaway spending, the taxes. One gentleman sat here and quoted, at length, about the terrible inequities and abuses of the tax dollars. And he cited some United States Senators and Congressmen and so forth, and it was a litany of horror that I think all of us, any sensible person, would say that it's really a tragedy that those things happen.

So if the two Assemblymen, and Assemblyman Garrett in particular, who mentioned that the reason that the budget was not balanced when the Congress had an opportunity to do so, because they did not want to give up power-- They, in fact, have found themselves in a position of authority and did not want to relinquish it. Well, what would that say if, in fact, we had a constitutional convention? How about the power that those people might have, and to what extent and to what length they would want to perpetuate that power in their hands? The safeguards that you seem to think would prevent abuses, given that this would come back to the states, it's already been indicated here, the state legislatures may not have an opportunity to decide what amendments are here in this convention and what are not.

Empaneled state conventions would make that decision. You may not have anything to say about it. You may not select the individuals who would be part of state conventions. You

may have absolutely nothing at all to say about it. So the safeguards that you're offering us on the surface do not seem to hold a great deal of water.

In addition to that, I think the larger question is here: Would we want to balance the Federal budget? I'm sure that if we said that, and if the Congress voted tomorrow, all of you who said, "Yes, we'd like to have that--" Think about the implication. The current budget is $1.5 trillion. The deficit is $400 billion. Balancing the Federal budget immediately would mean one of two things: A dramatic increase in taxes of about 30 percent for every taxable American, or the Congress would reduce spending. And since even the two sponsors of this bill have said the Congress are irresponsible, and will not reduce spending, then what they're recommending is that all of us have a tax increase of 30 percent. It's absolutely insane.

I mean, where do we get the idea that a federally balanced budget is going to stop spending? Where do you get that idea? It's not going to stop spending at all.

What it will require is that the Congress now has to raise resources to match their spending. In a recent case in Kentucky, several tax magistrates were put in jail because they refused to balance a county budget. And they had to stay in jail until they raised taxes to balance that budget. Is that a portent of things to come?

A balanced budget is no panacea. A balanced budget means what? The Congress can continue to increase spending, only raise taxes to match the spending. Why in the name of heaven would we want any amendment that says that?

How about we reduce government, and correspondingly, reduce the cost to run government, which would reduce spending? It would reduce regulation. It would reduce the imposition that the Federal and state governments now have on the private sector, virtually destroying our ability in many cases to produce with competitors anywhere else in the world.

We don't need a balanced budget amendment. We need a reduction in government, and this amendment doesn't do that. If you balance the Federal budget, what does it mean? It means an increase in taxes. And every time Congress wants to spend more money, they increase taxes immediately so they don't run a deficit.

I mean, all of these people from the tax organizations that have been here, for some strange reason, equate a balanced budget with a reduction in spending. Exactly the opposite could be true, and probably would be.

So for Assemblymen Garrett and Kamin, I think you are treading on very dangerous grounds. And even if we got what you wanted, we'd all be in serious trouble. What guarantee could you give us that our taxes would not increase 30 percent, immediately, with a Federal balanced budget? You couldn't give us that assurance; I know you couldn't. And neither could the Chairman of this Committee.

So why in the name of heaven are we futzing around with an amendment that will not serve the purpose that everybody seems to think it will? The balanced budget amendment will not reduce spending. It will not cut taxes, and therefore we should not touch it, either from the congressional standpoint, or from a constitutional convention standpoint.

While politicians are not noted for changing their minds, although, I notice the Chairman here did, on a recent major issue in New Jersey, and I'm sure he's hearing a great deal about that.

ASSEMBLYMAN MARTIN: I've gotten a couple of calls.

MR. FITZGERALD: I imagine you have. I imagine you have. You've got pretty good staying power, at least in these Committee hearings.

I have with me, and I was going to read it, but you've had some pretty lengthy speakers, so I'm going to pass on it. I have the recall of the State Legislature of Louisiana, and

the wording is kind of interesting. I only have one copy, so I'll have to make some and perhaps send it to each of the Committee members here.

But the State of Louisiana passed the constitutional convention resolution, and unfortunately, did so in some haste. But when given an opportunity to sit and chat with some folks and read some information and some literature with respect to the potential dangers, they did an about-face, and resoundingly so.

So here's a case where state legislators, having had the time to really examine this issue as perhaps they should have the first time, did a reversal; did an about-face. I would hope that you, Sir, will reexamine your position, Assemblyman Martin, and the rest of you on this Committee, who perhaps are leaning toward this.

There has been a lot of talk about potential dangers and organizations and all kind of sinister things, all of which may or may not be true. But the fact remains: A balanced budget amendment will not stop taxes, it will not stop spending, and it's absurd to sit here and think it will. Let's put some pressure on the elected representatives to reduce the size of government, and it will correspondingly reduce taxes and reduce spending. Let's get the government off our back, out of our pocketbook, and back where they belong.

Thank you. (applause)

ASSEMBLYMAN MARTIN: Ms. Lemons is next, and Mr. Bauer-- Is he here, Steve Bauer? (affirmative response) You're next, sir. And then, Mr. Huff. Is he here (no response) Mr. Huff. (no response)

C H E R Y L D U N C A N L E M O N S: Hi. My name is Cheryl Duncan Lemons, and I'm a resident of New Jersey from Rutherford. I don't use paper anymore, this is the computer age. (referring to hand held computer notebook)

The issue for me is very simple. The Federal government should definitely balance the budget. I'm not sure that anyone here is actually opposed to that. SR-52, which was recently introduced in the Senate, would have Congress itself pass the amendment.

We certainly need to force Congress to act responsibly, but you also must act responsibly with the rights of your citizens. I'm very concerned about the possibility of the Constitution being changed. As a citizen of New Jersey I'm appalled that the Legislature is actually considering acting so capriciously with our rights.

Chairman Martin, you even admitted at the end of the last session that a constitutional convention could not be limited.

ASSEMBLYMAN MARTIN: That was my opinion.

MS. LEMONS: Okay.

ASSEMBLYMAN MARTIN: I agree with Mr. Gunther, although I can tell you that his book on constitutional law is not used in every law school, but I agree with him on the issue.

MS. LEMONS: Okay.

So, my basic question is: Why venture into the unknown when there are known ways of actually handling the problem and having a solution to the problem?

One proposed constitution suggests that there would be public education only for those who meet the appropriate test of eligibility. The practice of religion would be privileged. Freedom of expression, of communication, and assembly would be fine, unless there was a declared emergency. But, is your emergency mine, or his, or hers? And are you privileged enough to actually practice your religion? And who is actually going to be writing the test to determine the eligibility for school?

Now this may never happen. This may be just totally off the wall, but someone actually took the time to think this up. And if someone's actually taking the time to think this up, that means that someone wants it.

Just the uncertainties with how the constitutional convention would be called brings into question why should we choose this unknown, dark path which we don't know what will actually occur? No one thought that any great change was going to happen in Russia so spontaneously. We could have the same thing here, except in reverse.

I'm just not interested in throwing away my rights and the rights of my family, and I'm hoping that you, also, will not, as the Legislature of New Jersey.

Thank you very much. (applause)

ASSEMBLYMAN MARTIN: Mr. Bauer? Is Mr. Huff here? (no response)

S T E P H E N A. B A U E R: I'm but a common man, and would not be here if I didn't take this important and controversial issue most seriously; that of a constitutional call. But it is more than just this. It is a spiritual war where the forces of good on which this Republic was founded are being challenged, even to the point of being altered or replaced.

Since once a convention is in session, amendments not intended could be passed, or as the first convention, our whole Constitution could be replaced. I would be content going about my daily life, working, being with friends and family and worshiping God Almighty, but in times of need, it is my patriotic duty to defend my God and my country. Such a time of need is, indeed, upon us. As in all war, in spiritual warfare the forces of evil infiltrate the forces of good, and underinform and misinform those who truly seek to do good, bringing them into the opposing camp, even for just one issue.

The rock of which our great Republic was founded on is Judeo-Christian values as enshrined in the Bible. Each of the founding fathers professed a belief in a supreme being, God. After studying history, debating, pondering, and heartfelt prayer, they came to a divinely inspired consensus on the form and manner in which our sacred Constitution was written.

As though to add weight to their argument, the main driving force for a convention says our founding fathers could not have seen many of the advances of our day. Many of these same people make the same claims about the word of God in the Bible. While the former may be true, it seems they want it to be supposed that both our Constitution and the Bible were written with the limited intellect of man alone, and not by the direction of God himself.

The Bible, as well as our Constitution, were written for all people for all time. The Bible is God's instruction book for us on how we should live and how to overcome the troubles in life. On the other hand, our Constitution is God's gift to us so that the human spirit may realize what the Bible intended. Together, they enable us as individuals and a society to become increasingly free. Take away these, and it seems there is no argument against them intertwining and binding the powers and authority of the executive, legislative, and judicial branches so they can more easily take over.

To avoid tyranny, our founding fathers realized the importance of the separation of these powers. In the booklet, "The Secret Plans to Uproot the U.S. Constitution," by the newspaper, Spotlight, it quotes James Madison. He says, "The accumulation of all powers, legislative, executive, and judiciary in the same hands may justly be pronounced the very definition of tyranny."

A tyrannical form of government is directed by Satan in that it seeks to squelch the human spirit. Upon study of Holy Scriptures and history, one can realize that civilizations rise by varying degrees and to varying heights to the extent that they obey the laws of nature and of nature's God, and fall by varying degrees and varying depths, even to extinction, to the extent they disobey these same laws.

The main driving force must be kept from the public eye. If the public were told outright what their motives are,

that for the better part of the 20th century they have sought to undermine the moral and social integrity of our country, we would stand up immediately and fight tooth and nail.

They're much more clever than that. They're doing this by infiltrating key positions in government, the military, the media, education and in religions. They will not wield their efforts, except by degree, until they feel they have consolidated enough power where it is deemed impossible for the forces of good to overcome them.

They erode our moral and social fiber, here a little, there a little. Think of how much more moral our society was 70 years ago, 50 years ago, even 30 years ago, and how with each succeeding generation our morality has eroded. What was unacceptable to the older generation was acceptable to the younger generation. Then the younger becomes the older, and they become resistant to further immoral changes, but not their children. With these evils becoming more and more prevalent in society, do you really think the forces of righteousness are at the forefront?

To truly balance the budget, Congress needs to limit spending to those provided for in our Constitution. To think that Congress is already doing unconstitutional spending, do we think they would feel bound to another hurdle? It is shortsighted.

The history of man up to and since our only constitutional convention could not have brought us to such a document as insightful as our beloved Constitution; not before the convention because our cumulative knowledge and the gathering of the proper men was not as such whereby the same conclusions would be reached, and not after the Constitution. The political turmoil that was obvious afterward was so much so, that at the suggestion of reconvening the convention, James Madison, in a letter to George Turberville said, "Under these circumstances it seems scarcely to be presumable that the

deliberations of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first convention which assembled under every propitious circumstance, I should tremble for the result of a second."

With these thoughtful words in mind, with the political turmoil of our time, is it not more true, the reasons for not having a convention?

Who are the people who are for a convention? As stated earlier, many are good people, misinformed and underinformed, believing they are doing America a great service. We must convince them of their error and seek their support.

Then there are the movers and shakers. Some of them are people of evil design, and purport to have the noblest of motives, claiming what they are striving for is for the betterment of mankind, even its perfection, by joining all politics, all religions, and all ways of life into a concerted effort. Then they will tell you that their way is the purest form of politics, religion, and way of life, and that by gradually leaving behind what you believe, only then will mankind be truly happy. Only then will some of them realize too late that they have been deceived by the father of all lies, even the devil.

They, having usurped the power and authority of the land, laying aside the commandment of God, and not in the least of right before him, doing no justice unto the children of men, condemning the righteous because of their righteousness, letting the guilty and the wicked go unpunished because of their money.

And moreover, to be held in office at the head of government, to rule and do according to their wills that they might get gain in the glory of the world.

And moreover, that they might the more easily commit adultery and steal and kill and do according to their own wills.

And it came to pass that they formed a secret combination, even as days of old, which combination is the most abominable and wicked above all in the sight of God, for the Lord worketh not in secret combinations.

Yes this call for a constitutional convention is much more than for a balanced budget amendment. This call will open up Pandora's box.

They also claim that anyone who is opposed to this call is trying to take America back to the '50s. Nothing could be further from the truth. We have a most spectacular and glorious agenda in store for America's future; a future where our government is returned to all the restraints God and man intended for it; a future where those who will not turn away from misdeeds and repent, God will bound and gag; where contentions and wars and tears will be no more; where righteousness will again be at the forefront and will thrive throughout the land; where all hearts will swell in the righteousness of God.

This is my America. This is God's America. I pray for her and her people. Thank you. (applause)

ASSEMBLYMAN MARTIN: We've heard from everyone on the list and everyone who has signed up. This will conclude the public hearing.

W I L L I A M C O S T A N Z O: I signed up, but I didn't hear my name.

ASSEMBLYMAN MARTIN: Your name is what?

MR. COSTANZO: William Costanzo. I called up Mr. Margeson and gave my name for this. I was on the first one for the third. That was canceled. Then I called again to be specifically here today.

ASSEMBLYMAN MARTIN: You're not on the list, but we'll take you.

MR. COSTANZO: That's great. I have 11 copies of my testimony. I'll make it very brief.

Mr. Chairman, it is both my honor and responsibility to be here. My name is William Costanzo, and I am a resident of Toms River, New Jersey.

I have documentation on the constitutional changes that ACR-30, the balanced budget amendment, is planned to bring about. In order to explain the danger of ACR-30, I ask you to look back briefly. On October 21, 1986 Richard L. Thornburgh, then Governor of Pennsylvania, gave the following testimony to this Assembly State Government Committee on ACR-54, also the balanced budget amendment. He testified on page 15 -- which is attached in the back -- "The executive and legislative branches at the Federal level are, in truth, caught up in a system badly in need of structural adjustment. The balanced budget amendment is the key element in such an adjustment."

If there is any doubt in your mind about what Richard Thornburgh meant by "structural adjustment at the Federal level," it is clarified at the bottom of page 14. "It is constitutional, not legislative change that is needed."

Now you see that constitutional change is a hidden agenda. The words structural change and structural adjustment are buzzwords for at least one group which is working for radical change in the U.S. Constitution, far apart from budget considerations.

We see the use of the phrase, "structural change," in the paper entitled "Words of Caution About Structural Change" by Don Price, which appears on page 39 of the book, "Reforming American Government," subtitled "The Bicentennial Papers of the Committee on the Constitutional System."

What is the agenda of this Committee on the Constitutional System? To answer this question, turn to page 68 for a chapter entitled, "A Statement of the Problem." On page 69 we see in the second paragraph that their agenda is: "The elimination of the separation and balance of power at the Federal level." Now referring to the presidency, the Senate,

and the House of Representatives as centers, "Each center is structured to prevent any faction such as a political party from establishing control over the machinery as a whole. This scheme was deliberately designed in the aftermath of the revolt against George III to protect the young Republic against a new despotism."

If we were to allow the CCS to realize their goal of elimination of separation of powers, what would be left to defend us against such a new present day despotism.

The danger of this is highlighted in the next paper, page 24, by C. Douglas Dillon, entitled, "The Challenge of Modern Governance." On the bottom of page 28 Dillon states: "A question transcending all immediate issues, is whether we can continue to afford the luxury of the separation of power in Washington between the executive and the legislative branches of our government."

Therefore, we see that since in Dillon's mind, eliminating the separation of powers transcends all immediate issues, then it also transcends balancing the Federal budget.

Reading from the top of page 29: "What is the alternative?" The answer could well be some form of parliamentary democracy. Now the hidden agenda is revealed. The structural adjustment that Thornburgh referred to in his testimony we now see is to restore the parliamentary system that the founding fathers fought a war to free us from.

The CCS is commonly referred to in the political community as the parliamentary government group. The CCS does not expect this transition to come about easily. Reading from the second paragraph on page 29: "Such a significant shift in our Constitution is unlikely to come about except as a result of a crisis that is very grave indeed."

Reading from the bottom of the page: "It is hard to foresee the circumstances that would lead to such a drastic change in our Constitution." In the CCS's own words, they are

calling for: "A drastic change in the Constitution." This would not be required if the agenda was a balanced budget amendment.

In a second paper in the book, Dillon offers a 1930s type depression or a 1920s type German hyperinflation as possible crises that would bring about circumstances which would result in the drastic changes that he calls for.

Now the critical question is: Who are the members of the CCS? Do they have the power to bring about the changes they want? To answer this question, we turn to the next page, "About the book and editor." Reading from the bottom of the page: "The committee, which is nonpartisan and nongovernmental, is chaired by Senator Nancy Kassebaum, Republican of Kansas; C. Douglas Dillon, member of the Eisenhower and Kennedy cabinets; Lloyd Cutler, White House Counsel to President Jimmy Carter.

Page 164 is the link between Thornburgh and the CCS because he has a paper in the book entitled, "Balance the Budget." This documents his association with the group, CCS.

Turning to pages 333 and 334, which is a list of the directors of CCS, we see Richard Thornburgh listed as one of the directors of CCS. Therefore, it is logical to conclude that the structural adjustment that he referred to in his New Jersey testimony of 1986 is the elimination of separation of powers in favor of a parliamentary government.

The power of this group is revealed by scanning the listing of the board of directors. The list of 41 names include: Nicholas Brady, the present Secretary of the Treasury and former employee of C. Douglas Dillon at Dillon Reed Investment bank; Lloyd Cutler, White House Counsel to Jimmy Carter; J. William Fulbright, former Senator from Arkansas; Nancy Kassebaum, Senator from Kansas; Donald McHenry, former Ambassador to the United Nations; and Robert McNamara, former Secretary of Defense, just to name a few.

ACR-30 is the key to the constitutional convention. The CCS can exert terrific pressure in the selection of the delegates, and has the power to pressure them once the convention is empowered.

I do ask you to recall the testimony of Congressman Dick Allen who spoke about how some of that power and terrific pressure can be used.

In conclusion, the con-con will destroy our country much sooner than the awesome budget problems. Thank you. (applause)

I have this book for your inspection, if you would like to look at it?

ASSEMBLYMAN MARTIN: I will.

MR. COSTANZO: Okay. There you go.

These are the most damning things that I could say, because it's quoted directly from the Committee on the Constitutional System.

ASSEMBLYMAN MARTIN: I want to thank the sponsors for being here and for hearing all the testimony at the public hearing today. I especially want to thank Virginia Haines and my colleague over there, David Russo, for also participating.

There is a transcript being made. I'm not quite sure how OLS eventually does it, but it is available on request.

UNIDENTIFIED MEMBER OF AUDIENCE: Who do you request from? How do you make your request?

MR. MARGESON (Committee Aide): You can ask me.

UNIDENTIFIED MEMBER OF AUDIENCE: Is there any chance of changing the vote from the first Committee? Is there going to be a vote again?

ASSEMBLYMAN MARTIN: No. Right now it just remains a released bill from this Committee. It is in the hands of the Speaker of the Assembly, who can decide to post it -- when and where.

UNIDENTIFIED MEMBER OF AUDIENCE: So it was released as a favorable, I guess, right?

ASSEMBLYMAN MARTIN: It was released in July.

UNIDENTIFIED MEMBER OF AUDIENCE: Right but it was--

UNIDENTIFIED MEMBER OF AUDIENCE: Mr. Chairman, I'd like to thank you and the members of your Committee for your cooperation and your patience, especially your patience on this issue.

MR. OAKES: Assemblyman Martin, I would like to say thank you very much for your time, and your patience. The mind will absorb what the seat will endure.

ASSEMBLYMAN MARTIN: I did learn a lot. I was surprised. I thought I'd hear much the same as from last time, but I heard some information that gives me some thought.

UNIDENTIFIED MEMBER OF AUDIENCE: Mr. Chairman, I came with a very open mind. I came to become educated on this issue. Now what happens with all this information? Do the other-- Do all the members of the Assembly and the Senate get access to this? Do they listen to tapes?

ASSEMBLYMAN MARTIN: The transcript will eventually be made available and a copy will be given to every member of the Assembly prior to their voting on the issue.

UNIDENTIFIED MEMBER OF AUDIENCE: And when will that be?

ASSEMBLYMAN MARTIN: Well, let's put it this way: We won't be voting on it until before they have it. So that's clear enough. We may never vote on it. I mean, I don't want to take the prerogative of the Speaker, but--

UNIDENTIFIED MEMBER OF AUDIENCE: I can never see somebody voting on this without being exposed-- Because I've learned an awful lot from it.

MR. D'ALESSIO: (speaking from audience) I'd like to make a motion that you all vote a nay, and just send it right and completely, 100 percent-- (indistinguishable)

ASSEMBLYMAN MARTIN: Well, you're not quite-- You've got to get elected to a seat, first.

UNIDENTIFIED MEMBER OF AUDIENCE: Is there a certain amount of time people would have to look at it? It's quite a bit of testimony.

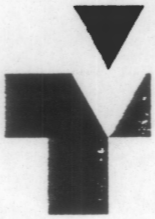
ASSEMBLYMAN MARTIN: Pardon me?

UNIDENTIFIED MEMBER OF AUDIENCE: Will there be much time?

ASSEMBLYMAN MARTIN: I think you might want to make that request to the Speaker.

(HEARING CONCLUDED)

APPENDIX



NATIONAL TAXPAYERS UNION

Statement of

David Keating

Executive Vice President,
National Taxpayers Union

Before the

State Government Committee
of the
New Jersey General Assembly

on

ACR 30

Mr. Chairman and members of the Committee, on behalf of the National Taxpayers Union's 200,000 members, including our 6,000 New Jersey members, thank you for the opportunity to present our views on ACR 30, a resolution calling for a Convention to propose a balanced federal budget amendment to the U.S. Constitution. Few measures could be more critical to enact.

To date, 32 states have adopted resolutions calling for an Article V convention for the sole purpose of proposing a Balanced Budget Amendment. A scare campaign persuaded three States (Alabama, Florida, and Louisiana) to repeal their resolutions, but many citizens and Legislators are working to restore these resolutions. Our opponents have tried repeatedly to repeal most of the 32 State resolutions. Whenever there has been a full hearing, their efforts failed and the State Legislature maintained its Balanced Budget Amendment Convention resolution.

The Framers of the U.S. Constitution assumed each generation of Americans would pay its own bills—and that the federal budget would, over time, remain roughly in balance. According to Thomas Jefferson, "we should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves."

This assumption—and this moral commitment—remained in force for close to 200 years. But today, the behavior of the Congress and the president no longer reflects a moral commitment to balance the budget. In today's era of mass media, special interest politics, and expensive and sophisticated election campaigns, the checks and balances established 200 years ago are not up to the job of controlling the federal deficit.

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Recent Congresses and presidents have proven themselves incapable of acting in the broader national interest on fiscal matters. Whenever Congress considers actions (like spending cuts) that could help balance the budget, the average American stands to gain from fiscal restraint. But the benefit most people realize from restraining any single budget item is relatively small. Few are aware of it, and fewer still express their views about it. By contrast, those who stand to lose from budget restraint—typically the beneficiaries and administrators of spending programs—are well aware of what they stand to lose. So they mount tightly-focused lobbying campaigns, buttressed by campaign contributions and direct mail. Legislators have to show uncommon statesmanship and take big political risks to stand up to these pressures and vote in the national interest instead. Sometimes they do, but usually they do not. The special interests win, and deficits mount.

This is why we have not had a balanced budget in 22 straight years, and only one in the last 30. Deficits grow bigger and further out of control as the years pass. A succession of presidents and Congresses has proven unable to stem this historic and highly dangerous turn of events. The feeble deficit-reduction efforts taken by the Congress and the president over the last four years offer yet another example of this. Despite wide bipartisan agreement about the danger of deficits, this fiscal year's budget deficit is projected to reach over $300 billion. A balanced budget is nowhere in sight.

Before long, the very solvency of the United States of America will be a stake. This crisis of deficit spending has plainly reached constitutional proportions.

Our experience of the past 30 years demonstrates that a constitutional amendment must be enacted if we are to guarantee the fiscal integrity of our nation for this and future generations.

DEFICIT FINANCING IS HARMFUL TO THE NATION'S FUTURE.

Deficits rose sharply during a period of prosperity. So why the concern? If our economy starts booming, can't we simply grow our way out of these deficits?

That would be nice if it were true, but it isn't. The economy grew steadily for almost eight years, but the deficits continued. We are in the midst of what could easily be a decade-long string of deficits averaging $200 billion. Deficits in FY '91, '92 and '93 could add up to a trillion dollars of new borrowing.

As deficits mount, so does the national debt. It took our nation 205 years—from 1776 to 1981—to reach a $1 trillion debt. It took only 8 years to reach $3 trillion.

Each year, interest payments rise as the overall debt grows. These payments are one of the fastest-rising items in the federal budget—they now account for virtually the entire deficit, all by themselves. The gross interest costs in 1992 will be the single largest item in the Federal budget.

As the cost of debt service rises, the pressures on the federal budget will get worse and worse. In 1969, we used to spend less than 9% of government receipts on interest payments. Now we spend 27%. Mounting interest payments will crowd out funding for

essential government services, and we will not be able to accommodate any new priorities—unless we make massive cuts in other programs, raise taxes drastically, or borrow even more dangerously than we do today.

At the same time, we are directing more of our private savings into financing Federal debt. This money otherwise would go into investments that could create jobs, boost labor productivity, and stimulate lasting economic growth. What this will mean, over time, is that we will not generate enough wealth to help us pay our debts and maintain our standard-of-living. So unless we change course, we'll just dig ourselves into a deeper hole year after year.

Federal budget deficits have helped spawn huge U.S. trade deficits. Both types of borrowing, working in combination, are soaking up global savings at a rate unmatched in world history. Before 1985, the United States was a creditor nation. Now, we owe more to foreigners than they owe to us.

Our prosperity is built on borrowed money. That means our economy is living on borrowed time. The day will come when we have to stop borrowing, and start paying back our debts. We may not be the ones to make that decision. Our creditors—especially our foreign creditors—may make it for us. The longer we wait before balancing the budget, the greater the risk that the American people will someday suffer a lower—possibly a sharply lower—standard of living. It may come about suddenly, through a global debt crisis. Or it could set in gradually. But the long-term result would be the same either way.

DEFICIT FINANCING IS HARMFUL—AND UNFAIR—TO FUTURE GENERATIONS.

Whenever we spend public money, we commit ourselves to pay taxes to finance that spending. The only question is when. We can pay now, or we can borrow and pay later. When we borrow, we commit American taxpayers to pay in perpetuity—unless we ever pay off the debt principal, which is extremely unlikely.

The amount taxpayers will pay hinges mainly on how old they are. If they are children or young adults—or if they have not yet been born—they will pay the most.

Paying interest on the national debt (the accumulation of all past budget deficits) will cost today's child $90,000 in extra taxes, on average, over his or her lifetime. Each year that we endure another $200 billion deficit will cost the average child another $7,000 or more in extra taxes.

Here's why this is true: Assume an interest rate of 8%. Each $200 billion of new debt means another $16 billion in annual interest charges, year after year. America has just under 110 million taxpayers—so the average taxpayer will have to pay $145 in extra taxes each year, in perpetuity, just to pay the interest on one year's deficit. Assume a 50-year time span as a taxpayer, and the total cost, per person, is over $7,000. A decade-long deficit spree could ultimately cost the average child of today over $70,000. A 10% interest rate would increase that cost to almost $100,000.

How Should We Respond to Those Who Say They Want a Balanced Budget But Who Oppose a Constitutional Convention?

The well–organized opponents of a balanced federal budget know they can't win by arguing against a Balanced Budget Constitutional Amendment. Since they can't win on the real issue, their only hope is to manufacture a false issue—the imaginary fears of a U.S. constitutional convention.

Our opponents will try to scare you away from leadership for a balanced federal budget. Be skeptical of fearsome claims about a constitutional convention. They are smokescreens.

You would be suspicious of anyone who claims to support law enforcement but wants to abolish the police. You should be equally skeptical of anyone who claims to be for a Balanced Budget Amendment but against a limited convention to propose it.

A vote against the convention call is a vote against requiring a balanced federal budget.

The attack on your Balanced Budget Amendment resolution comes from powerful special interests that want to continue unlimited federal spending and debt, and from well–meaning people who have been fooled by the opponents' campaign of fear and deception.

Some opponents are good people who are sincerely misinformed. However, their sincerity cannot excuse the debt disaster they would innocently inflict on the American people. Some people are sincerely afraid to fly on airplanes, but you are too wise to drive an automobile on a long trip. Some people are sincerely terrified of the American citizens and their State Legislatures acting through an Article V convention call, but you need not believe their nightmares.

What did Senator Sam Ervin say about our opponents' tactics?

The late Senator Sam Ervin of North Carolina, whose reverence for our Constitution is legendary, spoke the plain truth:

> **"I think that the fear of a runaway convention is just a nonexistent constitutional ghost conjured up by people who are opposed to balancing the budget, because they want to be able to promise special groups something for nothing out of an empty pocket."**

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Should We Fear a Constitutional Convention?
Six Safeguards Protect Us

Our opponents claim a constitutional convention might repeal the Bill of Rights, impose a communist system, or do some other horrendous damage to our Constitution. Whatever you most fear, you will be told that a convention will do it.

But what are the safeguards, and can we depend on them?

There are at least **six safeguards** on a federal constitutional convention—**six solid reasons why a convention won't harm our Constitution.** A convention is not likely to be held, because Congress will want to write any proposed constitutional amendment. But if a convention is held, these six safeguards ensure we need not fear it:

Safeguard #1:
The States Have Power to Limit a Convention to Only One Subject

The most thorough study of this question was made by the **American Bar Association's Special Constitutional Convention Study Committee.** This was a two–year study by nine respected constitutional scholars, ranging from liberal to conservative. In their 90–page report in 1973, they **unanimously agreed that the State Legislatures can limit a constitutional convention to only one subject:**

> "Congress has the power to establish procedures governing the calling of a national constitutional convention limited to the subject matter on which the Legislatures of two–thirds of the states request a convention ... (p. 9)
>
> "Since Article V specifically and exclusively vests the State Legislatures with the authority to apply for a convention, we can perceive no sound reason as to why they cannot invoke limitations in exercising that authority. (p. 16)
>
> "In summary, we believe that a substantively–limited Article V convention is consistent with the purpose of the alternative method since the States and people would have a complete vehicle other than the Congress for remedying specific abuses of power by the national government; consistent with the actual history of the amending article throughout which only amendments on single subjects have been proposed by Congress; consistent with State practice under which limited conventions have been held under constitutional provisions not expressly sanctioning a substantively–limited convention; and consistent with democratic principles because convention delegates would be chosen by the people in an election in which the subject matter to be dealt with would be

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known and the issues identified, thereby enabling the electorate to exercise an informed judgment in the choice of delegates." (p. 17)

What Did the Founders Say About the States' Power to Call a Limited Convention?

James Madison and **Alexander Hamilton** explained that Article V was intended to allow either the Congress or the State Legislatures to originate specific amendments, one at a time. Their explanation supports the States' right to limit a convention to proposing only one amendment.

> "That useful alterations [in the Constitution] will be suggested by experience, could not but be foreseen. It was requisite therefore that a mode for introducing them should be provided. The mode preferred by the Convention seems to be stamped with every mark of propriety." – The Federalist No. 43 at 204"Every amendment to the Constitution, if onceestablished, would be a single proposition andmight be brought forward singly ... And consequently,whenever nine, or rather ten States, were united in thedesire of a particular amendment, that amendment mustinfallibly take place." Hamilton, The Federalist No. 85,at 572.(Note: When there were only 13 States, Article Vwould have required nine States to meet the two–thirdsrequirement for calling a convention, and ten States tomeet the three–fourths requirement for ratifying anamendment.)

But Don't Some Law Professors Claim the States Can't Call a Limited Convention?

Of course. You can find law professors on all sides of any issue, including this one. Their conflicting statements are unimportant in view of the strong, clear statements by Madison and Hamilton (above) and the unanimous report by all nine members of the American Bar Association's Special Constitutional Convention Study Committee (above).

Has Congress Recognized the States' Power to Call a Limited Convention?

Yes, in at least two important ways.

First, Congress counts **only resolutions for a convention on the same subject,** to determine whether the required two–thirds of the States have called for a constitutional convention.

The U.S. Department of Justice reported in 1987 that 39 States had filed constitutional convention resolutions with Congress. Each resolution called for an amendment on one specific subject, but the various resolutions named different specific subjects.

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Why didn't Congress call the convention? Any 34 States can call a convention under Article V. If the States could call only a general, wide–open convention, or if the States' specific limits on a convention can be ignored, then Congress should have called the convention long ago in response to the 39 requests.

But Congress and the States correctly recognized there were **not yet 34** State resolutions requesting a convention **on the same subject.** Therefore, Congress could not and did not call a convention. Nobody has seriously suggested that Congress should call one in response to these 39 States' resolutions seeking different amendments.

Since both Congress and the States clearly recognize that to call a convention there must be two–thirds of the States asking for a convention **on the same subject,** it makes no sense to argue that the convention would not be limited to the single subject for which it was called.

Second, Congress itself has often proposed one single amendment to the Constitution. Some opponents claim that Article V allows only a convention to propose "Amendments," meaning two or more amendments. But Article V applies the word "Amendments" equally to Congress and to a convention. Congress, by usually proposing only one amendment at a time, has repeatedly recognized that the Article V amending process can be limited to only one amendment—whether proposed by Congress or by a convention.

Do the States' Balanced Budget Amendment Resolutions Limit a Convention to Proposing Only this One Amendment?

Yes. All 32 State resolutions on this subject request **only** a Balanced Budget Constitutional Amendment. They ask for a convention only "for the specific and exclusive purpose" of proposing this one amendment, or very similar language.

Safeguard #2: Congress Also Has Power to Limit the Convention to one Subject, and Congress Has Strong Incentives to Do This

If two–thirds of the States request a convention, under Article V Congress calls the convention. Congress must also provide for election of delegates, time and place of the convention, etc.

In the same legislation Congress can limit the convention to only one subject. See the American Bar Association study (above). Congress undoubtedly would do so. Congress has no desire for an unlimited convention that might, for example, propose an amendment limiting Congressional terms or pay. Congress would be under heavy public and political pressure to limit the convention as specified in the States' resolutions calling for the convention.

Congress could require all convention delegates to take an oath that they will limit the convention's work to the one amendment specified by the States.

Safeguard #3:
The People Will Elect Convention Delegates
Pledged to Consider Only a
Balanced Budget Amendment

Candidates for delegate can run on a pledge to propose only this one amendment. There is no public support for any drastic revision of the Constitution, so delegates who make this pledge are more likely to be elected.

Also, since the States' resolutions limit the convention to only this one amendment, most delegates will accept this limit as both a moral and legal obligation.

Safeguard #4:
Congress Can Refuse to Send and Unauthorized
Amendment to the States for Ratification

Article V provides that any amendment becomes part of the Constitution only "when ratified by the Legislatures of three–fourths of the several States, or by Conventions in three–fourths thereof, as the one or other Mode of Ratification may be proposed by the Congress." Congress, not the convention, chooses the method of ratification.

To date, Congress has submitted all proposed amendments to the State Legislatures, except the amendment repealing prohibition. All versions of the Balanced Budget Amendment now before Congress specify that it will be submitted to the State Legislatures for ratification.

If a convention would propose an amendment on a different subject, it would exceed the convention's limited authority. That would be good and sufficient reason for Congress to refuse to send the unauthorized amendment to the States for ratification.

Safeguard #5:
The U.S. Supreme Court Can Strike Down
Any Proposed Amendment that Goes Beyond
the Convention's Limited Authority

If a convention were to propose an amendment on any subject other than a balanced budget, any of the 50 States could bring suit directly in the U.S. Supreme Court to declare the unauthorized amendment void. Article III, Section 2 of the Constitution gives the Supreme Court original jurisdiction in all cases in which a State is a party.

Safeguard #6:
No Amendment Can Become Part of the Constitution
Until It Is Ratified by Three–Fourths of the States

This is the most important safeguard. A constitutional convention, like Congress, can only propose an amendment, which must then be ratified by 38 states before becoming law.

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Assume the worst: a wide–open, irresponsible convention that defies its limited authority and proposes dangerous amendments; and both Congress and the Supreme Court somehow fail to use their power to stop these illegal amendments. Even this imaginary situation would not endanger our Constitution, because of the ratification requirement.

Each amendment would die if only 13 States did not ratify it. **Mere inaction by 13 States would defeat any amendment.** Both of the last two proposed amendments failed to be ratified: the Equal Rights Amendment and the District of Columbia Voting Rights Amendment. This shows how hard it is to get 38 States to ratify any controversial amendment.

Those who sow panic about the convention process cannot name even one State, let alone 38, that would ratify repeal of the Bill of Rights, or a communist government, or any of the other horrors and hobgoblins they pretend to fear.

Do These Six Safeguards Reinforce Each Other?

Yes. **Any one of these six safeguards is ample** to prevent any harmful amendment, or any amendment on any subject other than a balanced federal budget. The combination of **all six safeguards** powerfully protects the Constitution and the people, and destroys our opponents' wild claims.

Our opponents do not trust the American people or the State Legislatures. We concerned taxpayers believe the people and the State Legislatures cherish and will protect our Constitution, using the safeguards that the Constitution provides.

A Constitutional Convention Cannot Change the Ratification process or Impose a New Constitution

Some of our opponents paint a nightmarish picture of a runaway convention overriding the Constitutional requirement that 38 States must ratify any proposed amendment, and imposing a new, radical Constitution.

But How Could This Actually Happen?

How indeed? Our opponents never explain how this could happen, or how the evil plotters would persuade the American people to elect a majority of delegates who would violate the Constitution in this extreme way.

Even if a convention would attempt to impose a new Constitution and bypass the ratification process, any State could immediately ask the U.S. Supreme Court to strike down this obvious violation of the Constitution.

Article V plainly states that a convention's authority is limited to "proposing Amendments" and that no amendment becomes valid until it is ratified by three–fourths of the States.

Proclaiming a new Constitution in violation of our present Constitution **would amount to overthrowing our government.** But any such attempt by a convention would surely be **the most toothless, ineffective revolution in world history.**

Would the President, Congress, Supreme Court, and millions of federal employees, including the world's most powerful armed forces, simply bow down and obey an illegal decision by a roomful of unarmed delegates? The idea is silly.

A convention has no power to levy taxes or raise armed forces to help it take over the nation. The Constitution gives Congress at least 20 specific powers that a convention lacks. Congress can raise taxes, spend money, impeach Presidents, and much more.

If one wants to worry about far–fetched possibilities, it is more likely that Congress could usurp the Constitution than that the convention could usurp Congress. Congress has real powers to induce people to go along with its desires. A convention can only talk and propose.

Was the 1787 Philadelphia Convention a Runaway Convention?

No, not in any way.

We need to remember that 1992 is not 1787. The situation then was totally different from our present powerful government and strong Constitution. The States were independent and there was no effective national government. The Articles of Confederation were dead, the national debt was in default, and armed mobs were closing down courthouses. But in spite of that chaos, the 1787 convention was lawful and orderly.

The Continental Congress called the 1787 convention to revise the Articles of Confederation but added that "such alterations and provisions should render the federal Constitution adequate to the exigencies of Government and the preservation of the Union." This broad scope was vastly greater than the authority of a limited convention under Article V of our present Constitution.

The Articles of Confederation contained no effective amendment process. Therefore, the 1787 convention had to decide how its proposals could be ratified.

In complete contrast, any future constitutional convention will be called under Article V and will be **bound by the specific Article V requirement for ratification by three–fourths of the States.** Our present Constitution, unlike the Articles of Confederation, carefully restricts what a convention can do.

Even so, the 1787 convention acted responsibly and cautiously. It proposed that the new Constitution could be ratified by nine of the 13 States—but it would apply only to those States that chose to ratify it. The convention then submitted its proposed Constitution to the Continental Congress, which debated eight days before submitting the document to the States for ratification.

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To call the 1787 convention "runaway" is an attempt to rewrite history. It could not and did not impose its will—even on a small, weak, chaotic nation.

We challenge our opponents to explain how the future runaway convention which they profess to fear could impose its will on the present United States and its powerful, well–armed government.

The Real Danger: A Runaway Congress

An unwise amendment is more likely to be proposed by Congress than by a convention.

Article V gives Congress the power to propose any constitutional amendment at any time—including a whole new Constitution.

Congress is a <u>permanent</u>, <u>unlimited</u> constitutional convention.

Whenever Congress is in session, our whole Constitution is <u>always "opened up"</u> to unlimited change—by amendments proposed by Congress.

Which is the greater risk: a powerful Congress with permanent authority to propose any or all amendments, or a temporary constitutional convention with authority to propose only one amendment?

Who would be more likely to propose a harmful amendment—the entrenched, self–interested Congress or a group of citizen delegates elected by the people to serve briefly in a one–time, limited convention?

Shouldn't We Be More Concerned About the Greater Danger: Economic Collapse Caused by Runaway Federal Debt?

The grave danger to our nation today is not a constitutional amendment—whether proposed by Congress or by a convention. The good judgment of the American people and State Legislatures will prevent ratification of any destructive amendment.

The real danger is the economic collapse of our nation under a rising burden of debt, caused by the runaway spending of Congress and the President.

The real lesson of 1787 is that financial instability leads to political instability. Bankrupt governments don't last long. Today our government is not yet bankrupt, but is courting economic disaster by reckless spending and borrowing. We are financing our national debt by borrowing hundreds of millions of dollars a day from abroad. Proverbs 22:7 says, "the borrower is servant to the lender." Interest rates are now influenced as much by actions taken in Tokyo as by decisions made in New York or Washington. We have become debtors and tenants in our own land, and in the process our sovereignty is being eroded. Soaring federal deficits and debt have given foreign creditors the power to bring this nation to its knees.

Can anyone name a country that became great or stayed great because of all the money it owed? All the evidence points the other way. Argentina, for example, early in this century was a prosperous nation, with a standard of living similar to our own. Today Argentina still has a well–educated population and vast natural resources, but is sunk in poverty. How did it happen? For decades, the Argentine government paid for present pleasures with future earnings. The result is spiraling inflation, bankruptcy, and a declining standard of living—plus political chaos and serious loss of human rights.

Thus, the real danger is even more than economic collapse. Soaring deficits threaten America's long–term political order and the survival of the freedoms in our cherished Bill of Rights.

The danger of a runaway Congress is far greater than any other defect of our system of government. Presidents can be impeached. So can judges. But—**if we let the opponents** of a balanced budget **make us afraid to use the States' right to propose constitutional reform** through the convention process—**there is no remedy for a Congress out of control.**

America desperately needs leadership by our State Legislatures to stop a runaway Congress from spending us into bankruptcy.

By adopting ACR 30, the New Jersey Assembly will exercise the leadership necessary to place a responsible restraint on the runaway Congress and President, and reverse our nation's downhill slide before it is too late—before America becomes another Argentina.

Congress Will Propose the Balanced Budget Amendment Rather Than Call a Convention

Having disposed of these false fears of a constitutional convention, we should remember one more point: The convention won't be held. Congress will almost certainly write the amendment rather than letting a convention do it.

When the States finally compel Congress to act, Congress will vote to propose its own version of a Balanced Budget Amendment. Letting a convention do it would surely result in a more strict amendment, possibly including penalties for failing to balance the budget. Therefore, when the number of State convention calls reaches 33 or 34, Congress will be forced to act.

This is exactly what happened with the amendment. At the beginning of this century, the U.S. Senate repeatedly refused to vote for an amendment requiring the direct election of Senators. It wasn't until 30 States, one short of the necessary two–thirds at that time, approved limited convention calls that the Senate caved in and voted for the 17th amendment.

There is another reason Congress will propose the amendment rather than letting a convention do it. Incumbents would not want potential opponents to gain fame and media exposure at a convention. It would be an incumbent's nightmare—a possible future

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opponent winning election as a convention delegate, helping to write the Balanced Budget Amendment that Congress refused to propose.

But if 34 State Legislatures Apply for a Constitutional Convention, Isn't Congress Required to Call One?

No, if Congress proposes the Balanced Budget Amendment before calling a convention.

At least **nine** of the States' resolutions for a Balanced Budget Amendment and convention call contain a self–destruct clause. It says that if Congress proposes a Balanced Budget Amendment, then the State's request for a convention **"shall no longer be of any force or effect."**

Thus, even if Congress waits until 34 States have adopted convention–call resolutions, Congress can avoid a convention by promptly proposing the Balanced Budget Amendment. At that moment there will no longer be 34 States calling for a convention.

Is This One More Reason Why the Fears Are False?

Yes. American history tells us we have no reason to fear an Article V constitutional convention, but that it almost certainly won't be held because Congress—when forced to act—will prefer to write the amendment rather than calling a convention to write it.

Conclusion.

By adopting ACR 30, the New Jersey Assembly can help our nation restore fiscal sanity.

The best way to ensure the survival of our Constitution and the guarantees of basic liberty that we cherish is for the States to **use the Constitution as the Founders intended**—to pass enough Article V resolutions to force Congress to act.

Unless we have the courage to use the tools the Founders in their wisdom gave us, our nation will become a second–rate economic power and bury our children under a mountain of debt.

Legislators, the debt–burdened, overtaxed people of New Jersey and America need your help.

Thank you for allowing me to speak for National Taxpayers Union and our many New Jersey members. I will be glad to answer any questions.

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AMERICAN LEGISLATIVE EXCHANGE COUNCIL

The State Factor

Volume 17, No. 2 January, 1991

A WAY TO REFORM THE CONGRESS: The Limited Constitutional Convention

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or other Mode of Ratification may be proposed by the Congress.

Article V, United States Constitution

We agree... that Congress has the power to establish procedures which would limit a convention's authority to a specific subject matter where the legislatures of two-thirds of the states seek a convention limited to that subject.

American Bar Association
Special Constitutional Convention Study Committee

One of the most progressive innovations of the Founding Fathers in setting up our unique form of government was to establish a method of amendment for the new U.S. Constitution. Historian Charles Merriam wrote that during the 1700s "it was heresy to suggest the possibility of change in governments divinely established and ensured."/1 Yet the 1787 delegates -- including George Washington, Alexander Hamilton, James Madison, and Benjamin Franklin -- unanimously agreed that an amending provision was needed to ensure that the Constitution remained a document for the people and by the people./2 From the

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beginning it was accepted as a fundamental American principle that our Constitution could be amended by peaceful methods.

THE AMENDMENT PROCESS

The history of the debate on Article V, as contained in the *Federalist Papers*, clearly shows that the Founding Fathers intended for the states and the Congress to have equal power in proposing an amendment to the U.S. Constitution. James Madison stated that Article V "equally enables the general and the state governments to originate the amendment of errors as they may be pointed out by the experience on one side or the other."

While the Founding Fathers believed Congress would usually be responsive in proposing amendments, they worried that Congress might become oppressive or stalemated and, therefore, unlikely to propose an amendment that the people desired. Delegate George Mason warned that "... no amendments of the proper calling would ever be obtained by the people, if the government should become oppressive."/3 Consequently, the Constitution allows the states to propose amending the Constitution through the convention method.

Article V of the U.S. Constitution provides two methods for amending the Constitution. Congress, through a two-thirds vote of each house, can propose an amendment. All of the amendments now incorporated in the Constitution were proposed by Congress. Alternatively, a constitutional convention can be called on the application of two-thirds (34) of the states.

Article V specifically states that any amendment proposed by the Congressional or convention method must be ratified by the legislatures or special conventions of three quarters of the states. Congress retains the authority to determine which of these two methods of ratification will be used. Today, thirty-eight state legislatures or special state conventions must ratify a proposed constitutional amendment before it becomes law.

Since 1789, over 400 state applications for a constitutional convention have been submitted to Congress. This activity has accelerated in the past three decades. During the 174 year period from 1789 to 1963, Congress received approximately 250 applications requesting a convention. Between 1963 and 1987 more than 350 applications were filed./4 While there have been many calls for a convention, the Congress only counts those applications on similar subjects toward the two-thirds convening rule.

Since 1975, thirty-two of the required thirty-four states have applied to Congress for a limited convention to propose a balanced budget amendment to the Constitution.

A CASE STUDY ON LIMITING A CONSTITUTIONAL CONVENTION: The Balanced Budget Amendment.

The thirty-two states that have called for a convention on a balanced budget amendment specifically limit their request to that one issue./5 For example, in 1979 the state of Iowa applied to Congress for a convention "for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto."/6 Such language is typical of the other state applications./7 Additionally, ten state applications indicate that the application is "null and void, rescinded, and of no effect in the event that such convention not be limited to such a specific and exclusive purpose."

Under such specific application limitations, Congress has no authority to expand or enlarge the call for a convention to consider any topic other than the one specified in the state applications. If thirty-four states submit applications to the Congress calling for a convention for the "specific and exclusive purpose" of proposing a balanced budget amendment, then the Congress must call a convention on that topic and that topic only. If the convention were not called for this purpose, the state applications would simply self-destruct./8

The jurisdiction of a constitutional convention would be limited in several ways:

> **First**, as discussed above, the state applications themselves provide a primary means of limiting the convention's call;
>
> **Second**, Article I, Section 8 of the U.S. Constitution provides another means of limiting a constitutional convention. This section, also known as the "necessary and proper" clause, gives the Congress the authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers..."/9 Several judicial decisions, including *McCullough v. Maryland* and *Dillon v. Gloss*, can be viewed as precedents that permit the Congress generally to legislate the means to implement the powers delineated in the Constitution and specifically to legislate convention procedures; and
>
> **Third**, the principle of federalism can be viewed as supplying another mechanism for legitimately limiting a convention.

Article V of the Constitution clearly gives Congress the authority to respond to state applications for a convention through adopting a concurrent resolution to convene a convention. Congress is also considered the "national legislature" and charged with legislative authority over the national government. It seems appropriate to delegate the authority to establish the parameters and procedures

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of the convention to the Congress in light of its role in formulating national policy. The Senate Judiciary Committee in a 1985 report concluded, "If the states desire and apply for a limited convention, the Congress then must call a limited convention."/10

The authorities supporting the contention that a constitutional convention can be limited are numerous and varied. Former U.S. Attorney General Griffin Bell has proclaimed, "I think the convention can be limited ... the fact is that the majority of the scholars in America share my view."/11 An interesting response to the "runaway" convention theory was made by former U.S. Senator Sam Ervin, a constitutional law scholar and former chairman of the Senate Judiciary Committee subcommittee on the Constitution:

> *I think that the fear of a runaway convention is just a nonexistent constitutional ghost conjured up by people who are opposed to balancing the budget, because they want to be able to promise special groups something for nothing out of an empty pocket.*/12

The Special Constitutional Convention Study Committee of the American Bar Association (ABA) examined Article V for two years ending in 1974. This blue ribbon panel included Judge Sarah Hughes of the Federal District Court and Dean Albert Sacks of the Harvard Law School. The statement published by the ABA committee reads:

> *Congress has the power to establish procedures governing the calling of a national constitutional convention limited to the subject matter on which the legislatures of two-thirds of the states request a convention ... In summary, we believe that a substantively-limited Article V convention is consistent with the purpose of the alternative method since the states and people would have a complete vehicle other than the Congress for remedying specific abuses of power by the national government; consistent with the actual history of the amending article throughout which only amendments on single subjects have been proposed by Congress; consistent with state practice under which limited conventions have been held under constitutional provisions not expressly sanctioning a substantively-limited convention; and consistent with democratic principles because convention delegates would be chosen by the people in an election in which the subject matter to be dealt with would be known and the issues identified, thereby enabling the electorate to exercise an informed judgment in the choice of delegates.*/13

The essence of a limited constitutional convention coupled with the established ratification process indicate that fears of a "runaway" convention are hardly warranted or substantiated. There are many political and legal safeguards to ensure that

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amending the Constitution through the convention method would be a controllable process.

THE LEGAL SAFEGUARDS ON A CONSTITUTIONAL CONVENTION

There are at least four legal safeguards on a constitutional convention to ensure that it remains solely on the subject of the call. 14 The final ratification process by three-fourths of the states represents the most powerful of the safeguards. In addition, the role of Congress in calling the convention, the determination by Congress of the method of ratification, and the judicial review power of the Supreme Court each provide a separate, independent check on the jurisdiction of a constitutional convention.

Safeguard #1 - Charter Authority. Under Article V, Congress calls a convention into being, provides for the selection of delegates, establishes an oath of office, provides the time limitations for the meeting, sets a place for the convention, and establishes all the other details. In calling the convention, Congress would draft the limitation into the concurrent resolution which created the convention. Indeed, the United States Senate Judiciary Committee unanimously approved legislation in 1985 limiting a constitutional convention to the subject of the states' request. Section 10 of the proposed legislation stated, "no convention called under this Act may propose any amendment or amendments of a subject matter different from that stated in the concurrent resolution calling the convention."

Approving a resolution calling a constitutional convention will involve many congressional hearings and decisions to settle such issues as convention procedures, delegate qualifications and elections, application uniformity, application life-spans, and application authenticity. The concurrent resolution calling a convention must also be approved by both Houses of Congress.

Safeguard #2 - Mode of Ratification. Should the convention ignore its charter and propose an amendment on a different subject, the Congress would have the authority to simply refuse to send the amendment to the states for ratification.

Article V of the U.S. Constitution dictates that amendments become part of the Constitution only "when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or other Mode of Ratification may be proposed by the Congress..." Congress, not the convention, chooses the mode of ratification. By refusing to select the mode of ratification, Congress can effectively stop any stray amendment from being sent to the states for ratification.

Safeguard #3 - Supreme Court Review. Article III, Section 2 of the U.S. Constitution gives the U.S. Supreme Court original jurisdiction in all cases "in which a State shall be a party." Clearly if a convention were to propose a stray amendment, any of the states which had applied for a convention limited to the

balanced budget topic would have the right to bring suit directly to the U.S. Supreme Court.

In view of the express and implicit limitations contained in the state applications to Congress for a convention on a balanced budget amendment, it is quite likely that the Supreme Court would strike down a non-germane amendment proposed by the convention.

Safeguard #4 - Ratification Process. The most important control mechanism is ratification. Any amendment proposed by a constitutional convention becomes part of the Constitution only after being ratified by 38 states. As demonstrated in the failure of the last two proposed amendments, the Equal Rights Amendment (ERA) and the District of Columbia Voting Rights Amendment, passage by thirty-eight independent state legislatures is a difficult process.

As previously noted, the Founding Fathers wrote a Constitution which is based upon the principle of the separation of powers. Each branch is subjected to a counter or balanced power inherent in the other branches. In addition, the federalist foundation of the national government serves as a counter-mechanism. In the amending process, the states play a very significant role which ensures that the process is not corrupted.

Professor Paul J. Weber, a political scientist with the University of Louisville, has concluded "there are at least six constraints to ensure that no convention can get out of control: (1) the character of the delegates selected; (2) the public campaign statements of the delegates; (3) the number of delegates and divisions within the convention itself which would make it extraordinarily difficult for one faction or a radical position to prevail; (4) the awareness that what the convention proposes must be presented to Congress; (5) the Supreme Court which, upon appeal, might well declare certain actions beyond the constitutional powers of the convention; (6) and most important of all, (ratification) by thirty-eight states. One can hardly imagine more effective constraints on a constitutional convention."/15

THE POLITICAL CHECKS ON A CONVENTION

Just as important as the legal safeguards are the political checks built into this process. If a convention completely ignored its limitations, it would still have no more power than the Congress to propose amendments. Its proposals would still have to be approved by thirty-eight states.

The U.S. Congress effectively sits every day as a constitutional convention. It can consider any amendment to the U.S. Constitution, on any subject or any group of subjects. Theoretically, the Congress could propose repealing the Bill of Rights and replacing it with any sort of system it pleased. While this is clearly an unworkable and hypothetical situation, considering the size and diversity of the U.S. Congress and the political fallout from such an action, it does illustrate the

enormous task of building consensus in Congress, or any similarly diverse body like a constitutional convention. The constitutionally based power of the states to refuse to ratify any proposed amendment provides a necessary safeguard to control the convention.

The direct election of the members of Congress (and delegates to a constitutional convention) provides the ultimate check on the Congress (or a convention) by determining its makeup.

In a highly regarded article for the *Journal of Law and Politics*, Professor Paul J. Weber discussed the constitutional convention alternative and called it "A Safe Political Option"./16 Professor Weber explains that:

> *the original Constitution was not only a legal document; it was also a political document. It set out not simply legal principles but legal principles hammered out of political compromise and anchored in political realism. The primary safeguards of democracy envisioned by the Framers were political, not legal. Nowhere is this more evident than in the procedures set forth to amend the Constitution by means of a convention. History has not only borne testimony to the wisdom of the Framers, but has provided evidence to reinforce their trust in the political process... notwithstanding the arguments of legal scholars with limited methodological tools (or partisan objectives) and political columnists with active imaginations, calling a constitutional convention would be a safe political process.*/17

THE CONGRESS AND THE CONVENTION CALL

The most important political feature of a convention call is the fact that Congress is very likely to act on a proposed balanced budget amendment rather than calling a constitutional convention. During the debate on the balanced budget amendment in Montana in 1987, President Reagan sent a letter to Montana legislators urging approval of one of the resolutions calling for a balanced budget. The President's letter stated:

> *It has now become obvious that without further State initiatives, Congress will not act to impose a limit on its own spending ... I therefore believe that further action by the States, ... in petitioning Congress to call for a constitutional convention for the sole purpose of writing a balanced budget amendment will go far towards convincing Congress to pass and submit to the States an amendment for this purpose.*/18

There are several reasons for this belief, including the possibility that a constitutional convention would write a stricter balanced budget amendment than the Congress would favor. Congress would undoubtedly prefer to write the amendment itself rather than allow a convention to write one. It is also probable that a convention would propose financial penalties or a higher super-majority requirement to suspend the amendment

during periods of national emergency then the Congress would prefer.

In fact, partly in response to pressure from the states, Congress is close to approving a balanced budget amendment. In 1982, the U.S. Senate approved an amendment, but it narrowly failed to achieve the necessary two-thirds vote in the House of Representatives. In 1986, a proposed amendment failed by one vote (66-34) in the Senate. More recently, on July 17, 1990, the House of Representatives voted 279-150 for a balanced budget amendment, just seven votes short of the two-thirds majority required by the Constitution.

The delegate selection process would also encourage the Congress to approve the amendment and avoid a convention. Under legislation unanimously approved by the Senate Judiciary Committee in 1985, convention delegates would be elected from each congressional district in the country. That is something that few members of Congress may wish to see. Congress would realize that many of these delegates representing the same district would later challenge the incumbents for re-election. It would be an incumbent politician's nightmare, a political suicide -- a convention delegate participating in the constitutional convention to write the balanced budget amendment that the Congress refused to put into the ratification process./19

Another concern articulated in Congress is that once the convention method was used, congressional power would be limited by renascent federalism. The Honorable Antonin Scalia, Associate Justice of the Supreme Court, has stated that "using the convention method once will exert an enormous influence on both the Congress and the Supreme Court. It would establish parameters of what can be done and how, and after that the Congress and the courts would behave much better."/20

Indeed, Congress has responded before to the pressure from the states on a convention call. In 1912, when thirty-one of the then required thirty-two states had called for a convention on the direct election of U.S. Senators, the Congress introduced and finally approved an amendment on that subject. This was an especially painful and difficult act for the U.S. Senate, but the Senators preferred to write the proposed amendment rather than have a convention write it. As Professor Weber writes, "faced with the inevitable, members of Congress are quite likely to act simply to avoid the ... appearance of impotence."/21

THE 1787 CONVENTION: A PRECEDENT?

Some observers have warned that a modern day constitutional convention would claim unlimited authority to amend the Constitution, citing the 1787 convention as a precedent. But according to the American Bar Association study committee, "... it does not follow that a convention convened under Article V and subject to the Constitution can lawfully assume such authority." The atmosphere surrounding the 1787 convention was also fundamentally different from today. The new but tenuously

organized states recognized the necessity of replacing the weak Articles of Confederation with an enduring form of democratic government.

The Continental Congress called the 1787 Philadelphia convention "for the sole express purpose of revising the Articles of Confederation" but added that "such alterations and provisions should render the federal Constitution adequate to the exigencies of Government and the preservation of the Union." To say that would somehow call for a strictly limited convention is a myth. The 1787 call was practically wide open and it was implicit that the changes to be proposed by the delegates would be substantial.

The 12 participating states (Rhode Island did not send a delegate) instructed their delegates to consider far reaching and wide ranging changes. For example, the Virginia resolution called for a convention "devising and discussing all such alterations and further provisions as may be necessary to render the federal Constitution adequate to the exigencies of the Union ...." This call resulted in the drafting of the Virginia Plan which was submitted for consideration to the convention. New Jersey instructed its delegates to consider not only commerce but "other important objects" including "devising such other provisions as shall be necessary".

Nevertheless, when the Constitution was drafted by the convention, it was submitted to the Continental Congress where an eight day debate occurred before the document was submitted to the states for ratification.

To call the 1787 convention a "runaway" convention is an attempt to rewrite history.

CONCLUSION

The discussions concerning the constitutional convention calls have been enmeshed with the proposed subject of the amendment itself. Unfortunately, the hues and cries overshadow the legitimacy of the convention procedure. Emotion has taken the lead whenever there has been a serious effort by the states to assert this long ignored power.

The limited constitutional convention alternative is a realistic option. The safeguards are in place to limit the topic of the convention exclusively to the subject matter of the state applications. It is certainly safe to say that the American public does not want to see a wholesale change in the Constitution or in the make-up of our government. Topics such as changing the party system, the system of treaty ratification or the terms of Congress are not germane to the topic of a balanced budget./22 Under the limited constitutional convention approach, these extraneous topics could not be considered or acted upon by the delegates.

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By using the constitutionally granted power to convene a limited constitutional convention, the states can overcome the inability of Congress to act. When one considers the subject of a balanced federal budget, there is clearly no other issue which affects the long term economic health of every state in such a dramatic way. An expressly limited constitutional convention will not, as the critics claim, open a mythical Pandora's box. Instead, the convention will serve as a device to signal the Congress to do what most states are already required to do -- to balance the budget.

CREDENTIALS

The State Factor is published by the American Legislative Exchange Council for educational purposes only. This edition was edited by Duane A. Parde, Director of ALEC's Task Force on Tax & Fiscal Policy.

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End Notes

1 Charles E. Merriam, "The Written Constitution and the Unwritten Attitude" (New York, 1931), at 6.

2 See generally Max Ferrand, ed., The Records of the Federal Convention of 1787, (New Haven, 1911). See also Ibid., Vol. 1, p. 203 (Madison's journal, May 20, 1787). See also *The Federalist*, number 43, 85.

3 Ibid. Vol. 8 at 629.

4 American Bar Association, Special Constitutional Convention Study Committee, "Amendment of the Constitution by the Convention Method under Article V," (A.B.A. 1974) at 60.

5 Alabama and Florida have passed resolutions that attempt to rescind their earlier balanced budget amendment convention applications. Louisiana has passed a resolution rescinding all previous applications for any convention. It is unclear whether such rescission resolutions are effective.

6 See generally George Tickner Curtis, *History of the Origin, Formation and Adoption of the Constitution of the United States*, (New York: Harper and Brothers, 1854).

7 National Taxpayers Union, state files containing the certified copies of each of the amendment applications.

8 See Testimony of William Van Alstyne, Professor of Law at Duke University, before the subcommittee on the Constitution, U.S. Senate Judiciary Committee, November 29, 1979.

9 United States Constitution, Article 1, Section 8.

10 *Constitutional Convention Implementation Act of 1985*, Senate Report No. 99-135, 99th Cong., 1st Session 13 (1985).

11 U.S. Atty. Gen. Griffin Bell, appearance on the ABC News Show, "Issues and Answers", February 15, 1979.

12 Senator Sam Ervin, testimony before the California Assembly Committee on Ways and Means, February 15, 1979.

13 American Bar Association, Op. Cit. at 17, 39.

14 John T. Noonan, Jr., "The Balanced Budget-- The States Call for a Convention", (Washington, DC 1982) at p.5-6.

15 Paul J. Weber, "The Constitutional Convention: A Safe Option," 3 *Journal of Law and Politics* 51 (Winter, 1986) at 65, 66. For similar views see also Paul G. Kauper, "The Alternative Amendment Process: Some Observations," 64 *Michigan Law Review* 5 (1968).

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16 Weber, Op. Cit., at 51, 52.

17 Ibid., at 69.

18 President Ronald Reagan in a letter addressed to the legislators of the Montana Legislature dated March 16, 1987.

19 Governor Richard D. Lamm in a letter addressed to the state senators of the Montana Legislature dated January 12, 1987.

20 American Enterprise Institute Forum, "A Constitutional Convention: How Well Would it Work", AEI Forum 31, May 23, 1979.

21 Weber, Op. Cit., at 58.

22 Don Rubinsol, ed., "Reforming American Government: The Papers of the Committee on the Constitutional System." (Westview Press: Boulder, Colorado 1985). For similar views see also Laurence H. Tribe, "Issues Raised by Requesting Congress to Call a Constitutional Convention to Propose a Balanced Budget Amendment," 10 *Pacific Law Journal* 2 (1979).

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AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Issue Analysis

January, 1992

THE LIMITED CONSTITUTIONAL CONVENTION

SUMMARY

The history of debate on Article V clearly shows that the Founding Fathers intended for the states and the Congress to have equal power in proposing amendments to the U.S. Constitution.

While the Founding Fathers believed Congress would usually be responsive in proposing an amendment, they worried that Congress would not propose an amendment to restrict Congressional power if that is what the people desired. Consequently, the Constitution also allows the states to propose amending the Constitution through the convention method.

FACT: Article V provides two equal methods for proposing amendments to the U.S. Constitution:

1) Congress, through a two-thirds vote in each House, can propose an amendment; and

2) On the application of two-thirds (34) of the states, Congress shall call a convention to propose an amendment.

Ratification by 38 states is required before a proposed amendment becomes part of the Constitution.

FACT: Article V gives Congress the authority to respond to state applications through adopting a concurrent resolution to convene a constitutional convention. The concurrent resolution would: 1) call a convention into being; 2) limit the convention to the topic requested by the states; 3) provide for the selection of delegates; 4) establish an oath of office; 5) provide time limitations for the meeting; 6) set a place for the convention; and 7) establish all other details.

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FACT: Congress only counts those state applications on a similar subject toward the two-thirds (34) convening rule.

> For example, the 29 state applications calling for a balanced budget amendment specifically limit the subject of the convention to proposing this requirement. Under such specific applications, Congress cannot expand or enlarge the call for a constitutional convention beyond the subject of the state applications.

FACT: Numerous special reports, articles, and legal scholars have concluded that a convention can be limited to the specific subject matter of the state applications. Such definitive findings have been reported by the American Bar Association (1974), U.S. Senate Judiciary Committee (1985), and the U.S. Department of Justice (1987).

FACT: There are at least four *legal* safeguards to limit the subject of a constitutional convention. They are:

1) ***Charter Authority***. In calling the convention, Congress would draft the limitation into a concurrent resolution.

2) ***Mode of Ratification***. Congress, not the convention, chooses the mode of ratification. Congress could kill any stray amendment by refusing to choose a method of ratification.

3) ***U.S. Supreme Court***. The Constitution gives the Supreme Court original jurisdiction in all cases "in which a State shall be party." If the convention proposes a stray amendment, any of the states that had applied for a convention limited to a balanced budget amendment would have the right to bring suit directly to the Supreme Court.

4) ***Ratification***. Any proposed amendment must be ratified by 38 states before it becomes part of the Constitution. Ratification by 38 states is a difficult process. For example, the last two proposed amendments, the Equal Rights Amendment and the District of Columbia Voting Rights Amendment, were not ratified.

FACT: Just as important as the legal safeguards are the *political* checks built into this process.

1) A convention would have no more power than the Congress to propose an amendment. A proposed amendment would still have to be approved by 38 states.

2) The direct election of the members of Congress, the state legislatures, and delegates to a constitutional convention provides a powerful political check on the amendment process.

3) Faced with the inevitable, Congress is very likely to propose a balanced budget amendment rather than calling a convention. There are several reasons for this:

A) Congress would undoubtedly prefer to write a proposed balanced budget amendment rather than allow a convention to propose a stricter amendment. For example, in 1912, when 31 of the then required 32 states had called for a convention on the direct election of U.S. Senators, the Congress proposed an amendment on that subject.

B) Under legislation approved by the U.S. Senate Judiciary Committee in 1985, convention delegates would be elected from each congressional district in the country. Congress would realize that many of these delegates would later challenge the incumbents for re-election.

C) Once the convention method was used, Congressional power would be limited by a "rebirth" of federalism. Washington could no longer ignore the states and, in the words of Supreme Court Justice Antonin Scalia, "Congress and the courts would behave much better."

The 29 states with resolutions calling on Congress to either propose a balanced budget amendment or convene a limited constitutional convention to propose it are:

Alaska	New Hampshire
Arizona	New Mexico
Arkansas	North Carolina
Colorado	North Dakota
Delaware	Oklahoma
Georgia	Oregon
Idaho	Pennsylvania
Indiana	South Dakota
Iowa	South Carolina
Kansas	Tennessee
Maryland	Texas
Mississippi	Utah
Missouri	Virginia
Nebraska	Wyoming
Nevada	

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ARTICLE V STATE RESOLUTIONS

QUESTIONS & ANSWERS

By Lewis K. Uhler, President

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OFFICERS & DIRECTORS: Lewis K. Uhler, President; Diane Sekafetz, Secretary-Treasurer; Robert B. Carleson; Wm. Craig Stubblebine. FOUNDERS & SPONSORS: C. Austin Barker, Robert B. Carleson, George Champion, David Y. Copeland, M. Stanton Evans, Milton Friedman, Allan Grant, James M. Hall, Vern I. McCarthy, William A. Niskanen, Frank Shakespeare, Wm. Craig Stubblebine, Donald L. Totten, Lewis K. Uhler.

INTRODUCTION

It might seem odd that the quest for a federal amendment to limit taxes and balance the budget would be fought not only on Capitol Hill in Washington but in state capitols, as well. Why is that being done?

When the Founding Fathers met in Philadelphia to shape the U.S. Constitution, they determined first that one of the fundamental flaws of the Articles of Confederation was that it required unanimity to amend the Articles. Recognizing that the people would want to correct the document from time to time, the Founders knew that they must provide for an amendatory process that was at once difficult, but not impossible. They wanted to assure the opportunity for amendment when the consensus for a particular change was SUBSTANTIAL. They were equally determined that the amendment process not be so rigid that change would be a
practical impossibility. That was the central defect of the Articles of Confederation. Hence, they decided that approval or ratification of amendments would require only a three-fourths, rather than unanimous, vote of the states.

In addition to easing the ratification rule, the Founders decided to provide two routes by which amendments could be proposed: (1) by a two-thirds vote of each body of Congress; and (2) by the states through a convention convened (by Congress) upon application of two-thirds of the states. Realizing that there might be some corrections of the Constitution which sitting members of the U.S. Congress would resist, the framers provided co-equal authority to the states to force change through the medium of a convention. Jefferson anticipated that the convention method would be used with some frequency and considered the convention a very important "safety valve" to protect the people from an abusive federal government.

Although we've not had a constitutional convention pursuant to Article V, the fact that the procedure exists tends to keep Congress more honest and responsive. For example, early in this century - after years of Senate resistance to the direct election of U.S. Senators - states began to adopt resolutions calling on Congress to pass such an amendment or to convene a constitutional convention for the purpose of framing such an amendment. When the number of state resolutions was just one shy of the required two-thirds, the Senate finally capitulated, approved an amendment and sent it to the states for ratification. The Senators recognized that unless they designed the amendment themselves, a convention might not "grandfather" them in for the balance of their terms.

ISSUES

Among the issues often raised are questions about Article V of the U.S. Constitution and its implications. To address these and other issues, I have selected a question-and-

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answer format:

Q. Opponents contend that there is no way to limit a convention; that the only kind of a constitutional convention which may be convened under Article V is an open convention that may consider all parts of the Constitution.

A. This claim is without foundation in terms of authority, historical precedent, common sense and political reality. The Founding Fathers intended to provide two co-equal methods by which amendments to the U.S. Constitution might be proposed. One was through Congress, and the other through the states. We know that Congress can and has proposed single, discreet amendments without opening up the entire Constitution to consideration of revisions. (Remember, whenever it is in session, Congress is a constitutional convention, since at any time that two-thirds of its members want an amendment, they can propose it.)

To be on an equal footing with Congress, the states must have the same discreet amendment authority. Furthermore, Article V refers specifically to the application of the various states as being the triggering device leading to the convening of a convention: "... on the application of the legislatures of two-thirds of the several states, shall call a convention ..." The resolutions themselves are the very "foundation" upon which a convention would be constructed. If those resolutions say, as they do in this instance, that the states want a convention for the "sole, limited and exclusive purpose of proposing a balanced budget amendment," the states are triggering a limited, not a general, convention. This is not to say that the states could not call for a general convention, but they would have to do so pursuant to a convention call which explicitly states that objective.

It is clear that the Founders intended that the power to correct perceived errors be equal as between the federal government and the states. In the Federalist Paper #43, Madison states: "It [the power to amend the Constitution], moreover, equally enables the general and the state governments to originate the amendment of errors, as they may be pointed out by the experience on one side, or on the other."

Note that the key is "equally." The state route to constitutional change is a backstop, allowing the people to obtain amendments when Congress will not act. But historically, the state power that has been held in reserve fully matches the congressional power normally used.

Congress could rewrite the Constitution wholesale and submit it for ratification. So could a general convention called by the states. Congress could submit one or more discreet amendments. So can a limited convention called by the states.

There is a significant difference between a general convention and a limited one. Those who fear a balanced budget amendment deliberately confuse the two types of conventions. But anyone who approaches the subject with an open mind can see the difference and recognize its importance, as described below.

Q. But what about the fact that Article V speaks of a convention to propose amendments (in the plural). Doesn't that support the idea that only an open convention

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is within the power of the states to call?

A. Note that the first portion of Article V speaks of amendments (in the plural), also. "The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution ..." Certainly no one would suggest that Congress may consider only multiple amendments at one time and not a single amendment. The use of the plural form was meant to accommodate multiple amendments, not command them. The use of the plural form with reference to a constitutional convention serves only to conform and make consistent the draftsmanship and to allow a convention to consider more than one amendment should that be the expressed desire of the states in their applications.

Alexander Hamilton's Federalist #85 sought to contrast the approval of the entire Constitution with the subsequent process of amending it after its adoption. He said, "But every amendment to the Constitution, if once established, would be a single proposition, and might be brought forward singly."

Q. Madison, who is believed by many to be the principal architect of the Constitution, is quoted as saying he would be fearful of any other constitutional convention. Did Madison really say that and feel that way?

A. Resorting to Madison's comments in this way is, at best, misleading, at worst, deceitful. He is quoted as saying the following: "It seems scarcely to be presumed that the deliberations of a new constitutional convention could be conducted in harmony or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first convention, which assembled under every propitious circumstance, I should tremble for the results of a second."

The easiest way to misquote anyone is to use a correct quotation but deliberately ignore the context in which it was made. Madison made this statement, but he did so in direct reply to the anti-federalists who asked that the results of the Philadelphia convention be abandoned and a new convention be called. When a legislator moves to "recommit" a bill (to the committee from which it came), he often claims it is merely to "clean up" the bill or make improvements in it, but most often it is to kill the bill. So it was with the recommendation for a new convention, or "recommittal" of the Constitution. The proponents of that procedure knew it would kill the Constitution.

By quoting Madison out of context, the opponents of the balanced budget amendment make it appear that never again did he want the people to use their power to hold a convention. He did not say that; he did not mean that. Madison approved of the convention process as a means of amending the Constitution. He was speaking only about the proposal to abandon the original Constitution in favor of a new convention.

Q. How can you stop a convention from having a broad scope, since the first convention was itself a "runaway"? It was only supposed to revise the Articles of Confederation.

A. The first convention was not a "runaway" convention. Following the Annapolis

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convention of 1786, and pursuant to its recommendations, Congress convened another convention, resolving that such a convention appeared "to be the most probable means of establishing in these states a firm national government," and that a convention should be held "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the states, render the federal constitution adequate to the exigencies of government and the preservation of the Union."

The mandate to the convention was essentially wide open, as Madison himself argues forcefully and cogently in the Federalist #40. Furthermore, the convention reported its work back to Congress, which, in turn, submitted it to the states for ratification. Very clearly, the constitutional convention was convened purposely and explicitly as an "open convention," and it responded to that commission. Nevertheless, it did not presume to act independently of the body which commissioned it: the Congress. Rather, it urged Congress to make its handiwork the law of the land only following submission to and approval by three-fourths of the states.

Congress was at liberty to accept or reject the convention's recommendations in terms of both the substance of the changes and the procedure for their approval. Hence, it is safe to say that the Founding Fathers themselves did not feel that they were somehow "above" or unrestrained by their convening authority. Those who doubt this have not read George Washington's transmittal letter, nor the debate in the convention that led to that letter. There is simply no historical precedent whatever to suggest that a convention would seek to ignore its commission, run roughshod over its convening authority and arrogate unto itself the scope and authority beyond that possessed even by its creator.

There is a sound, clear historical reason for not calling the Philadelphia convention a "runaway." The records of that convention reveal that the delegates were well aware that the Articles of Confederation could not be amended by anything but unanimous consent of the states (that provision is found in Article XIII of the Confederation).

The delegates, therefore, decided after July 1787 that they would not even attempt to amend the Articles of Confederation. Instead, they wrote a new document in full recognition that if it were accepted, it would only apply "among the States so ratifying the same." Any states not ratifying would still be under the Articles of Confederation. And if too few states ratified, all of them would remain subject to the Articles of Confederation.

Remember, when the Constitution was written, it was possible for states to leave the Union of their own accord, whenever they chose to do so. It took the Civil War, almost a hundred years later, to settle the point that once a state joined the United States, it could not later withdraw for any reason. The most authoritative study on the subject - done by the American Bar Association - concluded that a convention may be limited. Also, there have been over 200 constitutional conventions at the state level. Some state constitutions require conventions on a periodic basis. Delegates take their responsibilities seriously.

Opponents of the convention process have adopted a "Frankenstein-Monster"

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theory of constitutional conventions. Their fears are simply not supported by history, common sense or political reality. The specter of a runaway convention might make good science fiction copy and might feed some conspiratorial hankering, but where would a convention go with its work product if it "ran away?" Would it seek to ignore Congress and send its handiwork directly to the states for ratification? What state legislature is going to entertain seriously the ratification of some wild and woolly set of amendments that arrive in its chambers outside of the constitutionally-prescribed procedures? I believe that to state the proposition is to demonstrate its absurdity.

Those who are preoccupied with a "runaway convention" conveniently ignore the fact that the work product of a convention must be ratified by the legislatures of 38 states before it becomes law. So the "runaway convention" argument is very misleading. The dire results predicted by the purveyors of doom could not come from a "runaway convention" but from "runaway ratification" - a total failure of the entire amendatory system or process. I'm sure Jimmy the Greek could not begin to calculate how remote such odds might be.

Constitutional authority John C. Armor has summarized the process thus:

"The sequence of events necessary for a 'runaway' Convention to occur, and for its rogue proposals to become law as part of the Constitution, require a long series of obvious failures by various parts of the governments of the United States. Critics on this point do not discuss these steps, because listing them makes the weakness of their argument apparent. Here are the necessary failures, in the necessary order, for a 'runaway' Convention to occur, and to have its proposals adopted as part of the Constitution:

1. Congress fails to act on the proposed amendment.

2. Congress calls for a Convention, but fails to limit its subject matter.

3. Any state, or possibly any individual, who feels that the Convention can and should be bound to limit, brings a legal challenge and the Supreme Court either fails to act, or rules that the Convention is unlimited.

4. The Convention actually passes proposed amendments that are beyond its subject matter.

5. Congress submits the excessive amendments for ratification.

6. Another Supreme Court challenge is brought and lost by a dissatisfied state or individual.

7. Three-fourths of the states, by either their legislatures or special conventions, as Congress has required, ratify the excessive amendments.

8. Another Supreme Court challenge is brought and lost by a dissatisfied state or individual.

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"In short, for a new Convention to constitute a 'runaway,' and for those results to become effective parts of the Constitution, the following American political institutions have to fail their duties not once but repeatedly: both Houses of Congress, the Supreme Court, and the legislatures of three-fourths of the United States. The only group of political institutions which would not have to fail would be the Presidency and the governors of the various states, since these people are not part of the amendment or ratification processes.

"The question of whether it is theoretically possible for all of these failures to occur must be answered yes. But the question of whether it is likely, or even remotely possible, has a different answer. It is a firm no." (The Right of Peaceful Change: Article V of the Constitution, pp. 27, 28)

Q. There are those who claim that once 34 states petition Congress for a convention, Congress is obliged to convene it. Convening it is mandatory. There is no discretion, even though many of the resolutions expressly give Congress itself time to act on the amendment, and only if Congress fails to act do those resolutions call for a convention. How do you respond to this?

A. If a convention were automatically triggered by 34 resolutions, Congress long since would have had to convene a convention. Why? Because at the present moment there are pending before Congress applications from 39 separate states calling for a constitutional convention. It just happens that only 32 of those applications are on the same subject - the balanced budget amendment. I believe the current situation demonstrates three important points:

* First, the convention resolution process is not just a numbers game. You don't just count to 34. You must look at the resolutions and see what they say. To trigger the process, the applications must focus on the same issue or issue area. No one I know, even those who would love to see a wide open convention, have demanded that Congress convene a convention. This can mean only one thing: the subject matter of the resolutions does count.

What the states want, and how they frame their resolutions, is what triggers the process. The only thing Congress is "obliged" to do is to receive, peruse and be guided by the directives of the state resolutions. It is only the coincidence of 34 resolutions which refer to the same subject matter, the same timing and procedures that initiates the convention process.

* Second, those who profess fear that a convention might "run away" are caught in a very uncomfortable contradiction. They certainly must acknowledge that Congress is under no duty to convene a convention until 34 resolutions on the same subject have been received. But once that threshold has been achieved, they contend, Congress can no longer be guided by those applications and is obligated to convene a convention that is entirely absent any guidelines as to subject matter or, for that matter, any rules as to its conduct, etc. While the Constitution is silent as to the details of a convention, it is very clear as to who has the responsibility to convene it and, therefore, to shape it - Congress. Congress, which has absolutely no institutional interest in convening a convention, let alone

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an open convention, will look to the resolutions and seek to make the scope of such a convention as narrow as possible.

The question of state calls for a constitutional convention goes to the heart of the difference between a general convention and a limited one. Clearly, the states have the power, if they so choose, to call for a general convention. It would be unlimited in subject matter and could do all that the Philadelphia convention did. Those who oppose the balanced budget amendment concede that the states can call for a general convention.

A limited convention, on the other hand, would be restricted to a certain subject. If, for instance, 34 states should decide that it was a good idea to reinstitute prohibition in the United States, they could call for a convention limited to the reconsideration of the 21st Amendment. But, what if 20 states called for that, and 20 others called for a convention to reconsider the 19th Amendment, because they didn't like the idea that women are able to vote? Can all those state calls be added together so as to require a convention?

The answer is absolutely not, and there are two ways to demonstrate it:

(1) In calling for a constitutional convention, the states are exercising a power explicitly granted to them by the Constitution. In so doing, the states are as much bound to obey the Constitution as are the President, the Congress, the Supreme Court, the Armed Forces, etc. They can only do what the Constitution allows them to do.

The power to call a convention is like the power to withdraw funds from a bank account. The depositor may withdraw all his money, or only part of it. A total withdrawal is the use of the total power, a general convention. But, if the states choose to make a "partial withdrawal", nothing occurs unless 34 of them agree on the amount of that withdrawal, i.e., the subject matter for a convention.

(2) In its proposed Constitutional Convention Procedures Bill, the Senate has explicitly recognized the power of the states to call for a limited convention. This Bill specifies that Congress first determine (as provided in Article V) that 34 states have requested a convention on a particular subject. Congress would call the convention, limiting the delegates to the subject found in at least 34 state calls.

"The idea that the Congress, which does not want any amendments other than its own, would deliberately choose a process that was totally open, is theoretically possible, but politically frivolous." (The Right of Peaceful Change: Article V of the Constitution, p. 24)

* Lastly, in reviewing the balanced budget amendment resolutions, Congress will find in many of them an explicit grant of time (either specified or reasonable) following receipt by Congress of the 34 resolutions during which Congress may itself act on an amendment and obviate the need for a convention. If there were only one such "time capsule" resolution, it would have the effect of delaying the entire process, because there

would not be 34 resolutions before Congress calling on it - now - to convene a convention. Once again, since the state resolutions are the engine that drives the convention process. the timing specified in those resolutions controls when Congress must act. And you can be sure Congress will not act before it must.

Q. Some people believe that in seeking a constitutional convention we are playing directly into the hands of a sinister, conspiratorial group, waiting in the wings for a constitutional convention. They plan to take charge of such a convention and use it to make massive, fundamental changes in the structure of the U.S. Government, converting our Nation into a European parliamentary-style government.

A. These claims certainly bring the conspiracy theory behind a constitutional convention effort to new heights. If such a sinister plot existed, and if the people involved possessed the behind-the-scenes political clout suggested, they would long since have persuaded enough liberal state legislatures to approve the balanced federal budget state resolutions and would have manipulated the leadership of Congress to call an open convention with them in control.

From having been involved in the internal political combat in the legislatures of several states regarding the balanced federal budget resolution, I can assure you that the liberal forces are pulling all the stops in their efforts to prevent us from being successful. Now, either these liberal forces are unaware of the grand design for a formal reshaping of the government of the United States through a constitutional convention, or they don't believe it can happen. If this conspiracy were so well organized, deep rooted and politically powerful, certainly its leaders could have arranged a last-minute switch of votes in our favor, allowing us to win in several more states so they could get on with their program to subvert a constitutional convention. From the results to date, it seems like a pretty ineffective conspiracy.

One of the many ways in which Washington, D.C., is not typical of the entire Nation nor of its citizens in general is the existence in the Capitol of an incredible variety of very small, very weak and very strange special interest groups. They all have letterheads; they all have offices; they all have conferences from time to time.

There are even groups in Washington who think that the United States should change its government to a constitutional monarchy. If one worries about strange proposals floating around Washington, one can waste a lifetime chasing ghosts. The key question is, which trees in this forest of odd ideas have anything remotely approaching the kind of support that history has demonstrated is necessary to amend the Constitution?

The latest experience with amendments that failed are the Equal Rights Amendment and the D.C. Representation Amendment. The latter failed so miserably that the press has not gotten around to reporting it in full. The former failed narrowly, but its history is very instructive.

Depending on the polls you consult, the E.R.A. had the support of upwards of 100 million Americans. Yet, it missed by several states from obtaining ratification.

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Something more than the support of 100 million Americans will be necessary to change the United States into a "parliamentary democracy." Those who advance the conspiracy theory can easily point to a few misguided eggheads and would-be scholars who favor the idea. They do have offices, and they have published a few papers.

But, this is the critical question: Where are the 100+ million supporters of this idea? Where are even a million? Even 100,000? The fact is, there aren't enough Americans who are dumb enough to favor such an idea to make even a tiny blip in the most biased public opinion poll.

Conspiracies without followers are like generals without troops. Even if they exist, they are irrelevant. At most, they are curiosities like the more exotic animals found in a zoo.

Q. If we succeed in getting resolutions from 34 states or maybe more, what would you expect Congress to do?

A. Initially, I suspect that some congressional leaders might try to "stonewall" the process by claiming that some of the resolutions are out of date, insufficiently precise, etc., trying to make a case that there are not the necessary 34 valid applications. This would be a technical, legal response which might buy a little time. But in my judgment, political considerations and realities would soon dominate the action, giving the upper hand to those responsible members of Congress who want fiscal discipline and to other members who, though less concerned about true fiscal discipline, are very sensitive to the politics of the issue and would not want to be perceived by their constituencies as thumbing their noses at the will of the American people. Together they would bring pressure that would force Congress to take action.

Q. What action do you think Congress would take?

A. There isn't the slightest question that Congress, when actually confronted with the need to take action - either pass an amendment or convene a constitutional convention for that purpose - would opt for the former. After all, when push comes to shove, Congress would rather have a hand in shaping an amendment that will control its fiscal practices than turn that responsibility over to "mere" citizens. Congress' reaction to state resolutions regarding the direct election of U.S. Senators is very instructive here.

Those who are familiar with the thinking processes of legislators concur that Congress would dispatch the issue itself. It isn't a "runaway" convention that strikes terror in the hearts of legislators. It is the specter of a "roughshod" convention - one that might propose severe penalties for failing to balance the budget, such as deducting any deficit from the operating budget of Congress, reducing congressional pay, slapping members in jail - or, worst of all, declaring all Senators and Representatives who presided over a deficit ineligible to run for re-election. I think the people of this country - and those elected to a convention - might be just angry enough to do something like this. The mere possibility that such might be the outcome assures that Congress itself would act.

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The language of the Constitution itself contains the proof of this point. The third section of the 17th Amendment contains a grandfather clause to protect the incumbent, unelected Senators as long as possible against the ravages of facing the electorate. A convention to write the amendment would not have been so kind to the Senators as they were to themselves.

The very threat that Congress' failure to agree upon an amendment might necessitate a convention is the best insurance that Congress will act. The real challenge to those of us fighting for the amendment will be to make sure that the design of the amendment is sound.

To repeat, I can't for the life of me see the U.S. Congress actually convening a convention on this issue, because we're talking about their life blood - money. They will dispatch the issue themselves.

CONCLUSION

Anyone who opposes the state resolution process must be prepared to accept blame for failure to achieve a balanced budget amendment, because the state process is essential to success. It is not enough to try to justify this opposition by claiming that the convention process constitutes a risk. One must reject reason, precedent, common sense, the plain meaning of words, the intentions of the Founding Fathers, political reality, and enter a conspiratorial fantasyland to arrive at a scenario of risk. Concurrently, one must ignore a real risk - the risk that continued deficits, overspending and outlandish federal fiscal practices will permanently damage our Nation. It is time to join together to put an end to the real risk, rather than letting a phantom risk divide and conquer us.

Above all, we must remember that it was the Founding Fathers themselves who in their wisdom included in the Constitution the convention method of proposing amendments. They knew exactly what they were doing. They gave us the power to shape our own destiny. Why on earth should we reject it?

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"WE THE PEOPLE"

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FOR RELEASE ON SEPTEMBER 21, 1992

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DATE: Monday, Sept. 21
TIME: 2:00 PM
PLACE: TRENTON - New Jersey State House Committee Room 4

ASSEMBLY COMMITTEE PLAYS TURNCOAT ON BILL OF RIGHTS BOWS TO FEDERAL PRESSURE ON CONVENTION BILL

Trenton -- After heavy pressure from Federal Congressmen, the Assembly State Government Committee voted in favor of ACR-30, a resolution calling for a Constitutional Convention.

If enacted by the full legislature, a Convention potentially leading to wholesale changes in the U.S. Constitution would be just one State away.

Although ACR-30, filed by Assemblyman Richard Kamin (R-Flanders), states that it would limit a U.S. Constitutional Convention to only a Balanced Budget Amendment, Article V does not allow for a Constitutional Convention be limited to one item. This was acknowledged by Committee Chairman Robert J. Martin (R-Morris Plains) during a July Committee hearing. Martin voted

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against Convention resolutions in the past.

"New Jersey has been targeted by national Republican backers of the insidious Convention bill because the legislature consists of many young Republicans who they feel can be easily influenced," said Cheryl Duncan Lemons, local spokesperson for "We the People," a Constitutional preservation group. "It is unfortunate that the conservative members of the Assembly State Government Committee lack the backbone to buck the arm-twisting and conserve the law of the land."

34 States need to ratify a Constitutional Convention for it to occur. 32 States have passed the resolution. 3 States Florida, Alabama and Louisiana have rescinded after deciding that the "balanced budget" section was a rouse to push for an full blown Convention. It will be a legal question as to whether States can rescind meaning that if New Jersey passes ACR-30, we will be one State away from putting the law of our land at extreme risk.

In 1974 the Constitution of the Newstates of America was put together by Sen. Nancy Kassebaum's (R-Kansas) Committee on the Constitutional System as a new Constitution to put forward if a call for a Constitutional Convention passed 3/4ths of the States. This document would drastically change our Bill of Rights -- religion would become only a privilege, freedom of speech would be abandoned in a "declared emergency," the second amendment would be destroyed, etc. The U.S. system of government would change to a parliamentary system.

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Many conservative and liberal groups oppose a Convention including, Hands Across New Jersey, Common Cause, the V.F.W., 7th Day Adventists, AFL-CIO, etc.

"Many groups and individuals, including our own, favor that a Balanced Budget Amendment be passed by Congress," said Lemons. "With the many P.A.C's and other vested interests in this nation, it would be insane to sit back and allow for the opening of our Constitution with a Convention. I hope our legislature puts our nation's future ahead of the influence of Federal Big-Wigs who have sold out."

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"WE THE PEOPLE"

236 Broadway
Somerville, MA 02145
(617) 266-7827

ACR-30 - Rescinding the fraudulent Federal Constitutional Convention call of 1979

Dear Members of the New Jersey Legislature:

ACR-30 POSITION OPPOSED

Because the U.S. has a $3.5 Trillion deficit and is in the midst of a recession, most Americans are rightfully demanding a solution. Our group feels the same and is certainly not opposed to cutting government spending when it does not make enough money to cover its expenditures. A Constitutional Convention is not the way to do this as it cannot legally be limited and the ratification process can be interpreted in a manner in which those proposing a new Constitution could push through any change they like. This would destroy the law of our land which has largely been responsible for the strength of our nation over the past 205 years.

The attached pack has been organized to ease the understanding of this important issue. Please read it and vote in favor of ACR-30. If you have any further questions, feel free to call or write.

Sincerely,

Annette Ross

Annette Ross
We the People
Regional Director

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"WE THE PEOPLE"

TABLE OF CONTENTS

1.) **RESOLUTION - ACR-30 on page 2.**

2.) **FACT SHEET - Pages 3 & 4.**

This brief Constitutional Convention fact sheet covers proposed changes in our Constitution by Senator Nancy Kassenbaum's Committee on the Constitutional System (CCS), workable laws and solutions to our fiscal crisis, how a Constitutional Convention would not be limited and a little about the ratification process. The fact sheet also states that three states -- Florida, Alabama, and Louisiana -- have rescinded their calls for a Constitutional Convention calling for a balanced budget proposal. They did not rescind because they now favor deficit spending. They rescinded because they realized that they, like New Hampshire, had been defrauded with false testimony on their earlier proposals. They rescinded because they do not want to see the destruction of our Constitution and the basic rights it gives U.S. citizens.

3.) **CONSTITUTION FOR THE NEWSTATES OF AMERICA - Pages 5 & 6.**

- Proposed changes in our current Bill of Rights -

4.) **BOARD OF DIRECTORS OF THE COMMITTEE ON THE CONSTITUTIONAL CONVENTION SYSTEM - Page 7.**

On the Board of Directors of the CCS is Dick Thornburg who is the former co-director of the National Taxpayers Union (NTU). NTU is one of the nation's leading advocates of a federal convention. Thornburg's participation in the push for a new constitution indicates that the NTU's heirarcy is interested in radically changing the U.S. Constitution -- not just the balanced budget amendment they are outwardly proposing.

5.) **LIMITATION OF CONVENTION TO ONE ITEM - Page 8**

- Illegality of a limited convention -

Article V of the U.S. Constitution speaks of a convention calling for amendment's'. There is nothing in the Constitution allowing for a convention limited to one amendment. The precedent is our first constitutional convention in 1787 which proposed our current Constitution and totally [and rightfully] eradicated our governing law -- the Articles of Confederation. There is more information on the fact sheet on page 4.

6.) **RATIFICATION - Pages 8 - 10.**

Page 8. Article V allows for "conventions" of 3/4 of the states to ratify a new constitution. Amendment XXI does the same. There is no provision as to how these "conventions" would be selected. State and federal legislatures could be left out of the ratification process entirely.

Page 9. PRECEDENT FOR RATIFICATION - The Articles of Confederation makes it clear that any changes in it would have to be ratified by all States. Rhode Island never showed up at the 1787 convention. Our Constitution was ratified by the rules of our current Constitution -- 3/4's of the states. This precedent means that a new Constitution could be ratified by the rules of the new or "Newstates" constitution. Page 10 gives these new rules. Ratification would occur unless these was a vote of the electorate and a majority disapproved.

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1992 CONSTITUTIONAL CONVENTION FACT SHEET

LIMITATION OF CONGRESSIONAL TERMS by Constitutional Amendment and limitation of Congressional salaries are other issues being used by David Stanley's National Taxpayer's Union and Lewis Uhler's National Tax Limitation Committee to promote a Constitutional Convention on any pretext that will catch on.

THREE STATES HAVE RESCINDED

1. FLORIDA, ALABAMA AND LOUISIANA have rescinded their calls for a Constitutional Convention to balance the Federal budget. This leaves the U.S. 5 states away from the required 34.

CONVENTION TRIED IN 1976

2. A NEW CONSTITUTION called a Constitution for the Newstates of America was financed by the Rockefeller Foundation and published in 1974. Nelson Rockefeller, then president of the U.S. Senate, engineered the introduction of HCR 28 calling for an unlimited convention in 1976. Public opposition defeated this effort and convention backers went back to the states promising a limited convention which we are facing now.

THE NEWSTATES CONSTITUTION'S ASSAULT ON THE BILL OF RIGHTS

3. GUNS - Article I-B Sec. 8 states "bearing of arms shall be confined to the police, members of the armed forces, and those licensed under law."

4. RELIGION - Article I-A Sec. 8 states "The practice of religion shall be privileged." Religious freedom would no longer be a right.

5. JURY TRIAL - Article VIII states that the judge decides if there is to be a jury.

6. SPEECH - Article I-A Sec. 1 states "Freedom of expression shall not be abridged except in declared emergency.

OTHER DANGERS

7. FARMS - Rexford Tugwell, the lead author of the Newstates Constitution, said that private ownership of farms had not proved good for society.

8. DEPRESSION - Sen. Nancy Kassebaum's Committee on the Constitutional System says they want to wait until the U.S. is in a 1929 type depression to call a convention because only then would the public accept the radical changes they want, so by passing another convention call or by not rescinding and moving them another state away from their goal we are encouraging them to force a depression on us.

9. SCHOOLS - Article I-A Sec. 11 says that free education would only be for those who pass appropriate tests.

10. ENTIRELY NEW CONSTITUTION PROMOTED - Henry Hazlitt, an advisor to Jim Davidson's National Taxpayer's Union, has called for an "entirely new constitution" in his book A New Constitution Now.

11. Sen. Nancy Kassebaum's group, The Committee on the Constitutional System, is on record as wanting to use a convention to change the U.S. to a PARLIAMENTARY GOVERNMENT.

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THE END OF THE STATE LEGISLATURES

12. STATES TO BE ABOLISHED - Under a GSA plan the 50 states will be abolished as specified in Article 2 of the Newstates Constitution and absorbed into 10 new states.

NO NEED FOR A BALANCED BUDGET AMENDMENT

13. GRAMM-RUDMAN - When this push for a balanced budget amendment started in the 1970's we did not have Gramm-Rudman. Lobby to reinstate the deficit reduction targets.

14. GOVERNMENT WASTE - The Grace Commission Report identified enough government waste to more than eliminate the federal deficit.

15. LOOPHOLES - All balanced budget amendments proposed by Congress have been designed to be bypassed in case of emergencies such as war.

16. THE 10th AMENDMENT prohibits the federal government from being involved in anything not specified by the constitution and if even partially enforced would prove to be the desired balanced budget amendment.

17. LAWS IGNORED - Some argue that a constitutional amendment is needed because a law can be ignored. They miss the fact that the existence of foreign aid requires that the 10th Amendment be ignored.

18. LAWS REPEALED - Some argue that a constitutional amendment is needed because a law can repealed. Prohibition was a constitutional amendment and it was repealed.

CONGRESS HAS NO OPTION AFTER THE 34TH CALL

19. NO OPTION - Some argue that the states must pressure Congress into passing its own amendment by making the 34th call. But Article V reads Congress "shall call" a convention when two-thirds of the states petition.

LIMITED CONVENTION NOT LIKELY

20. THE AMERICAN BAR ASSOCIATION Con Con study states "neither the language nor the history of Article V reveals an intention to prohibit another general convention."

21. A FARCE - Senator Orin Hatch told Congress that a convention limited to one amendment would be "a farce."

22. PACKAGE OF AMENDMENTS - The Committee on the Constitutional System stated in a press conference that it has a package of amendments ready if an unlimited convention should be held.

23. COMPETITION - There are a number of issues for which states have called for a convention. Their backers will all want to get in on the balanced budget convention if it is held.

STATE LEGISLATURES CAN BE BYPASSED

24. RATIFICATION - Article V gives Congress the power to bypass the state legislatures in favor of state ratifying convention.

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A PROPOSED CONSTITUTIONAL MODEL FOR THE NEWSTATES OF AMERICA

From *The Emerging Constitution*, by Rexford G. Tugwell, pages 595-621. Reprinted by permission of The Fund for the Republic, Center for the Study of Democratic Institutions, Santa Barbara, CA 93103.

PREAMBLE

So that we may join in common endeavors, welcome the future in good order, and create an adequate and self-repairing government—we, the people, do establish the Newstates of America, herein provided to be ours, and do ordain this Constitution whose supreme law it shall be until the time prescribed for it shall have run.

ARTICLE I

Rights and Responsibilities

A. Rights

SECTION 1. Freedom of expression, of communication, of movement, of assembly, or of petition shall not be abridged except in declared emergency.

SECTION 2. Access to information possessed by governmental agencies shall not be denied except in the interest of national security; but communications among officials necessary to decisionmaking shall be privileged.

SECTION 3. Public communicators may decline to reveal sources of information, but shall be responsible for hurtful disclosures.

SECTION 4. The privacy of individuals shall be respected; searches and seizures shall be made only on judicial warrant; persons shall be pursued or questioned only for the prevention of crime or the apprehension of suspected criminals, and only according to rules established under law.

SECTION 5. There shall be no discrimination because of race, creed, color, origin, or sex. The Court of Rights and Responsibilities may determine whether selection for various occupations has been discriminatory.

SECTION 6. All persons shall have equal protection of the laws, and in all electoral procedures the vote of every eligible citizen shall count equally with others.

SECTION 7. It shall be public policy to promote discussion of public issues and to encourage peaceful public gatherings for this purpose. Permission to hold such gatherings shall not be denied, nor shall they be interrupted, except in declared emergency or on a showing of imminent danger to public order and on judicial warrant.

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SECTION 8. The practice of religion shall be privileged; but no religion shall be imposed by some on others, and none shall have public support.

SECTION 9. Any citizen may purchase, sell, lease, hold, convey, and inherit real and personal property, and shall benefit equally from all laws for security in such transactions.

SECTION 10. Those who cannot contribute to productivity shall be entitled to a share of the national product; but distribution shall be fair and the total may not exceed the amount for this purpose held in the National Sharing Fund.

SECTION 11. Education shall be provided at public expense for those who meet appropriate tests of eligibility.

SECTION 12. No person shall be deprived of life, liberty, or property without due process of law. No property shall be taken without compensation.

SECTION 13. Legislatures shall define crimes and conditions requiring restraint, but confinement shall not be for punishment; and, when possible, there shall be preparation for return to freedom.

SECTION 14. No person shall be placed twice in jeopardy for the same offense.

SECTION 15. Writs of habeas corpus shall not be suspended except in declared emergency.

SECTION 16. Accused persons shall be informed of charges against them, shall have a speedy trial, shall have reasonable bail, shall be allowed to confront witnesses or to call others, and shall not be compelled to testify against themselves; at the time of arrest they shall be informed of their right to be silent and to have counsel, provided, if necessary, at public expense; and courts shall consider the contention that prosecution may be under an invalid or unjust statute.

B. Responsibilities

SECTION 1. Each freedom of the citizen shall prescribe a corresponding responsibility not to diminish that of others: of speech, communication, assembly, and petition, to grant the same freedom to others; of religion, to respect that of others; of privacy, not to invade that of others; of the holding and disposal of property, the obligation to extend the same privilege to others.

SECTION 2. Individuals and enterprises holding themselves out to serve the public shall serve all equally and without intention to misrepresent, conforming to such standards as may improve health and welfare.

SECTION 3. Protection of the law shall be repaid by assistance in its enforcement; this shall include respect for the procedures of justice, apprehension of lawbreakers, and testimony at trial.

SECTION 4. Each citizen shall participate in the processes of democracy, assisting in the selection of officials and in the monitoring of their conduct in office.

SECTION 5. Each shall render such services to the nation as may be uniformly required by law, objection by reason of conscience being adjudicated as hereinafter provided; and none shall expect or may receive special privileges unless they be for a public purpose defined by law.

SECTION 6. Each shall pay whatever share of governmental costs is consistent with fairness to all.

SECTION 7. Each shall refuse awards or titles from other nations or their representatives except as they be authorized by law.

SECTION 8. There shall be a responsibility to avoid violence and to keep the peace; for this reason the bearing of arms or the possession of lethal weapons shall be confined to the police, members of the armed forces, and those licensed under law.

SECTION 9. Each shall assist in preserving the endowments of nature and enlarging the inheritance of future generations.

SECTION 10. Those granted the use of public lands, the air, or waters shall have a responsibility for using these resources so that, if irreplaceable, they are conserved and, if replaceable, they are put back as they were.

SECTION 11. Retired officers of the armed forces, of the senior civil service, and of the Senate shall regard their service as a permanent obligation and shall not engage in enterprise seeking profit from the government.

SECTION 12. The devising or controlling of devices for management or technology shall establish responsibility for resulting costs.

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Board of Directors of the Committee on the Constitutional System

(Committee that drafted the Constitution for the Newstates of America)

Jonatham Bingham, former Congressman from New York
Richard Bolling, former Congressman from Missouri
Nicholas Brady, former Senator from New Jersey
Janet Brown, Chairperson, John F. Kennedy School Council, Harvard University
James MacGregor Burns, Co-Chairman, Project '87
Douglas Cater, former Assistant to the President
Gerhard Casper, Dean, University of Chicago Law School
William T. Coleman, Jr., former Secretary of Transportation
LeRoy Collins, former Governor of Florida
Lloyd N. Cutler, former Counsel to the President
Lynn Cutler, Vice-Chairperson, Democratic National Committee
C. Douglas Dillon, former Secretary of the Treasury
Ruth Friendly, Faculty Member, Scarsdale New York School System
J. William Fulbright, former Senator from Arkansas
W. Wilson Goode, Mayor, City of Philadelphia
Charles Hardin, Professor of Political Science Emeritus, University of California, Davis
Alexander Heard, Chancellor Emeritus, Vanderbilt University
Betty Heitman, Co-Chairperson, Republican National Committee
Matthew Holden, Jr., Professor of Political Science, University of Virginia
Linwood Holton, former Governor of Virginia
A. E. Dick Howard, Professor of Law, University of Virginia
Nancy Landon Kassebaum, Senator from Kansas, Chairman
Nancy Altman Lupu, John F. Kennedy School of Government, Harvard University
Bruce MacLaury, President, The Brookings Institution
Robert McClory, former Congressman from Illinois
Donald McHenry, former U.S. Ambassador to the United Nations
Robert McNamara, former Secretary of Defense
Martin Meyerson, President Emeritus, University of Pennsylvania
Norman Ornstein, Visiting Scholar, American Enterprise Institute
Kevin Phillips, President, American Political Research Corporation
Jessie Rattley, Past President, National League of Cities
Henry Reuss, former Congressman from Wisconsin
John Rhodes, former House Minority Leader from Arizona
Dorothy Ridings, President, National League of Women Voters
Donna Shalala, President, Hunter College
Rocco Siciliano, former Undersecretary of Commerce
Mary Louise Smith, former Chairperson, Republican National Committee
Elmer Staats, former Comptroller General
James Sundquist, Senior Fellow, The Brookings Institution
Dick Thornburgh, Governor of Pennsylvania
(Is Co-director of the National Taxpayers Union which is strongly pushing for a Constitutional Convention)
Glenn Watts, President, Communications Workers of America

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ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, *that no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article,* [18] and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

AMENDMENT XXI
(Adopted 1933)

SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

SECTION 2. The transportation or importation into any State, Territory, or possession of the United States, for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years fro the date of the submission hereof to the States by the Congress.

THE ARTICLES OF CONFEDERATION

Art. XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged.

Art. XIII. Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know Ye that we the under-signed delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: ....

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ARTICLE XI

Amendment

SECTION 1. It being the special duty of the Judicial Council to formulate and suggest amendments to this Constitution, it shall, from time to time, make proposals, through the Principal Justice, to the Senate. The Senate, if it approve, and if the President agree, shall instruct the Overseer to arrange at the next national election for submission of the amendment to the electorate. If not disapproved by a majority, it shall become part of this Constitution. If rejected, it may be restudied and a new proposal submitted.

It shall be the purpose of the amending procedure to correct deficiencies in the Constitution, to extend it when new responsibilities require, and to make government responsible to needs of the people, making use of advances in managerial competence and establishing security and stability; also to preclude changes in the Constitution resulting from interpretation.

SECTION 2. When this Constitution shall have been in effect for twenty-five years the Overseer shall ask, by referendum, whether a new Constitution shall be prepared. If a majority so decide, the Council, making use of such advice as may be available, and consulting those who have made complaint, shall prepare a new draft for submission at the next election. If not disapproved by a majority it shall be in effect. If disapproved it shall be redrafted and resubmitted with such changes as may be then appropriate to the circumstances, and it shall be submitted to the voters at the following election.

If not disapproved by a majority it shall be in effect. If disapproved it shall be restudied and resubmitted.

STATE DEPARTMENT OF NEW JERSEY

Polish Legion of American Veterans

648-654 FRANKLIN STREET
ELIZABETH, NEW JERSEY 07206

September 3, 1992

"GENTLEMEN OF THE NEW JERSEY ASSEMBLY"

Risking a constitutional crises to obtain a Balanced Budget Amendment is too high a price to pay for financial integrity, even if such a Balanced Budget Amendment could be adopted. Even with a Constitutional Convention there is no certainty that a Balanced Budget Amendment will be adopted. This fact comes from an expert - Warren Burger of the Supreme Court.

Let us say that a "Limited" Constitutional Convention can be convened. Who will create its rules? Its agenda?

Professor Tribe of Harvard Law School sees a primary threat imposed by an "Article V Convention" as a confrontation between Congress and such a Constitutional Convention. This dispute would inevitably draw into confrontation the Supreme Court itself. Mr. Tribe differs with James Davidson, whose National Taxpayers Union is one of the prime movers in this current move for a Balanced Budget Amendment. Mr. Davidson would justify such an unorthodox attempt to secure a Balanced Budget Amendment as a national civic lesson if such a Convention cannot be limited. Considering the fact we are confronted with a 1993 budget deficit of 400 billion dollars, and a national debt of 4 trillion dollars, now is not the time to organize a national civic lesson.

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The holding of such a convention at this time would serve a warning to other countries that a Constitutional Convention call at this time, just before a national election could be interpreted as an attempt to cover up the disintegration, to paper over, our failing American institutions.

There have been 3 states that have withdrawn their approval of a Constitutional Convention. They are Florida, Alabama and Louisana. Florida is a state with the largest annual gain in population. What are you going to do about these 3 states - ignore them? This leaves you with only 29 states that have requested a Constitutional Convention. This makes for a total of five states that either have reconsidered their original resolution calling for a Constitutional Convention, or which states have never adopted a resolution at all calling for a Constitutional Convention. How about those states who have called for a Constitutional Convention with no reservations? Are we going to be embroiled in a long, legal fight over who did what, when they adopted a Constitutional Convention Resolution? What do you think such an embroiglio is going to do our currency? Our trade with other countries?

I could go on for 18 pages more, to discount the New Constitution written by Rexford Tugwell, a socialist of the FDR Era, but I won't. I will not even dwell on the horse-trading that will be going on between various factions of delegates. This would be called the sections of the New Constitution where "you scratch my back and I will scratch your back". When I was called into service in 1942, I took a solemn oath to uphold the President and the Constitution of the United States. I made no effort to weasel out of the entire constitution by saying "except" the Federal Income Tax or except "the Federal Reserve Bank". About 16 million other Americans swore on the bible at the same time as I did to support the President and the current Constitution. Now you are asking us to

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betray our solemn oath.

Most of these 16 milion ex GI's are still standing up for the present Constitution.

Now, you have said the United States Constitution is no good because it must have a Balanced Budget Amendment incorporated into it, well, all these efforts were a waste of your time and the public's time so we want to call off the whole package and go home! Now really, can we?

You have been elected, with others, to uphold the United States Constitution . You too, swore on a bible, to this affect. Are you now considering a bill that will betray what you have sworn to uphold? Why are you following in the footsteps of Assemblyman Kamin, Assemblyman Garrett and Assemblyman Solomon?

~~I think~~ you are attempting to perpetrate a fraud on me, these other anti-speakers and the 16 million other ex GIs who fought and who died for this present Constitution. There were 300,000 ex GIs who gave their life for this same Constitution during WW II, you know. This Constitution has adequate safeguards in it for amendments. This should take away those shrill voices who keep screaming for a new constitution because the current constitution does not meet our current social needs.

These people want to throw the baby out with the water - that is all that will satisfy them.

Thomas Jefferson stated back 200 years ago "With the change of circumstances institutions must advance to keep pace with the times". He was correct! That is why the current constitution can be amended to keep pace with the times!

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Joseph A Plonski
1ST Vice Commander

NATIONAL LEGISLATIVE OFFICE

Polish Legion of American Veterans, U.S.A.

CHARTERED BY ACT OF CONGRESS

5413-C Backlick Road ▪ Springfield, VA 22151-3960

(703) 354-2771 (FTS) 389-3539 FAX (703) 642-2054

"Unity with Heritage"

August 26, 1992

RESOLUTION NO. 92-038
COMMITTEE: AMERICANISM

COMMITTEE ACTION:
APPROVE: Move for approval
DISAPPROVE:
OTHER:

RE: UNITED STATES CONSTITUTION

WHEREAS: The Polish Legion of American Veterans, U.S.A., is dedicated to the defense of the Constitution, and this defense must be conducted by any and all legal means against all enemies, whatever may be their nature; and

WHEREAS: There are intensive attacks on the Constitution by persons challenging the continued validity of the of the Constitution, which has adequate provision for orderly amendment, stating that it does not meet the requirements of modern society and that the original precepts of the founders were flawed; and

WHEREAS: Efforts are underway to convene a Constitutional Convention ostensibly for the purpose of effecting a balanced budget amendment, yet this could result in radical change or destruction of our current form of government by extending consideration to the Constitution's entire structure; and

WHEREAS: Special interests have already made proposals for a substitute Constitution, therefore it is apparent that a dire threat exists to that Constitution. The Polish Legion of American Veterans is bound to support; now, therefore be it

RESOLVED: The Polish Legion of American Veterans, U.S.A., states its opposition to efforts to convene a Constitutional Convention for any purpose and specifically opposes the rewriting of the Constitution of the United States; and be it further

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RESOLVED: That a copy of this resolution be forwarded to the 31st National Convention of the Polish Legion of American Veterans, U.S.A., for adoption by the delegates in assembly at Independence, Ohio, August 16th thru August 19th, 1992.

Submitted By
The Veterans Affairs Committee
August 18, 1992

CONVENTION ACTION: Unanimously approved by the Convention Delegates, August 18, 1992

57X

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
CHIEF JUSTICE BURGER
RETIRED

June 22, 1988

Dear Phyllis:

I am glad to respond to your inquiry about a proposed Article V Constitutional Convention. I have been asked questions about this topic many times during my news conferences and at college meetings since I became Chairman of the Commission on the Bicentennial of the U.S. Constitution, and I have repeatedly replied that such a convention would be a grand waste of time.

I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey. After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda. The meeting in 1787 ignored the limit placed by the Confederation Congress "for the sole and express purpose."

With George Washington as chairman, they were able to deliberate in total secrecy, with no press coverage and no leaks. A Constitutional Convention today would be a free-for-all for special interest groups, television coverage, and press speculation.

Our 1787 Constitution was referred to by several of its authors as a "miracle." Whatever gain might be hoped for from a new Constitutional Convention could not be worth the risks involved. A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn, with no assurance that focus would be on the subjects needing attention. I have discouraged the idea of a Constitutional Convention, and I am glad to see states rescinding their previous resolutions requesting a Convention. In these Bicentennial years, we should be celebrating its long life, not challenging its very existence. Whatever may need repair on our Constitution can be dealt with by specific amendments.

Cordially,

WEB

Mrs. Phyllis Schlafly
68 Fairmount
Alton, IL 62002

58X

Testimony of Citizen Philip Ted Hussa
Delivered to the Assembly State Government Committee
September 21, 1992, Legislative Office Building, Trenton, N.J.

Dear Honorable Assemblymen/women,

In this testimonial I intend to give my reasons why Assembly Concurrent Resolution 30 should not go further through the legislative process but should be rejected by this committee. It is presented in two parts. The first part is a summary which I hope to be able to deliver to the Committee considering ACR 30. The second part discusses many of the various arguments of which I have become aware, including the eight arguments presented by the National Taxpayers. I would be honored if the distinguished members of Assembly State Government Committee would read and consider the counter arguments I submit. Please forgive any redundancies you may find between the two parts.

TESTIMONIAL SUMMARY

The First Constitutional Convention had the power to establish the three branches of government, which has resulted in all the subsequent laws and administration since that time. That convention established all of it's own rules and guidelines. The Founding Fathers painstakingly worked out all of the important articles and provisions through debate and often compromise. The delegates at that convention could have established any kind of government they wanted. They established one provision whereby additional such conventions could be called, that is by petition from 2/3 of the states. Yet they could not and did not establish any guidelines for such a convention, because any future convention, like the first one would have the power to establish it's own rules. That is why the convention alternative of Article V is conspicously vague and devoid of any guidelines. It only states that "amendments" plural would be proposed. This convention alternative, I believe was designed to allow the American people not to pass just one amendment as ACR 30 suggests, but to discuss several amendments and make significant changes, if so agreed upon, to our fundamental form of government. To say that a convention can be limited to one issue, is to seriously misunderstand the important value of the clause. There is no law that limits a second constitutional convention to one issue neither can there be because the convention has the power to make it's own rules. In this respect the second convention is just like the first one.

The second summary point is that even if such a convention was held and it ended with only one amendment passed and that amendment was ratified a dangerous precedent would be established. It would appear that the procedure of passing amendments in this manner was routine. However, because of a constitutional conventions power to change the government as previously described, any future convention no matter how innocent it's purpose may appear on the surface, has the potential of fundamentially changing our form of government. By assuming control over the amendment process in this manner the states are assuming a power that was taken from them with the passage of the 17th amendment, that is that Senators should be elected by popular vote instead of being selected by state legislatures. The convention alternative of Article V is for changing the government. To use it for giving the states power to persuade Congress is a misinterpretation of it's original intent at best and at worst a deception by those outspoken individuals who would tamper with our many wonderful rights and privileges guaranteed under the constitution.

The last summary point I would like to present is that trying to balance the Federal budget by any amendment is not the proper way to balance the budget. It is saying to congressmen, we are going to force you to do what you are not responsible to do on your own. I submit, that if congressmen and women are not responsible to balance the budget on their own, then forcing them to do it will result in it not being done responsibly. The only way to balance the Federal budget is by not passing appropriations bills in the House of Representatives. Therefore, it becomes all the more foolhardy to open our precious Constitution to a constitutional convention for this kind of reason that was brought about by the irresponsible fiscal behavior of members of Congress. It follows the same logic that says that a whole class of students or platoon of recruits should have all their rights and privileges placed in question, if one student or soldier acts in an irresponsible manner.

Gentlemen and women of this committee, I urge you to allow ACR 30 to die a peaceful death and not subject the American people to a second constitutional convention, the outcome of which, not one member of this committee can with assurity predict and the implications of which such a precedent would establish. Please join with me and millions of Americans who are organizing to remove these irresponsible big spenders of American taxpayer money.

I am most gratified to be able to give this testimony and thank each one of you for your attention.

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REBUTTAL OF ARGUMENTS FAVORING ACR 30

As a school child I learned that our founding fathers gave us a provision whereby we could change our form of government if ever it were to become so corrupt that it no longer served the end of providing good government and freedom to the citizens of America. I refer to the convention alternative of article five of the U.S. constitution. The convention alternative as described a document prepared by the Congressional Research Service is "surrounded by a lengthy list of questions". Some of them are; "when and how is the convention to be convened? Must the requisite number of petitions be contemporaneous with each other, substantially contemporaneous or strung out over several years? Could a convention be limited to consideration of the amendment or the subject matter which it is called to consider?" Another obvious question is; how are the delegates to be chosen? The point is that this clause of article V is designed to change the government and these questions are not defined because when the convention is convened, the convention is the government and by design the convention is in fact the governing body. These important questions and any others are deceided by the convention delegates.

This is the major flaw with the arguments presented by the National Taxpayers Union. In a brochure published by that organization eight arguments are presented. Each argument is flawed, many of them because they have overlooked the purpose of the convention alternative. They also make the point that Congress determines the rules of the convention. Again let me point out that the convention has the power to make null and void those rules. The eight points referred to above and their counter arguments are;

1 Congress could avoid the convention by acting itself - Moot point because the Federal bill to balance the Federal Budget was defeated.

2. Congress established the convention procedures - As discussed the convention could declare any rules set up by Congress null and void. It could even take from Congress its legslative powers as it gave in 1787. We cannot forget that it was the first convention that defined the governmental powers of the various agencies of our government.

3. The delegates would have both a moral and legal obligation to stay on the topic - The Constitution itself counters this argument by saying that a convention shall be called for proposing amendments. Here amendments is plural indicating the convention shall not be limited to just one topic. Secondly, the legality of anything discussed by the convention delegates is up to the delegates, not by any outside law. The moral obligation is also up to the delegates to deciede.

4. Voters themselves would demand that a convention be limited - This point is poorly taken because the delegates represent the people, unless they refer to the type of demanding that a mob makes. Also, there are two examples where unelected officials ratified conventions and amendments, the first constitutional convention and the 18th amendment.

5. Even if delegates did favor opening the convention to another issue, it is unlikely that they would all favor opening it to the same issue - This is what was referred to before, that the purpose of a constitutional convention is not understood. A constitutional convention is for the purpose of proposing amendments and cannot be limited to a single issue.

6. Congress would have the power to refuse to send a nonconforming amendment to ratification - Again Congress only has power because the first convention gave it the power the second could take it away.

7. Proposals which stray beyond the convention call would be subject to court challenge - Again, if the convention has the power to create our government, it certainly has the power to make void the decisions of the Supreme Court.

8. Thirty-eight states must ratify - As mentioned before there are two examples where unelected officials ratified the proposed amendments.

I ask where are these laws that establish the rules and guidelines of the convention alternative. I submit that there are none, because this provision is designed to change or rework parts of the Constitution if need be. There can be none because the convention, like the first one, will establish it's own rules and guidelines.

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It is deceptive to use the term "limited convention" because by definition it is an open convention where amendments are discussed.

Even if Congress could limit the convention, having a limited one would set a dangerous precedent. If the Constitution is to be opened up for every failure of Congress to pass an important amendment, then we risk the possibility of tampering with rights that we hold dear by those like the Committee on the Constitutional system. The purpose of this committee is to change our form of government. Such a limit should not be suggested for the reasons mentioned above.

Finally, I wish to suggest that the procedure of passing an amendment to balance the Federal budget is not the way to get the job done. If such an amendment existed politicians would naturally still cater to the most vocal (or financially well off) interest groups. The only way to balance the Federal budget is to stop passing appropriations bills in the House of Representatives, where they originate. To open our Constitution to possible unlimited modification and debate when there are such politically different factions in our country today is shortsighted at best and insane at worst. Those who ignore caution and succumb to political pressure from the Republican National Committee or other groups like the Committee on the Constitutional System and attempt to promote this bill may reap the wrath of generations yet unborn who might have also enjoyed the freedoms of that divinely inspired document had we been more vigilant in its protection. The constitution has made us great, let us not put it in jeopardy in this manner. I doubt that Providence will give us another such miracle once we have carelessly let fall from our hands that great wonder which is the Constitution of the United States of America.

Thank You and May God Bless You,

Philip Ted Hussa
Denville Township Republican County Committee
Personnel Liason NCO, 2/102 Armor New Jersey Army National Guard
Public Affairs Director, Church of Jesus Christ of Latter-Day Saints,
Morristown New Jersey Stake

Copy to
Committee Members
Members of the NJ Assembly

61 X

Documentation
for Source Material of
Kevin O'Grady

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, *that no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article;*[18] and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

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ALLEGED Safeguard #1

The States have the power to limit a convention to only one subject, and all the States' Balanced Budget Amendment resolutions do this.

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Subcommittee on Civil and Constitutional Rights
Committee on the Judiciary
United States House of Representatives
July 31, 1985

Prepared Statement

Constitutional Conventions

Professor Walter Dellinger
Duke University Law School

The heart of the present controversy over a constitutional convention is this: a majority of the state legislatures that supposedly count as having applied for a convention have expressly stated that Congress is not to count their petition if the Convention cannot be limited to the "sole and express purpose" of proposing a particular "balanced budget amendment." Virtually everyone - supporters as well as opponents of holding a convention - now concedes that it would be either impractical or unconstitutional to limit the Convention as the state legislative petitions specify. The state legislatures themselves have clearly instructed Congress what to do in this event. Many require that (in the words of the Colorado petition): "this application and request be deemed null and void, rescinded, and of no effect in the event that the Convention not be limited to such specific and exclusive purpose of proposing an amendment prohibiting deficit spending." Since it is clear that a Convention cannot and will not be limited to the consideration of that particular amendment, Colorado and similar states require

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that Congress not count their petitions. The notion that there are 30 applications for an Article V Constitutional Convention pending cannot survive a reading of the actual petitions, which clearly express the legislatures' opposition to the kind of Convention contemplated by convention movement organizers. Congress has no Constitutional authority whatsoever to call a convention based on such applications.

The framers of the Constitution thoughtfully provided for a means of amending the Constitution that would be free of the control of existing governmental institutions. If the proposal of amendments were left solely to Congress, George Mason argued at the Philadelphia convention, "amendments of the proper kind would never be obtained by the people" if Congress itself were to be oppressive. On the other hand, many delegates feared giving state legislatures the power to both propose and ratify amendments. The solution to this delimma was the "convention of the people." In addition to providing that amendments could be proposed by Congress, Article V provides that the state legislatures may petition Congress to call "a Convention for proposing Amendments."

The clear intention of the framers was that the "Convention for proposing Amendments" was to be free of the control of both Congress and the state legislatures. That, indeed, was its very essence. It was to be, like Congress, a deliberative body

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FROM FEDERALIST PAPER NO. 85

CON CON

of all collective bodies must necessarily be a compound, as well of the errors and prejudices as of the good sense and wisdom of the individuals of whom they are composed. The compacts which are to embrace thirteen distinct States in a common bond of amity and union must as necessarily be a compromise of as many dissimilar interests and inclinations. How can perfection spring from such materials?

The reasons assigned in an excellent little pamphlet lately published in this city * are unanswerable to show the utter improbability of assembling a new convention under circumstances in any degree so favorable to a happy issue as those in which the late convention met, deliberated, and concluded. I will not repeat the arguments there used, as I presume the production itself has had an extensive circulation. It is certainly well worth the perusal of every friend to his country. There is, however, one point of light in which the subject of amendments still remains to be considered, and in which it has not yet been exhibited to public view. I cannot resolve to conclude without first taking a survey of it in this aspect.

It appears to me susceptible of absolute demonstration that it will be far more easy to obtain subsequent than previous amendments to the Constitution. The moment an alteration is made in the present plan it becomes, to the purpose of adoption, a new one, and must undergo a new decision of each State. To its complete establishment throughout the Union it will therefore require the concurrence of thirteen States. If, on the contrary, the Constitution proposed should once be ratified by all the States as it stands, alterations in it may at any time be effected by nine States. Here, then, the chances are as thirteen to nine † in favor of subsequent amendment, rather than of the original adoption of an entire system.

This is not all. Every Constitution for the United States must inevitably consist of a great variety of particulars in which thirteen independent States are to be accommodated in their interests or opinions of interest. We may of

* Entitled "An Address to the People of the State of New York."

† It may rather be said TEN, for though two thirds may set on foot the measure, three fourths must ratify.

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Before the Constitution was ratified and while a few state officials were still uneasy about certain parts of it, there began a movement to reopen the convention. James Madison was horrified by the mere suggestion of reconvening. In a letter to George Turberville, he said:

> Under all these circumstances it seems scarcely to be presumable that the deliberations of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a Second.

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ALLEGED Safeguard #2

Congress also has power to limit the convention to one subject, and Congress has strong incentives to do this.

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Subcommittee on Civil and Constitutional Rights
Committee on the Judiciary
United States House of Representatives
July 31, 1985

Prepared Statement

Constitutional Conventions

Professor Walter Dellinger
Duke University Law School

The heart of the present controversy over a constitutional convention is this: a majority of the state legislatures that supposedly count as having applied for a convention have expressly stated that Congress is not to count their petition if the Convention cannot be limited to the "sole and express purpose" of proposing a particular "balanced budget amendment." Virtually everyone - supporters as well as opponents of holding a convention - now concedes that it would be either impractical or unconstitutional to limit the Convention as the state legislative petitions specify. The state legislatures themselves have clearly instructed Congress what to do in this event. Many require that (in the words of the Colorado petition): "this application and request be deemed null and void, rescinded, and of no effect in the event that the Convention not be limited to such specific and exclusive purpose of proposing an amendment prohibiting deficit spending." Since it is clear that a Convention cannot and will not be limited to the consideration of that particular amendment, Colorado and similar states require

69x

capable of assessing from a national perspective the need for constitutional change, and responsible for determining what kinds of amendments ought to be submitted to the states for ratification. At the same time, however, the Convention would not be Congress, and therefore would not pose the threat that institutional self-interest might block needed reform of Congress itself. The state legislatures and Congress may summon such a convention into being, but neither the state legislatures nor Congress may determine what approaches or amendments the Convention ought to consider. The critical task of setting the Convention's agenda was left by Article V to the Convention itself.

It is ironic that virtually all of the pending applications for such a convention would be invalid under the standards proposed by S. 40, the Constitutional Convention Procedures Act that has been reported from the Senate Judiciary Committee to the floor of the Senate. The pending applications would be valid under this legislation only if the clear intentions of the state legislatures were ignored. S. 40 requires legislatures to state in their applications the "subject matter" of the proposed convention, requires Congress to limit the convention to such "subject matter" and permits a convention to propose any amendments pertaining to that "subject matter." Senator Hatch recognizes that thoughtful constitution drafting cannot be conducted as a plebiscite among a series of resolution-passing state legislatures which specify the very amendment to be "proposed" by the convention. He notes that

LEAI SENS HATC

> . . . to the extent that a petition was required to be precise, either with respect to the specific amendment sought, or the specific language sought, there would be little use for the convention itself. To limit the convention to the consideration of a single, meticulously worded amendment is to make the convention a farce.

The thirty-two "balanced budget" amendments now pending before Congress contemplate that the convention will be limited to the consideration of just such an impermissibly narrow amendment proposal. Arizona, for example, seeks a convention for "the specific and exclusive purpose" of "requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year." None of the thirty-two applications comes close to providing that the convention can consider anything broad enough to be called a "subject matter." Virtually all designate a "specific amendment," a limitation that Senator Hatch said would "make the convention a farce."

Some might suggest, however, that the proper response to such applications would be for Congress itself to broaden the state applications by specifying a general "subject matter" (such as "federal fiscal policy" or "inflation control") under which these applications could be subsumed, and then proceed, once the requisite number of applications had been reached, to call a convention limited only by this expanded "subject." Such action by Congress, however, would be flatly inconsistent with the express wishes of many of the applying state legislatures. They have made it clear in their applications that they oppose a

ALLEGED Safeguard #3

The people can elect convention delegates pledged to consider only a balanced budget amendment.

72x

ALLEGED Safeguard #4

Congress can refuse to send any unauthorized amendment to the States for ratification.

ALLEGED Safeguard #5

The U.S. Supreme Court can strike down any proposed amendment that goes beyond the convention's limited authority.

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ALLEGED Safeguard #6

No amendment can become part of the Constitution until it is ratified by three-fourths of the States.

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ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, *that no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article;*[18] and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXI
(Adopted 1933)

SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

SECTION 2. The transportation or importation into any State, Territory, or possession of the United States, for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XXII
(Adopted 195)

SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the

New Jersey
Citizens for a
Sound Economy

TESTIMONY
before the
ASSEMBLY STATE GOVERNMENT COMMITTEE
on behalf of
NEW JERSEY CITIZENS FOR A SOUND ECONOMY

September 21, 1992

Mr. Chairman and Members of the Committee I thank you for the opportunity to speak today on ACR-30. My name is Cyndy Povich, and I am Director of New Jersey Citizens for a Sound Economy (New Jersey CSE), a 10,000 member nonprofit, nonpartisan citizens action group affiliated with the Washington D.C.-based Citizens for a Sound Economy (CSE).

Eleven straight years of budget deficits in excess of $100 billion and a tripling of the national debt in the last 10 years clearly indicate that the current rules and structure of the federal budget process are not sufficient to maintain fiscal responsibility. Without some type of constitutional provision mandating a balanced budget, policymakers appear unwilling to make the difficult choices needed to bring an end to deficit spending. While some measures, such as the Gramm-Rudman-Hollings Deficit Reduction Act, have had a positive impact, the only permanent, long-term solution is a balanced budget amendment. Forty-nine out of the 50 state, New Jersey included, have some sort of provision in their constitutions mandating a balanced budget. American families and businesses are forced to balance their checkbooks. Why shouldn't the federal government live under the same rules?

The national debt, which get higher with each deficit, leaves a terrible burden for our children and grandchildren who will be saddled with the principal as well as interest on the debt. The overwhelming support for a balanced budget amendment -- as high a 72 by the National Taxpayer's Union -- shows that a wide cross-section of the American people support this long-overdue addition to our Constitution.

Our Founding Fathers were wise enough to give us two ways of amending the Constitution. The route with which most Americans are familiar is for Congress to pass a proposed amendment by a two-thirds vote in both Houses. The amendment is then sent to the states, where it must be ratified by three-fourths of them, currently 38. Realizing that Congress sometimes might not be responsive to the will of the people, however, the Founding Fathers also permitted the individual states to call for a constitutional convention, two-thirds of which have to approve in order for a convention to take place. Should such a convention agree to an amendment, that amendment would have to be ratified by three-fourths of the states, just as is the case with amendments passed by Congress.

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Ironically, some supporters of a balanced budget amendment have become convinced that the Founding Fathers were wrong to include a provision for a constitutional convention. Many opponents of a convention harken up images of a "runaway" convention, which presumably would agree to amendments doing everything from repealing the Bill of Rights to enacting a parliamentary system.

Such fear are misplaced. First of all, the odds against a constitutional convention venturing into any exotic topics, even if such were allowed, are overwhelming. Even if one takes the worst case scenario, notwithstanding all the hurdles which would stand in the way of anything bizarre, the chances of real damage are minuscule. But most importantly, any amendment sponsored by a constitutional convention would still have to be ratified by 38 states. The Equal Rights Amendment, which had widespread support in the polls, never came close to succeeding, and the balanced budget amendment, even more popular, would likely have a difficult time. The chances for any radical amendment succeeding are entirely remote.

Even if one remains unconvinced that a constitutional convention could do no harm, New Jersey CSE has no doubt whatsoever that Congress would pre-empt a constitutional convention by passing a balanced budget amendment once it appeared likely that a 34th state was about to call for a constitutional convention. In effect, the sates have the ability to pressure Congress to do the right thing by raising the perceived threat of a constitutional convention. As things stand right now, the special interests feel completely safe. As you know, Congress recently failed once again to pass a balanced budget amendment, and large deficits are likely to continue.

I urge you to approve this resolution calling for a convention to amend the Constitution mandating a balanced federal budget and a limitation on the rate of increase in federal spending. Recently, you passed a new budget that illustrates both fiscal responsibility and fiscal restraint. Shouldn't elected officials in Washington D.C. have to live under the same fiscal discipline as elected officials here in New Jersey? Thank you.

78x

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Testimony at Assembly State Government Hearing
In Opposition to ACR-30 - September 21, 1992

Thank you for the opportunity to appear before you today. My name is Susan Grant, and I am the New Jersey Legislative Liaison for Concerned Women for America. CWA is the largest politically active women's organization in the country, representing nearly 600,000 people nationwide.

In preparing for this testimony, I have been doing research into the events that surrounded our first and only Constitutional Convention held in 1787. Since we have no other predictors of what we could expect if we set in motion a Constitutional Convention, it might be valuable to look at some of the considerable controversies that surrounded the first one. It is our contention that a Convention held in modern day would be even more controversial because of the additional stresses of the media, court challenges, special interest group pressures, and the spotlight of the world.

The first controversy would be: Who would call the Convention and how would the delegates be chosen? Thirty two states have issued calls for a Convention, some quite long ago. Three states have rescinded their call. Which calls are valid? Who would attend? We have no guidelines for choosing the delegates. In 1787 the state of Rhode Island refused to attend the Convention. What would happen today?

One of the fears surrounding this issue is that the Convention could not be limited to consideration of only one amendment. Article V of the Constitution, which provides the only instruction we have on how to call and operate a Convention, says that upon the call of two-thirds of the states, Congress shall call a Convention for proposing amendments. Some of the best legal minds in the country have rendered opinions that the Convention could not be limited. And again, our only precedent is the 1787 Convention, which met to amend the Articles of Confederation and ended up throwing them out entirely and starting from scratch. The people are so dissatisfied with business as usual that many are ready to listen to the seductive voices of those who want to make major changes in our system of government. Can we risk it?

79x

But to return to 1787, the Convention, although a model of high statesmanship, nevertheless had its critical moments. Amid heated debates between the New Jersey plan, the Virginia Plan, the Connecticut Plan, southern states against northern states and so on, at one point a large contingent actually left the Convention. Consider that this Convention was attended by delegates from only 12 states. Increase that to 50 and add pressures via television, telephone, and fax machine of a world watching live by satellite - the result must be confusion at best; at worst, chaos.

After 16 weeks, the Constitution was finally written and submitted to the states for ratification, at which point bitter battles threatened to tear the fledgling country apart. New York only agreed to ratify after New York City threatened to secede from the state, and Rhode Island finally acquiesced when told it would be treated as a foreign country subject to trade regulations if it did not. Can we heal the rifts that might result from similar disputes in our day?
It is true that in 1787 the final result was a magnificent document that has stood the test of time and allowed our nation to become great. The very people who participated in its drafting realized that what they had accomplished had been done against all odds. Could such a task ever be repeated?

Some have said that we need not worry if additional amendments come out of the Convention, for the Legislature can refuse to ratify them. But who knows what new rules the Convention might write for ratification? Here again there is a precedent: the original 100% of states needed to ratify was reduced to 75%. As well, the ratification process could be denied the Legislatures altogether: Article V calls for ratification by Legislatures or State Conventions. Both the original Constitution and the 21st Amendment were ratified by conventions, not legislatures.

It is hard to believe that a Constitutional Convention, with no set rules or guidelines, could be undertaken in an orderly way without frictions, battles and legal challenges which could conceivably tear our nation apart. And at the end, there is no guarantee that the desired result, a balanced budget amendment, would even come about. And if it did, there is no guarantee that it would be ratified. And if it was, there is no guarantee that it would be obeyed in the spirit in which it was written. Congress has come more than once within a few votes of passing a Balanced Budget Amendment on its own. Let New Jersey encourage Congress by passing legislation like SR-52, which memorializes Congress to pass a Balanced Budget Amendment without calling for a Convention. In the meantime, we citizens can exert pressure via the ballot box - we have shown that we know how to do that.

Whatever your opinion of a Convention or a Balanced Budget Amendment, the one thing that is clear is that we really don't know what could be set loose if 34 states call for a Constitutional Convention. Let's not let New Jersey become the 33rd!

80 X

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ACR-30 NO!!

SCR-39 NO!!

SCR-68 NO!!

Don't Risk Our Constitution!!

VOTE *NO* ON CALL FOR CONSTITUTIONAL CONVENTION

CONVENTION WITHOUT PRECEDENT

There has never been a Constitutional Convention since 1787 when the original was written. There are **no legal guidelines** for the process.

CONVENTION COULD NOT BE LIMITED

- "I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey it." --*Warren E. Burger, Chief Justice (retired), United States Supreme Court*
- "An Article V convention must be entirely general, and a state application asking for something other than that is void." --*Charles L. Black, Sterling Professor Emeritus of Law, Yale University*

These Professors of Law all agree:

- Charles Alan Wright, University of Texas
- Neil H. Cogan, Southern Methodist U.
- Lawrence G. Tribe, Harvard University
- Charles E. Rice, Notre Dame University
- Gerald Gunther, Stanford University
- Christopher Brown, University of Md.
- Jefferson B. Fordham, University of Utah

CONGRESS MUST CALL A CONVENTION AFTER THE 34TH CALL

Some argue that the threat of a Constitutional Convention will be enough to force Congress to pass a balanced budget amendment. But Article V of the Constitution reads Congress "shall call" a convention when two-thirds of the states petition.

STATE LEGISLATURES CAN BE BYPASSED

Article V of the Constitution gives Congress the power to bypass the state legislatures in favor of state ratifying conventions. This was done for the 21st Amendment.

NO NEED FOR CONVENTION

Congress can pass a balanced budget. Our system has worked well for 200 years. We must not rewrite the rules now. Good Alternative: SR-52: Balanced Budget with no convention.

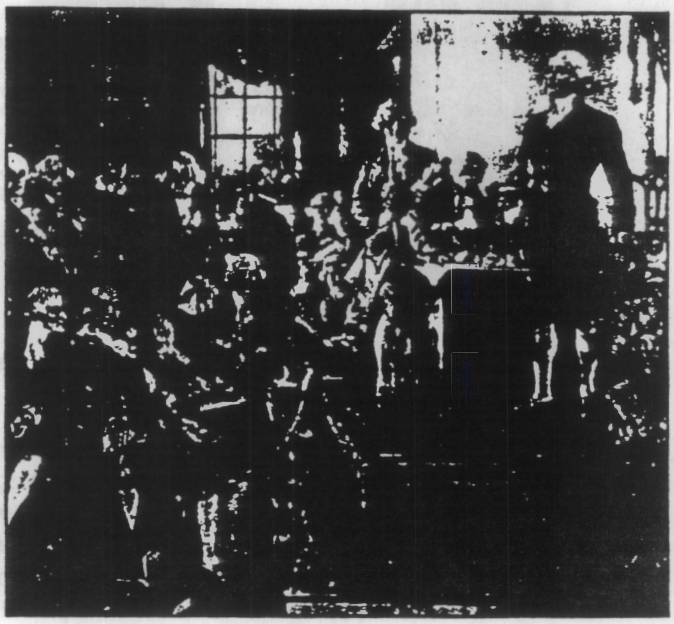
SR-52 YES!!

81X

SILENT CRISIS

Tampering With the Constitution

by Don Fotheringham



The U.S. Constitution is in danger. The prospect of a constitutional convention has prompted historians and legal scholars to speak out and explain the perils of assembling such a body.

WHAT IS A CONVENTION?

A constitutional convention (often called a con-con) is unique to a free society. In our country the people are sovereign. When the people appoint delegates to represent them in a con-con, those delegates exercise their authority by virtue of powers inherent in the people. Such powers gave us our Constitution at the first Convention held in Philadelphia in 1787.

In the closing days of that historic assembly, our Founding Fathers provided two methods for future generations to add amendments to the Constitution.

Under Method #1, two-thirds of both houses of Congress propose amendments, and then three-fourths of the states ratify them.

And under Method #2, two-thirds of the states call for a federal constitutional convention, and then three-fourths of the states ratify whatever amendments are proposed by the convention.

Although both methods are established in Article V of the Constitution, the second, by federal convention, has never been used. All 26 amendments now a part of the Constitution originated in Congress and were ratified by three-fourths of the states.

Why has a convention never been used? Mainly because it places too much authority in one place. Over the years, our leaders have wisely avoided a con-con because such an assembly might follow the precedent of 1787 and exceed its mandate. Historians and scholars see the first convention as a "runaway," and they fear that a second con-con might do likewise. It was providential that our Founding Fathers did what they did. But it hardly seems wise to trust the special interests of today with powers that could be used either to rewrite the Constitution, or to erode it through a series of "limited" conventions.

A PROPITIOUS TIME FOR A CON-CON?

Before the Constitution was ratified and while a few state officials were still uneasy about certain parts of it, there began a movement to reopen the convention. James Madison was horrified by the mere suggestion of reconvening. In a letter to George Turberville, he said:

> Under all these circumstances it seems scarcely to be presumable that the deliberations of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a Second.

We do not presume that Madison never intended Article V's convention authorization to be used. But he wisely knew when not to use it. The year 1788 was not a good time; and today, if anything, is far worse. Anyone looking clearly at the mental and moral climate of our time must tremble at the very thought of a second convention. We must safeguard the Constitution by preventing a convention until we discover a genuine structural weakness that Congress refuses to deal with. Even then, there should be no convention until a wise and vigilant people can assemble "under every propitious circumstance."

In the meantime, Americans should keep the door locked and not allow uninspired men to tamper with our greatest national legacy, the Constitution of the United States.

It is hard to imagine a modern con-con that would not fall under the influence of the national media. Most major issues are framed by the opinion molders in government, and the press. Such influence could lead to dangerous constitutional changes, even the breakdown of safeguards built into our form of government. A con-con could alter the separation of powers, expand the authority of the President, grant legislative power to the Courts, and limit representation in Congress. A convention having power to do good would also have the power to do bad. Allowing a con-con at this time in our history is not worth such a risk no matter how compelling the cause may be.

82X



"In my view the ... plurality of 'amendments' opens the door to Constitutional change far beyond merely requiring a balanced federal budget."

Christopher Brown
Professor of Law
University of Maryland



"My own belief is that a constitutional convention cannot be confined to a particular subject...."

Charles Alan Wright
Professor of Law
University of Texas



"My understanding of the federal convention is that it is a general convention; that neither the congress nor the states may limit the amendments to be considered and proposed by the convention."

Neil H. Cogan
Professor of Law
Southern Methodist University



"The discretion with which Congress may discharge this duty is pregnant with danger even under the most salutary conditions."

Lawrence G. Tribe
Professor of Constitutional Law
Harvard University

COMPELLING CAUSES

Over the years, a variety of concerns have initiated calls for a constitutional convention: child labor, protective tariffs, federal taxing power, direct election of senators, abortion, balanced budget, limiting the terms of congressmen, flag burning, etc. Of course, each call resulted from a major concern. Yet the apparent need to solve the problem could lead to far more serious trouble: tampering with the U.S. Constitution. Fortunately, two-thirds of the states have never issued concerted convention calls, so none has been held since the first in 1787.

BIG SURPRISE

It comes as a news flash to most Americans to learn that 32 states have called for a con-con in the interests of adding a balanced budget amendment to the Constitution. North Dakota was the first state to do so in 1975, and Missouri was the 32nd in 1983.

According to Article V, Congress must call a convention when two-thirds of the states apply. That magic number today is 34 states. Alabama, Florida and Louisiana have now formally withdrawn their calls leaving 29 intact. In other words, our nation is only five states away from having a new con-con. Advocates of the convention are now working in 18 states to capture not five, but two more. If they get two more states to pass resolutions for a con-con, they plan to challenge the recent withdrawal actions of the three states, and to throw them into the courts while going ahead with a convention. Despite the historical precedent and the warnings about the dangers of a con-con given by an array of legal scholars, ambitious individuals are working hard to bring about such an assembly.

CONSPIRATORS AND OPPORTUNISTS

The movement to bring our Constitution into a convention is being directed by conspirators and carried out by opportunists. Unfortunately they are assisted by many sincere state legislators and naive citizens.

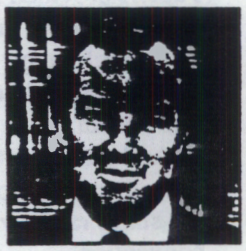
The opportunists are ambitious and organized. They carry conservative credentials and speak fluently about lowering taxes, balancing the budget, limiting congressional terms, and just getting government under control. The names of their groups seem innocuous enough and are disarming to the average patriotic American: the National Taxpayers Union (NTU) headed by James Davidson; the National Tax Limitation Committee (NTLC) led by Lewis Uhler; the American Legislative Exchange Council (ALEC) directed by various state legislators; and the Republican National Committee (RNC) chaired by Lee Atwater.

These groups are funded mostly by contributions from unwary citizens who think their projects lead to a more responsible Congress. The RNC, of course, enjoys support from millions of Americans who think the Republican Party stands for God, family, and fiscal responsibility. That perception, unfortunately, cannot be reconciled by performance.

James Davidson and Lewis Uhler are probably unwitting pawns of the conspiracy. Davidson runs a successful direct mail fundraising enterprise at the expense of naive conservatives who think the NTU is going to bring about lower taxes. Uhler also makes a good living raising funds to "limit taxes,"



James Davidson



Lewis K. Uhler

The "tax" men are pushing for a con-con.

and "balance the budget." He insists that an already "out o control Congress" can issue guidelines that will control con-con. Both men have done great harm by assuring stat legislators that a convention call will "pressure" Congres into balancing the budget and that a convention, in reality, i not likely to occur.

While there is no proof that Davidson or Uhler knowingl work for conspirators, there is reason to believe that ALE and the RNC are tied closely to the private Council o Foreign Relations (CFR) that works for the creation of socialistic world government. The United States Constitutio of course, is totally incompatible with world socialism. If th CFR and other like-minded groups have their way, th Constitution would have to be gradually eroded, radicall altered, or entirely scrapped. Certain CFR members ar clearly seen as conspirators who work for these goals.

83x



"A Convention might propose a single amendment but it would clearly have a wider range."

Jefferson B. Fordham
Professor of Law
University of Utah



"An Article V convention must be entirely general, and a state application asking for something other than that is void."

Charles L. Black
Sterling Professor Emeritus of Law
Yale University



"It is doubtful that Congress has the power to limit the convention to the proposal of amendments only on a single subject."

Charles E. Rice
Professor of Law
Notre Dame University



"In my view, a convention cannot be effectively limited."

Gerald Gunther
Professor of Law
Stanford University

OVERT AND ELITE

There are other groups working hard to change our form of government. These differ from the usual mold of conspirators inasmuch as they advertise and publish their extensive plans to "streamline" government by radical surgery on the U.S. Constitution. Most notable of these is the Committee on the Constitutional System (CCS), co-chaired by Kansas Senator Nancy Kassebaum, former Secretary of the Treasury C. Douglas Dillon, and former Counsel to the President Lloyd N. Cutler. These highly influential individuals would like to see a con-con for the purpose of "reforming" American government. Dillon and Cutler are members of the CFR. While they may have taken their cue from CFR leadership, it is doubtful that their activities enjoy any full and open endorsement of the CFR even though Cutler's desire to alter the Constitution was published in the CFR's prestigious quarterly, *Foreign Affairs*. Plans of the CCS are too open and



C. Douglas Dillon



Lloyd N. Cutler



Nancy Kassebaum

Some prominent people want to use the occasion of a new constitutional convention to change our form of government.

obvious. Its spokesmen enthusiastically show the world their superior "intelligence" and delight in pointing to the "shortsightedness" of our Founding Fathers.

COVERT AND QUIET

On the other hand, the con-con movement in the state legislatures is being promoted at a dangerously quiet level. This movement must be exposed. Advocates of a convention offer false assurances that it can be limited to a single subject. Some state legislators feel perfectly safe with their state's call for a constitutional convention because they have added to it a "null and void" clause similar to the following taken from the Idaho resolution:

> Be it further resolved that this application and request be deemed null and void, rescinded, and of no effect in the event such convention not be limited to the specific and exclusive purpose of proposing an amendment to balance the federal budget.

Unfortunately, this clause leads to a false sense of security. Article V of the U.S. Constitution authorizes the states only to apply for a convention. Once underway, a convention makes its own rules, and once fully assembled, it could reject any or all restrictions on its activity and assert its supreme power by virtue of its direct authority from "we the people."

STATE RATIFICATION NOT FOOLPROOF

Those who insist there is nothing to fear from a con-con maintain that even if it were to get out of control and draft a dangerous amendment, it would take three-fourths (38) of the states to ratify it. They ask, "Would 38 states ratify a bad amendment?" At first glance, it seems unlikely that the states would allow any such mischief. But two historical facts are never mentioned by con-con advocates, and these are crucially important points:

1. The convention could abolish or alter the rules of ratification as was done in 1787.
2. Article V authorizes Congress to decide on the mode of ratification: either by the state legislatures, or by special ratifying conventions set up in the states. On two occasions, special state conventions were empaneled when state legislatures were not likely to approve. The original Constitution was ratified in exactly that way. Again, in 1933, when many state legislatures were opposed to legal liquor sales, the 21st Amendment was ratified in special state conventions, thus circumventing the legislatures of the states.

BIG STEPS FOR BIG PROBLEMS?

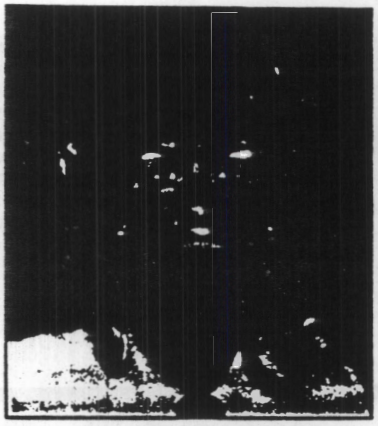
How then can we ever balance the budget? Is it not worth the gamble of a con-con inasmuch as our nation's financial condition is growing more worrisome each year? The "tax" men are experts in arguments of this kind. In testimony before legislative committees, the NTU, NTLC, ALEC, and other pro con-con groups paint a frightening scenario involving a crisis certain to occur if convention calls are not sustained. The answer to such nonsense is simple: Do you want a fiscal collapse or a structural collapse? If the bloated U.S. budget produces a major financial crisis, we could best

84x



"I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey it."

Warren E. Burger, Chief Justice (retired)
United States Supreme Court



"Constitutional, economic and political science experts are on record and have expressed concerns that the convening of a Federal Constitutional Convention would constitute a reckless use of a constitutional device which is little understood and has never been employed in our entire history."

Linda Rogers Kingsbury, President
Citizens to Protect the Constitution

weather the storm on a firm constitutional foundation. Con-con advocates regularly focus on a particular problem, then dishonestly pose a federal constitutional convention as the ultimate solution. The safe and certain solution is at the ballot box where big spenders and big borrowers can be sent into retirement.

BALLOT BOX MAGIC

Congress has no fear of a convention. For that matter, our politicians really don't fear the ballot box as long as most voters remain uninformed. But an informed citizenry, armed with voting power, is the great worry of most members of Congress. The American system is designed that way. It was planned at the first Convention that citizens would refuse to vote for big spenders, traitors, and charlatans. The Constitution is not flawed, but many of our elected (and unelected) officials most certainly are.

There is no need to change the U.S. Constitution in order to balance the budget. What is needed is enforcement of its provisions which limit spending to constitutionally authorized government functions. The Constitution carefully limits the U.S. Government to specific areas of activity and prohibits it from all others. Until this principle is widely understood by wise and vigilant voters, con-con con-artists will continue to make fools of state legislators, and political opportunists will continue to tax and spend at every level of government.

WHY PROTECT THE CONSTITUTION?

Informed Americans realize that many officials in all branches of our government pay little attention to the Constitution. It is known that they do just about what they want, giving only lip service to "the constitutionality" of their actions. In view of such disregard for the Constitution, why is it so important that citizens work to keep it out of the clutches of a con-con? What difference could it make?

The answer: Truth will ultimately prevail. Many citizens work diligently to get government back to its limited role. The time will come when enough people have been awakened so that they will have the ability to force that runaway government genie back into his bottle. This can be accomplished, however, only if a leakproof Constitution is maintained. It must be kept intact for that day when citizens return to God, and statesmen return to government. It is imperative that we maintain those carefully drafted separations, those brilliantly conceived checks and balances, and those sparingly enumerated powers during these times of deceit and controversy.

WHAT CAN YOU DO? Every American must work to protect the Constitution by opposing convention calls emanating from their state legislatures. The following 29 states have issued standing calls for a constitutional convention, and those calls must be withdrawn.

AK Alaska	NV Nevada	AZ Arizona
NH New Hampshire	AR Arkansas	NM New Mexico
CO Colorado	NC North Carolina	DE Delaware
ND North Dakota	GA Georgia	OK Oklahoma
ID Idaho	OR Oregon	IN Indiana
PA Pennsylvania	IA Iowa	SC South Carolina
KS Kansas	SD South Dakota	TN Tennessee
MD Maryland	TX Texas	MS Mississippi
UT Utah	MO Missouri	VA Virginia
NE Nebraska	WY Wyoming	

(Alabama, Florida, and Louisiana have withdrawn their calls.)

The remaining 18 states have never called for a convention and citizens must keep a vigilant watch to block legislation, in any of these states, that calls for a convention.

CA California	MT Montana	CT Connecticut
NJ New Jersey	HI Hawaii	NY New York
IL Illinois	OH Ohio	KY Kentucky
RI Rhode Island	ME Maine	VT Vermont
MA Massachusetts	WA Washington	MI Michigan
WV West Virginia	MN Minnesota	WI Wisconsin

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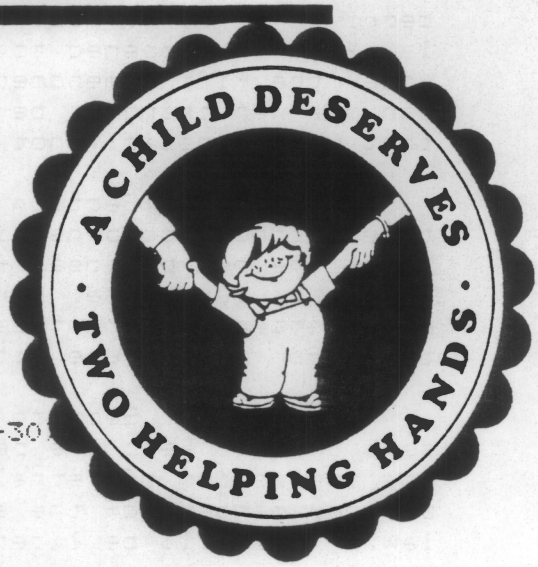
NEW JERSEY COUNCIL FOR CHILDREN'S RIGHTS

Bruce Eden
Executive Vice-President
Member, Board of Directors



To: The Assembly State Government Committee

RE: Assembly Concurrent Resolution (ACR-30)

Dear Committee Members:

It has come to our attention, as taxpayers, voters and as citizens of this state and this country, that there are indivioduals and groups out there who would wish to undermine this nation by using the guise of the Federal deficit to call for a constitutional convention.

The United States Constitution is the only document in the world that separates it's citizens from a despotic and tyrannical type of government. It is the only document of it's kind that places the individual citizen above the government.

Currently, Assemblyman Robert Martin's proposed ACR-30 plans to include New Jersey as the next state calling for a constitutional convention to balance the deficit that this country now has. There are many groups calling for a constitutional convention and there are many groups who oppose the convention because of the dangers to freedoms that a constitutional convention would create.

There is some very frightening information with regards to calling a constitutional convention. Many people, with excellent credentials, have shown that there is a group of people who have constructed a new constitution to replace the present Constitution as it now stands. If implemented, this new constitution could change this country as we now know it. Under this new constitution individual rights would become non-existant. This new document, called the Newstates Constitution would formalize laws that are already taking away the American citizen's rights to redress the government for grievances, as is protected and guaranteed in the First Amendment of the Constitution. This new constitution would

Main Offices . P. O. Box 615 . Wayne NJ 07474-0615 . 201/694-9323 . 908/563-1863

A Non-Profit, Tax Exempt Organization

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also eliminate the freedom of speech, freedom of press and freedom of religion which is also protected by the First Amendment.

Under this new constitution, it states in one of its Articles (Article I, Section 12), "No person shall be deprived of life, liberty, or property without due course of law." What happened to due process of law as guaranteed under the Fifth Amendment? What is a course of law? This can mean anything or be any type of proceeding in a courtroom that would possibly not afford the individual any recourse!

Article I, Section 12 continues: "No property shall be taken without compensation." The word just has been omitted. Under the new proposal for a constitution, this could mean, "Give us your house, here's your dollar." The Fifth Amendment now guarantees that private property cannot be taken for public use without just compensation.

Article I, Section 8 of the proposed new constitution says that to keep the peace, ". . . the bearing of arms or the possession of lethal weapons shall be confined to the police, members of the armed forces, and those licensed under law." Who will be licensed under law? Certainly not the private citizen. We will have parallelled the former Soviet Union and current Red China in taking the guns away from the people and confining those guns to the exclusive use by the police and by the armed forces. We all saw how ineffective the police and national guard were in Los Angeles this past summer. How are the people going to protect themselves from enemies they encounter either from outside the country or from the miscreants and the powers that be that would deprive citizens of their rights?

As far as the so-called deficit is concerned, under the United States Constitution, Article I, Section 8, Parts 1 and 3, there have always been provisions for balancing the budget. This Article provides for the payment of all Debts by the Congress and also for regulating commerce with foreign nations. These remedies have been in existence since 1791.

We have seen the downfall of may societies from apathy that has led to tyranny. Let it not happen here, through the use of a constitutional convention which would open the doors to overthrow the Constitution of the United States. It is up to every elected representative to protect and defend their constituents' rights as well as to protect and defend the Constitution. By proposing and allowing a constitutional convention is in violation of each representatives' Oath of Office when they became representatives of the people.

The possibility of a constitutional convention is detrimental to this nation's future. Let your children and your children's children have a future that they can look forward to.

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1992 CONSTITUTIONAL CONVENTION FACT SHEET

LIMITATION OF CONGRESSIONAL TERMS by Constitutional Amendment and limitation of Congressional salaries are other issues being used by David Stanley's National Taxpayer's Union and Lewis Uhler's National Tax Limitation Committee to promote a Constitutional Convention on any pretext that will catch on.

THREE STATES HAVE RESCINDED

1. FLORIDA, ALABAMA AND LOUISIANA have rescinded their calls for a Constitutional Convention to balance the Federal budget. This leaves the U.S. 5 states away from the required 34.

CONVENTION TRIED IN 1976

2. A NEW CONSTITUTION called a Constitution for the Newstates of America was financed by the Rockefeller Foundation and published in 1974. Nelson Rockefeller, then president of the U.S. Senate, engineered the introduction of HCR 28 calling for an unlimited convention in 1976. Public opposition defeated this effort and convention backers went back to the states promising a limited convention which we are facing now.

THE NEWSTATES CONSTITUTION'S ASSAULT ON THE BILL OF RIGHTS

3. GUNS - Article I - B Sec. 8 states "bearing of arms shall be confined to the police, members of the armed forces, and those licensed under law."

4. RELIGION - Article I - A Sec. 8 states "The practice of religion shall be privileged." Religious freedom would no longer be a right.

5. JURY TRIAL - Article VIII states that the judge decides if there is to be a jury.

6. SPEECH - Article I - A Sec. 1 states "Freedom of expression shall not be abridged except in declared emergency."

OTHER DANGERS

7. FARMS - Rexford Tugwell, the lead author of the Newstates Constitution, said that private ownership of farms had not proved good for society.

8. DEPRESSION - Sen. Nancy Kassebaum's Committee on the Constitutional System says they want to wait until the U.S. is in a 1929 type depression to call a convention because only then would the public accept the radical changes they want, so by passing another convention call or by not rescinding and moving them another state away from their goal we are encouraging them to force a depression on us.

9. SCHOOLS - Article I - A Sec. 11 says that free education would only be for those who pass appropriate tests.

10. ENTIRELY NEW CONSTITUTION PROMOTED - Henry Hazlitt, an advisor to Jim Davidson's National Taxpayer's Union, has called for an "entirely new constitution" in his book A New Constitution Now.

11. Sen. Nancy Kassebaum's group, The Committee on the Constitutional System, is on record as wanting to use a convention to change the U.S. to a PARLIAMENTARY GOVERNMENT.

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- SEE OTHER SIDE -

THE END OF THE STATE LEGISLATURES

12. STATES TO BE ABOLISHED - Under a GSA plan the 50 states will be abolished as specified in Article 2 of the Newstates Constitution and absorbed into 10 new states.

NO NEED FOR A BALANCED BUDGET AMENDMENT

13. GRAMM-RUDMAN - When this push for a balanced budget amendment started in the 1970's we did not have Gramm-Rudman. Lobby to reinstate the deficit reduction targets.

14. GOVERNMENT WASTE - The Grace Commission Report identified enough government waste to more than eliminate the federal deficit.

15. LOOPHOLES - All balanced budget amendments proposed by Congress have been designed to be bypassed in case of emergencies such as war.

16. THE 10th AMENDMENT prohibits the federal government from being involved in anything not specified by the constitution and if even partially enforced would prove to be the desired balanced budget amendment.

17. LAWS IGNORED - Some argue that a constitutional amendment is needed because a law can be ignored. They miss the fact that the existence of foreign aid requires that the 10th Amendment be ignored.

18. LAWS REPEALED - Some argue that a constitutional amendment is needed because a law can be repealed. Prohibition was a constitutional amendment and it was repealed.

CONGRESS HAS NO OPTION AFTER THE 34TH CALL

19. NO OPTION - Some argue that the states must pressure Congress into passing its own amendment by making the 34th call. But Article V reads Congress "shall call" a convention when two-thirds of the states petition.

LIMITED CONVENTION NOT LIKELY

20. THE AMERICAN BAR ASSOCIATION Con Con study states "neither the language nor the history of Article V reveals an intention to prohibit another general convention."

21. A FARCE - Senator Orin Hatch told Congress that a convention limited to one amendment would be "a farce."

22. PACKAGE OF AMENDMENTS - The Committee on the Constitutional System stated in a press conference that it has a package of amendments ready if an unlimited convention should be held.

23. COMPETITION - There are a number of issues for which states have called for a convention. Their backers will all want to get in on the balanced budget convention if it is held.

STATE LEGISLATURES CAN BE BYPASSED

24. RATIFICATION - Article V gives Congress the power to bypass the state legislatures in favor of state ratifying conventions.

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SEE OTHER SI.

Statement of Robert Morris
before the State Legislative Committee
Trenton, New Jersey
September 21, 1992, 2:00 p.m.

Robert Morris is now the Chairman of America's Future, an Educational Foundation based in Milford, PA. He was formerly the Chief Counsel of a Subcommittee of the U.S. Senate Judiciary Committee, and while a New York City Civil Court Judge, was Advisor to the U.S. Senate Rules Committee.

I am here to express my opposition to the call for a Constitutional Convention on the Balanced Budget. Our Constitution has been in existence for 205 years. It has provided political liberty and has accommodated extensive geo-political and economic expansions. It is conceded by all to be a role model for all constitutions in the history of mankind. Article V of our Constitution provides that if two thirds or 34 states call for a Constitutional Convention, there must be one. The language of Article V also says that the Constitutional Convention should be called for proposing "amendments". It does not call for a single amendment.

There is no precedent except our first Constitutional Convention in 1787 when that was called to amend the Articles of Confederation. When it did convene, it completely threw out the Articles of Confederation and produced our present Constitution.

There are no set rules provided. There are no limitations on what amendments it can address. We don't know if the agenda could be limited.

As for authorities on procedures, there is no better authority than the former Chief Justice of the U.S. Supreme Court, Warren Burger. A letter dated June 22, 1988 to Phyllis Schlafly, a distinguished leader of the opposition forces to a Constitutional Convention from former Chief Justice Warren Burger reads as follows:

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
CHIEF JUSTICE BURGER
RETIRED

June 22, 1988

Dear Phyllis:

I am glad to respond to your inquiry about a proposed Article V Constitutional Convention. I have been asked questions about this topic many times during my news conferences and at college meetings since I became Chairman of the Commission on the Bicentennial of the U.S. Constitution, and I have repeatedly replied that such a convention would be a grand waste of time.

I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey. After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda. The meeting in 1787 ignored the limit placed by the Confederation Congress "for the sole and express purpose."

With George Washington as chairman, they were able to deliberate in total secrecy, with no press coverage and no leaks. A Constitutional Convention today would be a free-for-all for special interest groups, television coverage, and press speculation.

Our 1787 Constitution was referred to by several of its authors as a "miracle." Whatever gain might be hoped for from a new Constitutional Convention could not be worth the risks involved. A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn, with no assurance that focus would be on the subjects needing attention. I have discouraged the idea of a Constitutional Convention, and I am glad to see states rescinding their previous resolutions requesting a Convention. In these Bicentennial years, we should be celebrating its long life, not challenging its very existence. Whatever may need repair on our Constitution can be dealt with by specific amendments.

Cordially,

WEB

Mrs. Phyllis Schlafly
68 Fairmount
Alton, IL 62002

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Clearly the former Chief Justice is stating that there "is no effective way to limit or muzzle the actions of a constitutional convention."

As for New Jersey, when the issue was before the New Jersey Legislature in 1988, former Chief Justice Hughes of the New Jersey Supreme Court expressed an identical opinion. He was a member of a four person panel consisting of Phyllis Schlafly, Howard Phillips, and myself that opposed the call at that time.

A few years ago when our federal budget deficits were only a fraction of what they are now - approaching $400 billion, it was much simpler to achieve its purpose. If the deficit were only $50 or $60 billion, the delegates could make room for the reductions. However, now that it's approaching $400 billion, it would be very difficult to do so. Recently, Secretary of Defense Cheney estimated that we can now cut our defense budget by $80 billion by the year 1996. And the defense budget is second only to Entitlements as the largest item in the budget. Clearly it would be necessary to raise taxes to eliminate the huge deficit. One deterrent to raising taxes has always been the accountability to the voters by those voting the increase. If delegates would now vote to increase taxes, they could escape criticism by saying that the Constitution required it.

There is another issue that should be considered by this Committee. In 1921 the Supreme Court held in Dillon v. Gloss that changes in the U.S. Constitution should be the result of a "contemporaneous consensus". This was understandable because unless there was a reasonably short period of time between the first and the last amendment, there would be no consensus. Since 1975 there have been 35 states calling for a Constitutional Convention (and there have been rescissions.) 1975 is 17 years ago. When the Constitutional Convention's Implementation Bill was originally written by Senator Sam Ervin in the 1960's, it called for a time limit of seven years for the ratification of constitutional amendmemts in the usual way and for state resolutions calling for a Constitutional Convention. It must be decided whether a 17 year span is excessive, when

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there are such momentous changes in world developments, represents a contemporaneous consensus.

There are powerful forces in Washington supporting the Constitutional Convention. One such group is the Committee on the Constitutional System (CCS). The Chairman of the CCS has been Lloyd N. Cutler. He is known as President Jimmy Carter's advisor regarding the unratified SALT II Treaty which failed because it could not obtain a two thirds majority.

Other important CCS members include former Secretary of the Treasury C. Douglas Dillon, former World Bank President Robert S. McNamara, and former Chairman of the Foreign Relations Committee for many years, J. William Fulbright.

The Committee on the Constitutional System published a 334 page book called "Reforming American Government." It was a collection of 40 papers on the Constitution. They discussed the Constitution from many angles but it was clear that the persistent message of this volume was dissatisfaction with our Constitution.

It is interesting to note that Robert S. McNamara was featured on the back cover of the volume. He was Secretary of Defense under Presidents Kennedy and Johnson and became President of the World Bank. He is quoted on the back cover: "It is tempting to believe that our constitutional system, having survived for over 200 years, can handle the daunting challenges it now confronts. But common sense warns that it may not be so."

In one of the books that I have written, I reported that over the period of his serving as Defense Secretary, United States defenses were reduced from a level of great superiority over the U.S.S.R. to almost equality. There was some discussion at that time that bringing military budgets together would make it easier to effect agreements between the United States and the U.S.S.R.

There have been great changes taking place in the last decade. When President Bush first announced his foreign policy in 1989, he declared that it called for "the integration of the Soviet Union into the councils of the world" and that there should be a strengthened United Nations to bring about a "New World Order".

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Since then we fought Desert Storm according to U.N. Resolutions and when General Schwarzkopf favored toppling Saddam Hussein when he was defeated, President Bush said he could not do so because we had no "mandate". President Bush also defended his policy of aiding Hussein before he invaded Kuwait as saying he did so in the hope of "integrating" Hussein into the world councils. And if one analyzes our present China policy, he will recognize this same approach to that communist regime.

The judicial arm of the United Nations is the International Court of Justice which was created in 1946. The United States Senate Foreign Relations Committee debated whether we should submit to the compulsory jurisdiction of that body. The International Court of Justice has no limitations and its decisions cannot be appealed. The United States Senate agreed to submit to the jurisdiction of the court but resolved that our country would not accept the compulsory jurisdiction of the court when the issue within the domestic jurisdiction of the United States. But when Senator Tom Connally recognized that the International Court could decide which matters are essentially within the domestic jurisdiction of the United States, in order to protect our sovereignty he added the words, "as determined by the United States." These six words are now called the Connally Reservation and have protected our sovereignty against many efforts on the part of the International Court to cross the line.

During my years in Washington I experienced many campaigns to eliminate the Connally Reservation. I could never understand that. The International Court of Justice currently consists of 15 members. They are from the following countries: Italy, Venezuela, Algeria, Nigeria, Norway, France, U.K., Poland, Communist China, Japan, Madagascar, the U.S., Guyana, the Russian Federation and Sri Lanka.

Most of these countries do not have the same values as we, and I could never understand why there were powerful people in the United States trying to give these justices the power to reduce our sovereignty. A Constitutional Convention would be an ideal forum for these people to to achieve that purpose.

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In conclusion, these are but some of the risks that we will be taking if 34 states call for a Constitutional Convention. Our Constitution has been a precious document over the years and we should not play Russian roulette.

P. O. Box 1
Mantoloking, New Jersey
(908) 892-4186

95X

NO CONVENTION
STRICTLY OBSERVE THIS CONSTITUTION

GENTLEMEN, THIS IS ALL ABOUT MONEY. IT WAS ABOUT MONEY, WHEN IT WAS ORIGINALLY WRITTEN, AND IT IS ABOUT MONEY NOW. AMONG OTHER THINGS, THE CONSTITUTION IS A FINANCIAL CONTRACT, BETWEEN THE 50 STATES, THE PEOPLE, AND A NECESSARY EVIL, THE HISTORICALLY AND POTENTIALLY RUNAWAY POWER SITUATION, CALLED THE FEDERAL GOVERNMENT.

WE ARE THE OLDEST ESTABLISHED FORM OF GOVERNMENT IN THE HISTORY OF MANKIND - THANKS TO OUR CURRENT CONSTITUTION.

UPON LEAVING THE CONVENTION, BEN FRANKLIN WAS ASKED, WHAT HAVE YOU MADE US?

HE REPLIED, A REPUBLIC, IF YOU CAN KEEP IT - I'LL BE SURPRISED IF IT LASTS TWO HUNDRED YEARS.

THOMAS JEFFERSON SAID, ALL FREE MEN SHOULD HAVE A PURGING REVOLUTION EVERY FIFTY YEARS ; AND PEACEABLY, WE HAVE ONE, EVERY TIME WE HAVE AN ELECTION.

DUE TO PROGRESSIVE, INSIDIOUS CIRCUMVENTION, OUR CURRENT CONSTITUTION IS DIFFICULT TO RECOGNIZE, FROM ITS ORIGINAL INTENT, BUT IT IS STILL IN PLACE.

ALL REPRESENTATIVES TO LEGISLATURES, AND OFFICERS OF THE COURT, ARE REQUIRED TO TAKE AN OATH OF OFFICE WHICH READS IN PART, UPHOLD-PRESERVE-PROTECT DEFEND-THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

THE CONSTITUTION IS THE PEOPLE'S PROTECTION, BARRIER, LIFEBOAT, THEIR PROPERTY - THAT WILL BE PROTECTED UNTO DEATH; IN THE COMPANY OF THE FINEST MEN THAT HAVE GONE BEFORE US - AND PAID THE ULTIMATE PRICE IN ULTIMATE LOVE.

GREATER THAN THIS HATH NO MAN THAN TO LAY DOWN HIS LIFE FOR ANOTHER -

GIVE ME LIBERTY OR GIVE ME DEATH

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NO CONVENTION
STRICTLY OBSERVE THIS CONSTITUTION

"I MAY NOT AGREE WITH WHAT YOU HAVE TO SAY, BUT I'LL DEFEND TO MY DEATH YOUR RIGHT TO SAY IT."

GENTLEMEN YOU'VE HEARD ALL THIS BEFORE BUT THIS IS WHAT AT STAKE HERE ! YOU DON'T NEED A CONSTITUTIONAL CONVENTION TO BALANCE THE BUDGET. WE ALREADY HAVE THE SOLUTION IN SO MANY WAYS. THE CONSTITUTION AS WRITTEN HAS ALREADY FACED THE PROBLEM. IT WAS INCORPORATED INTO THE ORIGINAL CONSTITUTION. IS ALL ONE HAS TO DO IS READ IT, AND APPLY ITS SIMPLE LANGUAGE. THE TRUTH OF THE MATTER IS THAT THE BANKS DON'T WANT TO HAVE A BALANCED BUDGET. IT DOESN'T TAKE GOD ALMIGHTY BALANCE THE BUDGET. HOWEVER HE WOULD PROBABLY DO IT, BY GETTING RID OF PROFESSIONAL INTERNATIONAL MONEY MANIPULATORS AND TAX ASSESSORS. YOU HAVE ONLY TO READ YOUR CONSTITUTION AND BIBLE THEREON. IN TRUTH, A CONSTITUTIONAL CONVENTION IS ABOUT LEGITIMATING THE CONFISCATION AND FORFEITURE OF PROPERTY, BY THE TYRANNICAL NOBILITY AND MONEY PRINTERS/LENDERS OF THE UNITED STATES.

THE MEANING OF THE CONSTITUTION

I. SUPREME LAW OF THE LAND.

THE CONSTITUTION OF THE uNITED STATES OF AMERICA IS THE FINAL AUTHORITY ON ANY LEGAL MATTERS, ALL OTHER LAWS WITHIN THE NATION'S BOUNDARIES ARE SECONDARY TO IT.

BLACK'S LAW DEFINES : **THE CONSTITUTION:** THE ORGANIC AND FUNDAMENTAL LAW OF A NATION OR STATE, WHICH MAY BE WRITTEN OR UNWRITTEN, ESTABLISHING THE CHARACTER AND CONCEPTION OF ITS GOVERNMENT, LAYING THE BASIC PRINCIPLES TO WHICH ITS INTERNAL LIFE IS TO BE CONFORMED,

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ORGANIZING THE GOVERNMENT, AND REGULATING, DISTRIBUTING, AND LIMITING THE FUNCTIONS OF ITS DIFFERENT DEPARTMENTS, AND PRESCRIBING THE EXTENT AND MANNER OF THE EXERCISE OF SOVEREIGN POWERS. ***A CHARTER OF GOVERNMENT DERIVING ITS WHOLE AUTHORITY FROM THE GOVERNED.***

THE ACTS OF CONGRESS, LIKE BY-LAWS OF AN ORGANIZATION, OR CORPORATION, DEAL WITH LESSER MATTERS, ARE EASIER TO CHANGE, NEED NOT APPLY TO ALL THE PARTICIPANTS.

THE uNITED STATES ARE NOT A DEMOCRACY WHERE EVERY CITIZEN VOTES ON EVERY ISSUE AS IN THE ANCIENT GREEK CITY - STATES, BUT A REPUBLIC, I.E. REPRESENTATIVE GOVERNMENT, WHERE THE CITIZENRY ELECT REPRESENTATIVES, TO DO THE PEOPLE'S BIDDING, FOR A TERM OF OFFICE, AS SPELLED OUT IN THE GOVERNING DOCUMENT.

THE DELEGATES OF THE PEOPLE, IN THE REPUBLICAN FORM OF GOVERNMENT, DECIDE ON THE LAWS AND BUDGETS, WITHOUT DIRECT APPROVAL OF THE ELECTORATE WITHIN A CERTAIN FRAMEWORK.

WITHIN OUR "CONSTITUTIONAL REPUBLIC" THE ASSEMBLYMEN AND CONGRESSMAN ARE BOUND BY THE TERMS OF THE FOREMOST AUTHORITY; AND CAN ***ONLY*** LEGISLATE WITHIN ITS LIMITS - ***AND MUST RETURN TO THE PEOPLE FOR ANY ADDITIONAL POWERS, I.E. A CONSTITUTIONAL AMENDMENT.***

AT ELECTIONS, STATE VOTERS ARE ENMESHED WITH A BEWILDERING AREA OF PROPOSED AMENDMENTS - FOR GOOD REASON-, ***THE LEGISLATURE HAS RUN OUT OF POWER, THEY CANNOT ASSUME POWER, AND MUST RETURN TO THE SOURCE - THE PEOPLE. ALL FUNDAMENTAL RIGHTS REMAIN THE PREROGATIVE OF THE PEOPLE.***

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ANY ADDITIONAL BURDEN TO BE PLACED THEREUPON, REQUIRES THEIR ASSENT BY OVERWHELMING MARGIN; GENERALLY TWO THIRDS IN ITS REQUEST, AND THEN FOR RATIFICATION, BY THREE FOURTHS OF THE STATES ASSEMBLIES, FOR ITS ACCEPTANCE; " AND NO STATE, WITHOUT ITS CONSENT, SHALL BE DENIED ITS EQUAL SUFFRAGE IN THE SENATE".

LIKEWISE, THE FEDERAL DELEGATES IN WASHINGTON ARE BOUND IN AND BY THE TERMS OF THEIR WRITTEN PRESCRIPTIONS, I.E. (but not limited to) ARTICLE I, AND AMENDMENTS IX AND X OF THE CONSTITUTION OF THE uNITED STATES OF AMERICA. THUSLY, TO EXPAND THEIR POWERS, THE FEDERALS MUST RETURN TO THE SOURCE, THE STATES VIA CONSTITUTIONAL AMENDMENT - *NO OTHER METHOD EXISTS FOR ANY CHANGE OR INCREASE IN AUTHORITY FOR THE FEDERAL GOVERNMENT.* THE CONSTITUTION/REPUBLIC SYSTEM ACKNOWLEDGES THAT THE PEOPLE CANNOT WATCH THE DAY TO DAY MECHANISM ON THE LEGISLATURES; HOWEVER, CANNOT TRUST THEM WITH UNLIMITED POWER. THE PEOPLE HAVE BOUND THEIR DELEGATES TO ONLY *LIMITED AUTHORITY* IN *LIMITED AREAS* UNDER THE TERMS OF THEIR RESPECTIVE CONSTITUTIONS, STATE OR FEDERAL, AND ANY CHANGE REQUIRES CONSENT BY THOSE AFFECTED.

MORE SO, THE BUREAUCRACIES ARE LIMITED BY THE TERMS AND SPIRIT OF THE RESPECTIVE GOVERNING DOCUMENTS. PROBLEMS ARISE WHEN EITHER THE POLITICIAN, THE BUREAUCRATS OR BOTH USURP THEIR POWER, ASSUME OTHERS, AND VIOLATE THE BASIC LAW.

OUR GOVERNMENT IS THE DOCUMENTATION OF AGREEMENTS, ACCORDS AND IDEAS ON A PIECE OF PAPER, CALLED A CONSTITUTION ! DO OUR PRESIDENTS TAKE AN OATH TO PRESERVE AND OBEY THE QUEEN OF ENGLAND?, THE POLITBURO OF THE

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SOVIET STATES OR UNIONS? NO !! THEY SWEAR TO :-" SUPPORT, PRESERVE, PROTECT, AND DEFEND THE CONSTITUTION OF THE uNITED STATES,"

II. WHY A CONSTITUTION?

GOVERNMENT BY DOCUMENT HAS THREE PRINCIPAL ASPECTS:-

A. **WRITTEN:** THE FUNDAMENTAL LAW IS WRITTEN DOWN FOR ALL TO READ, I.E. THE RULE OF LAW, NOT THE RULE OF MAN.

B. **IN ENGLISH:** THE CONSTITUTION IS SPELLED OUT IN THE EVERY-DAY LANGUAGE OF ITS PEOPLE, NEEDS NO INTERPRETATION, EVERYONE CAN SEE FOR THEMSELVES EXACTLY WHAT IT SAYS, COMMUNICATES, READS, INTENDS. IT SAYS WHAT IT MEANS AND MEANS WHAT IT SAYS. THE CONSTITUTION OF THE uNITED STATES OF AMERICA GRANTS, TO NO GOVERNMENTAL BRANCH OR SPECIAL AUTHORITY, THE POWER, EXCLUSIVE OR OTHERWISE, TO DEFINE OR TO INTERPRET ITS MEANING.

THE CONSTITUTION IS THE sUPREME LAW OF THE LAND, NOT THE sUPREME COURT. THE COURT CAN ONLY INTERPRET SITUATIONS AND ACTIONS IN RELATIONSHIP TO THEIR COMPLIANCE TO THE CONSTITUTION.

C. **SUBSTANTIAL - CLEAR - CONSISTENT - NO CHANGES:** THE LEGAL FRAMEWORK OF THE NATION DOES NOT CHANGE FOR POPULAR WHIMS, ***PRETENDED EMERGENCIES,*** OR THE DESIRES OF THE POWER-AFFLUENT. THE CONSTITUTION PROVIDES IN ARTICLE V AN ELABORATE AND COMPLICATED PROCEDURE FOR ANY AMENDMENT. OUR BASIC LAW HAS ***REMAINED FUNDAMENTALLY UNCHANGED*** PREDICTABLE, NOT BENDING WITH THE TIDES.

100x

EXCEPT FOR THE BILL OF RIGHTS, WHICH WERE A PRE-REQUISITE CONDITION FOR ADOPTION, I.E. REALLY A PART OF THE ORIGINAL WRITING, OUR CONSTITUTION - DOCUMENT HAS SUFFERED, AT FACE, ONLY 16 CHANGES, AND IN TRUTH ONLY FOURTEEN LEGITIMATE CHANGES, ***(THE SIXTEENTH AND SEVENTEENTH BEING PROVEN UNRATIFIED.)***

THE 18th AMENDMENT (PROHIBITION) AND **THE 21st** (REPEAL) - CANCEL EACH OTHER.

THE 24th (POLL TAX) WAS PUNITIVE, ANTI-SOUTHERN, THE PASSAGE OF WHICH HAD NO MEANING, BECAUSE NO STATE HAD REQUIRED SUCH FOR YEARS.

THE 19th (FEMALE SUFFRAGE) AND **THE 26th** (TEENAGE SUFFRAGE) CHANGED AUTHORITY RESERVED TO THE 50 STATES, AND THESE ALTERATIONS HAD ALREADY BEEN PLACED INTO EFFECT BY THE 50 STATES, SO THE AMENDMENT WERE SUPERFLUOUS !

THE 13th (ABOLITION OF SLAVERY OF ALL MANKIND WITHIN THE U.S.)

THE 14th FURTHER ELABORATED THE DUE PROCESS OF THE 5th AMENDMENT AND OTHER ARTICLES OF THE CONSTITUTION, AND TOGETHER WITH --

THE 15th (ADDITIONAL SUFFRAGE) WERE PRODUCTS OF THE RECONSTRUCTION ERA AND OF LITTLE SIGNIFICANT MEANING,

THE 20th (EARLY INAUGURATION) REITERATED PREVIOUS PROCEDURE.

THE 24th (DC ELECTORS) AND **THE 25th** (APPOINTMENT OF THE VICE PRES) WERE OF LITTLE CONSEQUENCE AND DEBATABLE NEED.

IN TRUTH, THE ONLY AMENDMENTS TO THE U.S. CONSTITUTION OF ANY CONSEQUENCE WERE **THE 11th AND THE 12th AMENDMENTS.** AND THEY WERE ADOPTED QUICKLY WHEN THE CONSTITUTION WAS FIRST BEING USED. THEY CORRECTED THE ONLY POSSIBLE FLAWS OF THE FRAMERS !

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NO CONVENTION
STRICTLY OBSERVE THIS CONSTITUTION

NOT BAD FOR 205 YEARS !!

NO OTHER AMENDMENTS EXIST ! NO OTHER METHOD EXISTS FOR AMENDMENT EXCEPT AS ARTICLE V PROVIDES.

NEITHER CIVIL WAR NOR ECONOMIC DEPRESSION, IN SPITE OF POPULAR BELIEF, CAN CHANGE OUR CONSTITUTION.

NINE sUPREME COURT JUDGES CANNOT CHANGE OUR CONSTITUTION !

IT REQUIRES AT LEAST 300 PLUS CONGRESSMEN, AND 3000 PLUS STATE LEGISLATORS AND 35 STATES' LEGISLATURES TO CHANGE OUR CONSTITUTION. CONSIDER THE TASK OF A SECOND CONSTITUTIONAL CONVENTION OF FIFTY STATES, WHEN VIEWED IN COMPARISON WITH 13 COLONIES, AND THEIR THEN LIMITED SCOPE. THERE ISN'T THAT MUCH TIME LEFT.

NOW, PLEASE TAKE NOTE.

THE 16th WAS NEVER PROPERLY RATIFIED. (READ 'THE LAW THAT NEVER WAS' BY WILLIAM BENSON 1985 (THOUSANDS OF CERTIFIED SUBSTANTIATING DOCUMENTS THERETO)); NOR DOES " THE CONGRESS HAVE THE POWER TO ENFORCE THIS ARTICLE BY APPROPRIATE LEGISLATION".

THE 17th (DIRECT ELECTION OF SENATORS) IS NOT VALID, AND IS NULL AND VOID.

THE FACTS ARE:- THAT THE STATE OF UTAH SOUNDLY REJECTED THIS AMENDMENT, AND AT LEAST SEVEN OTHERS FAILED TO RATIFY IT. THUS, AT

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LEAST (8) EIGHT STATES WERE DENIED THEIR SUFFRAGE. AT VARIANCE TO ARTICLE 5 OF THE CONSTITUTION, THE SEVENTEENTH AMENDMENT WAS INCORRECTLY DECLARED RATIFIED. IT IS THUS UNLAWFUL, NULL AND VOID. (READ CHAPTER III 'THE STATES EMASCULATED' IN 'A MODERATE PROPOSAL' BY JEAN CARPENTER (ATTACHED)

CURIOUSLY, ALL OF THESE TRANSGRESSIONS OCCURRED UNDER THE INFLUENCE OF EDWARD M. HOUSE DURING THE WOODROW WILSON ADMINISTRATION. WILSON PUBLISHED " THE NEW FREEDOM" (NEW WORLD ORDER?) IN 1913 WHERE HE WROTE

SOME OF THE BIGGEST MEN IN THE UNITED STATES, IN THE FIELD OF COMMERCE AND MANUFACTURE, ARE AFRAID OF SOMETHING. THEY KNOW THERE IS A POWER SOMEWHERE SO ORGANIZED, SO SUBTLE, SO WATCHFUL, SO INTERLOCKED, SO COMPLETE, SO PERVASIVE, THAT THEY BETTER NOT SPEAK ABOVE THEIR BREATH, WHEN THEY SPEAK IN CONDEMNATION OF IT." (SEE PAGE 26 "SHADOWS OF POWER" BY JAMES PERLOFF)

REGARDING EDWARD M. HOUSE, biographer ARTHUR D. HOWDEN SMITH WRITES - HOUSE BELIEVED THAT " THE CONSTITUTION , A PRODUCT OF EIGHTEENTH-CENTURY MINDS AND THE QUASI-CLASSICAL, MEDIEVAL CONCEPTION OF REPUBLICS, WAS THOROUGHLY OUTDATED; THAT THE COUNTRY WOULD BE BETTER OFF IF THE CONSTITUTION COULD BE SCRAPPED AND REWRITTEN. BUT AS A REALIST HE KNEW THAT THIS WAS IMPOSSIBLE IN THE EXISTING STATE OF POLITICAL EDUCATION .

HOUSE WROTE A NOVEL IN 1912, PHILIP DRU: ADMINISTRATOR . AS IN HITLER'S "MEIN KAMPF" , OUTLINES OF POLITICAL INTENT ARE WRITTEN; SO ALSO, HOUSE, IN HIS BOOK OUTLINES A VARIETY OF RADICAL IDEAS AS

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GRADUATED INCOME TAX AND A CENTRAL BANK. READ ALSO THE COMMUNIST MANIFESTO - SAME IDEA - THIS, GENTLEMEN, IS HOW WE GOT TO WHERE WE ARE TODAY.

IF YOU WANT AMENDMENTS TO CONSIDER :- TRY THE T.V. NEWS MEDIA ON FOR SIZE . AS FELIX FRANKFURTER DID WITH THE OIL MONOPOLISTS, SO DO WITH THE NETWORK MEDIA AND NETWORK BANKS. THEY CREATE PUBLIC OPINION INSTEAD OF OBJECTIVELY REPORT. ONE MORE CHALLENGE- GET THE POLLS AND THE MEDIA OUT OF ELECTIONS; BUT, IF SO USED, GIVE EQUAL TIME AT NO COST IN ALL ARENAS TO COUNTER YELLOW JOURNALISM, OR SHUT DOWN IN TOTAL UNTIL THE EVENT IS A " FAIT ACCOMPLI ".

GENTLEMEN, THE SOLUTION IS SIMPLE " FEDERALIZE THE FEDERAL RESERVE MONETIZE GOLD, SILVER, COPPER, AND ALUMINUM, IN RELATION TO A DOLLAR VALUE, AS PER THE CONSTITUTION. ALL PAPER CURRENCY MUST BE REDEEMABLE IN COMMODITY ABOVE. STOP INCOME TAX AND SOCIAL INSECURITY TAX. PRIVATIZE ALL RETIREMENT PLANS. STOP FEDERAL MANIPULATION OF THE ECONOMY. BASE ALL TAXATION ON EXCISES TAXES OF NON-ESSENTIAL CONSUMABLES ONLY, AND YOU WILL SEE AN ECONOMY STABILIZE IN LESS THAN ONE YEAR.

SINCERELY

LANE T. OAKES

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Treasury can print money that is debt-free? We simply need to "federalize" the FED as is provided for in the documents which created it. Allowing banks to control our currency turns us into their economic slaves, in accordance with the plan articulated in the Rothschild model to control Europe. Eliminating or truly "federalizing" the FED is a simple three-word solution to a large part of our deficit problem.

During Andrew Jackson's presidency (1836), the federal debt was zero! In 1860 our debt was $65 million. It jumped to over $2.5 billion as a result of funding the Civil War (the North was financed through the Rothschild agent August Belmont while the South gained money from another Rothschild source). The debt was reduced by 1910 to $1.1 billion, but World War I increased it 20-fold to $24.2 billion. Again, Americans' dislike of debt brought the total down to $16.1 billion by 1930. World War II paid international bankers big dividends and the U.S. victory saw us owing $258.7 billion. By 1982 the national debt topped $1 trillion; since then, it skyrocketed to over $3 trillion in 1990. All the while, we've received mail from the White House and been assured by the media that "America has never been better off!"

Today America holds the dubious title of the world's worst debtor. In 1990, U.S. Comptroller Charles Bowsher warned that we will continue at a precipitous rate of decline unless there is a drastic change in the way we govern ourselves. The national debt exceeds $3 trillion and will double again in the next few years. Even more shocking, the total debt owed by Americans is more than $14 trillion! The bad news is that this slide into deeper indebtedness will only pick up speed on the downhill side if we don't put the brakes on now!

The Truth In Money Book, written by Theodore Thoren and Richard Warner,provides a simple explanation of how we have allowed compound interest to bankrupt our system, and how we can recover.

1990 found President Bush declaring a "budget crisis." The S&L disgrace added more than $600 billion to the bill. By July, the 1991 budget deficit was projected at $231.4 billion — before we deployed troops to the Middle East. Now it approaches $400 billion. The Bush promise, "Read my lips — no new taxes," has engendered the widespread public response — "No more Bush-lip!"

There had been talk of massive cuts in defense spending, including the B-2 Bomber and Strategic Defense Initiative (SDI) nuclear-umbrella program, but on August 2, 1990 it was Saddam Hussein to the rescue! The already-limited media focus was shifted away from the S&L crisis to the looming bloodbath in the Middle East. Instead of offering his plan, the President instead shifted responsibility to the U.S. Congress to balance the budget, knowing full well that the two committees would spin themselves into butter before developing a plan they all could agree on. Their $500 billion deficit reduction over 5 years proposal is an insult

to our intelligence when compared with the *$400 billion (and increasing) deficit each year!* Already, by February 1991, our stand in the Persian Gulf has cost more than $100 billion!

Conflict is the yeast of the international bankers' dough. Meyer Amschel Rothschild (1743-1812) of Frankfurt, Germany, had five sons (The Rothschild coat of arms is a red eagle grasping five arrows). He used one to run the Frankfurt bank and sent the others to London, Paris, Vienna and Naples. Elevated by the interest they accrued on the debts of the wars waged by their client monarchs, the Rothschilds became economic rulers over Europe. This archetype has continued to prevail through the continuing ranks of the "power-elite" until we stand today on the brink of one-world government run by the economic kings — while "we, the people" have again been effectively reduced to the status of indentured servants, or New-Age serfs. For years the liberal pundits and "New-Age" progressives have scoffed and snickered at the "reactionary" and "paranoid" predictions of this scenario, but they laugh no more, as George Bush and his subordinates openly proclaim the advent of the "New World Order" in public pronouncements.

Even Richard Armitage, who, in his role as Assistant Secretary of Defense for International Security Affairs, was instrumental in approving much of the U.S. and world weapons sales to Iraq during the Reagan Administration, stated in an interview to the Washington Times that the conflict in the Middle East will serve to usher in the "new world order."

It is my opinion that the disintegration of the Soviet political system has been carefully orchestrated to harmonize with the formation of the European Economic Community in 1992 and the collapse of our economy — which is coming soon. The new free trade agreements Bush has made with Mexico and other Latin countries will secure the Americas for the new world order. The game will be over — unless we change the way it's being played.

The king-makers have already maneuvered into blocking positions. We learned during Ollie North's Iran/Contra hearings testimony that there was a move within the White House through Executive Directive to allow martial law to supplant our rights protected by the Constitution. There is in effect today authorization for the President to implement FEMA (Federal Emergency Management Agency) control under conditions of a "national emergency." Within the bowels of FEMA is an elaborately-detailed plan for rule by martial law.

In 1990, a bill was introduced into the U.S. Congress, H.R. 4079 (introduced by Newt Gingrich, R-Georgia), and S-2245 (sponsored by Phil Gramm, R-Texas), entitled ***"The National Crime and Drug Emergency Act."*** One of its first provisions declares a state of national emergency for five years from the day the bill is signed into law. If this act, or an amended version is passed, it doesn't necessarily stipulate that

martial law automatically will be declared. However, it provides to the Executive a legislatively mandated option against the time when we, the people, are faced with the choice of either becoming USA, Inc., or righting the wrongs in government to maintain our identity as a free people in a free nation under God.

We have already lost much of the privacy, free enterprise, self-rule and freedom from tyranny gained by our declaration of independence in 1776. To examine liberty today, we have to look into the past. The "mark of the beast" discussed in biblical prophecy is already clearly in our midst in at least one clear form, the Universal Bar Code, proving that those who control the issuance of money also direct the policies of government and the destiny of most people. On 15 January 1991, I applied for return to active military service. I received a communication from the military personnel center that included my personalized bar-coded ID. Not only is there a massive effort currently underway to mark every product on earth, but to also mark every person. In preparing the ISBN identification for this book, I was pressured to use the bar code instead of conventional numbers. The International Article Numbering System (EAN) is dedicated to marking every thing on earth, including you! The foundation for the EAN system which is found on everything from appliances to bibles to oil cans to zodiac charts is 666. The book, New Money System and When Your Money Fails by Mary Relfe gives all the details.

We are rapidly moving toward a cashless society. "Don't leave home without it" credit cards are replacing tangible currency. Furthermore, under the guise of convenience, protection and progress, bar-coded debit cards are being used by everyone: They are issued to first-grade school children for obtaining lunches; bar-coded sensors open commuter toll gates, and control much of our daily life.

The New York Times reported on 31 March 1990 that leading members of Congress were considering the adoption of a national-identity card. The card is being marketed as a means of distinguishing resident workers from aliens, while the technology is already on the shelf to supplant the need even for a physical card. Bar-coded information can be invisibly, painlessly and permanently applied to the skin through an infrared-laser tattoo. Children, pets and animals are already being marked to "help identify them if lost or kidnapped." What's wrong with any of this centralization? Control, that's what! Cattle are branded and the Jews were tattooed. Free men should accept no mark surrendering their sovereign agency to any worldly power.

Our Constitution was designed to limit centralized power. The Federal Government was tasked with little more than providing for the common defense and maintaining smooth relations between the states. While restrictions against multinational corporate activity have been progressively relaxed at every level, the federal government, through excessive

regulation, has penetrated deeply into our personal lives and our pocketbooks, eroding severely our Constitutionally mandated civil liberties. Self-reliance is fading fast from the American scene, being replaced by our dependence on facilities, utilities, services and care by the federal system.

It used to be that, as self-reliant individuals, we could afford to disagree and protest to change things we didn't like. We stood on our own and didn't need to participate in things we didn't approve of, but debtors aren't choosers. As we become more attached to the government umbilical cord, we are less likely to bite the hand that feeds us. Have we forgotten? We, the people, created government: It is supposed to work for us. Any time the created becomes greater than its creator, a Frankenstein is set loose.

According to our Constitution, all powers not specifically granted to the federal government are reserved to the states. Unfortunately, our Constitution lays gasping for breath today in the National Archives. The judicial system refers to case law in administering or denying justice as it pleases. National Security has become a synonym for coverup, not from our enemies, but from the American people. Executive National Security Decision Directives (NSDDs) have replaced Congressional approval of both foreign and domestic policy. Current Congressional CIA Bills specifically authorize the Executive to empower any federal agency selected to undertake "intelligence-related" missions, regardless of their original charter, while providing for "third-party" funding. It will virtually eliminate any requirement to notify Congress, and almost certainly lead to worse abuses than we saw in the Iran/Contra scandal.

This erosion of rights, law and liberty has been brought on by greed for power and control over a long period of time. It has resulted in the pollution of our body-politic and become the problem instead of an answer. This betrayal of our nation can be seen most readily in the continuing exposure of visible government corruption since Watergate.

The duplicity shows up in many areas. No matter what the mainstream media or government spokesmen say, as of the writing of this book, there are American prisoners of war waiting for us to bring them home. They did not desert or elect to remain on foreign soil. They are being held against their will, preserved as "blue-chip trading stamps" against a time when an American administration will be willing to grant favors and reinstate broken promises for their return.

My agents who have spoken to them say that when asked if they want to go home, **"Tears flow down the American's face and they reply: 'Yes, but how can I?' They are not allowed shoes. They are more than 100 kilometers from freedom."**

These heroes who put on a uniform and went when others fled, to do what many feared to do, deserve the same embrace offered by Jimmy

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If the government of North Vietnam has difficulty explaining to you what happened to your brothers, your American POWs who have not yet returned, I can explain quite clearly on the basis of my own experience in the Gulag Archipelago. There is a law in the Archipelago that those who have been treated the most harshly and who have withstood the most bravely, who are the most honest, the most courageous, the most unbending, never again come out into the world. They are never again shown to the world because they will tell tales that the human mind can barely accept. Some of your returned POWs told you that they were tortured. This means that those who have remained were tortured even more, but did not yield an inch. These are your best people. These are your foremost heroes who, in a solitary combat, have stood the test. And today, unfortunately, they cannot take courage from our applause. They can't hear it from their solitary cells where they may either die or remain for thirty years...

Aleksandr I. Solzhenitsyn

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AFTERWORD

Larry James Stevens, USN was shot down on Valentine's Day 1969 near Sepone, Laos. He was piloting an A-4C Skyhawk. Larry's plane was observed impacting the ground. There was no radio communication, but moments later a five second beeper signal was picked up by the other aircraft. It is assumed Larry sent the transmission and was captured. On 18 April 1991, LAZARUS TEAM MEMBER, Bob Keplinger interviewed a Lao agent at NKP, Thailand who said Larry Stevens was under his control and only five days distant from freedom. It was the second report in as many months naming Larry as a live POW. Biographical information provided indicates the sighting may be real. The source wants $2 million U.S. made available before delivery. First he will have to return with answers to questions that will confirm that Larry is alive. I'm certain Perot will then provide the capital to purchase Larry's freedom. Larry James Stevens will be 49 years old December 17th. The LAZARUS TEAM CONTINUES TO SEEK THE RESCUE OF OUR LIVING POWS.

In Singapore citizens 18 and over are now required to carry an ID card that allows the government to keep electronic tabs on them. The card has a machine-readable bar code that allows official access to detailed personal information. An electronic grid is being established to link the

police, immigration, tax, vehicle, housing, pension fund, and other agencies. Any violation will allow arrest warrants to be issued via electronic mail. The card is also used for cashless shopping. The law also requires monkey owners to secure an identity card for the monk complete with photo and hand print (no fooling)! Singapore officials are proud that their citizens are being "wired for an electronic tomorrow."

Bible prophesy speaks of a security pact in the last days that will insure Israel's defense against Arab aggression. President Bush sent the Patriot Missiles during the 100 hour war with Iraq. He now seeks a more permanent solution through Egypt. If the scriptures are correct and these are the latter days, Israel will be free to exploit the world's economy for a time. The anti-Christ will appear as will the tribulation and eventual wrath of God. The good news is that those who keep the faith are promised to be caught up with Christ who will seal the world against evil for a thousand years.

In the meantime, the power elite continue to assert more and more control over the earth's population and substance. International lending institutions offer to forgive the debt of third world nations in trade for perpetual rights to their natural resources. Those leaders who refuse are deposed. The European Economic Council consolidates control over its 12 nations as the U.S., Soviet Bloc, Japan and other countries ponder their economic prospects. The Trilateral Commission increases its projection of global leadership through the Jewish entities that dominate the world banks. Record bankruptcies and bank failures plague America while inflation consumes those nations not yet under the emerging world authority. It becomes known that Walter Bush is just as handy at financial manipulations as Neil, Jeb, George, or any of the family line that runs all the way back to Brown Bros, Harriman and Rothschild. Walter launders his money through American Continental to Europe.

The expose' on Nancy Reagan makes it clear why her husband was quick to accept Rockefeller's proposal that he accept George as his vice-president back in 1980. Noriega and Hussein become well-to-do retired dictators and neighbors before the Mossad moves in. Americans and Japanese discover that SONY stands for Standard Oil New York. Back in 1945 the Japanese were nuked before the Soviets could gain a piece of the action and rebuilt through Rothschild - Rockefeller money management.

Legislated (Article I) administrative law continues to replace judicial (Article III) jurisdiction. More and more people are punished and imprisoned by statutes and regulations until alert U.S. citizens realize that there is a way through the provisions and remedy under the Uniform Commercial Code 1-207 to safeguard their Constitutional rights. The reason you are subject to legislative courts outside the U.S. Constitution Article III common law, equity, and admiralty jurisdictions

is due to the implied contract entered into when Federal Reserve Notes are used. For the privilege of "limited liability" allowed when discharging debts using currency not backed up by gold or silver (Federal Reserve Notes) you incur an assumed liability to follow all legislated regulations — UNLESS YOU RESERVE YOUR COMMON LAW RIGHTS BY SPECIFYING "WITHOUT PREJUDICE UCC 1-207" on whatever transaction you are conducting (obtaining driver's license, cashing checks, income tax, etc.) Once on record as reserving your rights through the provisions and remedy provided under UCC 1-207, you are not subject to infractions outside Article III courts!

Richard Armitage continues to secure refuge on Bush's boot top like a lizard on a hot desert tarmac, fearing that he will fry if left outside the protection of "National Security." Armitage and those who would burn with him won't be safe until the Racketeer Influenced and Corrupt Organization Act (RICO) is nullified or until the Christic Institute is dismantled.

George Bush has become a master plumber in patching the impeachable leaks which threaten to wash him out of office. Armitage is kept under the umbrella of national security so as not to reveal the crimes of Asian drug trafficking and U.S. prisoner of war shame. Panama is invaded and Noriega captured to prevent personal investment losses, realignment of the drug cartels, and suppression of Manuel's threat, "I have George Bush by the balls." Heroin overlord Khun Sa is muzzled through indictment from "revealing every U.S. Government official who was my best customer for more than 20 years." And now the 1980 "October Surprise" is sealed off by naming Robert Gates as Director of Central Intelligence. CIA staff officer Gates wrongly worked with William Casey while Jimmy Carter was still president and Casey was head of the Republican campaign. The two along with Bush, CIA officer turned campaign advisor, Donald Greg, Oliver North, Richard Secord, Erich von Marbod and others set up the illegal US-Iran arms deal. The agency is also deeply involved in the S&L scandal which was a brainchild of the Bush-run Republican bureaucracy. The fact that Gates was dealing under-the-table with the Republicans before Carter was ousted and Casey was appointed Director, Central Intelligence is key to sealing yet another serious seepage. Gates is also an insider to the secret meeting between Bush and the Iranians at Antigua in August 1988 before the presidential election.

A May 1991 news release dateline: Bangkok quotes General Chavalit saying, "We are trying, but we just can't seem to stem the flow of Khun Sa's heroin. Perhaps more U.S. drug suppression money is the answer."

BUSHLIP: In May 1991, President Bush replied "seven" in answer to a journalist's question on Iraq. A Yale graduate familiar with the secret order of the Skull & Bones, explained that the President was using "bones-talk" to say "no." Each year 15 seniors are carefully "knighted"

from among the top of Yale's elitist students. Seven is a minority — thus "no." Eight would be a majority and would indicate an "affirmative" answer. The informant said he couldn't reveal the significance of "322" (also mentioned in the article), but that it meant "good luck." George Bush was inducted into the "order" in 1947. His dad, Prescott Bush became a Bonesman in 1917. His association with this power elite opened the door for him to become a partner with Brown Brothers Harriman (also Patriarchs of the order).

In 1832, the "seniors only" secret society of the Skull and Bones was born in Germany. William Huntington Russell and Alphonso Taft (father of William Howard Taft) gave birth to the 2nd chapter at Yale in 1833. Thus the "322" stands for the year the combination was founded with the second chapter at Yale. The order is an extension of the "Illuminate" created by Adam Weishaupt, May Day 1776. The purpose was to establish a secret elite in control of a "new world order" under the concept of Hegel and Fichte (All people can and must be controlled—all people are subordinate to the state.) Hitler is considered a right wing Hegelist, while Marx falls to the left.

Bonesmen are "born" into the order of the Skull & Bones lying naked in a sarcophagus. They are given a "new name." As with the Illuminate, favorite names included Chilo, Eumenes, Glaucus, Prisaticus, and Arbaces (I wonder which George Bush goes by when he visits the "Tomb?" Henry Luce (TIME-LIFE) is a bonesman, as is William Buckley (NATIONAL REVIEW), Bundys, Rockefellers, and others within the inner-circle of elitist that seek Hegel's new world order.

Page 26, 13 May 1991 issue of U.S. NEWS & WORLD REPORT also noted that Col. Millard Peck quit his job as head of the Pentagon's POW/MIA office in frustration. Peck stapled a five page blockbuster to his office door before walking out. He charges that the Bush Administration is blocking attempts to return our 2,200 missing men from Southeast Asia. Welcome to the real world colonel. Thank you for having the courage to place your oath of allegiance before your career. Be glad you stood firm for what is right. There is a special place for such true heroes, even as there is for those who will someday have to account for the lives of our comrades. God bless you!

The Identity Christian movement (Those who believe America is the new Zion and we are the gathering tribes of Israel) continues to build until its membership becomes self-sustaining. A United Order allows those who chose to say no to the new world order to survive outside of government control, marks, and subsidy until they are called or the Christ - the true sovereign comes. God's loyal children are ultimately exalted over the destroyer and the guilty are punished for their injury to the innocent.

This life is a test. Tests are seldom easy. You don't have to take them. but only through successful testing are we advanced. Happiness is our reward after we pass.

Fed owns Your Children with Amerika 2000

CHILDREN'S CRUSADE



ARMED WITH BUSINESS RHETORIC AND DUBIOUS "FACTS," THE CHILDREN'S DEFENSE FUND HAS BECOME THE MOST POTENT LOBBYIST FOR A RENEWED WELFARE STATE.

By John Hood

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America's welfare state is under assault. Over the last 25 years, the federal, state, and local governments have spent hundreds of billions of dollars on a host of programs—ranging from giveaways, like Aid to Families with Dependent Children, to education and training services—to eradicate poverty. They failed. The public knows it. Spending on these programs continues to increase, but at lower rates.

And some governors, such as Michigan's John Engler, are taking the previously unthinkable step of dropping people from the welfare rolls altogether. Engler pushed 80,000 people off the dole, saving $240 million in funding for the state's general assistance program. Other governors are paring back and putting conditions on welfare spending and other social programs.

But never fear. The defenders of America's great experiment in social engineering, despite occasionally apoplectic public comments, have a plan to save the welfare state. It's called "preventive government." Instead of focusing on personal *entitlements* to public money, the idea is for policy makers to focus on *investment*, on spending dollars now to save public money in the future.

Republican Gov. Pete Wilson of California, for example, has made national headlines with a tough welfare-reform proposal—but he is among the strongest supporters of expanded early education and nutrition programs for poor children. On the campaign trail, Arkansas Gov. Bill Clinton, the nominal head of the Democratic center, calls for a "people-based economics," in which government invests heavily in education and training programs to promote employment and economic growth.

Preventive government owes its trendiness not to policy innovation but to packaging. After a decade or more of Reaganism's political success, welfare-staters have learned their lesson. Talk about "investing in the future" instead of "waging war on poverty." Promise long-term budgetary savings rather than big-government spending. And don't forget the main beneficiaries of the touted investment programs—children and youth, hardly as easy to demonize as shiftless beggars or welfare queens.

The Washington-based Children's Defense Fund (CDF) is a progenitor and notably successful proponent of the preventive-government message. Not coincidentally, Clinton's wife, Hillary, chairs the CDF board of directors. With a flurry of publications, congressional testimony, and slick salesmanship, CDF has laid the groundwork for a massive expansion of government in the 1990s—into preschool education, day care, housing, health care. And while the intentions and values of like-minded (that is, left-minded) organizations must endure intensive scrutiny, CDF escapes it.

After all, the group exists solely to provide, as its mission statement includes, "a strong and effective voice for the children of America who cannot vote, lobby, or speak for themselves." Who can be against that? Protected by its shield of piety from the slings and arrows of skepticism, CDF is advancing an agenda indistinguishable from the 1960s War on Poverty.

That's not surprising. Marian Wright Edelman, who founded CDF in 1973, had been a staff attorney at the NAACP Legal Defense and Education Fund in the 1960s while her husband, Peter, had been an adviser to Sen. Robert Kennedy. Her plan for CDF was to defend and expand the programs begun during the Johnson era—such as Head Start and the Women, Infants, and Children (WIC) nutritional supplement program—with an intensive Washington lobbying effort. From the start, what set CDF apart from other organizations pushing the same agenda was a focus on compiling and distributing facts and statistics. By the mid 1980s, CDF was publishing some 2,000 pages a year.

That changed the nature of the welfare debate. Until CDF hit its stride in the late 1970s and early 1980s, say several longtime congressional staffers, Capitol Hill debates on social policy often featured shrill moral sentiment or crude class warfare appeals. Even in the early 1980s, one Republican staff member says, "anecdotes pretty much drove policy." An advocate for a particular program would testify about how that program helped a certain child or group of children, and then proclaim that "if it can work here, it can work everywhere for everyone." But now, the staffer continues, social-policy debates exude "an air of pseudo-sophistication."

> PROTECTED BY ITS SHIELD OF PIETY, CDF IS ADVANCING AN AGENDA INDISTINGUISHABLE FROM THE 1960S WAR ON POVERTY.

To a large extent, CDF and other liberal think tanks are trying to mimic the success of conservative free-market think tanks in the early 1980s. During that golden age, facts and figures from the American Enterprise Institute helped determine the direction of the deregulation-minded Reagan Administration. The conservative Heritage Foundation showed how powerful it can be to arm policy makers with brief, digestible nuggets of data and wisdom. In the arena of intellectual debate, in which participants read editorial pages and policy journals and attend Capitol Hill conferences, free-marketeers served the right side of a credibility gap. They had numbers and facts, while big-government boosters had mostly anecdotes and diatribes.

It was only a matter of time before the left caught on. They formed their own versions of Heritage and AEI. So far, the Children's Defense Fund, as an early outpost of resistance against Reaganite conservatism, has had its most success in

cently republished data showing pronounced ozone decreases, down to 120 Dobson units, during the Antarctic spring in 1958. These measurements were taken years before CFCs could have caused any such decline.

NOAA meteorologist Walter Komhyr links both Antarctic and global ozone depletion to sea-surface temperatures in the eastern equatorial Pacific Ocean. Analyzing data from the last 25 years, Komhyr and his colleagues found that when the eastern equatorial Pacific cooled between 1962 and 1975, global ozone increased. Conversely, when temperatures warmed between 1976 and 1988, ozone declined worldwide.

Warm sea-surface temperatures dampen the circulation patterns that replenish ozone supplies at the poles with the huge quantities of ozone produced in the tropics. Warm sea-surface temperatures also retard the winds that break up the circumpolar vortex at the beginning of the Antarctic spring. A stable vortex prevents stratospheric warming that would short-circuit the ozone-destroying chlorine chemistry, which can take place only at temperatures below –80 degrees Celsius. After Komhyr published these data, he says, a number of atmospheric chemists chewed him out because they thought his findings might hurt funding for their CFC projects.

If the Antarctic ozone hole may not be due solely to CFCs, what about global reductions in ozone levels? The U.N.'s 1991 *Scientific Assessment of the Stratospheric Ozone* acknowledges that "there is not a full accounting of the observed downward trends in global ozone." The panel nevertheless insists on attributing global ozone losses chiefly to chlorine and bromine reactions apparently because they "are the only ones for which direct evidence exists." In other words, we'll blame CFCs because it's the only explanation we have right now.

As noted earlier, however, NOAA's Komhyr thinks that some of the decline in global ozone is caused by changes in atmosphere circulation. Since the mid-1970s, he explains, weaker tropical winds have failed to transport ozone-enriched air from the equator to the higher latitude.

Callis, the NASA scientist, analyzes the destructive effects on ozone of highly energetic electrons, the sunspot cycle, volcanic eruptions, the dilution effect from the Antarctic ozone hole, and changing tropical wind patterns. "CFCs come in a very poor last as the cause for lower levels of global ozone," Callis says. He calculates that fully "73 percent of the global O3 [ozone] declines between 1979 and 1985 are due to natural effects related to solar variability." He also points out that global ozone made "a significant recovery between 1985 and May of 1990." Since we passed the solar maximum in 1991, ozone levels will decline naturally until the buildup to the next solar maximum begins later in the decade.

Environmentalists often decry the 14 years supposedly lost to inaction after Rowland and Molina first made their predictions about CFCs and ozone. But it's not as if there was nothing to lose by imposing an immediate ban. Environmentalists tend to discount the real and substantial contribution to human well-being that CFCs have made.

Cheap refrigeration made possible by CFCs has been a tremendous boon. For millennia people died because they could not prevent food from rotting or becoming contaminated with disease organisms. Cheap refrigeration permits fresh and healthy food to be transported by truck, train, and boat to markets thousands of miles from where it is grown and harvested. Primitive methods of long-term food preservation, such as salting and smoking, filled foods with large quantities of potent carcinogens. CFC-based refrigeration saved millions of lives and enabled billions of people to enjoy much better diets of fresh meats, fruits, and vegetables.

Environmentalists can now point to new substitutes for CFCs. But many are toxic and flammable, making them far more dangerous to handle. In addition, the substitutes cost three to five times more. The extra cost will delay the spread of desperately needed refrigeration to the developing world, where food spoilage is a huge problem. It is probably inevitable that many people will continue to go hungry because of the CFC ban.

Aside from the cost of a ban, governments and companies have had to contend with ambiguous data and shifting conclusions about the impact of CFCs on the ozone layer. How many times have theories, put forth in good faith, been shown later to be wrong? In the 1972 Club of Rome report *The Limits to Growth*, a very distinguished group of scientists, including Jay Forrester and Dennis and Donella Meadows, warned humanity that we would run out of oil in only 20 years. Our government acted on that prediction, making energy conservation the "moral equivalent of war," and ended up wasting billions of dollars on subsidies for synthetic fuel programs.

Or consider the dire predictions of activists like Jeremy Rifkin, who warned that biotechnology would let deadly new microbes run amok and upset the balance of nature. Had we acted on such fears and banned biotechnology in the 1970s, humanity would have forgone the new miracle drugs and agricultural products that now promise to alleviate the suffering of the sick and the hunger of the poor. Today scientists agree that early concerns about the hazards of biotechnology were overblown, and the Bush administration recently moved to speed up approval of drugs produced through genetic manipulation.

There's ample reason to doubt similarly catastrophic warnings about CFCs and the ozone layer. It's instructive to recall that climate alarmists Stephen Schneider and Carl Sagan claimed for years that CFCs were particularly potent greenhouse gases, contributing as much as 25 percent to increased global temperatures. But they failed to take into account the first law of ecology: Everything is connected to everything else. Ozone, too, is a potent greenhouse gas, and so when CFCs destroy it the atmosphere tends to cool. According to NASA, ozone decreases largely offset predicted increases in global temperatures due to CFCs. "What had been thought was a major greenhouse gas turns out to be having a cooling effect," noted EPA Administrator William Reilly.

Nevertheless, despite a great deal of continuing scientific uncertainty, it appears that CFCs do contribute to the creation of the Antarctic ozone hole and perhaps to a tiny amount of global ozone depletion. If CFCs were allowed to build up in the atmosphere during the next century, ozone depletion might eventually entail significant costs. More ultraviolet light reaching the surface would require adaptation—switching to new crop varieties, for example—and it might boost the incidence of nonfatal skin cancer. In light of these costs, it makes sense to phase out the use of CFCs.

But ozone depletion is certainly not the "global emergency" that environmentalists like Friends of the Earth's Elizabeth Cook say it is. The normal processes of science and democratic decision making have proved adequate to correct what might have become a significant problem. In 1990 our national and international institutions hammered out an agreement to control CFCs, the Montreal Protocol, that takes the interests of all affected groups into account (though imperfectly). Calls to abandon a moderate course of action and push up the deadline for the CFC ban are based on exaggerated fears and unrealistic predictions. On the evidence so far, despite the lurid crisis mongering of radical environmentalists, waiting for more information on CFCs and ozone did not cause any great harm to people or to Earth's ecosystems, nor will it.

Radical environmentalists argue that the experience with ozone depletion should teach us to respond swiftly and dramatically to the threat of global warming. Rafe Pomerance of the World Resources Institute says the international negotiations over CFCs were merely the dress rehearsal for drastic reductions in carbon-dioxide emissions aimed at preventing global climate change. While replacing CFCs eventually will cost billions, the price tag for abating carbon dioxide could run as high as $600 billion *a year*, according to Maurice Strong, secretary-general of the Earth Summit in Rio de Janeiro. He adds that the industrial nations will have to provide $70 billion more in aid to developing countries each year to help them lower carbon-dioxide emissions.

The environmentalists are right to suggest that the example of ozone depletion is relevant to the debate over global warming. But the example indicates that we should be skeptical of environmental "crises." The relevant lesson is not, "He who hesitates is lost," but rather, "Look before you leap." ☐

Contributing Editor Ronald Bailey, producer of the weekly PBS series TechnoPolitics, *is writing a book on apocalyptic environmentalism to be published by St. Martin's Press.*

"CFCS COME IN A VERY POOR LAST PLACE AS THE CAUSE FOR LOWER LEVELS OF GLOBAL OZONE," SAYS NASA SCIENTIST LINWOOD CALLIS. HE CALCULATES THAT FULLY "73 PERCENT OF THE GLOBAL [OZONE] DECLINES BETWEEN 1979 AND 1985 ARE DUE TO NATURAL EFFECTS RELATED TO SOLAR VARIABILIY."

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line of which was adopted by N.C.B.A. as its motto:

> [T]hat if the acts before specified should stand, these conclusions would flow from them; that the general government may place any act they think proper on the list of crimes, and punish it themselves whether enumerated or not enumerated by the constitution as cognizable by them: that they may transfer its cognizance to the President, or any other person, who may himself be the accuser, counsel, judge and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction: that a very numerous and valuable description of the inhabitants of these States being, by this precedent, reduced, as outlaws, to the absolute dominion of one man, and the barrier of the Constitution thus swept away from us all, no rampart now remains against the passions and the powers of a majority in Congress to protect from a like exportation, or other more grievous punishment, the minority of the same body, the legislatures, judges, governors and counsellors of the States, nor their other peaceable inhabitants, who may venture to reclaim the constitutional rights and liberties of the States and people, or who for other causes, good or bad, may be obnoxious to the views, or marked by the suspicions of the President, or be thought dangerous to his or their election, or other interests, public or personal: that the friendless alien has indeed been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather, has already followed, for already has a sedition act marked him as its prey: that these and successive acts of the same character, unless arrested at the threshold, necessarily drive these States into revolution and blood, and will furnish new calumnies against republican government, and new pretexts for those who wish it to be believed that man cannot be governed but by a rod of iron: that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: * * * that our Constitution has accordingly fixed the limits to which, and no further, our confidence may go; and let the honest advocate of confidence read the Alien and Sedition acts, and say if the Constitution has not been wise in fixing limits to the government it created, and whether we should be wise in destroying those limits. Let him say what the government is, if it be not a tyranny, which the men of our choice have conferred on our President, and the President of our choice has assented to, and accepted over the friendly strangers to whom the mild spirit of our country and its laws have pledged hospitality and protection: that the men of our choice have more respected the bare suspicions of the President, than the solid right of innocence, the claims of justification, the sacred force of truth, and the forms and substance of law and justice. In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. (emphasis added). 24/

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universe. As Professor Tucker earlier noted,[22] whether the divinity of the source is accepted or rejected is a matter of no consequence. In the eyes of our heritage and the letter of our highest laws, this fact is accepted and acknowledged as "self-evident truth". Thus it must be understood in order for these freedoms to be properly estimated and applied, and their protection and preservation assured "... to ourselves and our Posterity...".

Further proof in this regard, in the event any should be needed, can be found in the decisions of our Supreme Court.[23] A thorough study of these decisions will inform the reader of the genius of the framers of our state and national constitutions in securing themselves and their posterity against governmental invasion of fundamental liberties - particularly the rights of conscience. Although religious diversity and a tolerance thereof are fundamental parts of our freedom, the passions and prejudices of men oftentimes override their sense of duty and responsibility, to God and their fellow man, and result in attempts to enforce conformity to the community's majority views by law-making. Our nation's past is littered with the wrecks of legislation aimed at prohibiting and severely penalizing belief and advocacy of different religious and political views.

While the ink was drying on the ratification of the Bill of Rights to the United States Constitution (1792), the Federalists in Congress were enacting the Alien and Sedition Laws (1792). Under these laws, the President could, on his own authority, accuse, arrest and imprison without trial any citizen deemed to be promoting "sedition" by speaking or writing critically about the conduct of the national government. Any alien believed to be doing likewise could be arrested and deported without trial, and his estate forfeited to the United States. This legislative action came perilously close to provoking armed rebellion and caused the Virginia and Kentucky legislatures to write and approve resolutions condemning the laws as unconstitutional. The more famous of these were the Kentucky Resolutions - Resolutions Relative To The Alien And Secition Laws (1798), written at the request of that legislature by Thomas Jefferson. Therein, Jefferson exerts the power of reason which placed him in the front rank of statesmen, and makes the argument, the concluding

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22/ Supra, pg. 2-28.

23/ A collection of Supreme Court cases concerning the First Amendment establishment and free exercise clauses can be found in Volume 37 of the 2nd Edition of the Lawyer's Edition (L.Ed.2d) of the U.S. Supreme Court Reports, beginning at page 1147. (37 L.Ed.2d 1147)(1972).

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1968: President Johnson consults with advisors on forthcoming Vietnam peace talks. What's wrong with the picture? Everyone in it, except Johnson, was a member of the CFR. Left to right: Andrew Goodpaster, Averell Harriman, Cyrus Vance, Maxwell Taylor, Walt Rostow, Richard Helms, William Bundy, Nicholas Katzenbach. Dean Rusk, Johnson. (Helms was not a Council member at the time, but later joined.)

The Establishment has frequently exploited the native anti-Communism of the American people to inveigle them into destructive circumstances. In Vietnam, the "rules of engagement," not declassified until 1985, precluded a U.S. victory.

David Rockefeller's 1964 trip to Moscow helped pave the way for wartime trade with the Soviet bloc.

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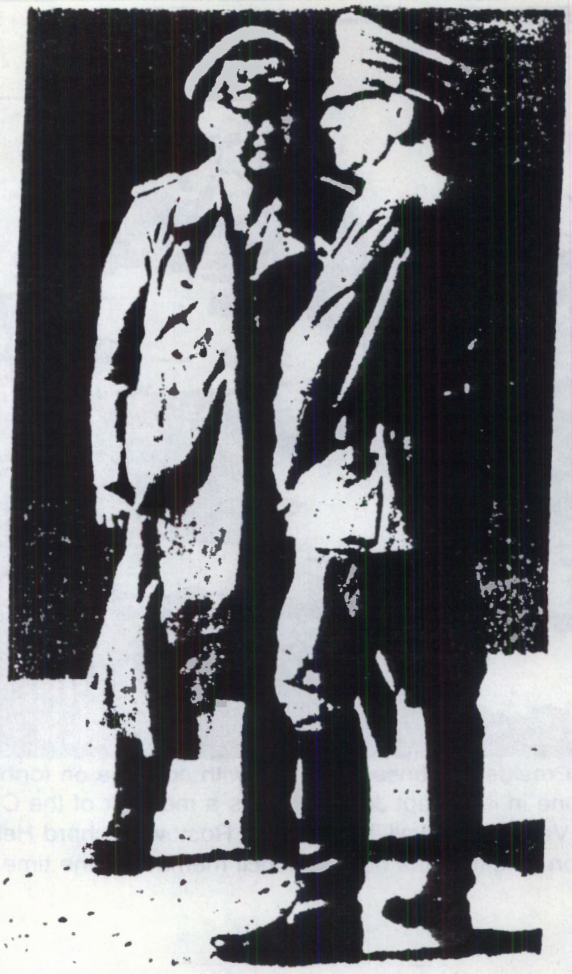
George Bush is a patriarch in the Secret Order of Skull and Bones.



Some old and current faces of the "New World Order"



George Bush uses Bones Code to answer reporter.





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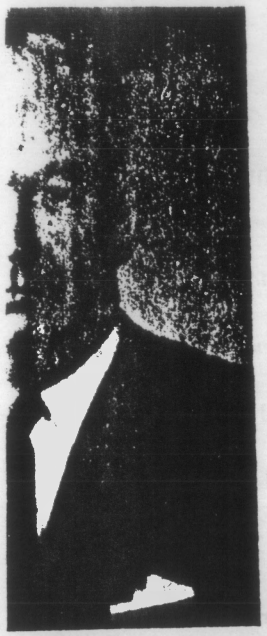



rt Welch

Lawrence P. McDonald



McDonald's wife, Kathryn, and son, Trygvvi, at

Footnotes

Abbreviations: CFR — Council on Foreign Relations; *FA — Foreign Affairs*.

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still looking for it. We sure need God, but it seems like religion gets in the way all the time. When I came down off the mountain, I realized God had allowed me to come through a horrible experience that claimed 58,000 of my young brothers and sisters. And that doesn't count the 75,000 drug casualties. Heroin was cheaper than beer in Southeast Asia.

HT: When did you discover CIA involvement in cocaine trafficking?

BG: In 1975, my best friend, Col. A.J. Baker, came and repeated to me that he was engaged in Operation Watchtower, a covert operation for the CIA and the Mossad [the Israeli intelligence agency]. Baker's army units set up three low-level navigational towers between Colombia and Panama. Using these towers, contract aircraft for the CIA were averaging about 40 flights a month, flying at night over very dangerous terrain. Baker became alarmed when he learned the planes were filled with cocaine. The money was being laundered in Panamanian banks controlled by Manuel Noriega. I became rather excited about this and asked for permission to assassinate Noriega. I was paid a visit by an Army intelligence chief, who directed me to "keep my hands off Manuel Noriega. He has immense value at the highest levels." I now wish I had disobeyed those orders and taken him out anyway. It would have saved billions of dollars and thousands of lives.

HT: What is President Bush's connection with Noriega?

BG: George Bush has stated that he never met Noriega. That is a lie. Part of my resume was tracking Noriega in every one of his movements. Noriega was called back to Washington by George Bush. He stayed with Bush's deputy director. Bush met with him on several occasions. Bush was openly aiding and abetting in cocaine trafficking. Not only that, he was paying Noriega more than the president of the US makes. All so that Israel and the CIA would have some slush funds to conduct covert operations.

HT: Can we discuss your forays for MIAs?

BG: Sure, because it leads to where I'm standing today. If I didn't know about Capitol Hill and how the government works, then I wouldn't have nearly as many barbs on me as I do to prick the side of the beast. In 1977, I left Panama and was assigned as Chief of Congressional Relations in the Office of the Secretary of Defense in the Pentagon. I served there until I was asked by the Defense Intelligence Agency to go in search of U.S. prisoners of war. At the time, I wanted to prove there were no POWs. Unfortunately, that simply is not the truth. The evidence was there. Americans are being held alive.

In October, 1986, Tom Harvey of the National Security Council [NSC] called and wanted to know if I could go into the Golden Triangle to look for POWs. Well, long story short, I took a Navy SEAL with me and the two of us were able to meet [Burma's] General Khun Sa, who controls about 80% of the world's heroin. Khun Sa had a message we videotaped, a message he wanted taken back to President Reagan. Keep in mind, at this time, George Bush is vice president and leading the War on Drugs. Khun Sa's message, which is available to anyone, was: "Tell President Reagan I am willing to eradicate every ounce of opiates from the Golden Triangle. I'm also willing to reveal every US government official who has been my best customer for the last 20 years."

HT: What happened when you brought this message back?

BG: I got back just before Christmas in '86. I turned three videocassettes over to the NSC. Tom said, "Bo, this is fantastic, you actually videotaped Khun Sa!" I said, "Tom, what about the drug deal? That's fantastic." Harvey said, "What can I tell you? The White House has no interest in pursuing that." That didn't sound right. I went back to the Golden Triangle. Even before I returned, I was told by the State Department: "If you do not erase and forget all that you have learned, you're going to hurt the government. We will bring charges against you. We will bury you in prison for 15 years."

I got back in '87 and the US attorney in Oklahoma tried to indict me for training freedom fighters in Afghanistan. The grand jury failed to find a true bill. Then in Los Angeles, the US attorney tried to indict me for violating the Neutrality Act. The charges were dropped when an FBI agent came forward willing to testify that I was an agent of the government.

"I wasn't just an Indian, I was a chief. I commanded special forces in Latin America. If I didn't know about Capitol Hill and how the government works, then I wouldn't have nearly as many barbs on me as I do that prick the side of the beast."

Then I was indicted in Las Vegas for using a false passport, a weenie charge for someone with 30 years' experience in covert operations. William Maddox, the US attorney in Las Vegas, who is a George Bush appointee, spent two years trying to put together a case against me. I was acquitted on April 21, 1989. When asked by the press why he had spent two years pursuing a veteran whom he had no case against, Bill Maddox stood on the courthouse steps and said, "George Bush called me up and told me to get Bo Gritz." Well, that was manna from heaven. I copied it that night with my VCR and sent it to George Bush. They fired Maddox.

HT: *ABC News*, as well as other media, have described the deal this way: Khun Sa destroys the heroin crop and the US Government pays him $48 million a year.

BG: That's absolute horseshit. I recently saw an Australian newspaper—which was new, current—and again it said, "Amazing Offer by Khun Sa's Deal Says: 'I have a five-year eradication program. Year number one, I'm going to need a certain amount of money because I have to buy the poppies from the farmers. In the next year, I can eliminate 30% of all the heroin. By the end of 5 years, I will have eliminated 90% of it.' So the original plan meant he would need about $50 million the first year but then the amount goes down rapidly from there. "I want the Western world," he said, "and the Pacific Rim to exploit my economy. I have the best trade: the best rubies, unlimited teakwood forests, all kinds of minerals in northeast Burma."

HT: Why is Bush scared of you?

BG: I wasn't just an Indian, I was a chief. I commanded Special Forces in Latin America. My duty was unconventional warfare. And that covered assassination, subversion, sabotage, guerrilla warfare. Bush knows I have the names of the CIA bankers who handled the money with the CIA banks in Australia. If that's true, then we know why POWs are not coming home.

Richard Armitage would be exposed as a heroin trafficker. Khun Sa personally named Armitage on four different occasions.

HT: What happened to Armitage?

BG: Bush appointed him Assistant Secretary of State to get him out of the Heroin Overlord Who Will Stop Heroin for $50 Million a Year." Khun Sa's deal says: "I have a five-year eradication program. Year number one, I'm going to need a certain amount of money because I have to buy the poppies from the farmers. In the next year, I can eliminate 30% of all the heroin. By the end of 5 years, I will have eliminated 90% of it." So the original plan meant he would need about $50 million the first year but then the amount goes down rapidly from there. "I want the Western world," he said, "and the Pacific Rim to exploit my economy. I have the best personal knowledge of Operation Watchtower. He was head of the CIA. Along with Mossad operative Michael Harari, he took part in setting up the Medellin cartel.

HT: Can we talk a little about Richard Armitage?

BG: I'm glad you brought him up. When I was in Burma, Richard Armitage was the Assistant Secretary of Defense. He was appointed by George Bush as the single bureaucrat responsible for bringing home our POWs. Now, Khun Sa and about 25 of his heroin commanders verified that Armitage was the bag man who handled the money with the CIA banks in Australia. If that's true, then we know why POWs are not coming home.

Richard Armitage would be exposed as a heroin trafficker. Khun Sa personally named Armitage on four different occasions.

HT: What happened to Armitage?

BG: Bush appointed him Assistant Secretary of State to get him out of the hot seat. With the help of talk radio, we got enough pressure put on the State Department to investigate Armitage. Well, Bush then pulled him out of the State Department and reinserted him as Secretary of the Army. We got on Sam Nunn, the senator in charge of the Armed Services Committee. When Nunn said, "Okay, I'll investigate him," Richard Armitage suddenly resigned from government service, saying he needed more time with his family. Bush immediately appointed Armitage as a personal envoy to go and negotiate the bases in the Philippines. Today, he is



Major Gritz and his Cambodian mercenaries.

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Bo Gritz
FOR PRESIDENT

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under the umbrella of national security. He must be on Bush's boot, otherwise he would end up a crispy critter.

HT: This may sound like a naive question, but you're convinced that there are US prisoners in Southeast Asia?

BG: Unfortunately, US POWs are alive today in Communist captivity. Satellite photography confirmed ground reports that 30 Americanswere at Nhemmarrath, Laos. Admiral Jerry O. Tuttle (DIA) briefed the President, but the mission was canceled. I've run four rescue missions since 1983. We weren't looking for POWs, we knew where they were. We were denied a rescue by bureaucrats in our own government fearful that a follow-on investigation would disclose their involvement in illegal trafficking of narcotics.

The US Senate released a study of declassified CIA/DIA reports on May 23, 1991 that confirm we left thousands of live POWs behind from WWII, Korea and Southeast Asia. Now is an exciting time with both the Soviet and Vietnamese governments turning over. Our POWs could be unearthed and returned alive today. Instead, politicians like John Kerry (D-MA), and Alan Simpson (R-WY) are suggesting the Communists bury our POWs, so they won't have any "problem entering the family of nations." Order the Senate Foreign Relations Committee POW Study (23 May 1991). It's free from your local representative. Read it. Call the White House (202) 456-1111 and demand the return of our men before any money is handed over to the Communists. We can do what "the" government won't. Otherwise, our missing will soon be lost forever.

Economics, politics and government drug running clog any attempts to return them through official channels. We've got one more hill to take: Capitol Hill. That's why I've written the book, *Called to Serve*, opened the Center for Action, and have accepted the Populist nomination as a candidate for President in 1992. I think George Bush's light at the end of the tunnel is a New World Order freight train that would run over any opposition and push the rest into an abyss of global government. As a Special Forces operative, I'm skilled at causing train wrecks. My oath of allegiance is to the United States and our Constitution. I'll do all I can to derail Bush and his Fascist elite ●

The HIGH TIMES Interview

Lt. Col. James "Bo" Gritz (Ret.)

Bo Gritz is a real-life Rambo—one of the most highly-decorated Green Berets to serve in Vietnam, a man featured in General William Westmoreland's memoirs as the ultimate American warrior. From 1964 to '69, Gritz commanded a CIA-funded mercenary army in Southeast Asia. Between '75 and '77, he commanded all Special Forces in Latin America, during which time he discovered CIA Director George Bush's involvement in cocaine trafficking. Gritz believes the US Government has liberated POWs and is holding them incommunicado in an Executive Protection Program. The *Washington Post* has called him "a renaissance Green Beret," and he has appeared on the cover of *Soldier of Fortune*.

Gritz has authored two books: *A Nation Betrayed*, which deals with US Government drug involvement and the abandonment of the POWs, and *Called to Serve*, about Vietnam, conspiracy and the truth behind the shadow government. Videos and other material are available through Prevailing Winds Research, PO Box 23511, Santa Barbara, CA 93121, (805) 566-8016. Additional material is also available from Gritz's Center for Action, Box 472 HCR 31, Sandy Valley, NV 89019, (702)723-5266. Gritz is one of the highest ranking government insiders to come forward with tales on rampant corruption in Washington. He is the Populist Candidate for President in 1992.

HIGH TIMES spoke to the colonel in late August about his career, about Southeast Asia and about drugs.

by Ned Scott Jr

HIGH TIMES: Can you tell us a little about your experiences in Vietnam?

Bo Gritz: I volunteered and went to Vietnam in 1964. I commanded an army of Cambodians. We held blood oaths. We shared blood. We drank blood. The records attribute about 400 Communist deaths to me. While this gave me a lot of medals, when I look over years of insanity—which war is—it was a nightmare. The only people that made out were the people making the bullets, the bombs, the bayonets, the boots and the beans. A four-star general I worked for told me, "Bo, stop trying to win the war. Come up on the general staff and use the war to get ahead of your contemporaries." And it blew my mind. I was losing my precious Special Forces every day. I was losing my brave Cambodian mercenaries every day in the field of battle. As of that day, I quit the war.

HT: What happened when you returned home?

BG: I went on top of a mountain in northern Mexico and brought only one bullet in my pistol. It was a very spiritual experience. There was snow on the mountain, so there was plenty of water to drink. I've been baptized a Catholic and a Mormon and a born-again Christian. I've read the Holy Koran from cover to cover. My quest was originally for truth in religion. I'm

A HANDBOOK FOR JURORS

HAIL TO THE JURY – OUR DEFENSE – BOTH YOURS AND MINE – AGAINST THE USURPATIONS OF AN OPPRESSIVE AND TYRANNICAL GOVERNMENT. . .

MAGNA CARTA, the great Charter of our liberties was wrung from a frightened would-be dictator-king at the point of a sword over 700 years ago, and is by far the most important legal document supporting our federal and state constitutions.

You—as a juror—armed merely with the knowledge of what a COMMON LAW JURY really is and what your common law rights, powers, and duties really are, can do more to re-establish "liberty and justice for all" in this State and ultimately throughout all of the United States than all our Senators and Representatives put together. Why? Because even without the concurrence of any of your fellow jurors in a criminal trial, you, with your single vote of NOT GUILTY can nullify or invalidate any man-made law involved in a case that, for one reason or another, ought not to be enforced.

If you feel the statute involved in any criminal case being tried by you is unfair, or that it infringes upon the defendant's natural God-given inalienable, or Constitutional rights, you must affirm that the offending statute is really no law at all and that the violation of it is no crime at all—for no man is bound to obey an unjust command. Which means if the defendant has disobeyed some man-made criminal statute and the statute itself is unjust, that

defendant has committed no crime. Jurors—having ruled then on the justice of the law involved and finding it opposed in whole or in part to their own natural concept of what is basically right—are bound to hold for the acquittal of said defendant.

Your vote of NOT GUILTY must be respected by all other members of the jury—for you are not there as a fool, merely to agree with the majority, but as an officer of the court and a qualified judge in your own right. Regardless of the pressures or abuse that may be heaped on you by any or all members of the jury with whom you may in good conscience disagree, you can await the reading of the verdict secure in the knowledge you have voted your own conscience and convictions—and not those of someone else.

Therein lies the opportunity for the accomplishment of "liberty and justice for all." If you, and numerous other jurors throughout the state and nation begin and continue to bring in verdicts of NOT GUILTY in such cases where a *man-made* statute is defective or oppressive, these statutes will become as ineffective as if they had never been written. It only takes *one* juror to effect a verdict of NOT GUILTY in any criminal trial—a fact that could prove to be of more than passing interest to you should you yourself be the defendant and your accuser happen to be the government.

A Jury's Rights, Powers and Duties:

The Charge to the Jury in the First Jury Trial before the Supreme Court of the U. S. illustrates the TRUE POWER OF THE JURY. In the February term of 1794, the supreme Court conducted a jury trial in the case of the *State of Georgia vs. Brailsford, et al,* 3 Dall. 1 ". . . it is

presumed, that juries are the best judges of facts; it is, on the other hand, presumed that the courts are the best judges of law. But *still both objects are within your power of decision.*" (Emphasis added.) ". . . you have a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy." (*State of Georgia vs. Brailsford, et al,* 3 Dall. 1)

As the United States Court of Appeals for the District of Columbia has clearly acknowledged, there can be no doubt that the jury has an "unreviewable and unreversible power . . . *to acquit in disregard of the instructions on the law given by the trial judge . . .*" *U.S. vs. Dougherty,* 473 F 2d 1113, 1139 (1972).

Or as this same truth was stated in an earlier decision by the United States Court of Appeals for the District of Maryland:

> We recognize, as appellants urge, the *undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by the judge,* and contrary to the evidence. This is a power that must exist as long as we adhere to the general verdict in criminal cases, for the courts cannot search the minds of the jurors to find the basis upon which they judge. If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by that decision." *U.S. vs. Moylan,* 417 F 2d 1002, 1006 (1969).

The law as written and invoked by prosecutors, "demands conviction of

persons whom local or even general opinion does not desire to punish." (See *Law in Books and Law in Action,* Dean Roscoe Pound, 44 American Law Review, 12, 18 (1910).) Hence, *jury disregard* of the *limited* and *generally conviction-oriented evidence presented for its consideration, and jury disregard for what the trial judge wants them to believe* is the controlling law in any particular case (sometimes facetiously referred to as "jury lawlessness") is not something to be scrupulously avoided, but rather encouraged; as witness the following quotation from the eminent legal authority above-mentioned: "Jury lawlessness is the greatest corrective of law in its actual administration. The will of the state at large imposed on a reluctant community, the will of a majority imposed on a vigorous and determined minority, find the same obstacle in the local jury that formerly confronted kings and ministers." (Dougherty, cited above, note 32, at 1130.)

"The pages of history shine on instances of the jury's exercise of its prerogative to disregard uncontradicted evidence and instructions to the judge. Most often commended are the 18th century acquittal of Peter Zenger of seditious libel, on the plea of Andrew Hamilton, and the 19th century acquittals in prosecutions under the fugitive slave law. The values involved drop a notch [but are worthy of note nonetheless] when the liberty vindicated by the verdict relates to the defendant's shooting of his wife's paramour, or purchase during Prohibition of alcoholic beverages." (Dougherty, cited above, at 1130.) Rather than referring to the above as instances of "jury lawlessness," we would say what appears to be far more likely that they are examples of *courageous adherence,* by one or more jurors in each case, *to the*

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A.R. 20

ASSEMBLY RESOLUTION NO. 20—ASSEMBLYMEN PRICE, MCGAUGHEY, GASTON, SCHOFIELD, SEDWAY, THOMPSON, ADLER, LAMBERT, SPINELLO, CALLISTER, FAY, MARVEL, GIBBONS, CHOWNING, REGAN, DUBOIS, BERGEVIN, MYRNA WILLIAMS, JEFFREY, KERNS, GARNER, FREEMAN, SWAIN, ARBERRY, HUMKE, WENDELL WILLIAMS, WISDOM, NEVIN, PORTER, BOGAERT, SPRIGGS, DIAMOND, TRIGGS, MCGINNESS, KISSAM, SHEERIN, CARPENTER, EVANS, BROOKMAN, SADER AND DINI

JUNE 24, 1989

Read and adopted

SUMMARY—Expunges call for Constitutional Convention from records of Assembly. (BDR R-1426)

EXPLANATION—Matter in italics is new; matter in brackets [ ] is material to be omitted.

ASSEMBLY RESOLUTION—Expunging a certain call for a Constitutional Convention from the records of the Assembly.

WHEREAS, The original support by Nevada for requesting the Congress of the United States to call a Constitutional Convention was based upon the representation that the Convention would be limited to proposing a balanced budget amendment to the Constitution of the United States of America; and

WHEREAS, The Constitution of the United States does not provide for a Constitutional Convention to be restricted to a single subject; and

WHEREAS, The Constitution of the United States does not need to be changed in order to balance the budget of the United States, but the existing provisions which limit the expenditures to those purposes authorized by the states when they agreed to the Constitution of the United States need to be enforced; and

WHEREAS, The adoption by the Nevada Assembly of Senate Joint Resolution No. 8 of the 60th session of the Legislature (File No. 39) requesting the Congress of the United States to call a Constitutional Convention was therefore induced by fraud; and

WHEREAS, "Fraud colors everything it touches," and the appropriate remedy is for the Assembly to expunge from its Journal its passage of Senate Joint Resolution No. 8 of the 60th session of the Legislature requesting the Congress of the United States to call a Constitutional Convention; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Chief Clerk of the Assembly draw a black border around the portion of the 1979 Assembly Journal whereby the Assembly passed Senate Joint Resolution No. 8 and write across the face thereof: "Expunged by order of the Assembly this 24th day of June, 1989"; and be it further

— 2 —

RESOLVED, That certified copies of this resolution, together with the expunged portion of the Assembly Journal be forwarded to the Governor, the Senate of the State of Nevada, the Speaker of the House of Representatives of the United States, the Vice President of the United States as President of the Senate and the Nevada Congressional Delegation.

FROM THE ASSEMBLY DAILY JOURNAL,
NEVADA STATE LEGISLATURE, SIXTY-FIFTH SESSION, 24 JUNE 1989

Assemblyman Price moved the adoption of the resolution. Remarks by Assemblyman Price:

Thank you, Mr. Speaker. First, I want to thank my colleagues in this honorable house for their support over the last two sessions in our effort to stop the headlong rush that some special interest groups and constitutional revisionists are making toward convening a constitutional convention in their hopes of scrapping that beloved 202-year-old document that has served us so well for two centuries and 41 presidents, the Constitution of the United States.

As you know, in 1987 and earlier this session, the assembly forwarded to the senate, resolutions to rescind Nevada's 1979 petition to Congress calling for a constitutional convention. Both resolutions died in the Senate Finance.

Today, I am asking this honorable house for its continued support by using a procedure first implemented 156 years ago by Senator Thomas Hart Benton, Democrat of Missouri, in 1833 during a four-year fight with Daniel Webster, John C. Calhoun and Henry Clay. By the way, I have distributed a short history and explanation of the "Motion to Expunge" on your desks.

Benton (father-in-law of John C. Fremont) was a zealous supporter of western interests and frontier explorations.

In 1837, Senator Benton was successful in getting the U.S. Senate to pass a motion to expunge from the record a stinging resolution passed in 1833 censuring President Jackson.

On your desks, I have also placed a xeroxed copy of section 444, "Motion to Expunge," taken from Mason's Manual. As you can see, this motion is used when it is desired to not only rescind an action, but to express a very strong disapproval of prior actions. Let me say that this is also a strong disapproval of my own prior actions since I voted for S.J.R. 8 in 1979.

The purpose of this action today is to send a strong, clear message to Congress that after 14 years there is no longer a "consensus" in Nevada desiring to call a constitutional convention. Not only is there not a consensus, but the 1979 action was so objectionable that we have expunged it from the record.

It is my hope that other states will follow Nevada's lead.

The founding fathers designed Article V of the Constitution to provide a means of action for the citizens when there was a "consensus" of two-thirds of the several states desiring some action and Congress refused to respond.

In the event that the proponents of a constitutional convention are able to persuade four more states to petition Congress for a convention, our action here today, and hopefully future actions of other states, will provide constitutional lawyers' strong, solid arguments that there is no longer a "consensus" in many states that had years earlier petitioned Congress.

Hopefully our Constitution will remain safe.

Resolution adopted unanimously.

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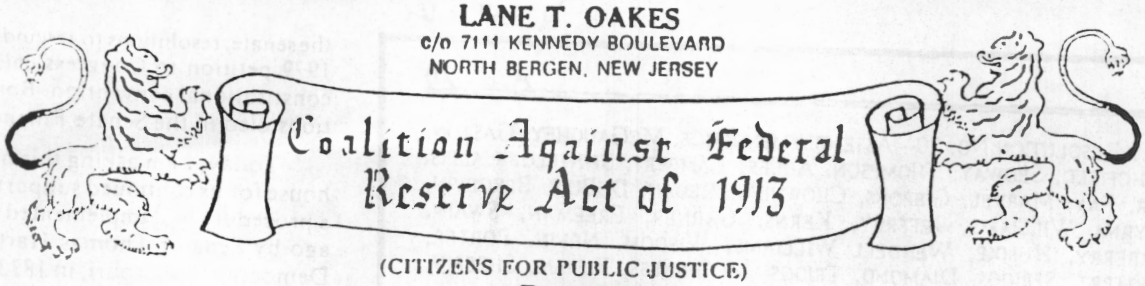
LANE T. OAKES
c/o 7111 KENNEDY BOULEVARD
NORTH BERGEN, NEW JERSEY



(CITIZENS FOR PUBLIC JUSTICE)

Petition

To the United States Senate

To repeal the Federal Reserve Act of 1913

In Article 1 of the United States Constitution, it expressely states that:

"Congress shall have the power to coin money and to regulate the value thereof".

But in 1913, the Congress passed the Federal Reserve Act which removed the power from the United States Congress to "create" money or to have any control over its "creation", and gave this function to the Federal Reserve Corporation. The American people were not told that the Federal Reserve Corporation is a private corporation controlled by bankers, and therefore is operated for the financial gain of the bankers over the people rather than for the good of the people. The word "Federal" was used only to deceive the American public.

Today the common American citizen is becoming increasingly alarmed at the ever-rising national debt to our Federal Reserve, which is now close to $3 Trillion Dollars. Because new money created by the Federal Reserve is always "lent out" to the American people at interest, millions of working families in America are now indebted to a few thousand banking families for more than the assessed value of the entire United States. If we signed over all of America to the bankers, we would still owe them the equivalent of two more Americas. The American people are becoming enslaved by the financial institutions of the Nation!

WE THE UNDERSIGNED demand that the present Congress repeal the Federal Reserve Act of 1913 by implementing safety valve clause in Section 30 of the original Act:

"The right to amend, alter, or repeal this Act is hereby expressly reserved".

WE THE UNDERSIGNED demand that the United States Congress amend its policy of being run by the Federal Reserve Corporation, which is violating the Constitution of the United States and enslaving the American people deeply into debt. It is time for the Federal Government, which is sovereign, to take back into its own hands the power to create its own national currency, interest and debt-free, and its own national bank, which will be run directly under the United States Congress, and which will be at the service of the American people.

The Honorable Jack Metcalf, Senator
3273 East Saratoga Rd
Langley, WA 98260

Date.....

Name	Address	City

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THE END OF THE STATE LEGISLATURES

12. STATES TO BE ABOLISHED - Under a GSA plan the 50 states will be abolished as specified in Article 2 of the Newstates Constitution and absorbed into 10 new states.

NO NEED FOR A BALANCED BUDGET AMENDMENT

13. GRAMM-RUDMAN - When this push for a balanced budget amendment started in the 1970's we did not have Gramm-Rudman. Lobby to reinstate the deficit reduction targets.

14. GOVERNMENT WASTE - The Grace Commission Report identified enough government waste to more than eliminate the federal deficit.

15. LOOPHOLES - All balanced budget amendments proposed by Congress have been designed to be bypassed in case of emergencies such as war.

Very IMP!

16. THE 10th AMENDMENT prohibits the federal government from being involved in anything not specified by the constitution and if even partially enforced would prove to be the desired balanced budget amendment. There is a defacto statement in the constitution. What will prevent congress from ignoring the new amendment

17. LAWS IGNORED - Some argue that a constitutional amendment is needed because a law can be ignored. They miss the fact that the existence of foreign aid requires that the 10th Amendment be ignored.

18. LAWS REPEALED - Some argue that a constitutional amendment is needed because a law can be repealed. Prohibition was a constitutional amendment and it was repealed.

CONGRESS HAS NO OPTION AFTER THE 34TH CALL

19. NO OPTION - Some argue that the states must pressure Congress into passing its own amendment by making the 34th call. But Article V reads Congress "shall call" a convention when two-thirds of the states petition.

LIMITED CONVENTION NOT LIKELY

20. THE AMERICAN BAR ASSOCIATION Con Con study states "neither the language nor the history of Article V reveals an intention to prohibit another general convention."

21. A FARCE - Senator Orin Hatch told Congress that a convention limited to one amendment would be "a farce."

22. PACKAGE OF AMENDMENTS - The Committee on the Constitutional System stated in a press conference that it has a package of amendments ready if an unlimited convention should be held.

23. COMPETITION - There are a number of issues for which states have called for a convention. Their backers will all want to get in on the balanced budget convention if it is held.

STATE LEGISLATURES CAN BE BYPASSED

24. RATIFICATION - Article V gives Congress the power to bypass the state legislatures in favor of state ratifying conventions.

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- SEE OTHER SIDE -

1992 CONSTITUTIONAL CONVENTION FACT SHEET

LIMITATION OF CONGRESSIONAL TERMS by Constitutional Amendment and limitation of Congressional salaries are other issues being used by David Stanley's National Taxpayer's Union and Lewis Uhler's National Tax Limitation Committee to promote a Constitutional Convention on any pretext that will catch on.

FOUR
~~THREE~~ STATES HAVE RESCINDED and Nevada

1. FLORIDA, ALABAMA AND LOUISIANA have rescinded their calls for a Constitutional Convention to balance the Federal budget. This leaves the U.S. 5 states away from the required 34.

CONVENTION TRIED IN 1976

2. A NEW CONSTITUTION called a Constitution for the Newstates of America was financed by the Rockefeller Foundation and published in 1974. Nelson Rockefeller, then president of the U.S. Senate, engineered the introduction of HCR 28 calling for an unlimited convention in 1976. Public opposition defeated this effort and convention backers went back to the states promising a limited convention which we are facing now.

THE NEWSTATES CONSTITUTION'S ASSAULT ON THE BILL OF RIGHTS

3. GUNS - Article I - B Sec. 8 states "bearing of arms shall be confined to the police, members of the armed forces, and those licensed under law."

4. RELIGION - Article I - A Sec. 8 states "The practice of religion shall be privileged." Religious freedom would no longer be a right.

5. JURY TRIAL - Article VIII states that the judge decides if there is to be a jury.

6. SPEECH - Article I - A Sec. 1 states "Freedom of expression shall not be abridged except in declared emergency."

OTHER DANGERS

7. FARMS - Rexford Tugwell, the lead author of the Newstates Constitution, said that private ownership of farms had not proved good for society.

8. DEPRESSION - Sen. Nancy Kassebaum's Committee on the Constitutional System says they want to wait until the U.S. is in a 1929 type depression to call a convention because only then would the public accept the radical changes they want, so by passing another convention call or by not rescinding and moving them another state away from their goal we are encouraging them to force a depression on us.

9. SCHOOLS - Article I - A Sec. 11 says that free education would only be for those who pass appropriate tests.

10. ENTIRELY NEW CONSTITUTION PROMOTED - Henry Hazlitt, an advisor to Jim Davidson's National Taxpayer's Union, has called for an "entirely new constitution" in his book A New Constitution Now.

11. Sen. Nancy Kassebaum's group, The Committee on the Constitutional System, is on record as wanting to use a convention to change the U.S. to a PARLIAMENTARY GOVERNMENT.

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- SEE OTHER SIDE -

WHO OWNS THE FEDERAL RESERVE SYSTEM?

There has always been much speculation about who owns the Federal Reserve System. We don't mean the managers of the twelve Federal Reserve Banks who run them for the owners. Or the members of the Federal Reserve Board who make decisions in favor of the owners. Or those who sit in the Open Market Committee which operates only through the New York Branch of the Federal Reserve. We mean the **owners** of the Federal Reserve. This has been one of the best kept secrets of this century, because the Federal Reserve Act of 1913 provided that the names of the owner banks must be kept secret. However, R.E. McMaster, publisher of the newsletter THE REAPER asked his Swiss and Saudi Arabian contacts which banks hold controlling stock in the Federal Reserve System. The answer:

1. Rothschild Banks of London and Berlin
2. Lazard Brothers Bank of Paris
3. Israel Moses Seif Banks of Italy
4. Warburg Bank of Hamburg and Amsterdam
5. Lehman Brothers Bank of New York
6. Kuhn, Loeb Bank of New York
7. Chase Manhattan Bank of New York
8. Goldman, Sachs Bank of New York

There are approximately three hundred people, known to each other and/or relatives of the 'owner', who hold stock or shares in the Federal Reserve System. They comprise an interlocking, international banking cartel of wealth beyond comprehension.

LANE T. OAKES
c/o 7111 KENNEDY BOULEVARD
NORTH BERGEN, NEW JERSEY

FOREWORD

Ever since people began living in tribes and villages, they have had to balance order with liberty. Individual freedom had to be weighed against the need for security of all.

The delegates who wrote this Constitution in Philadelphia in 1787 did not invent all the ideas and ideals it embraced, but drew on the wisdom of the ages to combine the best of the past in a conception of government of rule by "We the People" with limits on government to protect freedom.

This Constitution was not perfect; it is not perfect today even with amendments, but it has continued longer than any other written form of government. It sought to fulfill the promises of the Declaration of Independence of 1776, which expressed peoples' yearning to be free and to develop the talents given them by their Creator.

This Constitution creates three separate, independent branches of government, with checks and balances that keep the power of government within the boundaries set by law. This system does not always provide tidy results; it depends on a clash of views in debate and on bargain and compromise.

For 200 years this Constitution's ordered liberty has unleashed the energies and talents of people to create a good life.

Warren E. Burger

Chairman, Commission on the Bicentennial
of the United States Constitution
Chief Justice of the United States, 1969–1986

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THE I.M.F. IS AN AGENCY OF THE UNITED NATIONS AND THE SEC. OF THE TREASURY (NICHOLAS BRADY) IS THE GOVERNOR OF THE FUND AND BANK - HE IS A FOREIGN PRINCIPAL WHO IS DIRECTING HIS FOREIGN AGENTS (IRS) TO MAKE ASSESSMENTS AND COLLECT THE DEBT OWED TO THE I.M.F.

WHAT THEY HAVE DONE IS TURN THE PRINCIPAL (US) INTO THE DEBTOR UNDER THE AGREEMENT THAT THEY (CORP. UNITED STATES GOVERNMENT) MADE.

THE WHOLE COUNTRY IS OPERATING UNDER THE BRETTON WOODS AGREEMENT.

BECAUSE ALL OF THE STATES (VIA THE INTERSTATE COMAPCT ACT) HAVE JOINED TOGETHER AND ARE ALL BANKRUPT, AS THEY USE AND CIRCULATE THE BANKRUPT NOTES (FRN'S)/COMMERCIAL PAPER), SINCE THE GOLD AND SILVER WAS TAKEN AWAY, THIS MAKES ALL STATE, COUNTY AND LOCAL OFFICIALS, FOREIGN AGENTS IN SOLICITING AND COLLECTING THE DEBT OWED TO THE INTERNATIONAL MONETARY FUND (I.M.F.), A FOREIGN POWER. ALL OF THE COURTS ARE NOTHING BUT COURTS OF BANKRUPTCY COLLECTING ON THE DEBT.

OVER

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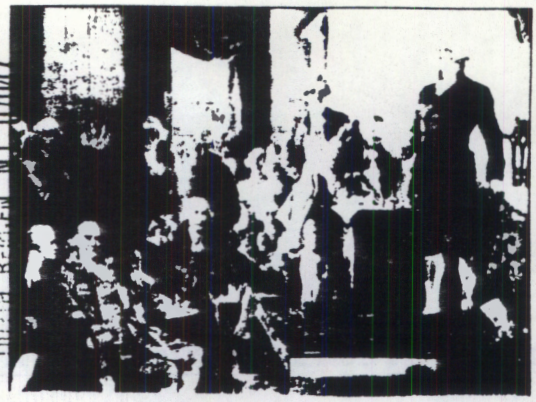
SILENT CRISIS

Tampering With the Constitution

by Don Fotheringham

AMERICAN CONSERVATIVE ALLIANCE
P.O. BOX 5017
NORTH BERGEN NJ 07047



The U.S. Constitution is in danger. The prospect of a con-



"I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey it."

Warren E. Burger, Chief Justice (retired)
United States Supreme Court



"Constitutional, economic and political science experts are on record and have expressed concerns that the convening of a Federal Constitutional Convention would constitute a reckless use of a constitutional device which is little understood and has never been employed in our entire history."

Linda Rogers Kingsbury, President
Citizens to Protect the Constitution



"A Convention might propose a single amendment but it would clearly have a wider range."

Jefferson B. Fordham
Professor of Law
University of Utah



"An Article V convention must be entirely general, and a state application asking for something other than that is void."

Charles L. Black
Sterling Professor Emeritus of Law
Yale University



"It is doubtful that Congress has the power to limit the convention to the proposal of amendments only on a single subject."

Charles E. Rice
Professor of Law
Notre Dame University



"In my view, a convention cannot be effectively limited."

Gerald Gunther
Professor of Law
Stanford University



"In my view the plurality of 'amendments' opens the door to Constitutional change far beyond merely requiring a balanced federal budget."

Christopher Brown
Professor of Law
University of Maryland



"My own belief is that a constitutional convention cannot be confined to a particular subject...."

Charles Alan Wright
Professor of Law
University of Texas



"My understanding of the federal convention is that it is a general convention; that neither the congress nor the states may limit the amendments to be considered and proposed by the convention."

Neil H. Cogan
Professor of Law
Southern Methodist University



"The discretion with which Congress may discharge this duty is pregnant with danger even under the most salutary conditions."

Lawrence G. Tribe
Professor of Constitutional Law
Harvard University



James Davidson



Lewis K. Uhler

The "tax" men are pushing for a con-con.



C. Douglas Dillon



Lloyd N. Cutler



Nancy Kassebaum

Some prominent people want to use the occasion of a new constitutional convention to change our form of government.

134X

Does America have a hidden oligarchy?
Is U.S. foreign policy run by a closed shop?
What is the Council on Foreign Relations?

It began in 1921 as a front organization for J. P. Morgan and Company. By World War II it had acquired unrivaled influence on American foreign policy. Hundreds of U.S. government administrators and diplomats have been drawn from its ranks — regardless of which party has occupied the White House. But what does the Council on Foreign Relations stand for? Why do the major media avoid discussing it? What has been its impact on America's past — and what is it planning for the future? These questions and more are answered by James Perloff in *The Shadows of Power.*

An eye-opening account of a private group that has helped shift American foreign policy away from America's best interests. Highly recommended.

David B. Funderburk
Former U.S. Ambassador to Romania

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Policies linked to the organization described in this book have helped visit a number of tragedies on the free world. There may be more forthcoming. James Perloff has cut through a litany of myths to bring out the facts. To not read this book is to live dangerously.

Philip Crane
United States Congressman

If we want to avoid the disaster of one-world government, if we wish to preserve our priceless national sovereignty and live through all time as free men, then it is imperative that the American people read *The Shadows of Power.*

Meldrim Thomson, Jr.
Governor of New Hampshire 1973-1979

There have been many books purporting to explain the "real" reasons for what happened to us in Vietnam. Unfortunately, most of these have been part of the same old smokescreen from the actual architect of the war: the American Establishment. Our veterans deserve more than memorials — they deserve the truth. Here at last is a book where they can find it.

Andrew Gatsis
Brigadier General, U.S. Army, Ret.

ISBN 0-88279-154-6

THE SHADOWS OF POWER

The Council on Foreign Relations And The American Decline

by James Perloff

FINAL CARD



Not MONEY CARD

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TRANSACTION CARD

FINAL NUMBER in Bar Code

Read About:

"Marks" (Bar Codes) as Required ID for "Buying & Selling"

Universal PRODUCT Code **Universal PEOPLE Code**

Social Security & Passport # ALREADY a Bar Code

Cards with INVISIBLE Bar Codes--COMMERCE BEYOND CARDS

 # HAND SCANS in Use NOW--Social Security, IRS & "666"

YOUR 18-DIGIT ADDRESS

Devices that Identify, Picture and Record One ANYWHERE

THE GLOBAL "666" (MONEY) CONSPIRACY

(The quiet removal of MONEY from society)

PREPARATION FOR THESE END TIMES

How to Prepare Spiritually...Chap. 11
How to Prepare Financially...Chap. 12
Investments For You in '82...Chap. 13

136 Illustrative Pictures

666

...SELLER

THE NEW MONEY SYSTEM

...to Currency--CARDS

No Money... MARKS

$

Decode "666" in UPC



Sequel to

WHEN YOUR MONEY FAILS

#1 International Bestseller

Mary Stewart Relfe, Ph.D.

Imagine Being A Citizen Under The New World Order



You'll have the opportunity to participate in a public symposium entitled:

"Citizenship in the New World Order"

Charlie the mount will Federal Science Fiction Kenneth Starwell Ph.D., and Dorothy Nelson, Judge for the Ninth District Court of Appeals

Join them at 8:00pm Friday, May 31, at the Wrightson Paradise Valley Resort at 5001 E. Scottsdale Road in Scottsdale. And begin to imagine a global society free of chains.

This symposium is being presented as a public service by the Greater Phoenix Chapter of the United Nations Association of the U.S.A. and the Bahá'í Faith. Guest speakers are co-sponsored by Global Interactions, Inc. and the World Federalist Association. For more information, call 997-7[illegible]

Ad in the Phoenix papers 29 May 1991 note that Dorothy Nelson, Judge for the 9th District Court of Appeals and the Bahai Faith are among the promoters.

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■ **Read my code.** *What did George Bush mean recently when he mysteriously answered "seven" after a reporter asked if he had news about the rebellion in Iraq? One chatty Yale reveals that in the cryptic patois of Skull and Bones, the secret Yale society that tapped Bush in 1947, "seven" means "no," "lose" or "fail." The code, says the Bonesman, is based on the fact that each year the society chooses 15 new members, thus, "eight" represents a majority, or "yes," while "seven" is a minority, or "no." The source also reports that when the president was invited to a meeting in the Tomb, the society's headquarters in New Haven, he declined because he could not enter its inner sanctum without his Secret Service officers, none of whom are members. Bush was then fined—and he subsequently paid—$3.22 for missing a meeting. Why $3.22? That number appears in the Skull and Bones emblem, and confides one informant, means "good luck"—just why he wouldn't say.*

EDITED BY CHARLES FENYVES.

Bushlip and POWs.



Pentagon Official Resigns, Alleges Cover-Up on MIAs

Los Angeles Times

Police can hold suspects for 48 hours

By Tony Mauro
USA TODAY

Police can keep suspects in jail for up to two full days without any judge reviewing the validity of the arrest, the Supreme Court ruled Monday.

The 5-4 decision was a response to budget-squeezed states and localities that wanted more time to comply with

May 91 news release.

91 news release.

May 91 news release.

Singapore Has New Card Up Its Sleeve — Electronic ID to Track Citizens

SINGAPORE (AP) – Age, address, income and other data dear to functionaries are all in the cards, or soon will be, and no adult Singaporean can do without one.

New identity cards mandatory for those 18 and older should enable the government to keep electronic tabs on most of Singapore's 2.7 million people.

The "smart" devices, the size of a credit card, have machine-readable bar codes that keep the owner's number and other personal information ready for official inspection.

Photograph, thumbprint and personal details are recorded electronically and cannot be changed without damaging the cards. They replace numbered cards, in compulsory use since 1966, that carry a photo, thumbprint and address.

Officials plan to review data and start issuing the new cards in June. They expect three years will be needed to complete the job.

"This is one of the biggest exercises launched by the government second only to the population census," Tan Guan Seng of the Home Affairs Ministry told Parliament.

Requiring government identification documents is a holdover from British colonial days, but independent Singapore extended it. A 1983 ruling required owners of monkeys to obtain identity cards for the animals, complete with photo and "handprint."

When details of the new cards were announced, Parliament was told an electronic grid was being established to link the police, immigration and income tax departments, vehicle registry, housing authority, pension fund and other agencies.

"If a person is wanted by any of these agencies, this system will enable us to share information, and when he turns up at any of these outlets he will be nabbed by the long arm of the law," said Peter Sung of the Home Ministry.

Arrest warrants can be tracked, and electronic data mail will include the status of cases moving through the courts, he said.

Electronic "tagging" to control the movement of released offenders, already used in the United States, is planned on an experimental basis this year.

It involves strapping a tamper-proof beeper to the body that alerts authorities when it is moved more than a specified distance from a receiver in the person's home.

By the mid 1990s, every motor vehicle registered in Singapore is to have electronic number plates and a small black box on the undercarriage. Sensors will be embedded in street surfaces and motorists will be charged for road use just as they are for water, gas, electricity, with bills rendered monthly.

Each mile will be priced on a sliding scale according to the day and hour, with prices increasing as the motorist approaches the heart of the city state. From cashless shopping to electronic paperwork and even a computerized pig auction, this prosperous island is being wired for an electronic tomorrow.

Some question the wisdom of it.

"Already, there have been complaints that the government has too heavy a hand on the lives of people — be it in telling them how many children to have or what languages they should speak," *Straits Times* correspondent Sumiko Tan wrote in a report from Parliament.

More complaints can thus be expected when people realize that information ranging from their age to where they live and how much they earn, is stored in computer disks in the various government departments and that these can, at the tap of a button, be transmitted to any other department without individuals knowing or approving of it.

all electronic money

Imagine this:

The governor of Massachusetts, fed up with the "proliferation" of military-style firearms and intolerant of civilian ownership of such threats to his power, declares these "assault weapons" contraband and even outlaws ammunition for them. When ordinary citizens refuse to turn in either guns or ammunition, the governor declares them "criminals" and dispatches his police force to round up the guns and arrest whoever stands in the way of "law and order."

Several "criminals" catch wind of the operation and make arrangements to warn other civilians, but their ringleader is caught and arrested.

In the first raid, the police force confiscates the guns and then moves on, but the "criminals" in the second location have been warned. A "criminal," who escaped roadblocks, has tipped-off firearms owners in time for many to hide their guns and ammunition from the government. Others show up with their "assault rifles." The police action's commander demands gun-owners surrender, but they refuse. Somebody fires a shot and all hell breaks loose.

In the ensuing fire-fight, the authorities kill eight civilians, but they are outgunned by the "criminals." Before the day is out, the "Rambo" civilians kill 73 and wound almost 200 of the "G-men."

Sounds like a futuristic scenario following passage of the Brady Bill and semi-auto gun ban, doesn't it? **It's history!** Paul Revere was the "criminal" ringleader captured as he sped out of Boston to warn patriots that their own government was trying to take away their firearms -- their only means to protect their right to self-determination, self protection and their freedom.

The raid was in Lexington, and at Concord bridge the Minutemen made their stand. It happened April 19, 1775 -- more than a year before the Declaration of Independence was even written, and was known as the Shot Heard 'Round the World because of the way it changed history. Free men, *ordinary civilians just like you with military-style weapons of the day,* stood together when their government turned rotten and made criminals out of honest taxpayers. Civilians started the American Revolution and invented The United States of America. A marvelous thing, isn't it? They say those who don't remember the lessons of history are doomed to repeat them.

How are you planning to commemorate April 19th, American Liberty Day?

South Florida Firearms Owners

138X

Executive Orders

What are Executive Orders?

Executive Orders are laws established by United States Presidents. These laws are not passed by the Congress or the Senate, and create an end-run around the Constitution. These laws begin as Executive Orders which are simply printed in the Federal Register. After thirty days these orders become law and carry the full impact of any law passed by the United States Congress. These laws are unconstitutional because the Constitution does not afford any person the right to creat laws by himself that negates the Constitution.

To understand just how this could all come about you need to open your eyes, your mind and your heart. What we have discovered is quite scary, very much unconstitutional and in every sense, acts of treason to the United States of America. There are individuals in this world, within this country, and in our own government who would like to rule the world, and they do believe that this is possible. They are and have been working towards this goal for decades. Some of the individuals caught up in this endeavor have been our very own elected officials. These power hungry individuals have corrupted our government and are working on sabotaging our freedom by destroying the Constitution of the United States, in order to establish the "New World Order" (a.k.a. "Global Community").

To bring about this New World Order, and ultimately the single World Government, there are several things that must come about: All other forms of government throughout the world must cease to function and thus the countries would become bankrupt. Because the Constitution is a document that safeguards the sovereignty of our nation it must be destroyed. Because of the genuine threat of the American militia, the American people must be disarmed, and become addicted to the government hand-outs and thus become *"sheeple"*.

The American people have become so accustomed to their freedom, and the constitutional safeguards afforded them, that they have paid little if any attention to what is and could be happening around them. The international establishment has planned this, and are working to use this weakness to erode our freedom and take control of the United States.

— The Declaration of Interdependence, supported by several of our elected officials, moves the United States of America closer to the mandates of the United Nations Charter.
— The U.S. has entered into many United Nations treaties (Genocide Treaty, Human Rights Treaty and Total Disarmament Treaty) that steal away our rights under the "Bill of Rights". Despite the noble titles of these treaties, the truth of the motives of the U.N. become self-evident under the most fundamental scrutiny.
— The "War on Drugs" is the guise the Federal Government uses to legitamize the invoking of Martial Law tactics (under the Drug & Crime Emergency Act), while they continue to covertly import the drugs and weapons they claim to be fighting against. This guise conveniently facilitates the total disarmament of all weapons (public and private) as mandated by the United Nations.
— Without the complicity of the Federal Government, crime of this magnitude could not exist.

These Executive Orders, and other treasonous acts, establish the basis for the Federal Emergency Management Association (FEMA). FEMA has the power to completely rule over the American people, any time the President should decide to declare Martial Law. If this should ever happen the Director of FEMA (an unelected official) has the authorization to enact all Executive Orders, giving him full dictatorial control over all of the United States, its resources, and its people. Martial Law suspends all prior or existing laws, functions, systems and programs of civil government, and replaces them with a military system. These systems include the courts, mail, sanitation, aviation, firefighting, police, agricultural services, health, education and welfare. The American people and all their belongings become chattel of FEMA, and the United Nations Peace Keeping Forces will be in absolute control of our country.

Sounds a bit preposterous, doesn't it? Yes, but there are those individuals who feel so secure in what they are doing to gain this control, that they have indeed set themselves above the law, or perverted the nature of the law into new laws to protect their conspiracy. Laws that are made in secrecy are a threat to each of us, and must be rescinded if we are to remain a free people. There is evidence of all of this if you would but ask and seek the truth.

140X

Refuse to be "Sheeple" Become Informed

Conspired by a few of our Presidents to rule over, not to serve...

Executive Orders...

10995— Seizure of all communications media in the United States.

10997— Seizure of all electric power, fuels, and minerals, both public and private.

10998— Seizure of all food supplies and resources, public and private, all farms and farm equipment.

10999— Seizure of all means of transportation, including personal cars, trucks or vehicles of any kind and total control over all highways, seaports and water ways.

11000— Seizure of all American people for work forces under federal supervision, including the splitting up of families if the government has to.

11001— Seizure of all health, education and welfare, facilities both public and private.

11002— Empowers the Postmaster General to register all men, women and children in the United States.

11003— Seizure of all airports and aircraft

11004— Seizure of all housing and finance authorities, to establish Forced Relocation. Designates areas to be abandoned as "unsafe", establishes new locations for populations, relocates communities, builds new housing with public funds.

11005— Seizure of all railroads, inland waterways and storage facilities, both public and private.

11051— Provides the Office of Emergency Planning, complete authorization to put the above orders into effect in times of increased international tension or economic or financial crisis

...given a choice, I'll take freedom!

141 X

CONGRESS:

ISSUE U.S. (NO INTEREST) DOLLARS $

NO MORE
Private FEDERAL RESERVE
(debt/interest) I.O.U. notes $

142 X

- **Obey Supreme Law Constitution.**
- **U.S. is Bankrupt Already.**
- **We Owe Property Rent (tax) To Government Corporations Because our Homes Were Paid With Their Private Notes.**
- **Reject "New (Communist/U.N.) World Order" Economic Tyranny.**

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About The Author

As a student at Colby College and Boston University during the latter years of the Vietnam War, James Perloff included himself in the new generation that had gone radical left — an outlook he voiced as a school columnist and cartoonist. However, when he probed America's power structure deeply, he was shocked to learn that he and his fellow students had moved in the precise direction intended by the Establishment — that unofficial ruling entity they thought they had been rebelling against. Several years of research persuaded him that the American Establishment was a far more clever organism than anyone had ever dreamed, and culminated with his writing *The Shadows of Power*. Mr. Perloff is a contributing editor to *The New American*, the biweekly journal of news and opinion.

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Publisher's Appendix

Our listing of the names of those who hold membership in the Council on Foreign Relations is not meant to imply that all members are fully cognizant of the history of the organization or in agreement with its purposes as described in this book.

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Goldberg, Arthur J.
Goldberg, Samuel
Goldberger, Marvin L.
Golden, James R.
Golden, William T.
Goldin, Harrison J.
Goldman, Charles N.
Goldman, Guido
Goldman, Marshall I.
Goldman, Merle
Goldmark, Peter C., Jr.
Goldschmidt, Neil
Goldstein, Elizabeth A.
Goldstein, Jeffrey A.
Gomory, Ralph E.
Gompert, David C.
Gong, Gerrit W.
Goodby, James E.
Goodman, George J. W.
Goodman, Herbert I.
Goodman, Roy M.
Goodman, Sherri L. Wasserman
Goodpaster, Andrew J.
Goodsell, James Nelson
Gordon, Albert H.
Gordon, Lincoln
Gorman, Joseph T.
Gorman, Paul F.
Gornick, Alan L.
Gotbaum, Victor
Gottheb, Gidon A. G.
Gottlieb, Thomas M.
Gottsegen, Peter M.
Gould, Peter G.
Gousseland, Pierre
Grace, J. Peter
Graff, Henry F.
Graff, Robert D.
Graham, Bob
Graham, Katharine
Graham, Thomas, Jr.
Graham, William R.
Grant, James P.
Grant, Stephen A.
Granville, Maurice F.
Graubard, Stephen R.
Gray, Hanna Holborn
Green, Bill
Green, Carl J.
Greenberg, Maurice R.
Greenberg, Sanford D.
Greene, James C.
Greene, James R.
Greene, Joseph N., Jr.
Greene, Margaret L.
Greenfield, James L.
Greenfield, Meg
Greenough, William C.
Greenspan, Alan
Greenwald, Joseph A.
Greenway, H. D. S.
Greenwood, Ted
Gregorian, Vartan
Grenier, Richard
Griffith, Thomas
Griffith, William E.
Grose, Peter
Gross, Ernest A.
Gross, Patrick W.
Grossman, Gene M.
Grove, Brandon H., Jr.
Groves, Ray J.
Grune, George V.
Grunwald, Henry A.
Gullison, Edmund A.
Gulliver, Adelaide Cromwell
Gutfreund, John H.
Guthman, Edwin O.
Gwertzman, Bernard M.
Gwin, Catherine

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Haas, Peter E.
Haas, Robert D.
Habib, Philip C.
Haggard, Stephan
Haig, Alexander M., Jr.
Halaby, Najeeb E.
Haley, John C.
Hallingby, Paul, Jr.
Halperin, Morton H.
Halpern, Sue M.
Halsted, Thomas A.
Hamburg, David A.
Hamburg, Margaret Ann
Hamilton, Ann O.
Hamilton, Charles V.
Hamilton, Edward K.
Hamilton, Michael P.
Hammer, Armand
Hancock, Judith L.
Hansen, Carol Rae
Hansen, Roger D.
Hanson, Robert A.
Hanson, Thor
Harari, Maurice
Harding, Harry
Hardt, John P.
Hargrove, John Lawrence
Harman, Sidney
Harpel, James W.
Harper, Conrad K.
Harper, Paul C., Jr.
Harper, Zenola
Harriman, Pamela C.
Harris, Irving B.
Harris, Joseph E.
Harris, Scott Blake
Harrison, Selig S.
Harsch, Joseph C.
Hart, Augustin S.
Hart, Douglas M.
Hart, Parker T.
Hartley, Fred L.
Hartman, Arthur A.
Hartman, J. Lee
Hartnack, Carl E.
Haskell, John H. F., Jr.
Haskins, Caryl P.
Hatfield, Robert S.
Hauge, John R.
Hauser, Rita E.
Hauser, William L.
Hauspurg, Arthur A.
Haviland, H. Field, Jr.
Hawkins, Ashton
Hayes, Margaret Daly
Hayes, Samuel P.
Haynes, Fred
Haynes, Ulric, Jr.
Hayward, Thomas B.
Hazard, John N.
Healy, Harold H., Jr.
Heard, Alexander
Heck, Charles B.
Heckscher, August
Hedstrom, Mitchell W.
Heginbotham, Stanley J.
Hehir, J. Bryan
Heifetz, Elaine F.
Heimann, John G.
Heintzen, Harry L.
Helander, Robert C.
Heldring, Frederick
Hellman, F. Warren
Hellmann, Donald C.
Helmboldt, Niles E.
Helms, Richard
Henderson, Lawrence J., Jr.
Henkin, Alice H.
Henkin, Louis
Hennessy, John M.
Herling, John
Hermann, Charles F.
Herskovits, Jean
Herter, Christian A., Jr.
Herter, Frederick P.
Hertzberg, Arthur

Herzfeld, Charles M.
Herzstein, Robert E.
Hesburgh, Theodore M.
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Hessler, Curtis A.
Hester, James M.
Hewitt, William A.
Hewlett, Sylvia Ann
Heyns, Roger W.
Higgins, Robert F.
Highet, Keith
Hight, B. Boyd
Hillenbrand, Martin J.
Hilsman, Roger
Hinerfeld, Ruth J.
Hines, Gerald D.
Hinshaw, Randall
Hinton, Deane R.
Hirschman, Albert O.
Hoagland, Jim
Hoch, Frank W.
Hodgson, James D.
Hoeber, Amoretta M.
Hoehn, William E., Jr.
Hoenlein, Malcolm
Hoepli, Nancy L.
Hoffman, Michael L.
Hoffmann, Stanley
Hoge, James
Hoge, Warren
Hoguet, George R.
Hoguet, Robert L.
Hohenberg, John
Holbrooke, Richard C.
Holcomb, M. Staser
Holderman, James B.
Holland, Robert C.
Hollick, Ann L.
Holmes, H. Allen
Holst, Willem
Holt, Pat M.
Hooks, Benjamin L.
Hoopes, Townsend W.
Hoover, Herbert W., Jr.
Horelick, Arnold L.
Hormats, Robert D.
Horn, Garfield H.
Horn, Karen N.
Horn, Sally K.
Horner, Matina S.
Horowitz, Irving Louis
Horton, Alan W.
Horton, Elliott
Horton, Frank B., III
Hosmer, Bradley C.
Hottelet, Richard C.
Houghton, Amory, Jr.
Houghton, Arthur A., Jr.
Houghton, James R.
House, Karen Elliott
Hovey, Graham
Hovey, J. Allan, Jr.
Howard, John B.
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Hoyt, Mont P.
Huber, Richard L.
Hudson, Manley O., Jr.
Huebner, Lee W.
Hufbauer, Gary C.
Huffington, Roy M.
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Hugel, Charles E.
Huggins, Nathan I.
Hughes, John
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Huglin, Henry C.
Huizenga, John W.
Hummel, Arthur W., Jr.
Hunsberger, Warren S.
Hunter, Robert E.
Hunter-Gault, Charlayne
Huntington, Samuel P.
Hurewitz, J. C.
Hurlock, James B.
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Hyde, Henry B.
Hyland, William G.

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Ignatius, David
Iklé, Fred C.
Ilchman, Alice S.
Inderfurth, Karl F.
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Inman, B. R.
Intriligator, Michael D.
Ireland, R. L., III
Irish, Leon E.
Irwin, John N., II
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Isaacson, Walter
Iselin, John Jay
Isenberg, Steven L.
Isham, Christopher
Issawi, Charles
Istel, Yves-Andre
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Jacob, John E.
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Jahrling, Robert V. W.
Jamieson, J. K.
Janklow, Morton L.
Janow, Merit E.
Jansen, Marius B.
Jastrow, Robert
Jenson, John W.
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Jessup, Alpheus W.
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Johnson, Chalmers
Johnson, Howard W.
Johnson, Joseph E.
Johnson, Paul G.
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Johnston, Philip
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Jordan, Amos A.
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Jorden, William J.
Joseph, Geri M.
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Kahan, Jerome H.
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Kann, Peter R.
Kanter, Arnold
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Kaplan, Harold J.
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Kaplan, Mark N.
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Karis, Thomas G.
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Kass, Stephen L.
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Kassof, Allen H.
Katz, Abraham
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Katzenbach, Nicholas deB.
Katzenstein, Peter J.
Kaufman, Henry
Kaufmann, William W.
Kaysen, Carl
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Keatley, Anne
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Kelleher, Catherine M.
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Kemp, Geoffrey
Kempe, Frederick
Kempner, Maximilian W.
Kendall, Donald M.
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Kennedy, David M.
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Keppel, Francis
Kern, Harry F.
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Ketelsen, James L.
Keydel, John F.
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Kiermaier, John
Kieschnick, W. F.
Kilson, Martin
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King, John A., Jr.
Kintner, William R.
Kipper, Judith
Kirby, Michael A.
Kirk, Grayson L.
Kirkland, Lane
Kirkpatrick, Jeane J.
Kiser, William S.
Kissinger, Henry A.
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Kleiman, Robert
Klein, David
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Knight, Robert Huntington
Knoppers, Antonie T.
Knowlton, William A.
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Kohler, Foy D.
Kojm, Christopher A.
Kolodziej, Edward A.
Koltai, Steven R.
Komer, Robert W.
Kondracke, Morton
Korb, Lawrence J.
Korbonski, Andrzej
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Kraar, Louis
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Kramer, Michael
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Kraslow, David
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Krasno, Richard M.
Krause, Lawrence B.
Kreidler, Robert N.
Kreisberg, Paul H.

Krepon, Michael
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Krisher, Bernard
Kristol, Irving
Krugman, Paul R.
Kruidenier, David
Kruzel, Joseph
Kubarych, Roger M.
Kubisch, Jack B.
Kucewicz, William
Kulewicz, John J.
Kupchan, Charles A.
Kupperman, Robert H.
Kurth, James R.

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Labrecque, Thomas G.
Lahoud, Nina J.
Laise, Carol C.
Lake, W. Anthony
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Lall, Betty Goetz
Lamm, Donald S.
Lamont, Edward
Lamont, Lansing
Lamontagne, Raymond A.
Lampton, David M.
Lancaster, Carol J.
Landau, George W.
Landry, Lionel
Laney, James T.
Langer, Paul F.
Lansner, Kermit
LaPalombara, Joseph
Lapham, Lewis H.
Lapidus, Gail W.
Laqueur, Walter
Larrabee, F. Stephen
Lary, Hal B.
Lauder, Leonard A.
Lauinger, Philip C., Jr.
Laukhuff, Perry
Laventhol, David A.
Lawrence, Richard
Lazarus, Steven
Le Blond, Richard K., II
Leddy, John M.
Lederberg, Joshua
Lederer, Ivo John
Lee, Ernest S.
Lee, John M.
Lee, William L.
Lefever, Ernest W.
Leghorn, Richard S.
Legvold, Robert H.
Lehman, John R.
Lehman, Orin
Lehrer, Jim
Lehrman, Hal
Leich, John Foster
Leigh, Monroe
Leland, Marc E.
Lelyveld, Joseph
LeMelle, Tilden J.
LeMelle, Wilbert J.
Leonard, H. Jeffrey
Leonard, James F.
Leonard, James G.
Leonhard, William E.
Leslie, John E.
Levine, Irving R.
Levine, Mel
Levine, Susan B.
Levinson, Marc
Levitas, Mitchel
Levy, Marion J., Jr.
Levy, Reynold
Levy, Walter J.
Lewis, Bernard
Lewis, Drew
Lewis, Flora
Lewis, John P.
Lewis, John Wilson
Lewis, Samuel W.
Lewis, Stephen R.
Lewis, W. Walker
Li, Victor H.
Libby, I. Lewis
Lichtblau, John H.
Lieber, Robert J.
Lieberman, Henry R.
Lieberthal, Kenneth
Liffers, William A.
Lincoln, Edward J.
Lindquist, Warren T.
Lindsay, Franklin A.
Lindsay, George N.
Lindsay, John V.
Lindsay, Robert V.
Link, Troland S.
Linowes, David F.
Linowitz, Sol M.
Lipper, Kenneth
Lipscomb, Thomas H.
Lipset, Seymour Martin
Lipsky, Seth
Lipson, Leon
Lissakers, Karin M.
Little, David
Litwak, Robert S.
Livingston, Robert Gerald
Llewellyn, J. Bruce
Locke, Edwin A., Jr.
Lockwood, John E.
Lodal, Jan M.
Lodge, George C.
Loeb, Frances Lehman
Loeb, John L.
Loeb, Marshall
Loft, George
Logan, Francis D.
Long, Franklin A.
Long, Jeffrey W.
Long, T. Dixon
Loomis, Henry
Loos, A. William
Lord, Bette Bao
Lord, Charles Edwin
Lord, Winston
Lovelace, Jon B.
Lovestone, Jay
Low, Stephen
Lowenfeld, Andreas F.
Lowenfeld, David
Lowenstein, James G.
Lowenthal, Abraham F.
Loy, Frank E.
Lozano, Ignacio E., Jr.
Lubenau, Stanley B.
Lucas, C. Payne
Luce, Charles F.
Luck, Edward C.
Luers, William H.
Lustick, Ian S.
Luter, Yvonne
Luttwak, Edward N.
Lyman, Richard W.
Lynch, Edward S.
Lynn, James T.
Lynn, Laurence E., Jr.
Lynn, William J.
Lyon, E. Wilson
Lyons, Gene M.
Lythcott, George I.

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McAdams, David
McAllister, Jef Olivarius
McAuliffe, Jennifer Toolin
McCall, H. Carl
McCarthy, John G.
McCloy, John J.
McCloy, John J., II
McColough, C. Peter
McConnell, Michael W.
McCormack, Elizabeth J.
McCouch, Donald G.
McCracken, Paul W.
McCurdy, Dave K.
McDonald, Alonzo L.
McDonough, William J.
McDougal, Myres S.
McFarlane, Robert C.
McGee, Gale W.
McGhee, George C.
McGiffert, David E.
McGillicuddy, John F.
McGovern, George S.
McHale, Thomas R.
McHenry, Donald F.
McKee, Katharine
McKeever, Porter
McKinley, John K.
McKinney, Robert
McLaughlin, David T.
McLean, Sheila Avrin
McLin, Jon B.
McManus, Jason
McNamara, Robert S.
McNeill, Robert L.
McPherson, Harry C., Jr.
McPherson, M. Peter
McQuade, Lawrence C.
MacArthur, Douglas, II
MacCormack, Charles F.
MacDonald, Gordon J.
MacEachron, David W.
MacFarquhar, Emily
MacGregor, Douglas A.
MacGregor, Ian K.
MacLeary, Bruce K.
Macomber, John D.
Macomber, William B.
Macy, Robert M., Jr.
Maged, Mark J.
Magowan, Peter A.
Maguire, John D.
Mahoney, Margaret E.
Maier, Charles S.
Mainwaring, Scott
Malek, Frederic V.
Malin, Clement B.
Mallery, Richard
Malmgren, Harald B.
Malone, Peter
Manca, Marie Antoinette
Mandelbaum, Michael E.
Mangels, John D.
Manilow, Lewis
Mann, Michael D.
Manning, Bayless
Manning, Robert J.
Mansager, Felix N.
Manshel, Warren Demian
Marans, J. Eugene
Marcom, John E., Jr.
Marcum, John Arthur
Marcy, Carl
Marder, Murrey
Margolis, David I.
Mark, David E.
Mark, Hans M.
Markoff, Michele G.
Marks, Leonard H.
Marks, Paul A.
Marks, Russell E., Jr.
Marmor, Theodore R.
Marous, John C.
Marron, Donald B.
Marshak, Robert E.
Marshall, Andrew W.
Marshall, Anthony D.
Marshall, C. Burton
Martin, Edwin M.
Martin, Malcolm W.
Martin, William McC., Jr.
Martin, William F.
Martinez, Vilma S.
Martinuzzi, Leo S., Jr.
Mason, Elvis L.
Massie, Suzanne
Masten, John E.
Mathews, Jessica Tuchman
Mathews, Michael S.
Mathias, Charles McC., Jr.
Matlock, Jack F., Jr.
Matsui, Robert T.
Matsuoka, Tama
Matteson, William B.
May, Ernest R.
Mayer, Claudette M.
Mayer, Gerald M., Jr.
Mayer, Lawrence A.
Maynard, Robert C.
Maynes, Charles William
Mazur, Jay
Mead, Dana G.
Meagher, Robert F.
Mehta, Ved
Meissner, Charles F.
Meister, Irene W.

Melloan, George R.
Melville, Richard A.
Mendlovitz, Saul H.
Menke, John R.
Meron, Theodor
Merow, John E.
Merrill, Philip
Merritt, Jack N.
Merszei, Zoltan
Meselson, Matthew
Messner, William Curtis, Jr.
Metcalf, George R.
Mettler, Ruben F.
Meyer, Cord
Meyer, Edward C.
Meyer, John R.
Meyer, Karl E.
Meyerson, Martin
Mickelson, Sig
Middleton, Drew
Midgley, Elizabeth
Midgley, John J., Jr.
Miller, Charles D.
Miller, David Charles, Jr.
Miller, Franklin C.
Miller, J. Irwin
Miller, Judith
Miller, Paul L.
Miller, William G.
Miller, William J.
Millett, Allan R.
Millington, John A.
Mills, Bradford
Milner, Helen
Minow, Newton N.
Mladek, Jan V.
Mochizuki, Mike
Moe, Sherwood G.
Mondale, Walter F.
Montgomery, Parker G.
Montgomery, Philip O'B.
Moody, Jim
Moody, William S.
Moore, John Norton
Moore, Jonathan
Moore, Paul, Jr.
Moose, Richard M.
Moran, Theodore H.
Morgan, Cecil
Morgan, Thomas E.
Morgenthau, Lucinda L. Franks
Morley, James William
Morrell, Gene P.
Morris, Grinnell
Morris, Max K.
Morrisett, Lloyd N.
Morse, David A.
Morse, Edward L.
Morse, F. Bradford
Morse, Kenneth P.
Moses, Alfred H.
Moss, Ambler H., Jr.
Motley, Joel
Moynihan, Daniel P.
Mroz, John Edwin
Mudd, Margaret F.
Mulford, David C.
Mulholland, William D.
Muller, Henry
Muller, Steven
Munger, Edwin S.
Munro, J. Richard
Munroe, George B.
Munroe, Vernon, Jr.
Munyan, Winthrop R.
Murphy, Joseph S.
Murray, Allen E.
Murray, Douglas P.
Murray, Lori Esposito
Muse, Martha T.
Muskie, Edmund S.

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Nachmanoff, Arnold
Nacht, Michael
Nadiri, M. Ishaq
Nagorski, Zygmunt
Nathan, James A.
Nathan, Robert R.
Natt, Ted M.
Nau, Henry R.
Neal, Alfred C.
Negroponte, John D.
Neier, Aryeh
Nelson, Clifford C.
Nelson, Jack
Nelson, Mark A.
Nelson, Merlin E.
Neustadt, Richard E.
Newberg, Paula R.
Newburg, Andre W. G.
Newell, Barbara W.
Newhouse, John
Newman, Priscilla A.
Newman, Richard T.
Newsom, David D.
Newton, Quigg, Jr.
Newton, Russell B., Jr.
Ney, Edward N.
Nichols, Rodney W.
Niehuss, John M.
Niehuss, Rosemary Neaher
Nielsen, Waldemar A.
Nimetz, Matthew
Nitze, Paul H.
Nolan, Janne E.
Nolan, Kimberly
Nolte, Richard H.
Nooter, Robert H.
Norman, William S.
Norstad, Lauris
Norton, Augustus R.
Norton, Eleanor Holmes
Nossiter, Bernard D.
Novak, Michael
Noyes, Charles Phelps
Nugent, Walter
Nye, Joseph S., Jr.

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Oakes, John B.
Oberdorfer, Don
O'Clereacain, Carol
O'Connor, Walter F.
Odeen, Philip A.
Odom, William E.
O'Donnell, Kevin
Oettinger, Anthony G.
Offie, Morris W.
O'Flaherty, J. Daniel
Ogden, Alfred
Ogden, William S.
O'Hare, Joseph A.
O'Keefe, Bernard J.
Okimoto, Daniel I.
Oksenberg, Michel
Okun, Herbert
Oliver, Covey T.
Olmstead, Cecil J.
Olsen, Leif H.
Olson, William C.
Olvey, Lee D.
O'Malley, Cormac K. H.
Omestad, Thomas
O'Neill, Michael J.
Opel, John R.
Oppenheimer, Franz M.
Ornstein, Norman J.
Osborn, George K., III
Osborne, Richard de J.
Osmer-McQuade, Margaret
Osnos, Peter
Ostrander, F. Taylor
Overholser, Geneva
Owen, Henry
Owen, Roberts B.
Oxman, Stephen A.
Oxnam, Robert B.
Oye, Kenneth A.

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Packard, George R.
Page, John H.
Pagels, Heinz R.
Paine, George C., II
Pais, Abraham
Palenberg, John C.
Paley, William S.
Palmer, Mark
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Palmieri, Victor H.
Panofsky, Wolfgang K. H.
Parker, Daniel
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Parkinson, Roger
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Passin, Herbert
Patrick, Hugh T.
Patterson, Gardner
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Pauker, Guy J.
Paul, Roland A.
Payne, Samuel B.
Peacock, P. Dexter
Pearce, William R.
Pearistine, Norman
Pearson, John E.
Peck, Michael A.
Pedersen, Richard F.
Peigrift, Kathryn C.
Pell, Claiborne
Penfield, James K.
Pennoyer, Robert M.
Peretz, Don
Perkins, Edward J.
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Perle, Richard N.
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Peters, Arthur King
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Petersen, Donald E.
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Petersen, Howard C.
Peterson, Peter G.
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Petraeus, David H.
Petree, Richard W.
Petschek, Stephen R.
Petty, John R.
Pezzullo, Lawrence A.
Pfaltzgraff, Robert L.
Pfeiffer, Jane Cahill
Pfeiffer, Ralph A., Jr.
Pfeiffer, Steven B.
Phillips, Christopher H.
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Picker, Harvey
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Piel, Gerard
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Pierre, Andrew J.
Pifer, Alan
Pigott, Charles M.
Pike, John E.
Pillsbod, Charles J., Jr.
Pincus, Lionel I.
Pincus, Walter H.
Pinkerton, W. Stewart
Pino, John A.
Pinola, J. J.
Pipes, Daniel
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Platig, E. Raymond
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Plimpton, Calvin H.
Podhoretz, Norman
Polk, William R.
Pollack, Gerald A.
Polsby, Nelson W.
Pond, Elizabeth
Poneman, Daniel B.
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Press, Frank
Pressler, Larry
Prestor, Lewis T
Prewitt, Kenneth
Price, John R., Jr
Price, Robert
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Puckett, Allen E
Pugh, Richard C
Purcell, Susan Kaufman
Pursley, Robert E
Pusey, Nathan M
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Putnam, Robert D
Pye, Lucian W
Pyle, Cassandra A

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Quandt, William B
Quester, George H
Quigg, Philip W
Quigley, Leonard V

R

Rabb, Maxwell M
Rabinowitch, Victor
Radway, Laurence I
Ragone, David V
Ramo, Simon
Ranis, Gustav
Rashish, Myer
Rather, Dan
Rathjens, George W
Rattner, Steven L
Rauch, Rudolph S
Ravenal, Earl C
Ravenholt, Albert
Ravitch, Richard
Rawl, Lawrence G
Raymond, Jack
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Reed, John S
Reed, Joseph Verner
Reed, Philip D
Reeves, Jay B L
Regan, John M, Jr
Reichert, William M
Reid, Ogden
Reid, Whitelaw
Reinhardt, John E
Reisman, W M
Renfrew, Charles B
Resor, Stanley R
Reston, James B
Revelle, Roger
Rey, Nicholas A
Reynolds, A William
Rhinelander, John B
Rhinesmith, Stephen H
Rhodes, Frank H T
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Rhodes, William R
Ribicoff, Abraham A
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Rice, Donald B
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Richardson, David B
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Swenson, Eric P
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Swing, John Temple
Symington, W Stuart
Szanton, Peter L

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Tempelsman, Maurice
Tennyson, Leonard B
Terracciano, Anthony P
Terry, Sarah M
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Theobald, Thomas C
Thery, Jane L Barber
Thoman, G Richard
Thomas, Barbara S
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Thomas, Evan W., III
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Thomas, Lewis
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Thomson, James C, Jr
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Thornell, Richard P
Thornton, John L
Thornton, Thomas P
Thorp, Willard L
Thorup, Cathryn L
Thurman, M R
Tillinghast, David R
Tillman, Seth P
Timothy, Kristen
Tisch, Laurence A
Todaro, Michael P
Todman, Terence A
Tolbert, Kathryn
Toll, Maynard J, Jr

what he was about to tell me. But first I told him about my court problems with Supreme Court cases and the change from public law to public policy in 1938 (all cases since to be judged under negotiable instrument law, not common law). He then told me **that all the higher court judges and all the state's attorneys were summoned to a secret meeting where they were told that the U.S. was a bankrupt nation owned entirely by its creditors, the bankers. The judges must take silent judicial notice of this but NEVER REVEAL IT OPENLY. The courts were henceforth under admiralty jurisdiction, but it was never to be so stated. They were to call it anything they wanted, but never admiralty!** If a litigant once knew that he was really in an admiralty court, he could **demand** that the international contract, which he had been a party to and had breached, be placed in evidence. This would enable him to contest the contract. It would further require that the court place the national debt in evidence. **But the bankers told them that it was not expedient at this time to reveal that they owned all the nations of the world. "You will not admit this admiralty jurisdiction in any proceedings!"**

So why was it not expedient? **Because there were too many guns in the hands of the free patriots out there!** Until they consolidate all the armies of the world into one, with overwhelming power under their control, it was not expedient! [The fundamental fact underlying the continuing secret effort and plan of the master conspirators is that **all outward actions and proceedings must continue as if the United States were still free and not under secret attack. This charade must continue until they are fully ready, with overwhelming military force, for the final OPEN takeover.]** End of quote.

WHAT IS FINCEN?

(The financial crime enforcement network)

As part of the trust to monitor and control the American people, the Bush administration has established the financial crime center (FINCEN) in Arlington, VA, whereby through the use of sophisticated computers the government has combined more than 100 databases on bank records, criminal suspects, driving records, census data, and myriads of business and financial activities of millions of honest law abiding citizens.

FINCEN is the largest government run artificial-intelligence database ever established. FINCEN has over 200 employees from the IRS, the FBI, the Secret Service, and the FDIC, and works closely with the BATF, the CIA, and the Defense Intelligence Agency. FINCEN acts as a collection point, clearing and distribution center of computerized data for virtually all other government agencies. Data which it receives and redistributes comes from: bank deposits, Fed bank reports, comptroller of the currency reports, FDIC bank reports, census income figures, Customs monetary reports, and FBI and DEA drug data.

FINCEN currently has access to over 35 financial databases, and they will create another 100, including computerized land records, real estate records, credit reports, CTR's, Forms 8300, bank reports, etc. The models, data, financial patterns, and individual names generated by FINCEN **are being shared with the IRS, its Criminal Investigation Division, and state and local governments.** Before a recent amendment to the "Right to Financial Privacy Act" passed, these activities were illegal. VIRTUALLY ALL THE ACTIVITIES OF FINCEN VIOLATE THE U.S. CONSTITUTION'S 4TH AMENDMENT GUARANTEE OF THE RIGHT OF PRIVACY.

FINCEN and U.S. Government officials **ADMIT THAT FINCEN IS A TRIAL RUN FOR A WORLD SYSTEM OF FINANCIAL TRACKING, SURVEILLANCE, AND CONTROL.** FINCEN is an essential element of George Bush's and Michail Gorbachev's NEW WORLD ORDER and of the coming New Age.

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others be denied an opportunity? This is our nation. And we have a right to leaders who represent *us*, not international banking or world government.

We Americans can make a difference. We can speak out, alerting our friends and neighbors to the danger facing our republic. And we can elect congressmen who will fight the Establishment — this means congressmen who will:

- Support the Constitution and oppose a constitutional convention.
- Support a strong U.S. defense and oppose any treaty that moves us toward alignment with the Soviet Union.
- Support effectual aid to foreign peoples battling Communist aggression, and oppose trade and credits for Marxist regimes.
- Oppose the strengthening of the UN and other international agencies of dubious merit.
- Support reductions in federal spending, taxation, and bureaucracy.

Where we cannot elect representatives devoted to such a platform, we can still urge them to vote this way on individual legislative issues.

And we can seek a President who will jettison the CFR.* Of course, all White House candidates claim to have no strings attached. Woodrow Wilson ran as the anti-Money Trust candidate, FDR as the anti-Wall Street candidate, Jimmy Carter as the anti-"insider" candidate, and Ronald Reagan as the anti-Trilateral Commission candidate. As Chief Executives, however, all of these men were guided by the very forces they allegedly opposed. So the voters have to choose with exquisite wisdom.

It is also time to call for a Congressional investigation of both the Council on Foreign Relations and the Trilateral Commission, as the American Legion did in 1980.

* One candidate in the 1988 campaign explicitly pledged to do so if elected. Pat Robertson stated on November 16, 1987: "I intend to eliminate the influence of the Council on Foreign Relations and the Trilateral Commission from the State Department and the Treasury Department. I intend to appoint as Secretary of State someone who puts the long range interests of the United States first, rather than trying to sacrifice our interests in order to achieve global accommodation with the Soviet Union." On the other hand, of eight foreign policy advisors listed for Michael Dukakis in *Time* magazine for May 2, 1988, seven were members of the CFR.

Tomlinson, Alexander C.
Tonkens, Alan
Toppel, Seymour
Tolk, Robert C
Traub, Harry D., II
Traub, Russell E.
Trainor, Bernard E
Train, Eugene P.
Traver, Peter J
Travis, Martin B., Jr.
Treat, John Elting
Tree, Marietta
Treverton, Gregory F.
Trewhitt, Henry L.
Trezise, Philip H.
Trifin, Robert
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Trost, C. A. H
Trowbridge, Alexander B.
Truman, Edwin M.
Tu, Lawrence P.
Tucker, H. Anita
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Tuck, Edward Mallam
Tucker, Richard F.
Tucker, Robert W.
Tung, Ko-Yung
Turenchk, John
Turner, Stansfield
Turner, William C.
Tuthill, John Wells
Tyrrell, R. Emmett, Jr
Tyson, Laura D'Andrea

U

Udovich, A. L.
Uhlig, Mark
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Ungar, Sanford J
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Unger, Leonard
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Utley, Garrick

V

Vagliano, Alexander M
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Valdez, Abelardo Lopez
Valenta, Jiri
Valentine, Debra A
Vance, Cyrus R.
van den Haag, Ernest
vanden Heuvel, Katrina
vanden Heuvel, William J
Van Fleet, James A
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Vari, Lawrence A
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Vieira, Richard D
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Vogelgesang, Sandy
Voigt, George J
Volcker, Paul A
Von Klemperer, Alfred H
von Mehren, Robert B
Vuono, Carl Edward

W

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Warner, Rawleigh, Jr.
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Waterbury, John
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Watson, Thomas J., Jr.
Watzenberg, Ben J
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Watts, John H
Watts, William
Way, Alva O.
Weaver, George L.-P
Webb, James H., Jr
Webster, Bethuel M
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Wehrle, Leroy S
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White, Robert M.
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Wright, Jerauld
Wriston, Walter B
Wyman, Thomas H

Y

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Yost, Casimir A.
Young, Alice
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Young, Nancy
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Youngman, William S.
Yu, Frederick T. C
Yudkin, Richard A.

Z

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Zimmerman, Peter D
Zimmerman, William
Zimmermann, Warren
Zoepf, Dorothy S
Zuckert, Norton D
Zumbaum, Barry
Zraket, Charles A
Zuckerman, Morarrer B
Zumwalt, Elmo R., Jr.
Zwick, Charles J
Zyzman, John

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Urgent Information!

Do You Know?

A plot to overturn the United States Constitution has reached the New Jersey Legislature!

That "ACR 30," introduced by general assembly member Richard Kamin, will if passed, bring our country to the brink of an unprecedented Constitutional Convention!

Do You Know?

That legal scholars agree with former Chief Justice Warren E. Burger "that there is no effective way to limit or muzzle the actions of a Constitutional Convention"!

That radical elitists of the eastern establishment already have a dozen far-reaching amendments prepared to dramatically grab enormous powers for themselves in this time of crisis, and rob the people of our powers and freedoms!

Do You Know?

That it takes 34 states under "Article 5" to trigger a Federal Constitutional Convention, and that 32 states have recklessly, without regard to consequences, issued these dangerous calls!

That, unless we citizens wake up and stop them, New Jersey and Ohio lawmakers will make the 33rd and 34th states, and will without recourse, plunge America into a frightening and harmful Constitutional Convention!

Do You Know?

That the people of Ohio have for many weeks been fighting to save the Constitution and that we, the people of New Jersey, can likewise demand our lawmakers protect and defend the Constitution of the United States of America by fighting the reckless proposal "ACR 30"!

What To Do?

Don't wait! Contact General Assembly and State Senate members in your area and demand that they oppose "ACR 30" (and all bills that place our precious U.S. Constitution at risk). Do This Now!

See the other side of this flyer for names, addresses and phone numbers of the state lawmakers.

Copy And Distribute Widely!

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Collins, Jack-3	63 East Ave., Woodstown, NJ 08098	609-769-3633
Connors, Christopher-9	620 W. Lacey Rd., Forked River, NJ 08731	609-693-6700
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Cottrell, Melvin-30	19A West County Line Road, Jackson NJ 08527	908-901-0702
Crecco, Marion-34	1029 Broad Street, Bloomfield, NJ 07003	201-338-7552
DeCroce, Alex-26	101 Gibralter Dr., Ste. 2-D, Morris Plains, NJ 07950	201-984-0922
Derman, Harriet-18	34 Rayle Court, Metuchen, NJ 08840	908-238-2558
DiGaetano, Paul-36	21 Henderson Street, Passaic, NJ 07055	201-933-0533
Doria, Joseph, Jr.-31	235 Broadway, Bayonne, NJ 07002	201-437-5150
Dunn, Tom-20	1120 Applegate Ave., Elizabeth, NJ 07202	908-352-8888
Farragher, Clare-12	Broad St. Prof. Plaza, Ste. 4, Freehold, NJ 07728	908-462-9009
Felice, Nicholas-40	4-02 Fair Lawn Ave., Fair Lawn, NJ 07410	201-796-3636
Franks, Robert-22	219 South St., Murray Hill Off. Pk., New Providence, NJ 07974	908-665-7777
Frelinghuysen, Rodney-25	Park Square Bldg., 10 Park Place, Morristown, NJ 07960	201-933-1300
Gaffney, John-2	4 Meadow Dr., Egg Harbor Twp., NJ 08221	609-926-2071
Garrett, E. Scott-24	61 Spring St., 3rd Floor, Newton, NJ 07860	201-579-7585
Geist, George-4	24 Hemlock Dr., Gloucester Twp., NJ 08012	609-227-1881
Gibson, John-1	4466 Venitian Rd., Sea Isle City, NJ 08243	609-624-1222
Green, Jerry-17	1460 Prospect Ave., Plainfield, NJ 07060	908-561-5757
Haines, Virginia-10	497 Batchelor St., Toms River, NJ 08753	908-840-9028
Hartmann, John-15	1 Woodmeadow Lane, Princeton Junction, NJ 08550	609-882-0317
Haytaian, Garabed-23	1500 Route 517, Ste. 212, Hackettstown, NJ 07840	908-850-8800
Heck, Rose Marie-38	Courtyard Mall, 2 Mercer St., Ste. 5, Lodi, NJ 07644	201-777-6344
Hudak, George -20	24-52 Rahway Ave., Elizabeth, NJ 07202	908-353-7722
Impreveduto, Anthony-32	100 Route 153, Secaucus, NJ 07094	201-864-3232
Kamin, C. Richard-24	88 Bartley Square, Unit B-4, Flanders, NJ 07836	201-584-5422
Kavanaugh, Walter-16	76 N. Bridge St., Somerville, NJ 08876	908-526-4222
Kelly, John-36	484 Bloomfield Ave., Ste. 16, Montclair, NJ 07042	201-667-6123
Kenny, Bernard, Jr.-33	450 7th St., Unit LL-7, Hoboken, NJ 07030	201-653-1466
Kramer, Paul-14	180 Applegate Dr., Hamilton Square, NJ 08690	609-586-1330
Kronick, David-32	7911 Bergenline Ave., North Bergen, NJ 07047	201-861-1111
Lance, Leonard-23	119 Main St., Flemington, NJ 08822	908-788-6900
LoBiondo, Frank-1	Crt Hse Commons, 601 Rte 9 S., Cape May Ct. Hse, NJ 08210	609-465-1380
Lustbader, Monroe J.-21	28 Fairfield Terrace, Short Hills, NJ 07078	201-467-1686
Martin, Robert-26	101 Gibralter Dr., Ste. 2-D, Morris Plains, NJ 07950	201-984-0922
Mattison, Jackie-29	1072 Bergen St., Newark, NJ 07112	201-705-3595
Mazur, D. Bennett-37	448 Main St., Fort Lee, NJ 07042	201-944-0693
McEnroe, Harry-28	15 Village Plaza, Ste. 1C, South Orange, NJ 07079	201-762-0044
Mikulak, Stephen-19	91 East Street, Colonia, NJ 07067	908-388-8614
Moran, Jeffrey-9	620 W. Lacey Rd., Forked River, NJ 08731	609-693-6700
Nickles, Frederick-2	Bevis Mill Rd., R.D.1, Box 447A, Mays Landing, NJ 08330	609-927-7807
Ogden, Maureen-21	266 Essex St., Millburn, NJ 07041	201-467-5153
Oros, Ernest-19	44 Fanning St., Fords, NJ 08863	908-225-2672
Pascrell, Williams, Jr.-35	470 Chamberlain Ave., Ste. 2, Paterson, NJ 07522	201-942-7755
Penn, John-16	25 Maple St., Somerville, NJ 08876	908-526-3600
Roberts, Joseph-5	655 Creek Rd., Bellmawr, NJ 08031	609-931-1828
Rocco, John-6	295 West Route 70, Cherry Hill, NJ 08002	609-428-8077
Roma, Patrick-38	40 E. Midland Ave., Paramus, NJ 07652	201-265-6680
Romano, Louis-33	5918 Bergenline Ave., Ste. 200, West New York, NJ 07093	201-863-3355
Rooney, John-39	Valley Off.Pk, 466 Old Hook Rd., Emerson, NJ 07630	201-967-8910
Russo, David-40	22 Paterson Ave., Midland Park, NJ 07432	201-444-9719
Shinn, Robert, Jr.-8	223 High St., Mount Holly, NJ 08060	609-267-9378
Singer, Robert-30	24 Kimball Road, Lakewood, NJ 08701	908-901-0702
Smith, Joann-13	28 Highway 34, Matawan, NJ 07747	908-583-5558
Smith, Robert-17	44 Stelton Rd., Rom 250, Piscataway, NJ 08854	908-752-0770
Smith, Tom-11	1040 Summerfield Ave., Asbury Park, NJ 07712	908-776-8628
Solomon, Lee-6	295 West Route 70, Cherry Hill, NJ 08002	609-428-8077
Sosa, Jose-7	8 Thorndyke Ave., Mount Holly, NJ 08060	609-267-3612
Stuhltrager, Gary-3	232 South Broad St., Woodbury, NJ 08096	609-853-7868
Vandervalk, Charlotte-39	220 Kinderkamack Rd., Ste. E., Westwood, NJ 07675	201-666-0881
Warsh, Jeff-18	321 Orlando St., Edison, NJ 08817	908-819-7551
Watson, John-15	240 W. State St., Trenton, NJ 08608	609-394-8296
Weber, Mary Virginia-4	21 Tiros Ave., Sewell, NJ 08080	609-589-2484
Wolfe, David-10	3917 Herbertsville Rd., Point Pleasant, NJ 08742	908-840-9028
Wright, Barbara-14	20 Davison Rd., P.O. Box 266, Plainsboro, NJ 08536	609-586-1330
Zangari, James-28	1200 Clinton Ave., Irvington, NJ 07111	201-399-1000
Zecker, Gerald-34	150 Clove Rd., Little Falls, NJ 07424	201-256-5363

Senate

Adler, John-6	222 Chanticleer, Cherry Hill, NJ 08003	609-428-3343
Bassano, C. Louis-21	324 Chestnut St., Union, NJ 07083	908-687-4124
Bennett, John O.-12	615 Hope Road, CN One, Eatontown, NJ 07724	908-389-0139
Brown, Leanna-26	123 Columbia Tpk., Ste. 102A, Florham Park, NJ 07932	201-966-6200
Bubba, Joseph L.-34	279 Browertown Rd, Ste. 100, W. Paterson, NJ 07424	201-256-4020
Caflero, James S.-1	P.O. Box 789, 3319 Jersey Ave., Wildwood, NJ 08260	609-522-0462
Cardinale, Gerald-39	350 Madison Ave., Cresskill, NJ 07626	201-567-2324
Ciesla, Andrew R.-10	545 Winding River Court, Brick, NJ 08724	908-840-9028
Codey, Richard James-27	331 Main St., West Orange, NJ 07052	201-731-6770
Connors, Leonard, Jr.-9	Clock Tower Bldg., 620 W. Lacey Rd., Forked River, NJ 08731	609-693-6700
Corman, Randy-19	49 Farnham Square, Parlin, NJ 08859	908-651-8682
Cowan, Thomas F.-32	895 Bergen Ave., Rm. 300, Jersey City, NJ 07306	201-432-3225
DeFrancesco, Donald T.-22	1801 E. 2nd St., Scotch Plains, NJ 07076	908-322-5500
Dimon, John E.-30	1040 Potts Mill Road, Bordentown, NJ 08505	609-298-6250
Dorsey, John H.-25	355 Route 46, Mountain Lakes, NJ 07046	201-627-7800
Ewing, John H.-16	75 Claremont Rd., Bernardsville, NJ 07924	908-766-7757
Feldman, Matthew-37	Glenpoint Ctr., 500 F.W.Burr Blvd., Teaneck, NJ 07666	201-692-1313
Girgenti, John A.-35	100 Hamilton Plaza, Paterson, NJ 07505	201-345-1430
Gormley, William L -2	1333 Atlantic Ave., Ste. 303, Atlantic City, NJ 08401	609-345-0013
Haines, C. William-8	PO Box 99, Marne Highway, Mt. Laurel, NJ 08054	609-235-0400
Inverso, Peter-14	8 Cardinal Rd., Hamilton, NJ 08619	609-586-1330
Kosco, Louis-38	160 Midwood Rd., Paramus, NJ 07652	201-652-7735
Kyrillos, Joseph M., Jr.-13	1715 St. Hwy 35, Middletown, NJ 07748	908-671-3206
La Rossa, Dick-15	150 Bull Run Road, Trenton, NJ 08638	609-771-0330
Lesniak, Raymond-20	24-52 Rahway Ave., Elizabeth, NJ 07202	908-353-7722
Lipman, Dr. Wynona M.-29	50 Park Place, Ste. 1035, Newark, NJ 07102	201-622-0007
Littell, Robert E.-24	Routes 23 & 517, Box 328, Franklin, NJ 07416	201-827-2900
Lynch, John A.-17	100 Bayard St., New Brunswick, NJ 08901	908-249-4550
Matheussen, John-4	31 Mariner Dr., Sewell, NJ 08080	609-228-8552
McNamara, Henry P.-140	801 Franklin Pl., PO Box 663, Franklin Lakes, NJ 07417	201-848-9600
Menendez, Robert-33	4808 Bergenline Ave., Union City, NJ 07087	201-863-3355
O'Connor, Edward T., Jr.-31	1662 Kennedy Blvd., Jersey City, NJ 07305	201-451-6120
Palaia, Joseph A.-11	290 Norwood Dr., Ste. 204, Deal, NJ 07723	908-531-1303
Rand, Walter-5	514 Cooper St., Camden, NJ 08102	609-541-1251
Rice, Ronald L.-28	1101 S. Orange Ave., Newark, NJ 07106	201-371-5665
Schluter, William E.-23	2 N. Main St., Flemington, NJ 08822	908-788-3800
Scott, John-36	295 Pine Street, Lyndhurst, NJ 07071	201-939-9288
Sinagra, Jack-18	44 Valley Forge Drive, East Brunswick, NJ 08816	908-238-2558
Smith, Bradford S.-7	2313 Laurel Drive, Cinnaminson, NJ 08077	609-829-1330
Zane, Raymond J.-3	39 S. Broad, The White House, Ste.3, Woodbury, NJ 08096	609-848-1102

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TELEPHONE #1. your State Assemblyman and then #2. your State Senator immediately and tell both of them to ABSOLUTELY OPPOSE ACR-30 -and- ANY and ALL similar resolutions which call for what is known as a "Constitutional Convention" to REWRITE the U.S. Constitution. Tell both of them that you DO NOT WANT Freedom of Religion, Speech, of the Press, the Right to Keep and Bear Arms, the entire American way of life OVERTHROWN.

CALL IMMEDIATELY: either 1-800-792-8630 -or- (609) 292-4840 -or- (609) 292-4841 and ask for the names & phone numbers of BOTH your State Assemblyman and State Senator if you do not know who they are and then CALL THEM BOTH IMMEDIATELY.

Please DO NOT PUT THIS OFF.

PLOTTING TO REWRITE THE U.S. CONSTITUTION

By Phyllis Schlafly

An unreported meeting of about 30 persons took place at the Mayflower Hotel in Washington, D.C., on December 5, 1986. What they decided on that day didn't find its way into the press until January 11, 1987, when the *New York Times* published a page-one story telling only some of what happened.

Those who gathered at the Mayflower were some serious-minded movers and shakers who are plotting to rewrite the United States Constitution. They openly assert that our Constitution impedes solutions to many of today's problems and needs to be changed. This is no ragtag bunch of nobodies. It includes some of the most influential and important persons in America. A feeling of quiet arrogance pervaded the discussions; clearly this little group sees itself as persons with the vision and talents of James Madison, Alexander Hamilton, Benjamin Franklin, and the other Founding Fathers who met at the Constitutional Convention in Philadelphia 200 years ago this summer.

One speaker admitted that they are known as "the parliamentary government group." Indeed, that is the purpose which brings them together. The aim of this group is to change the structure of the U.S. Government by eliminating the Separation of Powers and replacing it with a European parliamentary system.

The real name of this group is the Committee on the Constitutional System (CCS). The organization itself has a very low profile; indeed, its name I.D. among the American public must be close to zero. However, the members are important, influential and powerful men.

The chairman and driving force of the CCS is Lloyd N. Cutler, identified in the *New York Times* only as "a prominent Washington lawyer." To be a "prominent" lawyer in Washington, D.C., the city with more lawyers than any other, is to be exceedingly influential. Lloyd Cutler is better known as President Jimmy Carter's adviser regarding the unratified SALT II Treaty.

Other important CCS members include former Secretary of the Treasury C. Douglas Dillon, former World Bank president Robert S. McNamara, former chairman of the Senate Foreign Relations Committee and leading Senate internationalist for many years J. William Fullbright, Senators Daniel Patrick Moynihan of New York and Charles Mathias, Jr. of Maryland, former Congressman and leading internationalist in the House for many years Henry Reuss, former Governor Dick Thornburgh of Pennsylvania, and James MacGregor Burns, a professor and historian who is often quoted in the New York Times.

The CCS and its members have been toying around with radical ideas for rewriting the U.S. Constitution for about ten years. Now, because of the press coverage that will spontaneously be given to the Bicentennial of the Constitution by newspapers and other media, the CCS is grasping at the opportunity to use the Bicentennial as a vehicle to make Americans dissatisfied with our Constitution and willing to accept structural changes.

In 1985, the Committee on the Constitutional System published its own 334-page book called Reforming American Government. It is a collection of 40 papers on the Constitution. They purport to discuss the Constitution from many different angles, but it is clear that the persistent message of this volume is dissatisfaction with our Constitution. The discussion of the Constitution in these papers is centered around such topics as "problem," "crisis," " reform," "defects," "decay,"and "risk."

The raison d'etre of the CCS volume is neatly summarized in the lead quotation by Robert S. McNamara which is featured on the back cover: "It is tempting to believe that our constitutional system, having survived for almost 200 years, can handle the daunting challenges it now confronts. But common sense warns us that it may not be so. These 'papers' are reassuring evidence that the creativity and sagacity of the original framers are still alive in this country. I hope they will help to stimulate a vigorous national debate over the best ways to meet the challenges of self-government in these difficult years."

When we analyze that statement, we can see that McNamara is saying that (1) common sense tells us that our Constitution is not adequate to today's challenges, and (2) the writers of the papers in the CCS book have as much creativity and sagacity as James Madison and George Washington. The book also makes it clear that this little group of self appointed elitists, who think they can do a better job than the Founding Fathers, are planning on using the Bicentennial as a platform to achieve their goals.

For those too young to remember who Robert S. McNamara is, it should be noted that he leapt into the national scene in 1960 as the head of Ford Motor Company in the era of the Edsel, one of the biggest business failures of all time. He was Secretary of Defense from 1961 to 1967 under Presidents John F. Kennedy and Lyndon Johnson -- the years when we lost our eight-to-one military superiority to the Soviet Union. By the time McNamara left the Pentagon in 1967, the Soviets had achieved parity with us in strategic nuclear power. President Johnson then appointed McNamara president of

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the World Bank, where he spent years giving away American tax dollars and berating Americans for not giving away more of our earned wealth to Third World countries.

The Separation of Powers

The Committee on the Constitutional System is very specific in its complaints about our Constitution and in its plan of action for replacing it. The CCS approved a report at the Mayflower meeting which asserts that the Separation of Powers between the executive and legislative branches has produced chronic "confrontation, indecision and deadlock" and also diffused "accountability for results." The CCS bemoans the declines of political parties and the increase in ticket-splitting by voters.

The Founding Fathers established the Separation of Powers as the fundamental basis of our structure of government. Our Constitution separated the powers of government so that each branch can serve as a check on the other two, and so that no one branch can become powerful enough to gobble up the others. This principle is what has preserved our freedom.

The reasoning is clear -- and it has worked for 200 years. While the people should grant enough power to government so it can function effectively, we the people really don't trust government. So we must separate government into competing branches, with each functioning as a restraint on the others.

James Madison, one of the principal architects of our Constitution, believed that this original institutional design created by the Constitution was the best way to achieve the twin goals of liberty and justice. By "contriving the interior structure of the government" in a particular way, Madison argued, "its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places."

All the power granted to the Federal Government by the Constitution was divided into three branches: the legislative, the executive, and the judicial, each with its prescribed list of enumerated powers. As James Madison bluntly put it, the "preservation of liberty requires that the three great departments of power should be separate and distinct." The functioning of our American Government does not -- and should not -- depend on the integrity of those who hold the power, but depends on the institutional restraints imposed on their exercise of power.

Our American Separation of Powers is entirely different from parliamentary systems, such as the British, where the executive and legislative branches are combined. James Madison argued that the accumulation of legislative, executive, and judicial powers in the same hands is "the very definition of tyranny."

The President may NOT dissolve Congress, as the British Prime Minister can dissolve Parliament and call a new election. The Founding Fathers emphatically opposed allowing the President to have this power over Congress.

Congress may NOT fire the President, as the British Parliament can fire the Prime Minister. The Founding Fathers' experience with England, where Parliament was all-powerful, had convinced them that, as Madison said, the legislature has a tendency to extend the "sphere of its activity" and to draw "all power into its impetuous vortex."

Members of Congress may NOT serve in executive branch offices, such as the Cabinet. That would violate the Separation of Powers principle.

The Separation of Powers principle mandates separate and distinct terms for each federal elective office: a four-year term for the President and Vice President, a six-year term for Senators, and a two-year term for members of the House of Representatives. The different terms of office and separate elections for the President, and for Senators and Representatives, were one of the ways that the Founding Fathers limited the power of Congress.

Each federal elective office must be voted on separately. The President may not run as a "ticket" or "slate" with a Senator or Representative because those offices are in a different branch of government.

All tax bills must originate in the House of Representatives, the body where every member must run for reelection every two years. The Founding Fathers knew that oppressive taxes, imposed by an unrestrained British parliament, were the main cause of the American Revolution. The two-year term of all Congressmen is one of our greatest guarantees of freedom. James Madison persuasively argued that "frequency of elections is the cornerstone . . . of free government."

The CCS Proposals

Now look at the specific proposals made by the Committee on the Constitutional System, and note how these proposals would destroy the Separation of Powers.

The CCS wants eight-year terms for Senators and four-year terms for House members, and wants to schedule all House elections in Presidential election years. This would eliminate the mid-term elections, along with the Congressmen's biennial worry that the voters might turn them out of office. This would have the effect of forcing the Representatives to run "with" the Presidential candidate instead of asserting independence from him. Some CCS members even favor requiring the voters to vote for President and Representative together, as we now vote for President and Vice President as a team.

The political reality of giving four-year terms to House members would be that the American people would have to abandon all hope of ever cutting taxes. As the Founding Fathers so clearly saw, the two-year term for House members is our best guarantee against oppressive taxes.

The CCS wants to permit members of Congress to serve in the Cabinet and other positions in the executive branch in order to bring "closer collaboration" between the branches of government. This is unconstitutional today under our Separation of Powers principle. Even the *New York Times* admits that this would be a "pronounced" move toward parliamentary government.

Many CCS members want the President to be able to dissolve Congress and call new elections, and for the Congress to be able to get rid of a President with less difficulty than it took in Watergate. CCS members haven't yet reached a consensus on the most practical way to achieve this goal, which is clearly forbidden under our present Constitution.

Many CCS members want to call a "special convocation" to re-allocate the division of powers among federal, state and local governments. The goal is to take control over the cities away from state governments and give control to the Federal Government. Control over cities is one of the powers clearly reserved to the states by the original Constitution.

Checks and Balances

After the framers of our Constitution in 1787 designed the Separation of Powers, they created an ingenious and interlacing network of checks and balances which function among the three separate branches. These checks and balances were designed to make the system work while, at the same time, preserving our

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liberties. Congress makes all the laws, but (with minor exceptions) they do not take effect unless signed by the President. The President can veto any act of Congress, but the Congress can pass the law over his veto by a two-thirds majority in both Houses. The President is Commander in Chief of the Armed Services, but only Congress may declare war.

The President can sign treaties, but they do not have any validity unless ratified by two-thirds of the Senators. The Founding Fathers were very familiar with the way the British king had exclusive power to make treaties, and they did not want the American President to exercise that enormous power alone.

The Supreme Court has the power of judicial review. It may not legislate or execute laws or engage in policy-making -- those powers belong to the other branches -- but the Court can nullify a law by declaring it unconstitutional. All federal court judges, including Supreme Court Justices, enjoy life tenure; but Congress has the power to take away or limit the jurisdiction of lower federal courts and of the appellate jurisdiction of the Supreme Court.

The CCS doesn't like this system, especially the restraints put by the Constitution on the President's power to make treaties. The CCS report states that "the ability to enter into formal agreements with other nations is vital to effective national government in an increasingly interdependent world." This is typical rhetoric of the groups that want to persuade the United States to exchange its independence for "interdependence" in some variety of world government.

So, the CCS wants to eliminate the two-thirds requirement for treaty ratification, and instead the CCS wants to require approval by only a majority of both Houses of Congress. The CCS's president, Lloyd Cutler, is still smarting from the refusal of the Senate to ratify the SALT II Treaty.

The CCS report complains that "over 40 treaties submitted to the Senate for ratification since World War II have either been rejected or have never come to a vote." Among those never ratified are SALT II and several United Nations treaties., This complaint clarifies the goals and preferences of the CCS.

The CCS wants to limit drastically the amounts of money that can be spent on Congressional and Senatorial campaigns. The CCS says that its purpose in making this recommendation is to reduce the influence of "interest group contributions." Translated, that means to increase the influence of Establishment-type groups such as the CCS.

This recommendation *puts* the CCS in direct opposition to our First Amendment rights, as defined by the Supreme Court in federal election cases, to support and contribute to the candidates of our choice.

New Faces, Old Goals

There is nothing new about attempts by elitist, establishment, internationalist types to rewrite the United States Constitution. The Ford Foundation-financed Center for the Study of Democratic Institutions at Santa Barbara, California, hired liberal academicians during the 1970s to produce some 40 successive drafts of a new constitution. The original project was headed by Rexford Guy Tugwell, one of the members of President Franklin D. Roosevelt's "brain trust" during the 1930s.

The Center's proposals had the same goal as the CCS recommendations, namely, to give us a parliamentary form of government that could be more easily manipulated by the liberal establishment power-brokers. But the Center's proposals were so radical, and their rhetoric was so alien to the ears of Americans, that these new constitutions were not taken seriously by the public or the politicians.

The internationalists then made a serious attempt to use the Bicentennial of the Declaration of Independence in 1976 as a vehicle to rewrite the U.S. Constitution. The World Affairs Council of Philadelphia published a "Declaration of INTERdependence" and somehow persuaded 104 Senators and Congressmen to sign it, including such famous names as Senators Alan Cranston, Hubert Humphrey, George McGovern, and Walter Mondale, and Congressmen John B. Anderson, Les Aspin, and John Brademas.

However, this ploy was greeted by a torrent of criticism from other Congressmen, and it was dropped.

In the 1980s, the Committee for the Constitutional System assumed the leadership of the plan to rewrite the Constitution. The CCS has been working on its project to trick us into a new constitution for about five years, and started publishing its plans to rewrite the Constitution in 1983.

Pandering to Political Parties

The 1987 version, however, has a significant new addition. The smart men in the CCS apparently have recognized that it will be very difficult to sell a rewrite of the Constitution to the American people, who have deep-seated reverence for our Constitution. And it is rather difficult to amend the Constitution in the traditional way. The normal amendment process, used for all 26 existing amendments, requires passage by two-thirds of each House of Congress and ratification by 38 State Legislatures.

So, the CCS has come up with an intermediate plan to facilitate acceptance of its goals. The CCS has figured out a way to line up important support, namely, the power structure of the Republican and Democratic parties. The game plan is to convince the hierarchy of both political parties that their own self-interest is tied to supporting the CCS plan to change the structure of our government.

The CCS report, therefore, weeps crocodile tears about the changes in voters' habits in the last quarter of the 20th century. The CCS report identifies these changes as "one-third of all voters were registered as independents, and even among voters registering with parties, ticket-splitting became the norm." Continuing, the CCS report sympathizes with the party bosses about "the weakening of parties" and the fact that members of Congress "owe their election less to party than to their own endeavors." The CCS report says: "Modern technology has enabled candidates to appeal to voters directly, through television, computer-assisted mailings and telephone campaigns, and by quick visits in jet airplanes, all of which have lessened their dependence on party organizations and leaders. The key to these technologies is money, but candidates found they could raise it directly for themselves better than through the party organization. At the same time, interest groups found they could exercise more power over legislative votes by contributing directly to selected candidates rather than to a party."

Many Americans believe that these are constructive improvements in the political process, and that it's a better system than dependence on party control. In any event, it's clear that these changes have taken place naturally in our free and democratic society. But the CCS is pandering to the political party bosses, appearing to sympathize with them in their decline of power, and then offering the party hierarchy a procedural method to regain the power they have lost.

The goal of the Committee for the Constitutional System is a system whereby legislative and policy deci-

sions are made by a handful of people at the top who are appointed, not elected. It's so much easier to control the country that way, as every dictator knows. So, the CCS is willing to increase the power of the hierarchy of both political parties as an intermediate step in order to facilitate acceptance of the long-range goals to change the structure of our government. Here is the bait the CCS is offering to the political parties.

The CCS wants to require Presidential nominating conventions to give uncommitted voting delegate positions to all incumbent Senators and to all party nominees for the Senate and House. This would give Congress a big voice in choosing the Presidential nominee of each party. Naturally, the political parties would like this, but this is contrary to the letter and spirit of the Founding Fathers' design.

The CCS wants to require all states to allow straight-ticket voting for all federal offices. This is to discourage split-ticket voting. This would be a stepping stone to the CCS's more radical plan to have mandatory straight-ticket voting for the President, Vice President, Senate and House candidates.

The CCS wants to require all broadcast advertising funds expended for Senate and House campaigns to come from taxpayer financing, one-half of which would be allocated at the discretion of the two political parties. This would abolish your right to contribute to the candidate of your choice, and force you to contribute (by your taxes) to candidates you do *not* want. This would load onto the taxpayers the cost of Senate and House campaigns which are now totally financed by voluntary contributions.

Even more mischievous is the plan to allow one-half of all Senate and House campaign funds (which all come from the taxpayers) to be distributed by the Republican and Democratic National Committees. This is a plan to pay off the party bosses to get their support of the CCS goals by offering them big money with which they can control party nominations and Congressional legislation. It would be so easy; campaign funds would be granted or withheld depending on whether the Congressman or Senator "cooperated" with the party. The Republican and Democratic National Committees would be able to enforce discipline over Congressional votes by the way they distribute (or don't distribute) taxpayer funds to candidates prior to each election.

The CCS also wants Congressional party caucuses to be given additional powers through stronger rules in order to formulate party positions and impose party discipline. This bait is ingeniously designed to increase the powers of Senate Majority Leader Robert Byrd and House Speaker Jim Wright, thereby line up their support.

Adopting the CCS "Package"

The Committee on the Constitutional System has a 51-person board of directors, and it's difficult if not impossible to get unanimity on anything from 51 people. So, instead of stating with finality the recommended changes in the U.S. Constitution, the CCS report cleverly presents what it calls the "desirable package" which CCS leaders hope will result from a discussion of constitutional changes. Here is the "package" which sums up the CCS's first step in changing us from a Separation of Powers government to a European parliamentarian government, which can be more easily controlled by the establishment elite:

"1. Adopting four-year terms for House members and eight-year terms for Senators, with elections in presidential years.

"2. Empowering the President (perhaps with the consent of a specified number of members of one or both houses) or the Congress (by a special or regular majority of both houses, or perhaps even by an absolute majority of members of one house) to call for a prompt election to all federal offices for new, full terms.

"3. Permitting the President to appoint members of Congress to the executive branch without requiring them to give up their seats.

"4. Allowing Congress, by constitutional amendment, if necessary, to place reasonable limitations on the total that may be spent in a political campaign.

"5. Holding a federal-state-local convocation every ten years to make recommendations for improving the federal system."

How does the Committee on the Constitutional System plan to get this "package" adopted? The report says that the CCS "favors" the traditional procedure by which 26 amendments have already been added to the U.S. Constitution, but the report does not say that the CCS opposes the other amendment procedure prescribed in Article V, which has never before been used.

The United States is now perilously on the brink of being plunged into this other Article V amendment route -- the calling of a Constitutional Convention. Unfortunately, 32 State Legislatures have passed resolutions calling for a Constitutional Convention to consider a Balanced Budget Amendment. If two more states do likewise, Article V requires Congress to call such a Constitutional Convention.

At that point, the United States Constitution would be up for grabs and open to any and all changes. We can assume that the Committee on the Constitutional System will be ready and waiting with its "package". The CCS members are men of power and influence who customarily enjoy wide access to the liberal media when they want it, and a respectful silence when they prefer to operate without publicity.

The CCS members are single-minded in their goal of restructuring the American Government, and are clever craftsmen with words. The CCS report opens and closes with words which obliquely urge a new Constitutional Convention to rewrite the United States Constitution. The opening section of the report states that CCS "honors" the great work of our forebearers "by seeking to emulate it." In other words, the CCS does not intend to celebrate the Bicentennial by honoring the Constitution which the Founding Fathers wrote; instead, the CCS wants to celebrate the Bicentennial by imitating (emulating) what the Founding Fathers did, namely, write a new constitution.

The CCS report concludes with the same theme: "The best way to honor the framers of the Constitution during this Bicentennial era is to follow their example." It is clear from the context that the CCS intends to follow the example of the Founding Fathers and write a new constitution; the CCS does NOT intend to follow the Constitution that the Founding Fathers wrote.

In this year of the Bicentennial, we should all follow the advice of George Washington to his troops: "Put none but Americans on guard tonight." If there ever was a time when Americans need to be on guard to protect our Constitution, that time is **NOW!**

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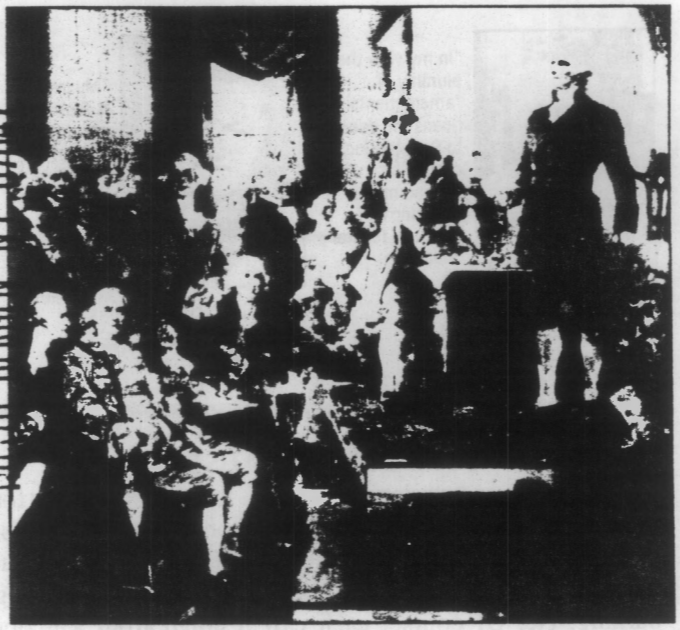
SILENT CRISIS

Tampering With the Constitution

by Don Fotheringham



The U.S. Constitution is in danger. The prospect of a constitutional convention has prompted historians and legal scholars to speak out and explain the perils of assembling such a body.

WHAT IS A CONVENTION?

A constitutional convention (often called a con-con) is unique to a free society. In our country the people are sovereign. When the people appoint delegates to represent them in a con-con, those delegates exercise their authority by virtue of powers inherent in the people. Such powers gave us our Constitution at the first Convention held in Philadelphia in 1787.

In the closing days of that historic assembly, our Founding Fathers provided two methods for future generations to add amendments to the Constitution.

Under Method #1, two-thirds of both houses of Congress propose amendments, and then three-fourths of the states ratify them.

And under Method #2, two-thirds of the states call for a federal constitutional convention, and then three-fourths of the states ratify whatever amendments are proposed by the convention.

Although both methods are established in Article V of the Constitution, the second, by federal convention, has never been used. All 26 amendments now a part of the Constitution originated in Congress and were ratified by three-fourths of the states.

Why has a convention never been used? Mainly because it places too much authority in one place. Over the years, our leaders have wisely avoided a con-con because such an assembly might follow the precedent of 1787 and exceed its mandate. Historians and scholars see the first convention as a "runaway," and they fear that a second con-con might do likewise. It was providential that our Founding Fathers did what they did. But it hardly seems wise to trust the special interests of today with powers that could be used either to rewrite the Constitution, or to erode it through a series of "limited" conventions.

A PROPITIOUS TIME FOR A CON-CON?

Before the Constitution was ratified and while a few state officials were still uneasy about certain parts of it, there began a movement to reopen the convention. James Madison was horrified by the mere suggestion of reconvening. In a letter to George Turberville, he said:

> Under all these circumstances it seems scarcely to be presumable that the deliberations of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a Second.

We do not presume that Madison never intended Article V's convention authorization to be used. But he wisely knew when not to use it. The year 1788 was not a good time; and today, if anything, is far worse. Anyone looking clearly at the mental and moral climate of our time must tremble at the very thought of a second convention. We must safeguard the Constitution by preventing a convention until we discover a genuine structural weakness that Congress refuses to deal with. Even then, there should be no convention until a wise and vigilant people can assemble "under every propitious circumstance."

In the meantime, Americans should keep the door locked and not allow uninspired men to tamper with our greatest national legacy, the Constitution of the United States.

It is hard to imagine a modern con-con that would not fall under the influence of the national media. Most major issues are framed by the opinion molders in government, and the press. Such influence could lead to dangerous constitutional changes, even the breakdown of safeguards built into our form of government. A con-con could alter the separation of powers, expand the authority of the President, grant legislative power to the Courts, and limit representation in Congress. A convention having power to do good would also have the power to do bad. Allowing a con-con at this time in our history is not worth such a risk no matter how compelling the cause may be.

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"In my view the plurality of 'amendments' opens the door to Constitutional change far beyond merely requiring a balanced federal budget."

Christopher Brown
Professor of Law
University of Maryland



"My own belief is that a constitutional convention cannot be confined to a particular subject...."

Charles Alan Wright
Professor of Law
University of Texas



"My understanding of the federal convention is that it is a general convention; that neither the congress nor the states may limit the amendments to be considered and proposed by the convention."

Neil H. Cogan
Professor of Law
Southern Methodist University



"The discretion with which Congress may discharge this duty is pregnant with danger even under the most salutary conditions."

Lawrence G. Tribe
Professor of Constitutional Law
Harvard University

COMPELLING CAUSES

Over the years, a variety of concerns have initiated calls for a constitutional convention: child labor, protective tariffs, federal taxing power, direct election of senators, abortion, balanced budget, limiting the terms of congressmen, flag burning, etc. Of course, each call resulted from a major concern. Yet the apparent need to solve the problem could lead to far more serious trouble: tampering with the U.S. Constitution. Fortunately, two-thirds of the states have never issued concerted convention calls, so none has been held since the first in 1787.

BIG SURPRISE

It comes as a news flash to most Americans to learn that 32 states have called for a con-con in the interests of adding a balanced budget amendment to the Constitution. North Dakota was the first state to do so in 1975, and Missouri was the 32nd in 1983.

According to Article V, Congress must call a convention when two-thirds of the states apply. That magic number today is 34 states. Alabama, Florida and Louisiana have now formally withdrawn their calls leaving 29 intact. In other words, our nation is only five states away from having a new con-con. Advocates of the convention are now working in 18 states to capture not five, but two more. If they get two more states to pass resolutions for a con-con, they plan to challenge the recent withdrawal actions of the three states, and to throw them into the courts while going ahead with a convention. Despite the historical precedent and the warnings about the dangers of a con-con given by an array of legal scholars, ambitious individuals are working hard to bring about such an assembly.

CONSPIRATORS AND OPPORTUNISTS

The movement to bring our Constitution into a convention is being directed by conspirators and carried out by opportunists. Unfortunately they are assisted by many sincere state legislators and naive citizens.

The opportunists are ambitious and organized. They carry conservative credentials and speak fluently about lowering taxes, balancing the budget, limiting congressional terms, and just getting government under control. The names of their groups seem innocuous enough and are disarming to the average patriotic American: the National Taxpayers Union (NTU) headed by James Davidson; the National Tax Limitation Committee (NTLC) led by Lewis Uhler; the American Legislative Exchange Council (ALEC) directed by various state legislators; and the Republican National Committee (RNC) chaired by Lee Atwater.

These groups are funded mostly by contributions from unwary citizens who think their projects lead to a more responsible Congress. The RNC, of course, enjoys support from millions of Americans who think the Republican Party stands for God, family, and fiscal responsibility. That perception, unfortunately, cannot be reconciled by performance.

James Davidson and Lewis Uhler are probably unwitting pawns of the conspiracy. Davidson runs a successful direct-mail fundraising enterprise at the expense of naive conservatives who think the NTU is going to bring about lower taxes. Uhler also makes a good living raising funds to "limit taxes,"



James Davidson

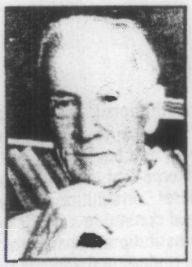


Lewis K. Uhler

The "tax" men are pushing for a con-con.

and "balance the budget." He insists that an already "out of control Congress" can issue guidelines that will control a con-con. Both men have done great harm by assuring state legislators that a convention call will "pressure" Congress into balancing the budget and that a convention, in reality, is not likely to occur.

While there is no proof that Davidson or Uhler knowingly work for conspirators, there is reason to believe that ALEC and the RNC are tied closely to the private Council on Foreign Relations (CFR) that works for the creation of a socialistic world government. The United States Constitution, of course, is totally incompatible with world socialism. If the CFR and other like-minded groups have their way, the Constitution would have to be gradually eroded, radically altered, or entirely scrapped. Certain CFR members are clearly seen as conspirators who work for these goals.



"A Convention might propose a single amendment but it would clearly have a wider range."

Jefferson B. Fordham
Professor of Law
University of Utah



"An Article V convention must be entirely general, and a state application asking for something other than that is void."

Charles L. Black
Sterling Professor Emeritus of Law
Yale University



"It is doubtful that Congress has the power to limit the convention to the proposal of amendments only on a single subject."

Charles E. Rice
Professor of Law
Notre Dame University



"In my view, a convention cannot be effectively limited."

Gerald Gunther
Professor of Law
Stanford University

OVERT AND ELITE

There are other groups working hard to change our form of government. These differ from the usual mold of conspirators inasmuch as they advertise and publish their extensive plans to "streamline" government by radical surgery on the U.S. Constitution. Most notable of these is the Committee on the Constitutional System (CCS), co-chaired by Kansas Senator Nancy Kassebaum, former Secretary of the Treasury C. Douglas Dillon, and former Counsel to the President Lloyd N. Cutler. These highly influential individuals would like to see a con-con for the purpose of "reforming" American government. Dillon and Cutler are members of the CFR. While they may have taken their cue from CFR leadership, it is doubtful that their activities enjoy any full and open endorsement of the CFR even though Cutler's desire to alter the Constitution was published in the CFR's prestigious quarterly, *Foreign Affairs*. Plans of the CCS are too open and



C. Douglas Dillon



Lloyd N. Cutler



Nancy Kassebaum

Some prominent people want to use the occasion of a new constitutional convention to change our form of government.

obvious. Its spokesmen enthusiastically show the world their superior "intelligence" and delight in pointing to the "shortsightedness" of our Founding Fathers.

COVERT AND QUIET

On the other hand, the con-con movement in the state legislatures is being promoted at a dangerously quiet level. This movement must be exposed. Advocates of a convention offer false assurances that it can be limited to a single subject. Some state legislators feel perfectly safe with their state's call for a constitutional convention because they have added to it a "null and void" clause similar to the following taken from the Idaho resolution:

> Be it further resolved that this application and request be deemed null and void, rescinded, and of no effect in the event such convention not be limited to the specific and exclusive purpose of proposing an amendment to balance the federal budget.

Unfortunately, this clause leads to a false sense of security. Article V of the U.S. Constitution authorizes the states only to apply for a convention. Once underway, a convention makes its own rules, and once fully assembled, it could reject any or all restrictions on its activity and assert its supreme power by virtue of its direct authority from "we the people."

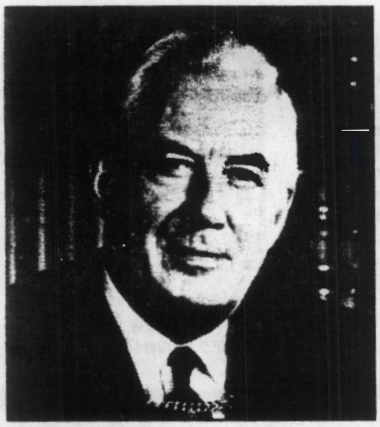
STATE RATIFICATION NOT FOOLPROOF

Those who insist there is nothing to fear from a con-con maintain that even if it were to get out of control and draft a dangerous amendment, it would take three-fourths (38) of the states to ratify it. They ask, "Would 38 states ratify a bad amendment?" At first glance, it seems unlikely that the states would allow any such mischief. But two historical facts are never mentioned by con-con advocates, and these are crucially important points:

1. The convention could abolish or alter the rules of ratification as was done in 1787.
2. Article V authorizes Congress to decide on the mode of ratification: either by the state legislatures, or by special ratifying conventions set up in the states. On two occasions, special state conventions were empaneled when state legislatures were not likely to approve. The original Constitution was ratified in exactly that way. Again, in 1933, when many state legislatures were opposed to legal liquor sales, the 21st Amendment was ratified in special state conventions, thus circumventing the legislatures of the states.

BIG STEPS FOR BIG PROBLEMS?

How then can we ever balance the budget? Is it not worth the gamble of a con-con inasmuch as our nation's financial condition is growing more worrisome each year? The "tax" men are experts in arguments of this kind. In testimony before legislative committees, the NTU, NTLC, ALEC, and other pro con-con groups paint a frightening scenario involving a crisis certain to occur if convention calls are not sustained. The answer to such nonsense is simple: Do you want a fiscal collapse or a structural collapse? If the bloated U.S. budget produces a major financial crisis, we could best



"I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey it."

Warren E. Burger, Chief Justice (retired)
United States Supreme Court



"Constitutional, economic and political science experts are on record and have expressed concerns that the convening of a Federal Constitutional Convention would constitute a reckless use of a constitutional device which is little understood and has never been employed in our entire history."

Linda Rogers Kingsbury, President
Citizens to Protect the Constitution

weather the storm on a firm constitutional foundation. Con-con advocates regularly focus on a particular problem, then dishonestly pose a federal constitutional convention as the ultimate solution. The safe and certain solution is at the ballot box where big spenders and big borrowers can be sent into retirement.

BALLOT BOX MAGIC

Congress has no fear of a convention. For that matter, our politicians really don't fear the ballot box as long as most voters remain uninformed. But an informed citizenry, armed with voting power, is the great worry of most members of Congress. The American system is designed that way. It was planned at the first Convention that citizens would refuse to vote for big spenders, traitors, and charlatans. The Constitution is not flawed, but many of our elected (and unelected) officials most certainly are.

There is no need to change the U.S. Constitution in order to balance the budget. What is needed is enforcement of its provisions which limit spending to constitutionally authorized government functions. The Constitution carefully limits the U.S. Government to specific areas of activity and prohibits it from all others. Until this principle is widely understood by wise and vigilant voters, con-con con-artists will continue to make fools of state legislators, and political opportunists will continue to tax and spend at every level of government.

WHY PROTECT THE CONSTITUTION?

Informed Americans realize that many officials in all branches of our government pay little attention to the Constitution. It is known that they do just about what they want, giving only lip service to "the constitutionality" of their actions. In view of such disregard for the Constitution, why is it so important that citizens work to keep it out of the clutches of a con-con? What difference could it make?

The answer: Truth will ultimately prevail. Many citizens work diligently to get government back to its limited role. The time will come when enough people have been awakened so that they will have the ability to force that runaway government genie back into his bottle. This can be accomplished, however, only if a leakproof Constitution is maintained. It must be kept intact for that day when citizens return to God, and statesmen return to government. It is imperative that we maintain those carefully drafted separations, those brilliantly conceived checks and balances, and those sparingly enumerated powers during these times of deceit and controversy.

WHAT CAN YOU DO? Every American must work to protect the Constitution by opposing convention calls emanating from their state legislatures. The following 29 states have issued standing calls for a constitutional convention, and those calls must be withdrawn.

AK Alaska	NV Nevada	AZ Arizona
NH New Hampshire	AR Arkansas	NM New Mexico
CO Colorado	NC North Carolina	DE Delaware
ND North Dakota	GA Georgia	OK Oklahoma
ID Idaho	OR Oregon	IN Indiana
PA Pennsylvania	IA Iowa	SC South Carolina
KS Kansas	SD South Dakota	TN Tennessee
MD Maryland	TX Texas	MS Mississippi
UT Utah	MO Missouri	VA Virginia
NE Nebraska	WY Wyoming	

(Alabama, Florida, and Louisiana have withdrawn their calls.)

The remaining 18 states have never called for a convention and citizens must keep a vigilant watch to block legislation, in any of these states, that calls for a convention.

CA California	MT Montana	CT Connecticut
NJ New Jersey	HI Hawaii	NY New York
IL Illinois	OH Ohio	KY Kentucky
RI Rhode Island	ME Maine	VT Vermont
MA Massachusetts	WA Washington	MI Michigan
WV West Virginia	MN Minnesota	WI Wisconsin

The author, Don Fotheringham, is a former college teacher and is manager of the national effort to Save the Constitution, a priority project of The John Birch Society. For additional copies of this article call 414-749-3783, or write — P.O. Box 8040, Appleton, WI 54913 — 10 copies for $2.00, 100 copies for $12.00, 1000 copies for $100.00

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Mr. Chairman, It is both my honor & responsibility to be here. My Name is William Costanzo and I am a resident of Toms River NJ.

I have documentation on the constitutional changes that ACR-30, The Balanced Budget Amendment, is planned to bring about. In order to explain the danger of ACR-30, I ask you to look back briefly.

On October 21, 1986 Richard L. Thornburgh then Governor of Pennsylvania gave the following testimony to this Assembly State Government Committee on ACR-54 (also the Balanced Budget Amendment). He testified (pg. 15*)

> "The executive and legislative branches at the Federal level, are in truth caught up in a system badly in need of: **structural adjustment**. The balanced budget amendment is the **key** element in such an adjustment."

If there is any doubt in your mind about what Richard Thornburgh meant by **structural adjustment at the Federal level**, it is clarified on the bottom of (pg. 14)

> **"It is constitutional, not legislative change that is needed."**

Now you see that **constitutional change is a hidden agenda.** The words **"structural change" and "structural adjustment" are buzz words** for at least one group which is working for radical change in the U.S. constitution, far apart from budget considerations.

We see the use of the phrase "structural change" in the paper entitled:
'Words of Caution About Structural Change' by Don Price, which appears on pg. 39 of the book **"Reforming American Government"** subtitled "The Bicentennial Papers of the Committee on the Constitutional System" (CCS). (ISBN 0-8133-7114-7, Westview Press, Boulder CO.)

What is the agenda of this Committee on the Constitutional System?
To answer this question turn to pg. 68 for a chapter entitled: 'A Statement of the Problem'
On pg. 69 we see in the second paragraph that their agenda is;

> **"The elimination of the separation & balance of power at the Federal level"**
> Referring to the Presidency, Senate and the House of Representatives as centers,
> "...each center is structured to prevent any 'faction' —such as a political party — from establishing control over the machinery as a whole. This scheme was deliberately designed in the aftermath of the revolt against George III to protect the young republic against a new despotism."

If we were to allow the CCS to realize their goal of elimination of separation of power, what would be left to defend us against such a new present day despotism.

The danger of this is highlighted in the next paper (pg. 24) by: C. Douglas Dillon entitled The Challenge of Modern Governance' On the bottom of pg. 28 Dillon states:

> "...a question **Transcending all immediate issues,** is whether we can continue to afford the **luxury of the separation of power in Washington** between the executive and the legislative branches of our government."

Therefore, we see that since in Dillon's mind, eliminating the separation of powers, **transcends all immediate** issues, then it also **transcends balancing the Federal budget.**

Reading from the top of pg. 29

> "what is the alternative?" "The answer could well be some form of **parliamentary democracy.**"

* Reference material attached.

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Now the hidden agenda is revealed. The **structural adjustment** that Thornburgh referred to in his testimony we now see is **to restore the parliamentary system that the founding fathers fought a war to free us from.**

The CCS is commonly referred to in the political community as the **parliamentary government group.**

The CCS does not expect this transition to come about easily. Reading from the 2 nd. parag. on pg. 29

> "Such a significant shift in our constitution is unlikely to come about except as a result of a **crisis** that is very grave indeed."

Reading from the bottom of the page

> "It is hard to foresee the circumstances that would lead to such a **drastic change in our Constitution.**"

In the CCS's own words, they are calling for:

> **"a drastic change in the constitution."** This would not be required if the agenda was a balanced budget amendment.

In a second paper in the book Dillon offers a **1930's type depression** or **a 1920's type German hyper-inflation** as possible crises that would bring about circumstances which would result in the drastic changes that he calls for.

Now the Critical Question is "**Who** are the members of the CCS?
Do they have the power to bring about the changes that they want?
To answer this question, we turn to the next page "About the Book and Editor"
Reading from the bottom of the page

> "The committee, which is non partisan and non governmental, is chaired by:
> **Senator Nancy Kassebaum,** Republican of Kansas;
> **C. Douglas Dillon,** member of the Eisenhower & Kennedy cabinets;
> **Lloyd Cutler**, White House Counsel to President Carter.

Page 164 is the **link between Thornburgh and the CCS** because he has a paper in the book entitled 'Balance the Budget.' This **documents his association** with the group (CCS).

Turning to pgs. 333 and 334 which is a list of directors of CCS we see, **Richard Thornburgh listed as one of the directors of CCS**; and therefore it is logical to conclude that the structural adjustment that he referred to in his NJ testimony of 1986 is the **elimination of separation of powers in favor of a Parliamentary government.**

The power of this group is revealed by scanning the listing of Board of 41 Directors, including:

> **Nicholas Brady**, the present Secretary of the Treasury
> and former employee of C. Douglas Dillon at Dillon Reed Investment Bank;
> **Lloyd Cutler**, White House Council to Jimmy Carter;
> **J. William Fulbright**, former Senator from Arkansas;
> **Nancy Kassebaum**, Senator from Kansas;
> **Donald McHenry**, former U.S. Ambassador to the U. N.;
> **Robert McNamara**, former Secretary of Defense.

ACR-30 is the **key** to the constitutional convention. The CCS can exert **terrific** pressure in the **selection** of the delegates and has the power to **pressure** them once the convention is **"empowered."**

CHARD A. ZIMMER
Chairperson
MARION CRECCO
Vice-Chairperson
ROBERT J. MARTIN
JOSEPH L. BOCCHINI, JR.
JOSEPH CHARLES, JR.

New Jersey State Legislature
ASSEMBLY STATE GOVERNMENT COMMITTEE
STATE HOUSE ANNEX CN 068
TRENTON, NEW JERSEY 08625
TELEPHONE (609) 292-9106

October 1, 1986

NOTICE OF PUBLIC HEARING

The Assembly State Government Committee will hold a public hearing on Tuesday, October 21, 1986 at 2:00 P.M. in Room 418 of the State House Annex in Trenton, concerning the following legislation:

ACR-54 Zimmer	Calls for a convention to propose an amendment to the U.S. Constitution requiring a balanced federal budget and a limit on federal spending increase.
ACR-102 Zimmer, Frelinghuysen	Proposes a constitutional amendment capping State expenditures based on a three-year moving average of per-capita income growth.

Anyone wishing to testify at the hearing should contact Donald Margeson, Aide to the Committee, at (609) 292-9106.

(Note, cover [illegible] and can't be [illegible])

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We have just been joined by Governor Richard Thornburgh, who I'd like to invite to testify next. Thank you very much for crossing the Delaware to come with us. I know how busy you are, and I'm honored that you would add your weight to this effort.

GOVERNOR R I C H A R D L. T H O R N B U R G H: It's a great pleasure to be here, Mr. Chairman. I have a deep and abiding respect for our sister state, for your Governor, and for your legislative process, and I hope to be able to add something to the discussion going forward with regard to Assembly Concurrent Resolution 54, and your quest for effective fiscal discipline in Washington D.C. Would you like me to proceed?

ASSEMBLYMAN ZIMMER: Please do.

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GOVERNOR THORNBURGH: Thank you. I'm pleased to appear before you today to discuss what I believe is the nation's most pressing problem. I speak of the burgeoning Federal deficit, and the failure of Congress to adequately deal with the need to restrain a spending spree, which has saddled future generations with a national debt of over $2 trillion. Ignoring a self-imposed deadline for across-the-board cuts, enacting 20 days after required by law, Congress finally enacted a budget reconciliation bill, reducing the deficit by a mere $11.5 billion. The bill provides that the deficit for the current fiscal year will be $154 billion. The New York Times said that figure -- and I'm using The Times' word -- is "fabricated" through inflated revenue estimates, and unrealistic spending predictions. Mickey D. Levy, chief economist at Philadelphia's Fidelity Bank, estimated over the weekend that the deficit actually will be closer to $180 billion to $200 billion. I must note that being a state governor, my statement improperly refers to $180 million to $200 million, which is big money at the state level, but a mere pittance at the Federal level. Those should be "billions," in that third paragraph.

Congressional action came only after the House refused to go along with a plan of the Republican-controlled Senate, which provided an alternative automatic budget cutting plan to replace the budget balancing law declared unconstitutional by the Supreme Court last summer. The failure, once again, of a legislative effort to restrain the Federal deficit and balance the budget, reemphasizes the need for a Constitutional amendment to impose long-overdue fiscal discipline on Washington's credit card budget process.

It is constitutional, not legislative change that is needed. You can no more expect Congress to balance the budget without a Constitutional mandate, than you would expect a chocoholic to ignore one of Pennsylvania's Hershey Bars, or a

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Mets fan to ignore the World Series, or a long-distance swimmer to ignore the English Channel. This is a step which must be impelled.

Time has come to provide Congress and the President with the same structural tools and constraints that have proved invaluable to states in balancing our budgets. During the 1982-1983 recession, for example, painful as it was, 43 states cut costs, and 44 states raised taxes to keep budgets in balance. I personally doubt these actions would have occurred without Constitutional requirements mandating balanced budgets, and without the executive and legislative discipline these provisions imposed.

At the same time, the Federal budget process, as you know, lacking any such discipline, has been out of balance in 25 of the last 26 years, and the total national debt has more than doubled during the 1980s alone. The executive and legislative branches at the Federal level, are in truth caught up in a system badly in need of structural adjustment. The balanced budget amendment is the key element in such an adjustment.

It's not without significance that the nation's governors are on record in favor of a balanced budget Constitutional amendment. The National Governors Association on a bipartisan basis, expressed its support for a balanced budget amendment, a line item veto, and a separate capital budget -- all tools available to the state governors and legislators throughout the nation. In this resolve, the governors joined with 71% of the American public, according to a recent nationwide poll, and with the legislatures of 32 states -- including my own State of Pennsylvania -- which have called for a Constitutional convention to adopt a balanced budget amendment -- the subject of today's hearings. All of these supporters recognized the wisdom in Thomas Jefferson's observations: "To preserve our independence, we must not let our rulers load us with perpetual debt."

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September 21, 1992

Chairman and Members of the Assembly State Govt. Committee:

Thank you for giving me the opportunity to testify. We are opposed to a Constitutional Convention. Our main objection is that although we support a balanced budget we are skeptical that we can get it through this means and we do not want to risk having major portions of our Constitution rewritten.

In the heyday of lobbying for the Balanced Budget Amendment during the Reagan Administration, when it narrowly failed to pass, a Federal balanced budget was a realistic goal, because our expanding economy was producing tax revenues so fast that the budget would have come into balance if Congress had simply frozen spending at then current levels.

The fiscal picture is very different today. When some members of Congress were asked the question, what will this balanced budget amendment do to our current $400 billion deficit, we received looks of quiet desperation. Nobody seems to know.

Congress could raise taxes to comply with the new balanced budget amendment. It could be a very sneaky way of raising taxes.

Congress could simply vote to bypass the Amendment's requirement for budgetary balance, as its text allows by a 60% vote of all members of Congress.

Congress could use budget gimmickry and even fraud to disguise anticipated deficits, such as putting some items "off budget" including rosy predictions of tax receipts and transferring the cost of some items to future years.

Congress could have a stalemate about the budget and throw decision making into the hands of the federal courts to define the words "budget" and "balance" Would the federal courts undertake to

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write a balanced budget, specifically reviewing each item? Of course not.

We respectfully request that you do not support a Constitutional Convention for a balanced budget. Hands Across New Jersey, an organization founded to fight taxes, is convinced it could do more harm than good.

Thank you for listening to my testimony.

Chuck Harigfeld
10 East Main St.
Freehold, N.J. 07728

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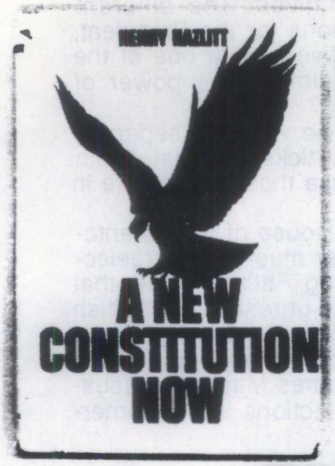
URGENT!



TELEPHONE #1. your State Assemblyman and then #2. your State Senator immediately and tell both of them to ABSOLUTELY OPPOSE ACR-30 -and- ANY and ALL similar resolutions which call for what is known as a "Constitutional Convention" to REWRITE the U.S. Constitution. Tell both of them that you DO NOT WANT Freedom of Religion, Speech, of the Press, the Right to Keep and Bear Arms, the entire American way of life OVERTHROWN.

CALL IMMEDIATELY: either 1-800-792-8630 -or- (609) 292-4840 -or- (609) 292-4841 and ask for the names & phone numbers of BOTH your State Assemblyman and State Senator if you do not know who they are and then CALL THEM BOTH IMMEDIATELY.

Please DO NOT PUT THIS OFF.

PLOTTING TO REWRITE THE U.S. CONSTITUTION

By Phyllis Schlafly

An unreported meeting of about 30 persons took place at the Mayflower Hotel in Washington, D.C., on December 5, 1986. What they decided on that day didn't find its way into the press until January 11, 1987, when the *New York Times* published a page-one story telling only some of what happened.

Those who gathered at the Mayflower were some serious-minded movers and shakers who are plotting to rewrite the United States Constitution. They openly assert that our Constitution impedes solutions to many of today's problems and needs to be changed. This is no ragtag bunch of nobodies. It includes some of the most influential and important persons in America. A feeling of quiet arrogance pervaded the discussions; clearly this little group sees itself as persons with the vision and talents of James Madison, Alexander Hamilton, Benjamin Franklin, and the other Founding Fathers who met at the Constitutional Convention in Philadelphia 200 years ago this summer.

One speaker admitted that they are known as "the parliamentary government group." Indeed, that is the purpose which brings them together. The aim of this group is to change the structure of the U.S. Government by eliminating the Separation of Powers and replacing it with a European parliamentary system.

The real name of this group is the Committee on the Constitutional System (CCS). The organization itself has a very low profile; indeed, its name I.D. among the American public must be close to zero. However, the members are important, influential and powerful men.

The chairman and driving force of the CCS is Lloyd N. Cutler, identified in the *New York Times* only as "a prominent Washington lawyer." To be a "prominent" lawyer in Washington, D.C., the city with more lawyers than any other, is to be exceedingly influential. Lloyd Cutler is better known as President Jimmy Carter's adviser regarding the unratified SALT II Treaty.

Other important CCS members include former Secretary of the Treasury C. Douglas Dillon, former World Bank president Robert S. McNamara, former chairman of the Senate Foreign Relations Committee and leading Senate internationalist for many years J. William Fullbright, Senators Daniel Patrick Moynihan of New York and Charles Mathias, Jr. of Maryland, former Congressman and leading internationalist in the House for many years Henry Reuss, former Governor Dick Thornburgh of Pennsylvania, and James MacGregor Burns, a professor and historian who is often quoted in the New York Times.

The CCS and its members have been toying around with radical ideas for rewriting the U.S. Constitution for about ten years. Now, because of the press coverage that will spontaneously be given to the Bicentennial of the Constitution by newspapers and other media, the CCS is grasping at the opportunity to use the Bicentennial as a vehicle to make Americans dissatisfied with our Constitution and willing to accept structural changes.

In 1985, the Committee on the Constitutional System published its own 334-page book called Reforming American Government. It is a collection of 40 papers on the Constitution. They purport to discuss the Constitution from many different angles, but it is clear that the persistent message of this volume is dissatisfaction with our Constitution. The discussion of the Constitution in these papers is centered around such topics as "problem," "crisis," " reform," "defects," "decay,"and "risk."

The raison d'etre of the CCS volume is neatly summarized in the lead quotation by Robert S. McNamara which is featured on the back cover: "It is tempting to believe that our constitutional system, having survived for almost 200 years, can handle the daunting challenges it now confronts. But common sense warns us that it may not be so. These 'papers' are reassuring evidence that the creativity and sagacity of the original framers are still alive in this country. I hope they will help to stimulate a vigorous national debate over the best ways to meet the challenges of self-government in these difficult years."

When we analyze that statement, we can see that McNamara is saying that (1) common sense tells us that our Constitution is not adequate to today's challenges, and (2) the writers of the papers in the CCS book have as much creativity and sagacity as James Madison and George Washington. The book also makes it clear that this little group of self appointed elitists, who think they can do a better job than the Founding Fathers, are planning on using the Bicentennial as a platform to achieve their goals.

For those too young to remember who Robert S. McNamara is, it should be noted that he leapt into the national scene in 1960 as the head of Ford Motor Company in the era of the Edsel, one of the biggest business failures of all time. He was Secretary of Defense from 1961 to 1967 under Presidents John F. Kennedy and Lyndon Johnson -- the years when we lost our eight-to-one military superiority to the Soviet Union. By the time McNamara left the Pentagon in 1967, the Soviets had achieved parity with us in strategic nuclear power. President Johnson then appointed McNamara president of

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the World Bank, where he spent years giving away American tax dollars and berating Americans for not giving away more of our earned wealth to Third World countries.

The Separation of Powers

The Committee on the Constitutional System is very specific in its complaints about our Constitution and in its plan of action for replacing it. The CCS approved a report at the Mayflower meeting which asserts that the Separation of Powers between the executive and legislative branches has produced chronic "confrontation, indecision and deadlock" and also diffused "accountability for results." The CCS bemoans the declines of political parties and the increase in ticket-splitting by voters.

The Founding Fathers established the Separation of Powers as the fundamental basis of our structure of government. Our Constitution separated the powers of government so that each branch can serve as a check on the other two, and so that no one branch can become powerful enough to gobble up the others. This principle is what has preserved our freedom.

The reasoning is clear -- and it has worked for 200 years. While the people should grant enough power to government so it can function effectively, we the people really don't trust government. So we must separate government into competing branches, with each functioning as a restraint on the others.

James Madison, one of the principal architects of our Constitution, believed that this original institutional design created by the Constitution was the best way to achieve the twin goals of liberty and justice. By "contriving the interior structure of the government" in a particular way, Madison argued, "its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places."

All the power granted to the Federal Government by the Constitution was divided into three branches: the legislative, the executive, and the judicial, each with its prescribed list of enumerated powers. As James Madison bluntly put it, the "preservation of liberty requires that the three great departments of power should be separate and distinct." The functioning of our American Government does not -- and should not -- depend on the integrity of those who hold the power, but depends on the institutional restraints imposed on their exercise of power.

Our American Separation of Powers is entirely different from parliamentary systems, such as the British, where the executive and legislative branches are combined. James Madison argued that the accumulation of legislative, executive, and judicial powers in the same hands is "the very definition of tyranny."

The President may NOT dissolve Congress, as the British Prime Minister can dissolve Parliament and call a new election. The Founding Fathers emphatically opposed allowing the President to have this power over Congress.

Congress may NOT fire the President, as the British Parliament can fire the Prime Minister. The Founding Fathers' experience with England, where Parliament was all-powerful, had convinced them that, as Madison said, the legislature has a tendency to extend the "sphere of its activity" and to draw "all power into its impetuous vortex."

Members of Congress may NOT serve in executive branch offices, such as the Cabinet. That would violate the Separation of Powers principle.

The Separation of Powers principle mandates separate and distinct terms for each federal elective office: a four-year term for the President and Vice President, a six-year term for Senators, and a two-year term for members of the House of Representatives. The different terms of office and separate elections for the President, and for Senators and Representatives, were one of the ways that the Founding Fathers limited the power of Congress.

Each federal elective office must be voted on separately. The President may not run as a "ticket" or "slate" with a Senator or Representative because those offices are in a different branch of government.

All tax bills must originate in the House of Representatives, the body where every member must run for reelection every two years. The Founding Fathers knew that oppressive taxes, imposed by an unrestrained British parliament, were the main cause of the American Revolution. The two-year term of all Congressmen is one of our greatest guarantees of freedom. James Madison persuasively argued that "frequency of elections is the cornerstone . . . of free government."

The CCS Proposals

Now look at the specific proposals made by the Committee on the Constitutional System, and note how these proposals would destroy the Separation of Powers.

The CCS wants eight-year terms for Senators and four-year terms for House members, and wants to schedule all House elections in Presidential election years. This would eliminate the mid-term elections, along with the Congressmen's biennial worry that the voters might turn them out of office. This would have the effect of forcing the Representatives to run "with" the Presidential candidate instead of asserting independence from him. Some CCS members even favor requiring the voters to vote for President and Representative together, as we now vote for President and Vice President as a team.

The political reality of giving four-year terms to House members would be that the American people would have to abandon all hope of ever cutting taxes. As the Founding Fathers so clearly saw, the two-year term for House members is our best guarantee against oppressive taxes.

The CCS wants to permit members of Congress to serve in the Cabinet and other positions in the executive branch in order to bring "closer collaboration" between the branches of government. This is unconstitutional today under our Separation of Powers principle. Even the *New York Times* admits that this would be a "pronounced" move toward parliamentary government.

Many CCS members want the President to be able to dissolve Congress and call new elections, and for the Congress to be able to get rid of a President with less difficulty than it took in Watergate. CCS members haven't yet reached a consensus on the most practical way to achieve this goal, which is clearly forbidden under our present Constitution.

Many CCS members want to call a "special convocation" to re-allocate the division of powers among federal, state and local governments. The goal is to take control over the cities away from state governments and give control to the Federal Government. Control over cities is one of the powers clearly reserved to the states by the original Constitution.

Checks and Balances

After the framers of our Constitution in 1787 designed the Separation of Powers, they created an ingenious and interlacing network of checks and balances which function among the three separate branches. These checks and balances were designed to make the system work while, at the same time, preserving our

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liberties. Congress makes all the laws, but (with minor exceptions) they do not take effect unless signed by the President. The President can veto any act of Congress, but the Congress can pass the law over his veto by a two-thirds majority in both Houses. The President is Commander in Chief of the Armed Services, but only Congress may declare war.

The President can sign treaties, but they do not have any validity unless ratified by two-thirds of the Senators. The Founding Fathers were very familiar with the way the British king had exclusive power to make treaties, and they did not want the American President to exercise that enormous power alone.

The Supreme Court has the power of judicial review. It may not legislate or execute laws or engage in policy-making -- those powers belong to the other branches -- but the Court can nullify a law by declaring it unconstitutional. All federal court judges, including Supreme Court Justices, enjoy life tenure; but Congress has the power to take away or limit the jurisdiction of lower federal courts and of the appellate jurisdiction of the Supreme Court.

The CCS doesn't like this system, especially the restraints put by the Constitution on the President's power to make treaties. The CCS report states that "the ability to enter into formal agreements with other nations is vital to effective national government in an increasingly interdependent world." This is typical rhetoric of the groups that want to persuade the United States to exchange its independence for "interdependence" in some variety of world government.

So, the CCS wants to eliminate the two-thirds requirement for treaty ratification, and instead the CCS wants to require approval by only a majority of both Houses of Congress. The CCS's president, Lloyd Cutler, is still smarting from the refusal of the Senate to ratify the SALT II Treaty.

The CCS report complains that "over 40 treaties submitted to the Senate for ratification since World War II have either been rejected or have never come to a vote." Among those never ratified are SALT II and several United Nations treaties., This complaint clarifies the goals and preferences of the CCS.

The CCS wants to limit drastically the amounts of money that can be spent on Congressional and Senatorial campaigns. The CCS says that its purpose in making this recommendation is to reduce the influence of "interest group contributions." Translated, that means to increase the influence of Establishment-type groups such as the CCS.

This recommendation puts the CCS in direct opposition to our First Amendment rights, as defined by the Supreme Court in federal election cases, to support and contribute to the candidates of our choice.

New Faces, Old Goals

There is nothing new about attempts by elitist, establishment, internationalist types to rewrite the United States Constitution. The Ford Foundation-financed Center for the Study of Democratic Institutions at Santa Barbara, California, hired liberal academicians during the 1970s to produce some 40 successive drafts of a new constitution. The original project was headed by Rexford Guy Tugwell, one of the members of President Franklin D. Roosevelt's "brain trust" during the 1930s.

The Center's proposals had the same goal as the CCS recommendations, namely, to give us a parliamentary form of government that could be more easily manipulated by the liberal establishment power-brokers. But the Center's proposals were so radical, and their rhetoric was so alien to the ears of Americans, that these new constitutions were not taken seriously by the public or the politicians.

The internationalists then made a serious attempt to use the Bicentennial of the Declaration of Independence in 1976 as a vehicle to rewrite the U.S. Constitution. The World Affairs Council of Philadelphia published a "Declaration of INTERdependence" and somehow persuaded 104 Senators and Congressmen to sign it, including such famous names as Senators Alan Cranston, Hubert Humphrey, George McGovern, and Walter Mondale, and Congressmen John B. Anderson, Les Aspin, and John Brademas.

However, this ploy was greeted by a torrent of criticism from other Congressmen, and it was dropped.

In the 1980s, the Committee for the Constitutional System assumed the leadership of the plan to rewrite the Constitution. The CCS has been working on its project to trick us into a new constitution for about five years, and started publishing its plans to rewrite the Constitution in 1983.

Pandering to Political Parties

The 1987 version, however, has a significant new addition. The smart men in the CCS apparently have recognized that it will be very difficult to sell a rewrite of the Constitution to the American people, who have deep-seated reverence for our Constitution. And it is rather difficult to amend the Constitution in the traditional way. The normal amendment process, used for all 26 existing amendments, requires passage by two-thirds of each House of Congress and ratification by 38 State Legislatures.

So, the CCS has come up with an intermediate plan to facilitate acceptance of its goals. The CCS has figured out a way to line up important support, namely, the power structure of the Republican and Democratic parties. The game plan is to convince the hierarchy of both political parties that their own self-interest is tied to supporting the CCS plan to change the structure of our government.

The CCS report, therefore, weeps crocodile tears about the changes in voters' habits in the last quarter of the 20th century. The CCS report identifies these changes as "one-third of all voters were registered as independents, and even among voters registering with parties, ticket-splitting became the norm." Continuing, the CCS report sympathizes with the party bosses about "the weakening of parties" and the fact that members of Congress "owe their election less to party than to their own endeavors." The CCS report says: "Modern technology has enabled candidates to appeal to voters directly, through television, computer-assisted mailings and telephone campaigns, and by quick visits in jet airplanes, all of which have lessened their dependence on party organizations and leaders. The key to these technologies is money, but candidates found they could raise it directly for themselves better than through the party organization. At the same time, interest groups found they could exercise more power over legislative votes by contributing directly to selected candidates rather than to a party."

Many Americans believe that these are constructive improvements in the political process, and that it's a better system than dependence on party control. In any event, it's clear that these changes have taken place naturally in our free and democratic society. But the CCS is pandering to the political party bosses, appearing to sympathize with them in their decline of power, and then offering the party hierarchy a procedural method to regain the power they have lost.

The goal of the Committee for the Constitutional System is a system whereby legislative and policy deci-

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sions are made by a handful of people at the top who are appointed, not elected. It's so much easier to control the country that way, as every dictator knows. So, the CCS is willing to increase the power of the hierarchy of both political parties as an intermediate step in order to facilitate acceptance of the long-range goals to change the structure of our government. Here is the bait the CCS is offering to the political parties.

The CCS wants to require Presidential nominating conventions to give uncommitted voting delegate positions to all incumbent Senators and to all party nominees for the Senate and House. This would give Congress a big voice in choosing the Presidential nominee of each party. Naturally, the political parties would like this, but this is contrary to the letter and spirit of the Founding Fathers' design.

The CCS wants to require all states to allow straight-ticket voting for all federal offices. This is to discourage split-ticket voting. This would be a stepping stone to the CCS's more radical plan to have mandatory straight-ticket voting for the President, Vice President, Senate and House candidates.

The CCS wants to require all broadcast advertising funds expended for Senate and House campaigns to come from taxpayer financing, one-half of which would be allocated at the discretion of the two political parties. This would abolish your right to contribute to the candidate of your choice, and force you to contribute (by your taxes) to candidates you do *not* want. This would load onto the taxpayers the cost of Senate and House campaigns which are now totally financed by voluntary contributions.

Even more mischievous is the plan to allow one-half of all Senate and House campaign funds (which all come from the taxpayers) to be distributed by the Republican and Democratic National Committees. This is a plan to pay off the party bosses to get their support of the CCS goals by offering them big money with which they can control party nominations and Congressional legislation. It would be so easy; campaign funds would be granted or withheld depending on whether the Congressman or Senator "cooperated" with the party. The Republican and Democratic National Committees would be able to enforce discipline over Congressional votes by the way they distribute (or don't distribute) taxpayer funds to candidates prior to each election.

The CCS also wants Congressional party caucuses to be given additional powers through stronger rules in order to formulate party positions and impose party discipline. This bait is ingeniously designed to increase the powers of Senate Majority Leader Robert Byrd and House Speaker Jim Wright, thereby line up their support.

Adopting the CCS "Package"

The Committee on the Constitutional System has a 51-person board of directors, and it's difficult if not impossible to get unanimity on anything from 51 people. So, instead of stating with finality the recommended changes in the U.S. Constitution, the CCS report cleverly presents what it calls the "desirable package" which CCS leaders hope will result from a discussion of constitutional changes. Here is the "package" which sums up the CCS's first step in changing us from a Separation of Powers government to a European parliamentarian government, which can be more easily controlled by the establishment elite:

"1. Adopting four-year terms for House members and eight-year terms for Senators, with elections in presidential years.

"2. Empowering the President (perhaps with the consent of a specified number of members of one or both houses) or the Congress (by a special or regular majority of both houses, or perhaps even by an absolute majority of members of one house) to call for a prompt election to all federal offices for new, full terms.

"3. Permitting the President to appoint members of Congress to the executive branch without requiring them to give up their seats.

"4. Allowing Congress, by constitutional amendment, if necessary, to place reasonable limitations on the total that may be spent in a political campaign.

"5. Holding a federal-state-local convocation every ten years to make recommendations for improving the federal system."

How does the Committee on the Constitutional System plan to get this "package" adopted? The report says that the CCS "favors" the traditional procedure by which 26 amendments have already been added to the U.S. Constitution, but the report does not say that the CCS opposes the other amendment procedure prescribed in Article V, which has never before been used.

The United States is now perilously on the brink of being plunged into this other Article V amendment route -- the calling of a Constitutional Convention. Unfortunately, 32 State Legislatures have passed resolutions calling for a Constitutional Convention to consider a Balanced Budget Amendment. If two more states do likewise, Article V requires Congress to call such a Constitutional Convention.

At that point, the United States Constitution would be up for grabs and open to any and all changes. We can assume that the Committee on the Constitutional System will be ready and waiting with its "package". The CCS members are men of power and influence who customarily enjoy wide access to the liberal media when they want it, and a respectful silence when they prefer to operate without publicity.

The CCS members are single-minded in their goal of restructuring the American Government, and are clever craftsmen with words. The CCS report opens and closes with words which obliquely urge a new Constitutional Convention to rewrite the United States Constitution. The opening section of the report states that CCS "honors" the great work of our forebearers "by seeking to emulate it." In other words, the CCS does not intend to celebrate the Bicentennial by honoring the Constitution which the Founding Fathers wrote; instead, the CCS wants to celebrate the Bicentennial by imitating (emulating) what the Founding Fathers did, namely, write a new constitution.

The CCS report concludes with the same theme: "The best way to honor the framers of the Constitution during this Bicentennial era is to follow their example." It is clear from the context that the CCS intends to follow the example of the Founding Fathers and write a new constitution; the CCS does NOT intend to follow the Constitution that the Founding Fathers wrote.

In this year of the Bicentennial, we should all follow the advice of George Washington to his troops: "Put none but Americans on guard tonight." If there ever was a time when Americans need to be on guard to protect our Constitution, that time is **NOW!**

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The General Society
Sons of the Revolution

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NEW YORK, N.Y. 10004
212-425-1776

September 21, 1992

The Sons of the Revolution oppose any call for a Constitutional Convention. While there are those who call for a convention for a specific amendment, such as a "Balanced Budget" amendment, such can not be done. Former Chief Justice Warren Burger has repeatedly said that the work of such a convention can not be restricted.

The Constitution has in it means for its change; a convention could and probably would, despite what others may say, destroy this fine document, this design for governing a nation in a manner superior to any other in history.

The matter is not one of politics, it is one of preserving the Constitution. Our ancestors fought to get us the right to draft it. Later other ancestors fought to preserve it. Our armed forces are sworn to uphold it. Millions have immigrated to our shores to enjoy it. We urge all to vote against any call for a Constitutional Convention.

Edwin Cox III
President
General Society
Sons of the Revolution

William S. Roebling
President
New Jersey Society
Sons of the Revolution

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WILLIAM S. RO[illegible]
P.O. BOX [illegible]
PENNINGTON, N.J. [illegible]

JPFO SPECIAL REPORT

DIAL 911 AND DIE!

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THE BAD NEWS: YOU'RE ON YOUR OWN

Most Americans believe that their local police have a duty in Law to protect them against criminals. They are wrong. Some of them are dead wrong. And some of those who are dead wrong are dead because they have been duped by ignorant or dishonest politicians or police chiefs, who promise protection that they cannot give and have no legal duty to give. Some of these officials know they have no legal duty to protect the average person, and yet still support disarming law-abiding people, the better "to protect" them from criminals!

Front-line police officers sometimes are verbally abused by victims of criminals who wrongly believe that police officers have a duty to protect the law-abiding. These good citizens blame the police officer for not doing a job for which he/she has never been responsible: protecting the average person against criminals.

THE POLICE: WE SERVE EVERYONE, BUT NO ONE IN PARTICULAR

U.S. law is based on English common law. In English common law "the Sheriff" is a government employee whose main job is enforcement of government decisions: seizure of property, arrest of persons wanted by the authorities, collection of taxes, etc. Maintenance of public order, a secondary duty, was done to the extent resources allowed.

POLICE PROTECTION = POLICE STATE

It was obvious -- 500 years ago in England and in America now -- that a sheriff could not be everywhere at once. It was -- and is -- equally clear that to protect every person would require an army of Sheriffs (or sheriff's deputies).

Maintaining an Army of police officers - in effect a police state - would nullify the Freedoms set forth in the Bill of Rights. Neither the Framers of the Constitution - nor their successors - wanted to avoid the risk of harm to some individuals arising from criminals' activity by creating a police state that inevitably would harm every individual.

POLICE STATE OR SECOND AMENDMENT RIGHTS?

Instead, the Framers provided for a judicial system to deal with criminals, persons who abused the Freedoms provided by the Constitution. The Framers assumed that a law-abiding person would largely be responsible for his/her own safety. As a matter of Law, that assumption still is valid.

THE GOOD NEWS: THE SECOND AMENDMENT PRESUMES INDIVIDUAL OWNERSHIP OF ARMS

The Second Amendment reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

It is based on individual ownership of arms. Generally, the Framers avoided stating the obvious. So, they did not word the amendment, "A well . . .State, the right of every person . . . infringed." That is, the Framers assumed that every person would look after his own security, and of necessity would be armed. They saw no need to state so obvious a truth.

THE MILITIA: ARMED PERSONS ASSEMBLED FOR LAWFUL PURPOSES

Rather, the Framers wanted to emphasize what they felt would be inobvious: that armed individuals may lawfully assemble to use their Arms only to defend the State based on the U.S. Constitution (but not to overturn the Constitution). This is, perhaps, why the words Militia, State, and Arms are capitalized.

When armed individuals gather for lawful purposes - e.g., defense of the Constitution - they are "the Militia". A 20th Century derivative of "the Militia" is the National Guard, which has existed since 1901. It is an arm of the Federal Government:

> "Since 1933, all persons who have enlisted in a state National Guard unit have simultaneously enlisted in the National Guard of the United States. In the latter capacity, they became a part of the Enlisted Reserve Corps of the Army, but unless and until ordered to active duty in the Army, they retained their status as members of a separate state Guard unit." [Perpich v. Department of Defense, U.S. Supreme Court, No. 89-542, (1990) L Ed 2d 312].

Thus, the National Guard exists to enforce government policy. It is not the "Militia", but a "Militia". U.S. Law states that a "State may provide and maintain at its own expense a defense force that is exempt from being drafted into the Armed Forces of the United States". [32 U.S.C. Sec. 109(C)]. Nonetheless, few states now do so.

If the Federal authorities used the Army or National Guard to change the Constitutional order - or a State governor so abused a state militia - a disarmed citizenry would be helpless. The Framers did not want this. Generations of their successors have agreed.

As a result, the Framers wanted the wording of the Second Amendment to make it clear that armed individuals could gather together for specified lawful purposes, e.g., defense of the Constitution and the Liberties it proclaims.

UNCONTROLLED CRIMINALS SUBVERT THE CONSTITUTION

The Framers felt no need to state that individuals would use arms to defend themselves against common criminals, protection against whom the government never promised to provide, and, indeed, never has had an obligation to provide.

It is only the failure of the government to control criminals in recent decades that has called into question the validity of the individual right to own arms for the essential purpose of defending the Constitution. This is as much an individual duty as is personal self-defense.

JEWS FOR THE PRESERVATION OF FIREARMS OWNERSHIP
America's Aggressive Civil Rights Organization
2872 S. Wentworth Ave. • Milwaukee, WI 53207
(414) 769-0743
Aaron Zelman
Executive Director

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LEARN AMERICA™

WHO DO THE CHILDREN BELONG TO? by Janet L. Marshall

AMERICA 2000 is THE new phrase in education. It is "an education strategy" set forth by the U.S. Government, and is available in a printed 62 page booklet called "America 2000". Request it for free from the U.S. Dept. of Education by calling 1 800-USA-LEARN. It lists the six goals of education in the U.S. and then goes on to explain them. It is a real eye-opener, and reads very well, but if you really look at it, you will see it is the license to take away your children and any authority you have over your children. This is not a futuristic pipe dream; this is NOW and is happening all over America! As parents, we must stop it!!!

A weekly newsletter from the U.S. Dept. of Education, also entitled "America 2000" highlights progress towards its goals. The Feb. 10, 1992 issue features the University of Wisconsin with its theme "Every Child, My Child." The March 1992 issue of Instructor magazine clarifies, "all of the specialists are involved in a kind of co-ownership of each child." I, for one, do not under any circumstances want anybody to think "my" children belong to them in any sense of the word. Do you?

How many of you parents ever see the tests your children take? (Or better yet, how many of you ever ASK to see the tests? I am talking not only of national standardized tests, but regular tests, finals, etc., taken during the school year. Have you ever taken a good look at some of the questions asked your child? You should. Our children are not being taught the academics you would expect. There are some areas covered, but most of the questions asked on tests are geared to a psychological response. (I don't mean just opinions either.) Our children are being taught attitudes, beliefs, morals, etc. that may be contrary to your family attitudes.

The results of these tests are being collected and stored using your child's social security number. Now you know why all children entering school have to have their social security number. The information will be stored in the Elementary and Secondary Integrated Data System (a super computer that can store and access personal and academic test information.) It will also be able to cross reference with other computer systems such as the Dept. of Motor Vehicles, marriage and div[illegible] records, housing records, IRS records, criminal records, credi[illegible]n[illegible]nce, employment and medical records. Need I go on? And [illegible]t your children's academic records were local and privat[illegible], much for that!

The National Assessment of Educational Progress was introduced in 1989 in Nebraska. According to the *Star Ledger* a week ago, Trenton is now trying to push through this kind of testing starting with fourth graders here in New Jersey. It is labeled as a test in

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njea

Position Statement

New Jersey Education Association 180 W. State Street P.O. Box 1211 Trenton, NJ 08607-1211 (609) 599-4561 FAX: (609) 392-6321

ACR-30 ACS

The New Jersey Education Association stands unalterably opposed to the purposes of this resolution which would call for a constitutional amendment to balance the federal budget.

The United States Constitution is a document of inspiration. It is our defense and protection, our teacher, and our continuous example for the quest of equality, dignity and opportunity for all people in this nation. It is an instrument of practical and viable government and has stood the test of time.

In our opposition to a balanced budget amendment, we join with many other distinguished Americans who say "NO" to altering the constitution for economic purposes.

Since the Constitutional Convention of 1787, no subject has been deemed so grave a threat as to warrant a convention call. Our founding fathers had the wisdom to establish a system of government flexible enough to survive 200 plus years of enormous commercial, technological, and cultural change. All previous constitutional amendments, with the exception of the disastrous but instructive prohibition amendment, have been enacted to achieve goals which have not been accomplished by statute.

NJEA believes that the present call for a constitutional convention -- driven by the effort to pass an amendment requiring a balanced federal budget -- does not fit within the scheme of a constitution. As Justice Oliver Wendell Holmes stated, "A constitution is not intended to embody a particular theory."

The framers of the current Constitution met in 1787 for the sole and express purpose of revising the Articles of Confederation. They had no mandate or authority to restructure the government, and yet they did. In a quiet, second revolution, the Constitutional Convention of 1787 overthrew the existing government.

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(over)

The late Supreme Court Justice Arthur Goldberg stated, "History has established that the Philadelphia convention was a success, but it cannot be denied that it broke the restraints intended to limit its power and agenda." Logic, therefore, compels one conclusion: "Any claim that Congress could, by statute, limit a convention's agenda is pure speculation."

A constitutional convention would be nothing less than a fourth branch of government.

How then can we best cut the annual budget deficit and start cutting the national debt down to size? There is no simple answer. Reducing the deficit will take a willingness to make some hard choices about our national priorities, but there are salient points that must be remembered:

* The federal budget can be balanced any time the President and Congress choose to do so, and an amendment to the Untied States Constitution is not necessary.

* A balanced budget amendment would result in draconian cuts, more than $500 billion. Domestic programs, including education and other social programs, would be cut more than 25%.

* No entitlement programs would be safe. Federal grants to states would decrease for lack of resources, and state and local governments would be hard put to make up for those lost funds.

* A balanced budget amendment would place the ultimate budgetary power in the hands of unelected federal judges, rather than the elected members of Congress, who are already mandated by the Constitution to determine the budget.

* There is no guarantee that if a balanced budget amendment were enacted, balance would be achieved by "proportionate suffering." There is no guarantee that one-half would come from spending cuts and one-half from increased taxes, or that all programs would be cut proportionately.

* The United States Constitution is not a place to establish economic theory, it is a set of principles mainly having to do with individual liberty and property matters. Because we cannot predict future economic theories or realities, we should not tie the hands of future Congresses.

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* The "States balance their budgets," doesn't hold. Most states with balanced budget amendments do not include the cost of capitol improvements in their budgets. If they did, they, too, would show large deficits.

* Finally, a balanced budget amendment would remove the federal government's necessary flexibility in setting economic policy.

The United States government must be able to spend in ways to stimulate the economy, making up for decreased private sector spending associated with our current recession. Forcing revenue increases and outlay decreases simply to be able to record a balanced budget could exacerbate an already declining national economy.

(Recently a study by the Council of Economic Advisors indicated that if the federal budget had been balanced during the 1974-75 recession, the real GNP in 1975 would have decreased by 12%, rather than 2.5%, and unemployment would have gone up 12%, rather than 8.5%.)

In 1787, New Jersey was the third state to ratify the present United States Constitution. This is a source of great pride for the citizens of our state. In 1992, let us preserve that tradition and abandon the proposition of ACR-30 ACS.

NJEA strongly urges that the committee not release ACR-30 ACS.

09/21/92

DTC:WD:lp

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common cause NEW JERSEY

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Testimony of Edward A. McCool Executive Director,
New Jersey Common Cause

New Jersey Common Cause opposes the passage of ACR-30. We oppose the calling of a constitutional convention to consider the adoption of a balanced budget amendment.

First Common Cause shares the concerns of many legal scholars that such a convention could not be limited to a single subject and would be able to reconsider any and all sections of the U.S. Constitution. Indeed, even the chair of the Assembly State Government Committee concurred with this interpretation when ACR-30 was released from that committee.

The use of this method of amending the constitution should not be used until questions of delegate selection, limited scope of the convention, uniformity of the language of the "call" and subject limitation are resolved. This call has not used uniform language throughout the nation and therefore has little to warrant an interpretation that it was the intention of all the state legislatures adopting such a call to limit it to a single subject.

The use of an amendment to achieve a balanced budget creates in itself the establishment of off the book accounts and special extraordinary funds to evade the balanced budget requirement.

While the Assembly State Government Committee has unfortunately released ACR-30, we call on all members of the legislature to act responsibly and vote no when this proposal is posted for a full Assembly vote.

Ed McCool

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From James Huff, 45 Voorhees Pl Metuchen N.J. 08840
9/21/92

Thank you for taking my testimony.

My name is James Huff I was born and raised in New Jersey and have made my life here. This hearing today is taking Testimony as To whether or not our State Representatives should vote for a resolution to ask The U.S. Congress to convene a Constitutional Convention. The sponsors of this resolution would have New Jerseyans and their Representatives believe That a convention could be limited to the issue of a balanced budget amendment.

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But as many legal scholars, Common Political sense, and the precise wording of the Constitution clearly show there is <u>no way</u> to limit a Convention once convened. As a New Jerseyan and an American, my loyalty is to the Just Laws that the Founding Fathers helped in securing for us, those being embodied in The Declaration of Independence, Common Law, and the Constitution. I can only conclude that the purpose of this resolution is untrue

I would ask the members of this committee

~~If I were in your position~~

~~I would ask this question of my self~~

180X

ask yourselves this question. "What will be the consequences to New Jerseyans and Americans that you are oath bound to protect when their Inalienable Rights given to them by the Creator are taken away?"

You are not naive to the ways of politics. So please consider that. It strikes many as odd that some Republicans in our State would want to make this call when we have Democratic Majorities in both houses and do not yet know the outcome of this election. Indeed the fears of many New Jerseyans may be well founded that both parties are in

cahoots to rob and actually enslave us. to the desires of a potentially tyrannical government.

In conclusion I urge you to not allow the blood of America to be found on this State bodies hands. Providence, who granted us this land of Freedom and Liberty and the people ~~[illegible]~~ who are know as New Jerseyans will remember you for what you ~~[illegible]~~ do here.

Please vote no on this resolution.

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