

Public Hearing

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before

SENATE STATE GOVERNMENT COMMITTEE

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION
Nos. 39, 68 and ASSEMBLY CONCURRENT RESOLUTION No. 30 (ACS)

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

LOCATION: Room 309
State House
Trenton, New Jersey

DATE: May 27, 1993
10:00 a.m.

MEMBER OF COMMITTEE PRESENT:

Senator Peter Inverso, Vice-Chairman



ALSO PRESENT:

Joseph P. Capalbo
Office of Legislative Services
Aide, Senate State Government Committee

Hearing Recorded and Transcribed by
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New Jersey State Legislature

SENATE STATE GOVERNMENT COMMITTEE
LEGISLATIVE OFFICE BUILDING, CN-068
TRENTON, NEW JERSEY 08625-0068
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NOTICE OF PUBLIC HEARING

The Senate State Government Committee will meet on Thursday, May 27, 1993 at 10:00 AM in Room 319, 3rd Floor, State House, Trenton, New Jersey.

Senate Committee Substitute for SCR-39, SCR-68 and ACR-30 ACS
(By Senators DORSEY, EWING and PALAIA and Assemblymen
KAMIN and GARRETT)

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

*The public may address comments and questions to Joseph P. Capalbo,
Committee Aide, or make bill status or scheduling inquiries to Lynn Rogers,
secretary, at (609) 292-9106.*

Issued 05/07/93



SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION Nos. 39, 68 and
ASSEMBLY CONCURRENT RESOLUTION No. 30 (ACS)

STATE OF NEW JERSEY

ADOPTED MARCH 11, 1993

Sponsored by Senators DORSEY, EWING, PALAIA,
Assemblymen KAMIN and GARRETT

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

5
6 WHEREAS, The federal budget has not been balanced in 21
7 consecutive years and has been balanced just once in the past
8 30 years; and

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10 repealed statutory requirements that mandate a balanced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

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

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

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

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

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

25

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

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

34 2. An amendment to the Constitution of the United States to
35 be proposed by a convention for submission to the states for
36 ratification shall require that, with certain exceptions, each
37 fiscal year the President of the United States shall submit and
38 the Congress of the United States shall adopt a balanced federal
39 budget.

40 3. If Congress adopts, before 90 days after the legislatures of
41 two-thirds of the states have made application for a convention
42 as described in section 1 of this resolution, an amendment to the

1 Constitution of the United States containing provisions similar in
2 subject matter to that contained in section 2 of this resolution,
3 then this application for a convention shall no longer be of any
4 force or effect.

5 4. With the exception noted in section 3, the application
6 contained in section 1 constitutes a continuing application in
7 accordance with Article V of the Constitution of the United
8 States until at least two-thirds of the legislatures of the several
9 states have made application for a convention to propose an
10 amendment similar in subject matter to that contained in section
11 2 of this resolution.

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

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

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

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33

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

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION Nos. 39, 68 and
ASSEMBLY CONCURRENT RESOLUTION No. 30 (ACS)

STATE OF NEW JERSEY

DATED: MARCH 11, 1993

The Senate State Government Committee reports without recommendation a Senate Committee Substitute for Senate Concurrent Resolution No. 39, Senate Concurrent Resolution No. 68, and Assembly Concurrent Resolution, No. 30 (ACS).

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

An amendment to the Constitution of the United States to be proposed by a convention for submission to the states for ratification shall require that, with certain exceptions, the President of the United States shall submit and the Congress of the United States shall adopt a balanced federal budget each fiscal year.

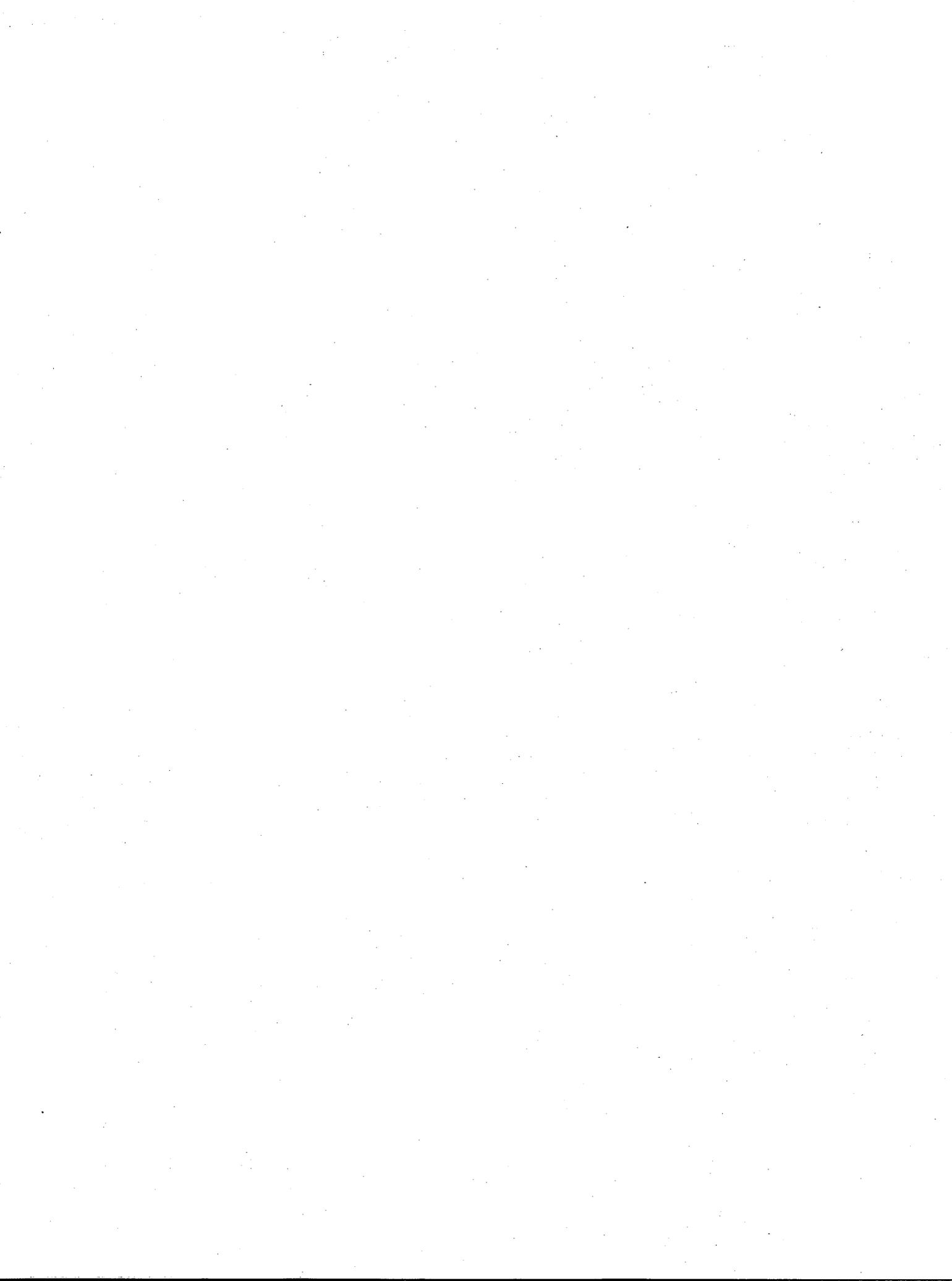


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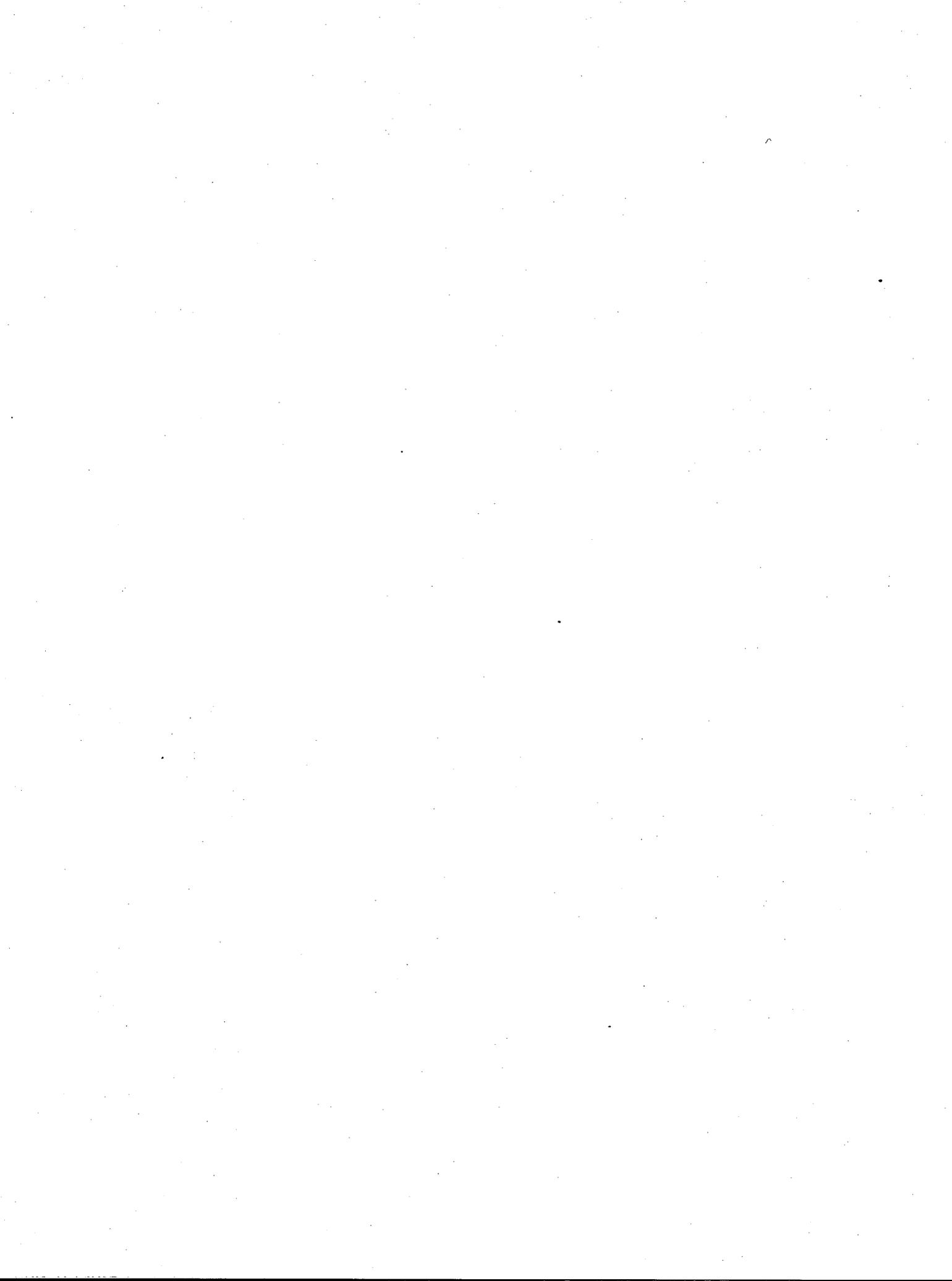


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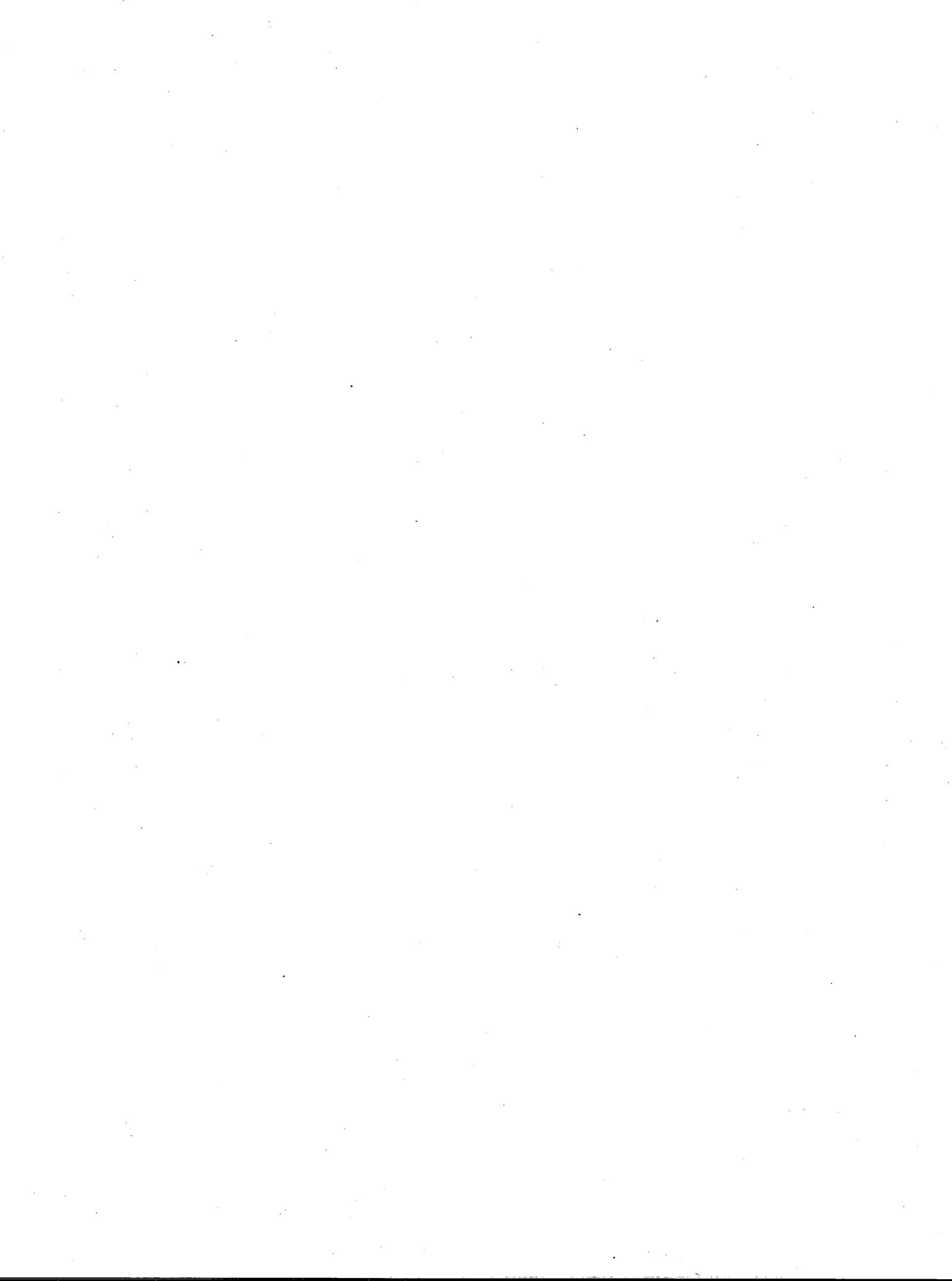
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SENATOR PETER INVERSO (Vice-Chairman): May I have your attention, please? Good morning. Just so we all know why we're here, we are all here to hear testimony on Certificates of Need, right? No, no, no, no. Okay, all right. That wasn't very funny, was it?

I want to do this. I certainly want to say that we are sorry about the size of the meeting room. This is the largest room we could get. We did not anticipate this overflow crowd. There is amplification outside the room in the area right near the room here. We will see if we can get some chairs out there to provide some seating. I hope staff will take care of that. We cannot move to a larger room. So, we are doing everything we can to accommodate the situation. You will have to bear with us.

I would like to start off by reading into the record, the following. As the sign indicates -- but maybe you can't see it -- I am Senator Peter Inverso. I am the Vice-Chair of the Senate State Government Committee. This public hearing is convened pursuant to Senate Rule No. 8 to take testimony on the Senate Committee Substitute for SCR-39, SCR-68, and ACR-30 ACS.

On March 11, 1993, the State Government Committee -- the Senate State Government Committee -- joined these three concurrent resolutions and reported them as a Senate Committee Substitute. As reported by the Committee, these resolutions applied to the Congress of the United States for a constitutional convention for the sole and exclusive purpose of proposing a balanced budget amendment to the U.S. Constitution.

The Senate Committee Substitute sets forth the following provisions to be included in such a Federal constitutional amendment: A requirement that, with certain exceptions, each fiscal year the President must submit and the Congress must adopt a balanced budget; a restriction on debt, tax increases, and the growth of total Federal government revenue and spending; and a prohibition against the Federal

government taking any action that would 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.

This resolution constitutes a continuing application until at least two-thirds of the states have applied for a convention to propose a balanced budget amendment, except that this application is to be automatically rescinded or rendered void, if Congress adopts before 90 days -- after two-thirds of the states have applied for a limited convention as described above -- a constitutional amendment containing provisions similar to that described in this resolution. If the U.S. Supreme Court holds that Congress cannot call a constitutional convention limited solely and exclusively to the subject requested by two-thirds of the states, or if the convention for any other reason is not limited to the specific and exclusive purpose of drafting a balanced budget amendment, any minute drafted by such a convention would still require ratification by 38 states.

The Senate Committee Substitute was reported from the Senate State Government Committee on March 11, 1993. It was placed on the desks of the Senate on that date, and placed on the desks of the General Assembly on March 22, 1993. Since it was reported as a Committee Substitute, it will require a formal public hearing prior to being voted on by the Senate. After the Senate votes on the resolution it must then be sent to the Assembly for a vote.

Now, we have many witnesses here who wish to testify in a limited amount of time and, unfortunately, a limited amount of space, it seems. Therefore, I am requesting that each witness limit their testimony to about three to four minutes. Now, I am going to ask this: Since this is being recorded and transcribed, if you have written comments, if you would just hand the comments in, we will see that those

comments verbatim get into the transcript. You will then have about three minutes or so to provide amplification on any comments you wish to make in addition to your written testimony; or, if you wish to summarize your testimony in that three- or four-minute period, please do so.

We would ask, for the record, that you identify yourself by name very clearly, so that the names can be transcribed appropriately and properly in the record.

I am going to ask Jack Callahan, our Legislative Aide here to my left, to advise you by sign -- perhaps by the raising of his hand -- to let you know that there are about 30 minutes left before your time is up -- 30 seconds (laughter) -- I'm sorry -- 30 seconds left. Times that by 10, and we might come up with a larger number.

I understand that Assemblyman Kamin is here. Assemblyman Kamin, do you wish to make a comment prior to us going to the witnesses who are here? (no response)

Again, ladies and gentlemen, we apologize for the size of the room. It was not done with any intent, I assure you of that. The overflow crowd is just remarkable, and we will try to accommodate those in the outer area as best we can. I hope that staff is looking to providing some seating out there for them, please.

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:
Senator Inverso, good morning. Thank you once again for this Committee providing the opportunity for this very important issue to have a hearing before, hopefully, going to have a floor vote in the Senate in the early part of June.

The demand for a balanced budget in this country has not changed; in fact, I believe it grows each and every day. As we speak, in Congress today they are unfolding and are going to be debating the new budget. The cry from the country is, "Cut spending first." The historical track record of Congress

is, in fact, to have spending increase at a far greater rate than revenues; consequently, the growing deficit. That is why there is an urgency to this, and that is why I appreciate the opportunity for you to hear comments from the public. This is the appropriate way that we should hear them. I hope the comments today are something new. This is not a new issue for this country, or certainly for the State of New Jersey. We have debated this balanced budget amendment for five years.

So, Mr. Chairman, I thank you for the opportunity. So that we have a chance to hear from the public, that will conclude my remarks. Thank you.

SENATOR INVERSO: Thank you. We also have with us former Senator Wesley Lance. Senator Lance, would you care to make any comment? (no response) Is he here? I thought he was here. Maybe he is in the outer area.

Okay, we will start with the first witness, Cheryl Lemons, who is opposed to the resolution. Is Ms. Lemons here? (no response) No, okay. Do we have Mr. Peter Boyce? (affirmative response from audience) Yes, Mr. Boyce?

P E T E R F. B O Y C E: Hello.

SENATOR INVERSO: Would you identify yourself, please, for the record?

MR. BOYCE: My name is Peter Boyce. I am the host of a radio talk show, the focus of which is taxes. I am the Chairman of TRIM -- Tax Reform Immediately. This is to qualify myself to this esteemed Committee as one who is regularly involved in the debate about taxes. I wish to further qualify myself to this esteemed Committee as being somewhat of an expert regarding the preparation of documents requiring a use of language which is unambiguous and not easily misconstrued. Evidence of my qualifications in the preparation of such documents are these patents for an ocean wave energy converting electric, self-generating, self-charging ship, and an ocean

wave energy extracting erosion reversal electric power generation system, the applications for which I drafted myself.

There is perhaps no more exacting body than the U.S. Patent Office when it comes to requiring language and format which is exclusive, sole, and specific in its meaning. Certainly an application to amend the document which secures freedom for 250 million of our fellow Americans requires the use of our English language which is equally exclusive in its singular meaning. It is most assuredly incumbent upon this esteemed Committee to require this bill to embody language which is not ambiguous or self-contradicting. This incumbent duty is inherent in the convening of this esteemed Committee so as to not waste the valuable time of the entire Senate, embroiling it in debate over language which is ambiguous and paradoxical.

It is further incumbent upon this esteemed Committee to require a precise use of language so as not to invite litigation which can, at this opportunity, be easily averted.

Just as the time of our New Jersey Senators is valuable, so is that of our own U.S. Supreme Court, which most assuredly will be burdened by this matter as a result of the ambiguous and, on occasion, even contradictory use of language in these bills as presently drafted.

While awaiting my turn to testify, I could not help but hear, on several occasions, the loyalty of the esteemed legislators who are the sponsors of these bills being called into question. Without dwelling on this, I would like to say that the legislators sponsoring these bills did not lose their constitutional right to a presumption of innocence at the time that they became legislators. Such talk of treason and impeachment impugns the integrity of our entire State Legislature, and is as yet premature.

I will, therefore, in an effort to ameliorate the damage being done to the esteem of our State Legislature, give

the sponsors of these bills the benefit of the doubt, presuming their innocence, attributing the ambiguous and contradictory portions of these bills to hasty preparation.

SENATOR INVERSO: You have 30 seconds, Mr. Boyce.

MR. BOYCE: Excuse me?

SENATOR INVERSO: Thirty seconds. I am just reminding you.

MR. BOYCE: Then I better get right to it.

I call your attention to line 17, page 1, the last two words in that line, "scarce public," and the next word, "resources," on line 18. I submit that these words be stricken and the word "taxes" be placed there instead of "scarce public resources," making clear that the issue is taxes.

I further call your attention to line 24, the last two words, "now, therefore." I would strike those words, and I would add two more whereases. The first whereas: "Whereas, taxes are the direct function of government spending," and I would also add another whereas, "Whereas it is the intent of the State Legislature in the State of New Jersey to reduce taxes." This point was not made clear.

Further, in item 2, I would state, on line 36-- I would strike the words "with certain," and I would replace them with the word "without," so that the line would read: "An amendment to the constitution of the United States to be proposed by a convention for submission to the states for ratification shall require that, without exceptions" -- instead of "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."

In item 1, the wording is, "sole, specific and exclusive purpose of proposing an amendment," but then in item 2, those very words are negated by the phrase, "with certain exceptions." Then, to aggravate this ambiguity, those exceptions are nowhere listed in these bills.

In an effort to save time, and trying to stay within my 30 seconds, I submit that as a result of pressure from such groups as TRIM and Hands Across New Jersey, our State legislators have embarked on this noble goal of balancing the Federal budget, but due to the pressure it has been done in haste. This document has been prepared in haste, although with noble intent, and needs to be rewritten to eliminate its ambiguities and contradictions.

Thank you.

SENATOR INVERSO: Thank you, Mr. Boyce.

Senator Lance has arrived, and he has a statement to make. Senator Lance?

W E S L E Y L. L A N C E, E S Q . : Mr. Chairman, I have a prepared statement.

SENATOR INVERSO: Fine. The ground rules are, if you have a prepared statement, that will get into the record. If you wish to amplify the statement, you may. But in either event, you have approximately three to four minutes. We are trying to keep it within the three-and-a-half-minute time frame. Why don't we just say three-and-a-half minutes, and see how it goes?

MR. LANCE: My name is Wesley L. Lance. I am an attorney at law with offices in Clinton, New Jersey. I served a total of 14 years in the New Jersey State Legislature -- four years in the Assembly and 10 years in the State Senate. I also served as Judge of the Hunterdon County Court for five years.

I am the only living person who has served as a delegate to two New Jersey constitutional conventions. I was a delegate to the 1947 New Jersey constitutional convention some 45 years ago. This convention was authorized to draft an entirely new Constitution, but with a limitation. The convention could not change the method of representation in the New Jersey Senate or the New Jersey House of Assembly. That

was in the days when each county had one Senator, regardless of its population.

I was also a delegate to the New Jersey 1966 constitutional convention. This convention was directed to draft constitutional clauses which would reapportion the New Jersey State Senate and the New Jersey House of Assembly so as to conform with the United States Supreme Court decisions guaranteeing one person/one vote, or one man/one vote. The 1966 constitutional convention was precluded from doing anything except reapportioning the State Legislature.

In other words, the 1947 convention was precluded from doing that which constituted the sole jurisdiction of the 1966 convention. Or, to put it in still another way, the 1947 convention was an "everything but" convention, while the 1966 convention was an "only this" convention. In case you are already confused, what I am trying to say is, both of our past two conventions had limitations on them.

What has been my experience as to the effectiveness of the limitations placed upon the powers of the 1947 and the 1966 New Jersey constitutional conventions? My answer is that the delegates to both conventions observed these limitations and restrictions with exactness.

I believe the delegates to the proposed Federal constitutional convention for a balanced budget would feel bound by their oath of office to limit the convention to the subject matter of a balanced budget, just as the delegates to the New Jersey two recent constitutional conventions felt bound to their assigned subject matter.

Now to get to my point: I believe that a nationwide opinion poll would show that the American people overwhelmingly support the concept of a mandated Federal balanced budget. If all they had to do would be to push a "Yes" button in a nationwide referendum, they would do so, in my opinion.

However, the real opposition to ACR-30 and related proposals, as I see it, comes from groups which fear a runaway Federal constitutional convention -- a convention which would exceed its limited powers. I have no such fears that there would be a runaway convention. However, I realize certain groups have honest fears of a Federal constitutional convention. Thus, I bear no hostility to those groups which honestly feel that a national constitutional convention may exceed its appointed bounds. Rather, I extend an invitation to these groups to try to get nationwide support from their constituencies in the 50 American states to vote for candidates for delegates to the national convention who will scrupulously pledge to stick to the subject of a balanced budget.

Governor Alfred E. Driscoll exercised his influence in 1947 to remind the New Jersey constitutional convention that it was a body with limited powers and it should observe them. Along these lines, I would respectfully recommend that the Republican State Committee and the Democratic State Committee take positions in any elections for candidates for delegate to the Federal convention, and that these delegates pledge they will vigorously oppose any action going beyond the subject matter of a balanced budget. This would be beneficial bipartisan action involving policy. It would not require a bipartisan slate of delegates.

SENATOR INVERSO: You have 30 seconds, Senator; 30 seconds to conclude.

MR. LANCE: In conclusion:

- 1) We need a Federal balanced budget amendment.
- 2) I believe the probability of a runaway Federal constitutional convention is minuscule. Minuscule may be spelled wrong; this statement was written in a hurry. Even so, the courts would have the power to enjoin.
- 3) However, certain constituencies have an honest fear of such a possibility -- a runaway convention.

4) Those of us who favor a Federal convention for the sole purpose of creating a balanced budget amendment should pledge our efforts toward the election of delegates who will recognize the bounds placed upon the convention's powers.

An opportunity exists to correct one of democracy's greatest flaws. We should not let it slip by. Thank you very much.

SENATOR INVERSO: Thank you, Senator.

The next speaker will be Mr. Greg Kaye. Mr. Kaye is opposed to the resolution. Mr. Kaye?

So that you can prepare yourselves, the next speaker I have listed is Mr. George Detweiler. When Mr. Kaye is about to wrap up, if you would start proceeding to the microphone, that would help things.

G R E G K A Y E: Good morning, Senator.

SENATOR INVERSO: Good morning.

MR. KAYE: Again, I address this Committee on behalf of the New Jersey Conservative PAC, which I Chair, which now numbers 15,000 voter households in the State of New Jersey. For the written record, I have submitted position papers from our organization, plus the letter you received last week from our good friend, Representative Reese Hunter, who wrote the withdrawal bill in Utah, which was cosponsored by 55 of their 70 Assemblymen. They realize their mistake in Utah. I have also submitted position papers by Mr. George Detweiler, who accompanies me, a constitutional specialist from Idaho, who is here testifying under our auspices.

Senators, as I said in the past, at issue here is not a balanced budget, but a constitutional convention. Our organization does favor a balanced budget. I have seen only two in my entire lifetime. We did back, and we do favor, SCR-52, the traditional method of passing a constitutional amendment, which has happened 27 times in our country's

history, but not once since 1789 have we had a constitutional convention.

We see the problem, the \$4.5 trillion debt we have today, and the estimated \$6 trillion debt that we will see on inauguration day of 1997, not as a defect of our present Constitution. The problem is the profligacy of Congress. In 1983, we were given a T.E.F.R.A. tax act, the largest tax increase in history, and told we would have \$2 in tax cuts for every \$1 in tax revenue. That was followed by the '86 T.E.F.R.A., the new largest tax increase in history; followed by the 1990 budget deal, the new largest tax increase in history, and the budget cuts never came; the spending cuts never came.

In previous hearings I put into the record the Financial Integrity Act prepared by our own G.A.O in 1989, confirming the Grace Commission, its documentation of \$210 billion of waste, fraud, and inefficiency at the Federal level. On January 8, 1993, Edward A. Bowsher, the Chair of the G.A.O., confirmed that not one aspect of his previous report of 1989 has been addressed. That waste still exists. This is not a problem or a defect in our Constitution, nor will a balanced budget amendment and constitutional convention address this issue.

I have listened to all the proponents of the convention at these hearings. I find their arguments specious and invidious. We have heard crystal ball political science and wishful thinking about safeguards. These do not exist. As I have said in previous hearings, we only have one historical legal fact we can look at, and that is the first constitutional convention -- 1787 to 1789.

MR. CALLAHAN (Senate Majority Staff): You have 30 seconds.

SENATOR INVERSO: I'm sorry, that is the sign.

MR. KAYE: I will try to speak quickly.

That is the only historical precedent we had. What we saw was that that convention was called simply to review the Articles of Confederation. Instead, they usurped the power to write an entire Constitution.

We have been told about null and void clauses. In effect, they are null and void. Once a convention is called, they have complete sovereignty. They can set up their own procedure for ratification. Article V, itself, states -- and our Founding Fathers were big on original intent -- that they shall call a convention for the purpose of proposing amendments -- plural. The word is, "amendments," not "amendment." The convention has sovereignty. I disagree with Senator Lance. The Supreme Court, and no one else, can hold them to a single issue. If you read the "Federalist Papers," read Madison, this process was set up for the citizenry to bypass unresponsive governmental agencies and systems; to bypass Congress; to bypass the Supreme Court. The only power our Legislature has, is simply to call the convention. Once called, they have complete sovereignty.

As far as a ratification procedure, it does not have to come back to this Legislature, as stated by proponents. If you recall, the 21st Amendment never came back to the New Jersey Legislature. There was a ratifying convention. But this convention will have the power--

SENATOR INVERSO: He says it's time. We've got to get a broader pencil up here.

MR. KAYE: If I may, in one sentence, summarize?

SENATOR INVERSO: Yes, go right ahead. It is an important issue.

MR. KAYE: The rest is in our position papers, and we submitted them previously.

May I just state this: The average life span of the nation's stake in today's world is 40 years. We exist today -- the American constitutional republic -- as the longest,

continual governmental entity on earth. The thread that has held our fabric together is the Constitution of the United States. As the saying goes: "If it ain't broke, don't fix it." We don't need a convention call to solve this problem.

Thank you.

SENATOR INVERSO: The speaker after Mr. Detweiler will be Mr. Wayne Dibofsky.

Would you please identify yourself, Mr. Detweiler?

G E O R G E C. D E T W E I L E R, E S Q.: My name is George Detweiler. I come from the State of Idaho at the invitation of the--

SENATOR INVERSO: Well, welcome to New Jersey, sir.

MR. DETWEILER: --New Jersey Conservative Political Action Committee. Thank you. I have traveled a long way, and I will try to stay within your time limits.

SENATOR INVERSO: We may give you a few extra seconds since you have come all that way.

MR. DETWEILER: I thank you, Mr. Chairman.

SENATOR INVERSO: We are pleased to have you. Thank you for coming.

MR. DETWEILER: I come here having read your application for a constitutional convention, and I have seen all of the protections and the restrictions and the sundown clauses and everything which you have put into them. I must come to you saying that the foremost legal scholars in the United States, retired Supreme Court Judges, and one sitting United States District Court Judge say they are totally meaningless. What they say, in effect, is: You have an application, and you have a number of restrictions and qualifications, and this is all that stays. All of the qualifications, all of the restrictions, all of the nullification, if something other than a balanced budget is considered, are meaningless.

I will not go through a list quoting all of the individuals, but their ranks include: Former Chief Justice of the United States of America, Arthur Goldberg; former Associate Justice -- I mean, Chief Justice, Warren Burger; former Associate Justice Arthur Goldberg; and a large number of professors of law: Neil Cogan, Southern Methodist University; Professor C. Christopher Brown, University of Maryland; Professor Forrest McDonald, constitutional scholar, National Endowment for the Humanities and author of several books.

I am mentioning these names for a purpose. Proponents of this measure have often said that there are well-meaning, but uninformed people who are worried about a runaway convention. Well may I say that Arthur Goldberg uses the word "runaway" in his "Abhorrence of Holding a Convention," and he is not alone. Professor Gerald Gunther, of the Stanford University Law School, says the same thing. Not only that, Professor Gunther says that the majority of American law school academia who have expressed an opinion on the point say that state legislatures have absolutely no authority whatsoever to limit a convention to one subject, or several subjects, and neither does the Congress have that authority. This is the most widely proclaimed point by academia.

I am going to read just a little bit from Judge Bruce van Sickle, United States District Judge for the District of North Dakota. He has written a 110-page Law Review article carefully going through Article V and its operation. He says: "The states have no authority to place such unconstitutional demand in the applications. When a state applies under Article V for the calling of a convention for proposing amendments, it knows from the language of Article V that it cannot inhibit the scope of the convention." He assumes that this body knows you can't restrict it. I don't know. We'll see if his professed knowledge is correct or not.

"It is a convention for proposing amendments" -- plural. "The clear language of Article V, combined with the historic fact that the selection of the plural form of the word 'amendments' was a deliberate act, leads steadfastly to the inescapable conclusion that a state cannot limit the convention or its application to one topic."

The next issue that I think has to be addressed is that of the supposed safety net of the ratification process. As we look at history we will find that it is a safety net full more of holes than it is of netting. Previous reference was made to the ratification of the 21st Amendment, which repealed Prohibition. The Utah State Legislature was adamantly opposed to repealing Prohibition due to the political demographics of that state, yet Utah was the last state necessary to ratify the 21st Amendment because of the convention process.

The importance for all of you sitting here today is this: Proponents of this measure have often said, "Well, now you -- you, the members of the Legislature of New Jersey -- would never ratify a bad amendment in case one slipped out of a convention, now, would you?" Probably not; I'm sure you wouldn't. But what if you never get a chance to see it. Utah never got a chance to see the-- The Utah Legislature never got a chance to see the 21st Amendment. Not only that, but the same argument could have been made to this very -- to the Legislature of this very State in 1787, when our present Constitution was written. If we were sitting here then, in those days, and someone said, "Will the New Jersey Legislature ratify the new Constitution, or won't it?" Remember now, we were still working under the Articles of Confederation at that point in time. I believe many members of this Legislature then would have said, "Well, I don't know, but we will certainly have an opportunity to look at it," because Article XIII of the Articles of Confederation requires that any changes in these

articles be submitted, first to Congress, and then to the legislature of every state.

Well, what happened? A new ratification article was written into our Constitution -- Article VII. The ratification was by states. The state legislatures never saw it, and it was nine states rather than unanimity which were allowed to ratify that new thing. I'm saying, anything that could have been done then under a more restrictive language of the Articles of Confederation, can happen now under the more literal language of Article V of this Constitution. Don't say that you are going to -- or, don't have the assurance that you are going to see the amendments that come out of the convention, or that even the process set forth in Article V now, is the one which will be used. It was supposed to be that-- The present Constitution was supposed to be ratified under the procedures set forth in the Articles of Confederation. It wasn't. Yes, that convention was a runaway because they didn't obey the law of the land -- the Articles of Confederation.

Today, the same threat is there. Let's not try to drive the nail of balancing the budget with the pile driver of a constitutional convention. Thank you. (applause)

SENATOR INVERSO: Thank you. At the risk of being a spoilsport, we are just taking more time with the applause. If you are going to applaud, limit it very, very quickly to one clap or two, because it really takes our time, in fairness to the speakers who are very late on the list for speaking.

So you know, I intend to take about a half an hour, maybe a 20-minute to a half-hour break at noon. I have asked staff if they can remove these two appendages here to the table. We are going to put some seating in here so you can have some seats. We are trying to do our best to accommodate you.

Mr. Wayne Dibofsky.

WAYNE DIBOFSKY: Thank you, Mr. Chairman. My name is Wayne Dibofsky, Associate Director of Government Relations for the New Jersey Education Association. You have testimony before you.

The New Jersey Education Association remains unalterably opposed to the three resolutions you have before you. Let me give you a quick, salient overview of some of our concerns:

The United States Constitution, we believe, is not a place to establish economic theory. The Constitution is set in principles mainly having to do with individual liberties and property matters. Because we cannot predict the future economic trends of this nation, the theories or the realities that go behind them, we should never tie the hands of our future Federal government.

We have a history of showing that we cannot also mandate at the Federal level morality, leadership, or political courage. Through legislative or constitutional amendments, these are the characteristics that will be needed to balance the budget. Simply adding more language to the Constitution, or calling a constitutional convention and putting it on printed paper, will not resolve the problem.

Let us make the assumption that we did balance the budget. What kind of an impact would that have on the nation as a whole? A balanced budget amendment could result in draconian cuts. Today, there is a bill before Congress to do such. Part of the concern that is before Congress today is the issue of entitlements, which are very near and dear to the hearts of citizens in New Jersey. Part of the entitlement cuts will be in Medicaid and Medicare, \$56 billion, to be exact.

No entitlements would be safe under a constitutional amendment calling for a balanced budget. States and local governments would suffer greatly, and New Jersey would suffer greater than most. The primary goals are a physical reality of

Federal government. They should be to provide a healthy economy and to establish services for its citizenry. This balanced budget amendment could very well impact the overall growth of the economies of this nation.

In 1991, in the fiscal year, the Federal budget and the Census Bureau showed that grants to states and local governments, Mr. Chairman, accounted for over 40 percent of all Federal funds distributed. Assuming that we had a balanced budget then, and impacted it on the realities of today, New Jersey alone would lose an additional \$32 million in Federal aid and entitlements and flow-through grants. While no part of the country would be spared, the Northeast suffers from a disproportionate dependency on Federal grants, impact aid, and flow-through grants.

While as individual citizens we may all agree to disagree on the merits of any particular issues that we may propose as amendments to our national Constitution, it is our belief that no single issue or combination of issues, Mr. Chairman, is so important to warrant jeopardizing an entire constitutional system and the governance of our nation. We would ask you respectfully to consider that when you vote on the Senate floor in the month of June.

Thank you. (applause)

SENATOR INVERSO: Now, now, now, you're not listening.

I'm sorry. I didn't announce that Mr. Stephen Bauer would be our next speaker, and after Mr. Bauer we will have Mr. Sal Risalvato. I'm sorry if I mispronounced that. As an Italian, I should be able to pronounce that name, I suppose. Mr. Bauer? Is Mr. Bauer here? (no response) Okay. Mr. Risalvato?

SAL RISALVATO: Thank you very much for moving me up. I do have some time limitations. I don't think everybody here is going to like to hear what I've got to say. Some of my friends will probably be very surprised to see me in the same

room disagreeing with so many conservatives, as I do take the conservative position.

Since my statement is going to be put into the record and we do have some time constraints, I would just like to quickly remark that I am representing the National Federation of Independent Business. We have 10,000 members in the State of New Jersey. Most of those members employ fewer than 10 people. It has been the view of our membership that the fiscal inability to manage that has been shown to us by the United States government requires something forceful. It requires a gun to be put to their heads. Politics being what it is, the Congress of the United States is not capable of telling the truth about the budget. They are not capable of balancing that budget. Even today, there is a fiasco that is going on down there. They talk about the budget deficit reduction tax increase. They are mixing words. They are trying to snow the American public, and they are trying to make it seem as if they are doing it in the name of deficit reduction. They are not.

What they are doing is, they are limiting the amount that they are going to increase the deficit. They are limiting the amount that they propose to increase spending. That is all that they are doing. They are not going to do anything to balance that budget. The only thing that will make them balance that budget is an amendment that tells them that they must. This proposal that we have here before us today puts the bullet in the gun that is pointed at the head of the Congress, and that is what will make them balance the budget. If they don't balance the budget, the deficit problems that we are experiencing now are only to grow worse, and we are only going to have further problems with the business community later on.

We cannot manage our government the way we are doing it now. There is nobody here who operates their household that way. There is no businessman that I represent that operates

his business that way. We must force the government into operating their house in a proper fashion.

I think that at this time a balanced budget amendment is the only thing that is going to do that. That is why we support a balanced budget -- a constitutional convention, in order to do so.

SENATOR INVERSO: Thank you.

The next speaker will be Mr. William Henry Harris. Excuse me, Mr. John Kucek.

J O H N K U C E K: Am I next?

SENATOR INVERSO: Mr. Kucek?

MR. KUCEK: Yes.

SENATOR INVERSO: Yes, you're next. I'm sorry. Yes. Mr. Harris, you will be next after Mr. Kucek.

W I L L I A M H E N R Y H A R R I S: May I sit here? I'm not allowed to sit here?

SENATOR INVERSO: If you would sit where you were sitting, I would appreciate it. Yes, I'm sorry. I jumped over a line here on the witness list. It's early in the day, too.

MR. KUCEK: The Assembly Committee, to speed it up, had the two come up.

SENATOR INVERSO: Oh, okay. That is a good suggestion; I will follow that.

MR. HARRIS: I don't want to sit on the left, so--
(laughter)

SENATOR INVERSO: In that case, let's remove the other chair, so we will only have one. No, that's all right. Mr. Kucek, please.

MR. KUCEK: I am John Kucek. I am with the Populist Party. I am also an independent candidate for Governor of New Jersey.

I spoke with Senator Schluter at some public forum. I pointed out to him the dangers of a constitutional convention. He said, "Well, the dangers of the massive budget deficit are

very serious, but it is a risk worth taking. Now, I would like to point out that there is another risk that may be taken. I notified each and every member of this Committee that the so-called "balanced budget amendment" is a smoke screen for a con con; that the balanced budget amendment is a fake, a phony, and a fraud. I also notified them, by certified mail, of this fact. I have the return receipts right here. I suggested that they refer this to the Attorney General for investigation. What is involved here is fraud, conspiracy, and sedition, and it is a nationwide conspiracy.

Now, here is the risk. The risk is, if we do get a con con and it does turn out to be what I have been understood to believe, the New States of America Constitution slipped in, and the experience in the State of Nevada where it was declared a fraud, an identical amendment -- or proposal -- that we have today-- Oh, here it is. I'm sure you gentlemen are familiar with this flier that was sent around. It points out the fraud of the balanced budget amendment.

Now, here is the risk. The risk is that the people in New Jersey who were instrumental in promoting the balanced budget amendment will face trial for conspiracy, fraud, and sedition.

Thank you.

SENATOR INVERSO: Thank you.

The next speaker will be Mr. William Henry Harris. After Mr. Harris will be Steven Marshall. Mr. Harris, will you repeat your name, please, before you begin your comments?

MR. HARRIS: My name is William Henry Harris. I am from Riverton, New Jersey. I am appearing on my own behalf as a citizen of the State of New Jersey, a once sovereign State.

First off, I must draw the attention of this Committee of the Senate, and all members of the Senate, to the fact that three states have rescinded their resolutions for a con con call, those being Florida, Alabama, and Louisiana. In

addition, Nevada was expunged, as the previous speaker mentioned-- They expunged their call on June 24, 1989 in the Nevada State Assembly, designated as AR-20, by unanimous vote. The original con con call was passed in 1979, and it had the "balanced budget amendment" tied to that legislation also.

The significance here is that the 1979 resolution was expunged for fraud because it was represented that the con con could be limited to a single issue or subject, the balanced budget amendment. It should also be noted that all the Nevada Assemblymen who were serving in the Assembly in 1979, when the resolution calling for the con con was passed, supported that expungment move. Expungment differs from rescission, in that the legislative body says: "We did something that we no longer agree with. We changed our minds."

With expungment, the legislative body is saying: "We were defrauded by false representations into putting something into our journal that never should have been there but for false representations." Expungment is not only a more emphatic form of disapproval than rescission; it shows that there never was a valid assent by Nevada for the calling of the con con. It should be noted also that after 14 years, there is no longer a "consensus" to call a con con for a balanced budget, or any other issue to "con" the American people into allowing a con con.

The Founding Fathers designated Article V of the Constitution to provide a means of action for the people when there was a "consensus" of two-thirds of the states desiring some action. Congress refused to respond to the people. With the communication system of today, do we really have a "consensus" from the people to be considering this today? I think not. Therefore, I say that Senate Committee Substitute No. 30 (sic), which was passed in the Assembly a short time ago, is a fraud, on its face, because it called for a con con, "for the sole, specific, and exclusive purpose of proposing an

amendment to the Constitution of the U.S. to require a balanced budget," as outlined in paragraph 1 under the then Assembly bill by Kamin, Garrett, and Solomon.

Further, a new Constitution entitled, "Constitution for the New States of America," was financed by the Rockefeller Foundation. It was published in 1974. Nelson Rockefeller was at that time President of the Senate of the United States, and he engineered the introduction of HCR-28, calling for an unlimited convention in 1976. Public opposition defeated this effort and the convention backers returned home to the states, promising a limited convention, which we are now discussing today.

The New States Constitution is an outright assault on the Bill of Rights, i.e., guns, Article I, section b. Section 8 states: "The bearing of arms shall be confined to the police, members of the armed forces, and those licensed under law." Religion: Article I-a, section 8, states: "The practice of religion shall be privileged." Religious freedom would no longer be a right. Trial by jury: Article VIII states that the judge decides if there is to be a jury. Speech: Article I-a, section 1 states: "Freedom of expression shall not be abridged, except in a declared emergency." And on and on it goes.

MR. CALLAHAN: Thirty seconds.

SENATOR INVERSO: I know that is unsettling to have someone interrupt you. We apologize, but we have to move the hearing along.

MR. HARRIS: Yes, I understand that, but this is a public hearing and there should not be professional witnesses here, former Senators and so forth. We are dealing with our Constitution today, sir.

SENATOR INVERSO: You are using up your own time. If you wish to debate the proceedings--

MR. HARRIS: No, I am not debating that, and I am going to close, but I wanted to make those remarks.

SENATOR INVERSO: --we can do that. It is an open proceeding. Everyone--

MR. HARRIS: This is my turn. This is my four minutes.

SENATOR INVERSO: I'll hold your time. I want to assure you, sir, that your comments are unfounded. Everyone has an opportunity to speak at a public hearing, whether they are former Senators, whether they are former factory workers, whether they are current-- Everyone has an opportunity here. There is no exclusionary tactics being employed here, nor inclusionary tactics. It is open to all.

MR. HARRIS: I want to make one comment. I heard what you said and I appreciate it, and I concur with it. But in the last Senate hearing, in the other building, you wanted a representative of the people and referred to the people who did testify as "street people." I resent that.

SENATOR INVERSO: I would, too, if I were you. I would agree with you, sir. But we are trying to do things completely, objectively, and aboveboard.

MR. HARRIS: I'll close by saying--

SENATOR INVERSO: We'll give you 30 seconds.

MR. HARRIS: Right. If Congress needs funds to meet any emergency, it can borrow money on the credit of the United States. Article I, section 8, clause 2: The Founding Fathers intended that the budget of the United States be balanced and the deficit be paid off quickly and in an orderly fashion. Through a direct tax, the bill is given to the states of the Union. The bill is "apportioned" by the members -- or the number of representatives of each state in Congress. Therefore, each state is billed its apportioned share of the direct tax equal to the number of votes represented -- employed to pass the tax. How the states raise the money to pay the bill is not a Federal concern -- Article I, section 2, clause 3.

Our problem here today is a lack of knowledge of the Constitution. It reflects on the legislatures of the respective states in the Union. I am not impugning anyone here. It is just that we have degenerated into a situation where we have a border on mobocracy from a once republican form of government where we had representation and the few were protected from the many, and vice versa. We no longer have that. We have what I believe is a revolution coming, and I don't think we want that. We don't like guns. "The pen is mightier than the sword." I think the representatives here should listen to every bit of this testimony.

There was something else. The Chairman of the Committee was not even aware of the bill that he was discussing as Chairman of the Committee, which came out of the Senate of the State of New Jersey. I think that is abominable.

Thank you.

SENATOR INVERSO: As I announced, Steven Marshall is next. After Mr. Marshall, Mr. Gardiner Rogers. Is Mr. Marshall here? (affirmative response from audience) Yes, okay. It will be Mr. Rogers after Mr. Marshall.

S T E V E N M A R S H A L L: I am Steven Marshall. I am publisher of a newsletter on history and education.

Before one can discuss a government's balanced budget, it is important to understand the history of the budgetary process. Nowadays the issue of a government's budget carries about it the aura or sanctity that at other times might be associated with religious rituals.

It is important to begin by defining a budget. Webster's First Edition of his Dictionary in 1828 defines it simply: "The papers respecting the finances of the British nation." Historically and economically, government budget making and deficit financing have gone hand in hand. In fact, the budgetary process was created in Great Britain in order to

justify a national debt as a necessity. The process began in 1780 with the parliamentary commission justifying such a step in the name of efficiency and rationality. Each agency of state was to submit its needs for the year ahead in order to enable Parliament to tax and appropriate intelligently. Then these budgetary estimates would be submitted to the treasury, which in turn submitted to Parliament the "necessary" costs for the next year. A debate on the floor ensued, followed by the taxes. When the taxes were being collected, or in anticipation thereof, the state borrowed in order to make agency functions possible. Where there was a difference between income and expenditures, a debt was incurred, and servicing the debt became a part of the continuing budgetary process. National debts were born with budgets.

Before long, off-budget spending for special purposes was added to this process. This was an evasion of normal budgetary constraints. In time, off-budget debts began to surpass the regular indebtedness.

National debts were born out of the budgetary process. Up until then, nations that were spending more than their revenue knew they were wrong. The budget gave a respectable name to debts. Budgets tend to be governed by "needs" rather than income, and the definition of "needs" is constantly expanded by bureaucrats and legislative bodies.

Carolyn Webber and Professor Wildavsky in "The History of Taxation and Expenditure in the Western World" observed: "To make their petitions impregnable, departments sought funding through the panoply of modern devices -- entitlements, loans, and guarantees, and off-budget corporations." The budgetary process is unsound because it justifies spending money against revenue that may never come. You can be "half right" if you spend what you plan, even when there is no revenue.

The budgetary process gives priorities to "needs" over frugal allocation of the always finite real income. The alternative is to spend only the income one has in hand.

It took only about three months for the first Congress to propose what are now the first 10 amendments, or the Bill of Rights. Why don't the proponents of a so-called "balanced budget" amendment reveal some drafts that can withstand public scrutiny? We don't need a formal convention for private citizens to assemble and write proposals. It is a freedom listed in the Constitution.

Now, I am going to weigh historical opinion as to what is going on with Al Smith.

SENATOR INVERSO: I was going to ask you, are you the individual who sent the Al Smith speech?

MR. MARSHALL: Yes.

SENATOR INVERSO: I read that over the weekend -- this past weekend. I enjoyed it. I appreciate your sending it to us.

MR. MARSHALL: Okay. Governor Al Smith was a pioneer and signer of progressive social legislation. He warned decades ago, though, of the dangerous connection amongst chronic, unbalanced Federal budgets, perpetual failure of Federal level social legislation, and an attack on the U.S. Constitution. He broadcast this warning in 1936: "Stop attempting to alter the form and structure of our government without recourse to the people themselves. I suggest that they read their oath of office to support the Constitution of the United States. The Constitution can't lose. The fact is, it has already won, but the news has not reached certain ears." (applause)

SENATOR INVERSO: Thank you. Mr. Marshall, the reason-- We have been inundated -- the entire Legislature -- with information on this issue. The reason I read this one -- I read others, but this one in particular -- is, when I was in

college I did a case history -- a term paper on Al Smith, "The Happy Warrior." I did a lot on the 1928 convention and what have you, and I found it most interesting and informative. You could take his words in today's context of time and they would apply. So I could appreciate that. I enjoyed it. Thank you.

MR. MARSHALL: I'm glad you enjoyed it. You could probably tell me more about Al Smith than I know.

SENATOR INVERSO: Probably; yes, probably. You know, he was a little too left for me, but he is quite a character in history, and I mean that in the truest sense of the word -- the nicest sense of the word.

We will now have Mr. Rogers, and then after Mr. Rogers, we will have Donald Smith. Again, will you identify yourself, please, for the transcript?

G A R D I N E R R O G E R S: My name is Gardiner Rogers. Some people call me "Buck." That started way back in 1944 when one of my instructors said, "You must be able to fly a rocket ship better than you can an airplane." So, here I am.

Mr. Chairman, Senators of the New Jersey Legislature, thank you for allowing me the opportunity to address you in defense of the Constitution which Almighty God gave to us through His agents, the Founding Fathers of our beloved country.

How can we know that God gave us our Constitution? By the fact that the majority of the Founding Fathers believed in the Father of us all and in His Son, Jesus Christ.

Even as far back as 1492, Christopher Columbus, whose christian name means "the light of Christ," wrote that he believed he was commissioned to bring the light of Christ to the New World.

Thus, the spiritual roots of America run deep in history. According to the authors of "The Light and the Glory," for some years before the American War for Independence, as well as during that war, the sermons in the

churches throughout the land were aflame with the passion for religious and political liberty.

As you know, the 1787 constitutional convention was attended by delegates dedicated to the erection of a government limited in power to protect the people from marauders, both foreign and domestic, while leaving them free to make the necessary decisions to run their daily lives.

The Founders recognized that government could grow to be a danger to the liberties of the people. They also feared large standing armies, both because they consume large amounts of taxes and because they hold power that can be misused. Our Constitution was skillfully designed to achieve a proper balance between individual liberty and limited government. This dedication to establish a benevolent government, rather than political power for a self-appointed elite, could come only from men who had a strong sense of justice, from men who had spiritual depth, from men of honor.

Our country became the envy of the world as a number of countries have copied parts of our Constitution, while immigrants have flocked to our land to start a new life. What a compliment to America!

You have heard a lot of technical details here which are very important, and I am not going to repeat them.

SENATOR INVERSO: Thank you.

MR. ROGERS: I will spare you that. I realize that you are limited, but 30 seconds? Lord, I have two hours yet to go. (laughter)

SENATOR INVERSO: If you can borrow someone else's time, we would be glad to have you come back.

MR. ROGERS: You have before you a momentous decision to make, a dreadful responsibility which, if misjudged, could wreck havoc on our citizens for generations to come. The American people have besought you to make the responsible decision. Do not let them down.

We have no Roger Shermans, no James Madisons, Thomas Jeffersons, or George Washingtons in positions of influence. A constitutional convention would not be limited, and a new order would not be limited. The knock on the door at midnight creeps ever closer as we slide further toward the hell of a New World Order, which, if not defeated, will not be an order of freedom, but of tyranny. We must, as a nation, confess our wrongs. Then perhaps God, in His mercy, will turn this about.

I beseech you to act as His agents, as did our Founding Fathers, and say, "No," to a constitutional convention. Please vote, "No," on your Senate Committee Substitute for SCR-39, SCR-88, and ACR-3, and save our Constitution and its blessings for our children and grandchildren, for our posterity. (applause)

You have already seen somebody hold up the New States Constitution. Here is another one that is being proposed. It is Orwellian. Thank you.

SENATOR INVERSO: Thank you.

Mr. Donald Smith, and after Mr. Smith, Mr. John Tomicki. Is Mr. Smith here? (affirmative response from audience)

UNIDENTIFIED SPEAKER FROM AUDIENCE: Mr. Chairman?

SENATOR INVERSO: Yes, sir?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Mr. Tomicki is at another committee meeting giving testimony.

SENATOR INVERSO: We can hold him over until later. After Mr. Smith, we will have Ms. Phyllis Schlafly. Mr. Smith?

D O N A L D L. S M I T H: My name is Don Smith. I am a citizen of New Jersey. I would like to speak on the sections in this bill.

First of all, section 1 calls for a limited convention, but it doesn't specifically say that. That would be a tip-off to the fraud of the bill, because there are no

provisions for limited conventions in the Constitution, Article V. Second, in the second section it is proposing a loophole-ridden balanced budget amendment. The loophole comes with the certain exceptions. There are certain exceptions that are off-budget items. Off-budget items contribute tremendously to the national debt. They are all listed in this testimony: direct loans, loan guarantees, Federal insurance, government-sponsored enterprise zones, and so forth.

Perhaps the Committee and the authors of the bill believe that they are not certain exceptions, and perhaps the certain exceptions are during times of national emergency. Well, according to Senate Report No. 93-549, the people of the United States have lived under emergency rule for the past 90 years. So if that is the certain exceptions, I am not sure they would not apply at all times, just as they are applying now.

The next thing I would like to address in section 3 is the rescission. The bill sort of implies and, in some places, says, "If you don't like what is happening, we can just rescind," but no rescission is permitted. New Jersey tried to rescind its ratification of the 14th Amendment, but that was denied and New Jersey was counted as ratifying the 14th Amendment.

Attached to my testimony is a copy of the New Jersey session of 1868, page 1225, which actually shows the bill where New Jersey attempted to rescind its ratification of that 14th Amendment, and did expose the gilding of the language in order to try to sway people to adopt it.

More recently, the ERA-- There was an attempt to permit states that had ratified the ERA to rescind. Various bills were submitted and big discussions were undertaken, but that was denied. During the 15th Amendment and the 19th Amendment there were attempts to rescind. Also denied. In 1921 and 1924, bills were defeated. We must remember, Congress

is capable of anything. For example, Ohio became a state in 1953. That was adopted by the Congress of the United States -- in 1953.

Rescission is a political question. The bill refers to the Supreme Court as a deciding factor in whether or not we have a runaway convention and whether New Jersey can rescind. The Supreme Court has already ruled, in Coleman v. Miller, that rescission is a political question, and they do not rule on political questions.

Section 6 deals with the possibilities of a runaway convention. They actually admit that it is there, and try to sway the people with the rescission concept -- if it runs away, we can still rescind. Again, a fraud.

The public debt is not resolved. The very purpose of this whole bill is the public debt, and yet the resolving portion of this bill does not address the public debt, only the whereases, which leads people to believe that something is going to be accomplished by a balanced budget relative to the debt -- the public debt.

So, the safeguards in this bill are nothing more than illusions. They are put there. There is no rescission. There is a totally loophole-ridden balanced budget provision. By the way, the bill says that they require a bill with certain exceptions.

I have also included a paper on the secret science. The last page is the most important because it shows how the interest on the national debt is being generated on air. Nothing was loaned, and we are paying interest on the debt, which was a concern of the whereas clauses.

Thank you. (applause)

SENATOR INVERSO: Thank you. Ms. Schlafly? (applause) After Ms. Schlafly we will have Fred Noye, of the American Legislative Exchange Council. You are the only speaker to get applause before the comments, so I can imagine what will happen after the comments.

P H Y L L I S S C H L A F L Y: Thank you, Mr. Chairman. My name is Phyllis Schlafly. On behalf of the 3000 members of New Jersey Eagle Forum, I urge you to reject all proposals calling for a new constitutional convention. I thank you for putting my entire testimony in the record.

In the late 1970s, a resolution to call for a con con for a balanced budget amendment was passed by a number of state legislatures, and it sounded to some people like a constructive way to address the problem of Federal deficits. At that time, Federal deficits were relatively small. Most of the states that passed these resolutions did so during the years of the Jimmy Carter administration. But we live in a different world now, with the current Federal deficit running at about \$350 billion. It is not believable that the current Congress would cut out \$350 billion in Federal spending a year. The current Congress is talking about spending more, not less.

Now, a previous speaker was worried about spending cuts if we have a balanced budget amendment, but the joker in this whole argument is that there is nothing in the balanced budget amendment that requires Congress to cut spending. I believe they would meet the balanced budget requirement by raising taxes, and balancing the Federal budget today would mean raising taxes an awesome 30 percent or more. It would be the excuse that the big-spending Congressmen have been waiting for.

Other state legislators across the country have realized how circumstances have changed. Not a single state legislature since 1983 has passed one of these con con resolutions. They brought up votes in many states, but they have all rejected them. Meanwhile, in the last 10 years, three states have rescinded their earlier con con resolutions, realizing that circumstances had changed. There has to be something mighty wrong with an amendment that cannot pass a

single state legislature in 10 years, even though it has been voted on again and again.

The second reason why we are against the con con is that it would open up our great Constitution to be manipulated by the media. It would be like having a Republican and a Democratic national convention in the same hall at the same time, and the most influential players would be big media. We know how they like to run things.

No one can assure us what the rules or the agenda of a convention would be. Now, the other side produces some lawyers to say that it would be limited, but they have no lawyer as prestigious as former Chief Justice Warren Burger, who said there is no effective way to limit or muzzle the actions of a constitutional convention. The political reasons are even more important, because everybody supporting this con con resolution is also for some other constitutional amendment, and it is not believable that they would pass up this great opportunity to get their other amendments.

So, we are proud to stand with the American Legion and the Veterans of Foreign Wars who are opposed to a constitutional convention for any reason. We urge you to vote, "No," and save us from having to spend energies fighting this terrible idea. Let's join together and get Congress to cut spending, which is what we really want to do.

Thank you. (applause)

SENATOR INVERSO: Since you did such a marvelous job of summarizing, I let the applause go on for your allotted time. (laughter)

We will now have Mr. Fred Noye, and after Mr. Noye we will have Al Cors, Jr. Mr. Noye?

F R E D N O Y E: Thank you, Senator, and distinguished Senators on the Committee. I am Fred Noye, from New Bloomfield, Pennsylvania, a former member of the Pennsylvania House of Representatives, having retired there last November

after 20 years of service, 14 of those years as a member of the House leadership. During my last year in office I served as the National Chairman of the American Legislative Exchange Council, which is a national organization of state legislators comprising about 2500 who are interested in the Jeffersonian principles of democracy and of limited government and taxation, with an abiding faith in the free enterprise system.

I come here today really to tell you, as I told your Speaker in pro tem last year during my visit to New Jersey, that the eyes of the nation are on New Jersey. I think you framed the question well in your resolution in the third whereas, where it states that the failure of the Federal budget process has produced a large and permanent Federal budget deficit and growing national debt.

In the 1980s, we saw four tax increases passed by the Congress of the United States with a quid pro quo agreement with the Chief Executive that would lead to a deficit reduction. It did not occur in any of those four instances. We are asking the Congress to do what 49 states already do, and that is to balance their budget.

During my travels as the National Chairman of ALEC, I visited over 40 states last year and found total frustration and desperation among your fellow colleagues in other state legislatures. This frustration with the Congress is not a partisan one; it is a bipartisan one. In my own State of Pennsylvania, we passed the convention call in the early 1980s. Pennsylvania is not exactly a bastion of conservative thought, but we, since that time, have had no serious efforts. Even though political power has shifted in Pennsylvania on several occasions, we have had no serious attempt to roll back that convention call.

With what is going on in Washington today, with the discussion of the budget and the Federal deficit reduction proposals, while talk of more and more spending, there has

never been a chance to send a more clear signal by those of you in the New Jersey Legislature to Washington. This is not going to be the 33rd State to make the call. This would raise the number from 29 to 30. I think, at this point in time, it would send a clear signal to those Congressmen that their time is running out on this question.

Thank you very much. (applause)

SENATOR INVERSO: Mr. Cors from the National Taxpayers Union, and after Mr. Cors, Mr. David Halbhook, American Security Council.

A L C O R S, JR.: Thank you, Mr. Chairman. I appreciate the opportunity to appear before you and this Committee. Again, my name is Al Cors, Jr. I am Director of Government Relations for the National Taxpayers Union. We are America's oldest and largest grass-roots taxpayer organization. We are pleased to have worked over the years with the United Taxpayers of New Jersey, very closely with Sam Perelli, and we are pleased at that affiliation.

SENATOR INVERSO: Sam who?

MR. CORS: Sam Perelli.

SENATOR INVERSO: I just wanted to let Sam know that we know he is here.

MR. CORS: First of all, I am here in support of Senate Committee Substitute for SCR-39, SCR-68, and ACR-30. I want to commend the sponsors -- Assemblyman Kamin, Senator Dorsey, Senator Ewing, Senator Palaia, Assemblyman Garrett. It is a well written piece of legislation. We certainly commend them for their effort. We are in full support, as are our taxpayers in New Jersey -- our 9000 members here -- and across the nation.

I want to commend you, Mr. Chairman, and the members of this Committee, for your patience and your diligence in considering all the testimony from numerous hearings. I think you deserve to be commended for that.

I want to start off very quickly and just talk about some of the points that have been made. I want to make the point very clear that the whole argument of the runaway convention was started back in the late '70s, when many, many states were passing these resolutions. It was started and funded by the AFL-CIO, which formed a committee to protect the Constitution. It has been picked up by other groups, some of which see a conspiracy behind every tree. It is unfortunate. Many well-meaning people have concerns, and we certainly appreciate that. But we believe that those concerns are totally unfounded.

Let me point out, very quickly, three reasons: First, Congress will act-- Before any convention can be convened, they will act, if they are forced by state petitions. The last thing that the Congress of the United States wants to happen -- wants to have happen -- is for a convention of citizens to write a balanced budget amendment that they would have to live under. So that is your first safeguard.

Your second safeguard: If there is a convention, Congress will set the procedures. They have that duty under Article V. Okay? Any convention that would be held, would be held under procedures set by Congress.

Third, any amendment that is proposed, by Congress or a convention, must be ratified by 38 states before it can become a part of the Constitution.

Now, you have heard testimony that told you, okay, they will change the method of ratification. If a convention proposes to change the method of ratification, then that, too, would have to be ratified by 38 states.

You have heard testimony that, well, okay, the state legislatures would not have an opportunity, as in 1933, the only time state ratifying conventions were held; that those conventions would, in fact, ratify. Well, that's true. They were held in 1933. They were held because the legislatures

didn't want to deal with the issue of repealing prohibition. That is the reason the conventions were set up. They were set up under the restrictions of the legislators in the respective states. In Arizona, it was, in fact, a misdemeanor to vote in opposition to the position that one had ran on. That is how tightly it was restricted.

I see my time is running out, so I will be very brief. I have provided some materials which show-- A gentleman talked about interests on air. Well, ladies and gentlemen, we have a \$4.2 trillion national debt. Under the best scenario of President Clinton's plan, it could very well be \$5.5 trillion to \$6 trillion in five years. We are now consuming 71 percent of private savings funding the Federal debt. That is the money you and I save in American financial institutions; that buys the government debt. So that is what is going on, and that is what we are threatened with.

Mr. Chairman, members of the Committee, I urge you to urge your colleagues to support this measure and stand up for the taxpayers of America. Thank you.

SENATOR INVERSO: Thank you, sir.

Next we will have Mr. Halbrook. After Mr. Halbrook, we will have Mr. Daniel Kalinger, American Security Council.

DAVID HALBROOK: Thank you, sir. I am a long way from home, too. I am from Mississippi. On that theory and the fact that I usually talk pretty slow, I might ask to get my time extended.

SENATOR INVERSO: I'll excuse your accent if you will excuse mine. How's that?

MR. HALBROOK: I am very pleased to be here. I will try to talk fast. There are a number of points that I would like to cover.

First of all, it doesn't make any difference what the occasion is, there are always three things people want to know. They want to know who you are, where you are from, and

what you do. Well, I am David Halbrook. Where am I from? I am from the heart of the Yazoo Mississippi Delta, the metropolis of Mississippi, the garden spot of the South, the pride of the nation, and the culture center of the world; the shining light of the universe and the golden buckle on the cotton belt. I am from just north of midnight and just east of daybreak, and I can prove all of that by the map.

Now, what do I do? I am a farmer. I raise cotton, soybeans, rice, and catfish. I am also in the real estate business. I do strip shopping center development, freestanding stores, that sort of thing. I just incidentally -- and I do mean just incidentally -- serve in the Legislature. I am not a professional legislator. The people have been very kind to me, and I am deeply appreciative. I have been elected eight times. I am currently in my 26th year. One thing I find is, people are pretty well alike no matter where you travel.

Coming in on the airplane yesterday, a fellow in the airplane in the seat next to me asked me where I was going and what I was going to do. I told him. This is the man in the street talking now, and I want you, as legislators, to listen to the man in the street. He said, "The budget needs to be balanced." He went further and said, "Congress will never balance it of its own volition. The constitutional amendment is necessary."

We went ahead and had a little further conversation. I am real glad to see these young folks here today. It does me a great deal of good, because it is their future we are talking about. It is not my future; it is not the future of the majority of the people in here. It is the future of these young people who are right here -- right here behind me now. I am glad to see them here.

The man went on and talked about his daughter a little bit. He said, "I have a daughter. We were talking politics

the other day, and she said, 'Daddy, I think politics and the government programs should be run just like school.'" He said, "Well, how's that?" She said, "In school if I study and do my homework I make 'A's". If I don't study and if I don't do my homework then I fail." This was from a 16-year-old. I've got to agree with her totally. We would be a lot better off if we would do that.

Now, I have talked about a lot of things here. Let me get into some more or less prepared remarks. You know, the Chinese have an old--

SENATOR INVERSO: The demographics took a minute.

MR. HALBROOK: Yes. Let me ask you two or three questions here, and then give you some answers. First of all, can a constitutional convention amend the Constitution? No. Give the lady an "A." It cannot. Who can amend the Constitution? The only people who can amend it are the legislatures or conventions within the states. The convention, itself, cannot.

We had a real compliment paid to us in Mississippi not too long ago by a member of the press. Now, I don't know how the Legislature in New Jersey gets along with the press, but I was pleased at this. They said, "If the Legislature is given the full and true facts, they will usually reach the right decision." I want to ask you to reach this decision on full and true facts. If you are given the full and true facts, you will reach the right decision.

Now, on the question of a limited constitutional convention: Can it be limited? Of course it can. All of your recognized authorities, including Sam Ervin, Griffin Bell, the American Bar Association, the United States Department of Justice, and even Phyllis Schlafly say that it can be limited. Now, I will give Ms. Schlafly this point. She said, "It can be limited, but the question is, will it?" To me, the question of whether or not it will be limited is a completely and totally

irrelevant and rhetorical question, because with the attention that has been put on this, there is no question that it will be limited.

In no state where public hearings have been held has the call for the convention been rescinded. It has not been rescinded in any state. In the State of Louisiana-- As a for instance, I called over there -- they are next door -- and asked them why they did it. Everybody I called said, "We didn't do it. We didn't do it." If ever there was a con job put on, it was put on in the rescission in Louisiana, because nobody there knew what they did. I ask you to vote on the facts.

Thank you very much.

SENATOR INVERSO: Thank you, Mr. Halbrook. Thank you for coming.

We will now have Mr. Kalinger, and after Mr. Kalinger, we will have Mary Boston -- Ms. Boston. Mr. Kalinger?

D A N I E L J. K A L I N G E R: Mr. Chairman, good morning. Thanks for the opportunity to testify. My name is Daniel J. Kalinger. I am Executive Vice President of the American Security Council, which is a nationwide grass-roots organization. We number about 100,000 supporters and members, including more than 6000 here in New Jersey.

I would also like to note, in my limited three minutes, that even though I am from Washington, I was happy to leave because I lived in New Jersey for many years; lived up in Teaneck; and helped as Marge Roukema's Deputy Campaign Manager when she first won in 1980. I am happy to be back.

Mr. Chairman, the members of the American Security Council stand strongly in support of a balanced budget constitutional amendment. You might ask why an organization such as ours, with a reputation of dealing with defense and foreign policy issues, would particularly care about the balanced budget issue. The reason for us is that American

needs economic security in order to have national security. If we can't balance our budget and reduce the deficit, we believe our nation's security will ultimately suffer.

We have heard some of the numbers this morning. The reason for the drastic action that is required, in our view, is the state of crisis that besets our fiscal policy: a national debt over \$4 trillion; interest payments of \$210 billion a year, taking up more than our education, environment, transportation, law enforcement, space, science, and drug budgets combined. So we believe that a balanced budget constitutional amendment is necessary for one simple reason. We think that Congress has shown a structural inability to reform itself. Four times in the last 15 years, Congress passed a law requiring a balanced budget, only to ignore it. So we believe we need the force of the Constitution to serve our people where the Congress has failed.

We have lobbied Congress to adopt a balanced budget amendment. Last year, the Congress came within nine votes. But, right now, the prognosis is very uncertain. There is support even among the New Jersey Congressional Delegation for a balanced budget amendment, but if that fails, as it has for so many years, then we have to consider the other available step, which is the call for a constitutional convention. The debate is over means. There are many groups here that do not agree with the means. We believe that if there ever was a constitutional crisis, a grave crisis threatening this country, a debt of more than \$4 trillion constitutes such a crisis. And there have been many times when the American people have risen up through their representatives and demanded fundamental reform.

We think that this is one of those times. The American Security Council is organizing to help launch a nationwide campaign. We are here in New Jersey this morning because we think there is a real opportunity for this State to

show leadership in putting the call for a constitutional convention over the top. We think that is an important step to take.

So, Mr. Chairman, we urge your prompt action in calling for a constitutional convention. We know that the people, through their representatives at such a convention, will speak loudly and directly for the amendment to balance the budget. History is full of examples where the American people have spoken up loudly. So we urge your final favorable action on this amendment.

Thank you.

SENATOR INVERSO: Thank you.

Next will be Ms. Mary Boston. After Ms. Boston, we will have Mr. Greg Finnegan. Ms. Boston? (no response) Not here. Okay. Mr. Finnegan? Is he here? (affirmative response from audience) Okay. After Mr. Finnegan, we will have Mr. Oakes Lane. I think it's Mr.

G R E G O R Y T. F I N N E G A N: Mr. Chairman, I have 11 copies of my written testimony for the Committee. I would like to take the time to highlight some of those remarks.

My name is Greg Finnegan. Eight weeks ago, I attended a banquet of 125 parents who are very involved in the education of their children and are trying to positively impact the public schools their children attend. The featured speaker was very late in arriving, and I was asked to say a few words.

I asked three questions:

1) How many of you know that drafts of a new Constitution exist?

2) How many of you know that the U.S. is a couple of states short of having a convention?

3) How many of you know that New Jersey has an upcoming Senate hearing and vote?

Out of the 125 present, only two knew what I was talking about.

On May 15, seven weeks later, I addressed 900 parents, also very involved in the education of their children, and I asked the same three questions. More than 50 percent of those present knew what I was talking about. Clearly we are getting up to speed.

I did a radio interview a month ago where I asked the listeners to think of the special interest group they disliked the most. Everyone here can do the same. Then I say, "Imagine them at a convention tampering with the Bill of Rights and playing to the media." When the radio program was completed, the very hip-looking sound engineer said that he thought of the NRA. He said that he didn't want a convention for fear the NRA would get more expansive rights to bear arms. I, on the other hand, would fear that the right to bear arms would be terribly diminished by a convention. We disagreed on the 2nd Amendment; we agreed on the integrity of the United States Constitution. Neither of us want the Constitution tampered with by today's special interest groups.

In the last six months, there has been extraordinary activity in the states to get this convention going. I would like to give you an update on what I have learned:

In Michigan: The con con should have been an easy win there. Nineteen of the 38 members of the Senate were sponsors to SJR-28. But, between the time of a public hearing, like this one -- where the Sergeant-at-Arms was called twice to restore order -- at the time of the expected vote, thousands of calls went in to the Senate. And that is according to Senator Donello, the chief sponsor.

An aide to Michigan State Senator Dick Allen, who gave testimony at the New Jersey Assembly con con hearing last September, said: "Senators don't want to touch it with a 10-foot pole." Now, the Michigan Senate is rewriting the bill dropping the call for a convention and calling instead for Congress to balance the budget.

In Illinois: On Friday, April 30, a hearing for SJR-28 was announced for the following Monday morning at 11:00. On Monday, by 11:00 a.m., the chief sponsor, Senator McCracken, had received 500 calls against the con con bill. At the same time, he received the kind of information shared with you today. He went to the hearing and said, "I will not call SJR-28. I am so sorry. This is the worst mistake I have ever made in my life." Later, Senator McCracken said he felt used. Feeling used was the same expression used by a sponsor of the con con bill in Connecticut.

In Ohio: The legislative session ended in December with no action taken. Their con con bill has not been reintroduced.

In Hawaii: An initial vote in the morning to approve the con con call was followed by a lunchtime discussion of the dangers to the U.S. Constitution. A re-vote was called in the afternoon, and the bill was defeated.

In Montana: The first vote in their House after a public hearing defeated their joint resolution 15 to 1.

In Connecticut: There has been no action taken since the bill's sponsor withdrew his support.

Two states that rescinded earlier "Yes" votes had bills introduced, despite what Mr. Halbrook said -- Florida and Louisiana. On Monday of this week, I spoke with Shawn O'Brien, secretary to the committee where that bill sits. She said that when the bill was put on the docket to be discussed, there were so many calls that went in that the bill's sponsor pulled it.

Everything I have talked about has happened in the last six months. There was also an attempt to find a sponsor in Alabama to rescind their earlier rescinded vote, but no sponsor was found.

In conclusion, at the close of the only other constitutional convention in 1787, Benjamin Franklin was asked, "What kind of government did you give us?" He answered, "A

republic -- if you can keep it." And the question today is, can we keep it?

Discernment is in order. A balanced budget amendment can be passed by Congress and ratified by the states if a balanced budget is what this is really all about. Tell Congress to create a balanced budget amendment and you will ratify it if it is in the best interest of the American people.

Thank you. (applause)

SENATOR INVERSO: We will now have Mr. Lane. Mr. Oakes Lane? I hope we have it correctly. (no response) No, okay. Mr. Damon Keeley. Mr. Keeley? (no response) Okay. Mr. Joseph Plonski, Polish Legion of American Veterans? (affirmative response from audience) After Mr. Plonski -- we are getting close to noon -- we will have Mr. Steven Molnar. Then I believe we will break. Before we break I will discuss with you the arrangements we are going to make in the room here. There have been some modifications to it that I had wanted to occur. You know, the best laid plans sometimes go awry. I will discuss that with you later. Mr. Plonski?

J O S E P H A. P L O N S K I: Good morning. My name is Joseph A. Plonski. I am the State First Vice Commander of the Polish Legion of American Veterans. There is always a bit of misconception of what kind of veterans we are. We are American veterans.

We join with the VFW -- the Veterans of Foreign Wars, of which I am a member -- we join with the American Legion -- of which I am a member -- in asking you to drop your attempt to change our Constitution. (applause)

Risking a constitutional convention 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, a fellow by the name of Warren Burger, who used to be the Chief on the Supreme Court.

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, 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. Can you imagine that? That is what he would say. "Well, so what. You can't live with it? So what." 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.

I heard one of the speakers on behalf of the Taxpayers Union making mention of the fact that the people who are speaking here are not that well acquainted with the issues. Well, I differ with him. If he is here yet, I will debate it at any time with him.

UNIDENTIFIED SPEAKER FROM AUDIENCE: At any location?

MR. PLONSKI: At any location. Thank you very much.

The holding of such a convention at this time would serve a warning to other countries that a constitutional convention call 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, if their withdrawals are allowed to stand. This makes for a total of five states that either have reconsidered their original resolution calling for a constitutional convention, or states having never adopted a resolution at all calling for a constitutional convention.

How about those states that have called for a constitutional convention with no reservations? Are we going to be embroiled in a long legal fight over who did what? What do you think such an imbroglio is going to do to our currency?

I could go on--

SENATOR INVERSO: For 30 seconds, unfortunately, Mr. Plonski. I don't know if you saw the card. I don't mean to be facetious, but you have 30 seconds left.

MR. PLONSKI: All right. I was just looking for a part here. (meaning in his written testimony)

Now, you have said that the United States Constitution is no good because it must be balanced-- A balanced budget must be incorporated into it. Well, all of these efforts are a waste of your time and the public's time, so we want you 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, all of you, swore that you would support the Constitution as it was, and is, and the President of the United States. I took the same oath when I was in the service. I didn't say, "Hey, wait awhile. I don't like the Federal Reserve bill," or, "I don't like the income tax. What are you going to do about it?"

There is just one important point I want to make.

SENATOR INVERSO: Sure. Go ahead.

MR. PLONSKI: We, the supporters of the current Constitution, have placed our lives on the firing line during wartime, and have helped this nation to be the strongest militarily and the most sound financially, and, with some exceptions, the most reverent nation in the world. We do not take the position of an eye for an eye and a tooth for a tooth. Look at what President Clinton wants to do. He wants to give approximately \$4 billion to our former arch enemy to pull them out of the mire they have gotten themselves into with these five-year plans. Every time they had a five-year plan they went in deeper and deeper. They have shot our civilian planes down with a death toll in the hundreds, and have lied about it. They shot down a few military planes, but the government doesn't care about military men.

SENATOR INVERSO: Are you about ready to wrap up, Mr. Plonski? I don't mean to be abrupt, but we are trying to keep within a tight schedule.

MR. PLONSKI: All right, this is the last paragraph. Thomas Jefferson stated back 200 years ago, "With the change of circumstances, institutions must advance to keep pace with the times." He was correct. This is why the current Constitution can be amended to keep pace with the times.

I want to thank you, gentlemen and ladies, for listening to our appeal. I would like to leave this book. It is a book that is published by the Veterans Committee on the Constitution. It has all of the reasons why you should not adopt a resolution. (applause)

SENATOR INVERSO: Thank you. Mr. Molnar -- Steve Molnar? Is he here? (affirmative response from audience) Oh, hi, Steve.

As I said, we will break after Mr. Molnar. Then we will resume, and the first speaker will be Jeanne Allison. Okay? We will reconvene at 12:30. I think that should be

sufficient time for everyone to get a quick bite, freshen up, or make some arrangements.

Sorry to hold you up, Steve. Go ahead. Steve, speak into the microphone, if you would.

S T E V E N M O L N A R: Ladies and gentlemen: Thank you for the opportunity to speak to you.

SENATOR INVERSO: Take your time, Steve. We are not timing you. We are pleased to see you.

MR. MOLNAR: Ladies and gentlemen: Thank you for giving me the opportunity to speak today.

My name is Steven Molnar. I am 12 years old. I would like to tell you what is in my heart. I first became aware of this resolution when I started studying the United States Constitution, and I have been tracking it since the New Jersey Assembly voted on ACR-30, back in November.

My concern is with the future of my country. At the last Senate hearing, Chairman Bubba addressed the fact that young people like myself and those present in the audience would bear the burden of the decisions made by the Senate. I am here to give my opinion on how your decisions may affect me when I am an adult. There is a lot more at stake here than balancing our Federal budget. There have been several efforts made by the Congress to balance the budget, but they have failed because not enough of the Representatives want to get the job done. The Gramm-Rudman Act is still a usable solution to the problem, only if the politicians will compromise.

My fears about my future have to do with the other decisions the Congress might make while a convention is in session. Some examples are: losing the right for me to worship in the faith of my choice; the right to bear arms; the right to many other freedoms which I now enjoy.

I know that the resolution says the New Jersey State Legislature will take back their vote if anything else is proposed at the convention. I have read the section of our

Constitution that explains the "calling of a constitutional convention." There is no rule that gives a state permission to take back their vote. To me, this means my future is left to the decisions of people who I cannot trust because of their past and present failures.

Thank you. (applause)

SENATOR INVERSO: Thank you, Steve.

Ladies and gentlemen, and young boys and ladies, we are going to break now. Unfortunately, I am told that because of the wiring network and connections under these tables, we cannot move these tables. But what we are going to do is, we are going to move the speaker's table virtually in front of me and put chairs along the sides. We will try to accommodate you as best we can. Okay?

Secondly, I want to compliment and commend the children who are here today. I think it is wonderful to see you out here. I hope you are up to snuff with your studies and your grades in school. I know all of you are, or you wouldn't be here. It is really good. You have been well-behaved under difficult conditions, so I want to compliment you.

We did find an American flag lapel pin that someone dropped back in this area here. I don't know who it belongs to. I'll leave it up here. The owner can claim it here. If not, I will be proud to wear it.

Thank you. We will reconvene at 12:30 -- 12:40. We need another 10 minutes, so until 12:40.

(RECESS)

AFTER RECESS:

SENATOR INVERSO: I would like to call the hearing to order, please. May I have your attention? My apologies for being a few minutes late. You can't walk through the halls

here without being collared. The lobbyists actually lobby in the lobby.

Ms. Schlafly had asked me as a point of personal privilege if she could respond to a comment that was made earlier. I indicated to her that I was hesitant to do so because that opens the door, but there is an understanding that we have reached. I would ask Ms. Schlafly if she would indicate what that understanding is.

MS. SCHLAFLY: Well, I would like to thank the Chairman for allowing me, on a point of personal privilege, to refute a personal reference made to me by a previous speaker. I think the Chairman has done a great job of keeping this hearing on time and allowing everybody to speak. I would like to say that I understand that this exception is not to open up everything for refutation. I hope that those here will respect that. It is just because a personal reference was made to me, and I do appreciate it, Mr. Chairman.

David Halbrook lined me up with a list of those who say that a constitutional convention could be -- would be limited. That is a false characterization of my views. He took a line out of context in which I admitted that I can't predict the future. I do not have a crystal ball. I do believe that a constitutional convention would open up immense litigation on all the points of controversy raised here.

My position is that our Constitution should not be subjected to the risk of a runaway convention. That risk is made clear, first because the best legal authorities say it cannot be limited, such as former Chief Justice Burger; second, because everybody supporting a constitutional convention is, in addition, supporting some other amendment to the Constitution; and third, because I believe the media would dominate it anyway.

I think that Mr. Halbrook was confused about my statement just as he was confused when he denied that there are any rescissions. In fact, there are three rescissions of con

con: Alabama, Florida, and Louisiana. When he said he called over there to check, I think he got confused with another resolution that was proposed this year to readopt con con, which, indeed, died in committee.

So I appreciate, Mr. Chairman, your allowing me to make this statement. I would ask everybody not to try to open everything up for refutation, because that would go on all week.

Thank you, Mr. Chairman.

SENATOR INVERSO: Thank you.

Okay, the first speaker will be Jeanne Allison. Ms. Allison? The next speaker will be Ms. Beth Ann Peradotti. I hope I pronounced that properly.

Before you begin, Ms. Allison, Mr. Boselhager, you will have an opportunity. Thank you. Okay? Great. Ms. Allison.

J E A N N E A L L I S O N: Thank you. Senator, my name is Jeanne Allison. I have come before you today to express my concerns and my views on this issue of a constitutional convention. I am a private citizen of the State of New Jersey, and I pledge my allegiance to my homeland and to its supreme law -- the Constitution.

In the many pages of documentation which I have read and the hours of testimonies I have heard, there has been no guarantee of the final outcome of a constitutional convention. Therefore, "we the people" ask you, "our Senators," to block every possible change to the Constitution. We do not want the slightest chance taken which could lead to change in our Constitution in any way, shape, or form.

We do not want to give authorization to any person, or any group of people, or any delegates to change even one word of this successful document which has secured our freedoms for over 200 years.

I beseech you, therefore, Senators, as our lawmakers, to spend your time, energy, and efforts devising creative and

courageous plans to reduce spending in our government. As a responsible citizen and to run my household, I do not spend more than my husband earns. My government should not spend more than its income either. Indeed, the provision for limiting spending and balancing the budget is already in our Constitution, in Article I, section 2, clause 3. This law should be obeyed and oaths taken should be upheld.

You, Senators, are at the helm of our ship as our elected public servants. You are responsible for propelling our ship at this critical juncture of a constitutional convention call in New Jersey today. Please do not plunge us into endangered waters where there is possibility of destruction.

Even the Titanic was believed to be unsinkable and the safest vessel afloat. Such was not the truth after it sank in two-and-a-half hours with a loss of over 70 percent.

We plead with you, Senators, to keep us on the right waterway. Through the impenetrable night and after daylight breaks, our freedoms will be the same as your freedoms. So I urge you to vote against any call for a convention, and continue to safeguard our important and vital freedoms.

Thank you.

SENATOR INVERSO: Thank you. The next speaker will be Beth Ann Peradotti. After Beth Ann will be Senator John Scott.

BETH ANN PERADOTTI: Thank you. I am Beth Ann Peradotti. I will summarize my statement here. I do have quite a bit of information, and I would like to leave copies, if I could.

SENATOR INVERSO: Absolutely. Please do.

MS. PERADOTTI: I am speaking to you today as a concerned citizen from Illinois because the implications of SCR-39 reach beyond the State of New Jersey and affect all Americans.

I am one of many citizens and parents who are becoming increasingly alarmed at the callous attitudes of our government leaders, legislators, the media, and others who increasingly disregard the importance of our Constitution and the public's right to know the truth. I am a National Co-Director for the Council on Domestic Relations, a newer reform group which has been instrumental in stopping some of the con cons -- Hawaii, Louisiana, and Illinois -- just within the last couple of weeks. I am also a District Coordinator for United We Stand America -- the Ross Perot group. These are only two of many reform groups having members who think much as I do on the importance of values as set forth by our forefathers, our Founding Fathers, and other intelligent and honest patriots with intent to preserve our God-given rights and freedoms.

The elimination of the middle class is an obvious move toward a two-class system involving socialistic programs. "Selling out to foreign interests" has produced our deteriorating economy with loss of jobs, increased taxation, a lower tax base, a higher crime rate, increased government acquisition of property, and militia control. And our changing educational system has contributed to our country's problems by producing uncaring and poorly educated leaders who are unable to see the results of their self-serving actions and government dictates.

Similar resolutions as SCR-39 have been tabled many times. Why bring it up again? Many citizens working for reform also question Ross Perot and his involvement as National Director of UWSA -- United We Stand America. Is he really working for the people, as many of us want to believe? Many think not.

The key to understanding Ross Perot's agenda is his adviser, Lloyd Cutler, Jimmy Carter's White House Counsel and Cochairman of the Committee on the Constitutional System -- CCS

-- which is made up of well-known Washington figures, including Nancy Kassebaum, Nicholas Brady, William Fullbright, and dozens of others.

Mr. Perot has talked about the British Parliamentary system, which brings us to-- There is much reference to this "Reforming American Government" in my papers, the bicentennial papers of the committee on the constitutional system which involves people in government.

The first page of Chapter 24, entitled "An American Parliament," is where they advocate scrapping our constitutional republic for the parliamentary system that our Founding Fathers fought a war to free us from. Thus, we see that Ross Perot may not be an independent outsider, but may be attempting to implement the agenda of the very insiders who created the problems; problems such as the Federal deficit, some of which went into the government contracts that built Ross Perot's fortune. You don't have to be an economic genius to accept government contracts, but you do have to support their agenda if you want to keep them.

In this book it states, on page 29, that they plan a significant shift in our Constitution that would require "a crisis that would be very grave indeed," such as a depression. The only way the CCS can get its package of amendments into the Constitution is if the state legislatures can be tricked into calling for a U.S. constitutional convention, which Alexander Hamilton warned us against in "Federalist Paper No. 85," as it puts our government at risk of overthrow, and was only intended to be used to avoid armed revolution.

I have documentation on the constitutional changes that SCR-39, the balanced budget amendment, is planned to bring about. In order to explain the danger, I ask you to look back briefly. On October 21, 1986, Richard L. Thornburgh, then Governor of Pennsylvania, gave the following testimony to the New Jersey Assembly State Government Committee on ACR-54 --

also a balanced budget amendment. He testified, on page 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 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.

The CCS is commonly referred to in the political community as the "parliamentary government group."

On page 27, Dillon offers a 1930's type depression, or a 1920's type German hyper-inflation--

SENATOR INVERSO: Excuse me, Ms. Peradotti. You have 30 seconds remaining.

MS. PERADOTTI: --as possible crises that would bring about circumstances which would result in the drastic changes that he calls for.

SCR-39 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." The constitutional convention would destroy our country, much sooner than the awesome budget problems.

A constitutional amendment to require full Federal funding of all Federal mandates handed down to the states is the new issue being used this year by the American Legislative Exchange Council -- ALEC -- and the National Taxpayers Union,

which appears to promote a constitutional convention on any pretext that will catch on.

I had a few more statements, but I will close. The Grace Commission Report identified enough government waste to more than eliminate the Federal deficit. We don't hear enough about that.

We do have necessary safeguards where we could go ahead and balance the budget, as people have mentioned.

I ask that you reconsider your priorities. Withdraw SCR-39 and call many others, asking them to do whatever is necessary to help us to derail the destruction of our country.

Thank you. (applause)

SENATOR INVERSO: The next speaker will be Senator John Scott. Then after Senator Scott will be Ovie Lattimore.

Yes, ma'am? Excuse me, Senator.

UNIDENTIFIED SPEAKER FROM AUDIENCE: We can't hear back here. Can the P.A. system be turned up, please?

SENATOR INVERSO: Oh, we're sorry.

SENATOR JOHN P. SCOTT: I think we have to speak into the microphone a little closer. Can you hear this?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Yes.

SENATOR INVERSO: I don't think it was on.

SENATOR SCOTT: It was on, but I think she was too far away, and her voice didn't carry.

Thank you very much, Senator Inverso. I am not going to go into a lot of statistics. In addition to being a State Senator, I am also the State Chairman of the Conservative Caucus of New Jersey, representing many thousand families in New Jersey.

I think it was about seven years ago when we were down here in Trenton testifying against the same piece of legislation. At that point, it died; we had hoped that it had died permanently. I am concerned that it has been brought up again and, of course, typically it is brought up as a balanced

budget amendment. It is not a balanced budget amendment; it is a constitutional convention. The reason you get support at all is because of the balanced budget amendment tag. So if we can knock that away-- We are endangering the very Constitution of this United States with this legislation.

You have heard, and no doubt you will hear in the next number of hours that you are receiving this testimony, of all the experts pro and con on this particular issue. I would ask that we consider one basic problem with it. The very fact that there is divisiveness on this ability to have a limited Constitution tells me that we had best tread very carefully. If there is any possibility -- any possibility whatsoever -- that the Constitution of the United States will be radically changed, as predicted by some, though some say it cannot be, we cannot afford to take that gamble.

If we do nothing, the worst that is going to happen is that we will have a Congress that refuses to balance a budget. However, if we have this constitutional convention and we find out that we were right, that you cannot limit it to the one issue, what will we have when it is over? We don't know. The last constitutional convention we had an awful lot of brilliant people. I think they were sent here by the good Lord to protect this country and start us off on the right foot. I don't see those people today in the United States. I don't trust the Constitution to the people who will be over it, wherever it is held to make the changes.

I would ask that we not honor this resolution; that we do not vote on this particular legislation; that we go back and leave the Constitution. Then require our Congressmen -- hold their feet to the fire. Until we are prepared to do that, I think the country is safeguarded with our Constitution.

Thank you very much for your time. (applause)

SENATOR INVERSO: Thank you, Senator. Mr. Lattimore? After Mr. Lattimore, we will have Rae and Carolee Adams. Mr. Lattimore.

O V I E L A T T I M O R E: Good afternoon. My name is Ovie Lattimore, and I represent the American Civil Liberties Union of New Jersey. I would like to speak briefly in opposition to this legislation.

First, I would like to say that I had an opportunity to sit through some of the hearings -- prior hearings -- on this legislation. I have also read through the transcript of the testimony from the September hearing. One thing is abundantly clear after going through all that information, and that is that there is no consensus among the constitutional scholars as to whether or not this convention could be limited to one particular issue. In fact, even those who have spoken in favor of this particular legislation have not been able to say with absolute certainty that a convention could be limited to one particular issue.

In addition to those two facts, also, the overwhelming majority of individuals and/or organizations that have addressed this issue and have spent a great deal of time and energy researching this issue -- and they also cross a broad political spectrum from left to right and everywhere in between-- They are of the opinion that this convention could not be limited to one particular issue also.

We also have over 200 years of history wherein this particular method of amending the Constitution has not been employed, probably for the very reason that you are seeing, this widespread opposition -- widespread and vocal opposition -- to this particular legislation, and that is because the procedure in question is both vague-- It lacks adequate safeguards and guidelines. Thus, unless our legislators here in New Jersey have some information that we do not, information that they have not shared with us, it would be both irresponsible and reckless for them to vote in favor of this particular legislation under the circumstances and with the available information.

Thank you.

SENATOR INVERSO: I took someone out of sequence, and I apologize for that. May I hold Rae and Carolee Adams for a second? I have a speaker before you. I am very sorry to have to do this. We will now have Mr. Harry Boselhager. I'm sorry. Help me with your name.

H A R R Y B O S E L H A G E R: Boselhager. (correcting pronunciation)

SENATOR INVERSO: Boselhager. I'm sorry, Harry.

MR. BOSELHAGER: Good afternoon. My name is Harry Boselhager. I am with Hands Across New Jersey. Hands Across New Jersey does not want a constitutional convention. We do not want a threat to our form of government, the U.S. Constitution, or the Bill of Rights. We do not want a parliamentary government or a new world order. We want checks and balances; three branches of government; a republic for which it stands; and our national sovereignty.

SCR-39 calls for a constitutional convention to the U.S. Constitution disguised as a bill to balance the budget. We have only had one constitutional convention, and that was in 1787, when our Founding Fathers scrapped the Articles of Confederation and wrote our wonderful U.S. Constitution. Americans fought a war against a parliamentary government because of overtaxation and overregulation. Thomas Paine's writings, called "Common Sense," clearly spelled this out. Opening a door to tyranny by a government taking 80 percent of our income or enslaving the people by economic bondage can only lead to another American Revolution. Killing SCR-39 before this kills Americans' freedoms, liberties, prosperities, and justices, will save our country.

George Washington said during the American Revolution, "I am resolved to take Trenton." Trenton was the turning point in the fight for independence. Today I ask you, make Trenton the turning point against SCR-39. Show the nation that you have the courage to stop the enemy now, before it is too late.

Thomas Jefferson said, "The people are the only safe depositories." This is why we are here today.

Thank you, and God bless America! (applause)

SENATOR INVERSO: Thank you. After the Adamses, we will have Damon Timoldi. You are Rae, or Carolee?

R A E C A R O L I N E A D A M S: Rae.

SENATOR INVERSO: Rae, okay.

MS. R. ADAMS: Members of the Senate State Government Committee, thank you for allowing me to testify. My name is Rae Adams. I am 10 years old. I have lived in Montvale, New Jersey all my life.

I am against calling for a constitutional convention and all resolutions that support it. Our Constitution has held our country together for over 200 years. Many people wish to immigrate to the United States of America realizing that we have a beautiful system of government. I know of none who leave voluntarily.

This spring I attended a Model Congress course at Montclair State College in conjunction with the Academic Foundations Program for Gifted Youth. One of my assignments was to write a bill that would prevent a Waco incident from recurring. I decided to write a bill entitled, "The Law Enforcement Act of 1993." Among others, I interviewed a former criminal court judge, a gun store owner, my grandfather, who recently retired as a New Jersey police captain of 35 years experience, the office of my State Senator, the esteemed Senator Gerald Cardinale, and I obtained information either from or about the Brady bill, the National Rifle Association, and lots of material in my public library. I also consulted our Constitution. I devoted many hours of research to this assignment and my bill had seven sections and 596 words. In all honesty, I wrote a terrific bill.

With my two cosponsors, we fought for the bill admirably. However, despite advice from my mom and dad and the

retired judge who had suggested that I carefully rethink one of my sections because it conflicted somewhat with an amendment of the Constitution, and because it might also draw too much attention away from other sections of my bill that were quite excellent, I decided to include it nevertheless. Indeed, that is what happened. My fellow students concentrated on that part of the bill so much that they did not concentrate on the rest. Although I did not lose the debate, I learned the importance of good advice. I also developed an even greater admiration for the Constitution. And, I learned how much debate can go on about one idea versus many other ideas.

To make this point again, a month ago I attended a Mini-Model Congress at the Labor Center at Rutgers University as a spectator. There was one bill that had very good meaning and form, but the debate over one word in the bill put it down. Therefore, I suggest that, from my experience, it would be impossible for us to call a constitutional convention today without arguing about words and ideas until the delegates have wasted all the breath that's in them.

Why was the Constitution written? Because the Articles of Confederation were not working. Our Constitution is working fine, as it was 20 years ago, as it was in the 1800s, as it was the day it was approved. During the convention then, there was arguing both ways, particularly about how each state would be represented in the new government. The dispute caused a lot of anger, pitting the larger states against the smaller ones. On June 28, 1787, 81-year-old Benjamin Franklin made a speech about their lack of progress since they continually expressed different ideas on almost every question and they had reviewed all kinds of ancient history about models of government that no longer existed. So, Mr. Franklin called for daily prayer to make progress. Thereafter, our Constitution was written. Is there anyone who will call for daily prayer today?

I went around to my friends one day and asked them if they are in agreement with me in opposing a constitutional convention. Over 70 signed my petition, and even some of their parents, and I am sure I can get lots more. I also gave copies to the desk, or something, and they will pass it out later.

I urge you, Senators, to vote against a constitutional convention. (applause)

SENATOR INVERSO: Rae, two things: One, I hope there is some 10-year-old in my district who will refer to me as "the esteemed Senator; and two, if you were in my district, I could use a legislative aide. I think you did an excellent job. Very good! (applause)

Yes?

C A R O L E E A D A M S: Members, I am Carolee, and I am more commonly known as "Rae's mom."

Members of the Senate State Government Committee, thank you for allowing me to testify. My name is Carolee Adams. I have lived all my life in New Jersey, albeit four decades longer than Rae. I am here to support every word that my beloved daughter expressed. Rae is the reason why I am here; not only to fulfill her express desire to testify, but because I believe that a constitutional convention would be a terrible threat to her future and to that of all of our nation's children. I speak in the unshakeable recognition that a constitutional convention will provoke debate far beyond a balanced budget amendment.

My husband, Ray, and I have been married for 25 years. That is a curiosity today, as 50 percent of all marriages end in divorce, as reported in the April 1993 issue of "The Atlantic Monthly." I do not draw your attention to this fact for silvery self-satisfaction. It is used as a means to provoke you to consider how impossible it seemingly is for a huge segment of our society to resolve debate in a mere two-person relationship where love once reigned. How could we

expect to resolve debate in a gathering of distant and disparate delegates in days of distemper, when political honeymoons no longer endure even the infamous 100 days?

It is my belief that if a constitutional convention were convened, it would not only come to naught, it would undermine our Union. Above the eagle, the great seal of our country reads, "E Pluribus Unum," one people out of many. In sharp contrast, recruiters on the main walk through the campus of UCLA solicit students for campus clubs according to skin color and national origin. A constitutional convention would be an invitation to a segregated states of America, for these are the hawks of war, not doves of peace.

And, to argue the issue of a balanced budget, I speak not only from my current experiences as wife, mother, and active citizen, but also from a prior 15-year professional banking career where billion-dollar budgets, revenues, and expenses had to be met or else. Likewise, with far fewer zeroes to worry about these days, our family continues to spend less each year as we seek creative ways to become more productive. Are we such cowards to do otherwise? Are we so foolish to think we cannot? Our children need role models who show responsible and respectful behavior, rather than offer smoke and mirrors that obscure the real problems. Some presidential candidates may be able to afford to wait for the supposed results of a balanced budget amendment obtained via a constitutional convention. Personally, I cannot; my daughter cannot; and my grandchildren cannot. Our middle class will disappear in the meantime.

Senators, within the last 18 months I enjoyed coffee, calories, and conversation with one of our New Jersey State Assembly leaders. Astoundingly, I learned of some 10,000 bills pending in the Assembly. I am in complete sympathy with the dilemma that you must face in deciphering, prioritizing, amending, and voting upon these bills on a daily basis.

Subsequently, news reports were published concerning a goal in the Assembly to reduce the number through a myriad of controls. I do not know of the results of that very sensible endeavor, nor how many bills are pending in the Senate or the Assembly today. However, I must believe that a constitutional convention, with its ensuing chaos and pandemonium, would eventually quadruple the pending bills at minimum, and the insanity of gridlock would prevail forever both nationally and statewide. Indeed, a constitutional convention would become an occupational hazard as legislators incessantly babel to themselves, with no one having time left to understand or listen.

Please join with my daughter, Rae, my husband, Ray, who happens to be working today to pay our taxes, to be further exacerbated by a BTU tax affecting the middle class -- which a former presidential campaign candidate had campaigned against -- my son, Charles, and the rest of our family in opposing a constitutional convention, and please share our sincere concerns with your colleagues well in advance of their vote.

Thank you very much. (applause)

SENATOR INVERSO: Thank you. After Mr. Timoldi, we will have Mr. Armor, from the American Legislative Exchange Council. Mr. Timoldi?

D A M O N T I M O L D I: Mr. Chairman, members, I thank you for the opportunity to be here to speak, and I thank God that I live in a country where I can petition my leaders. I am a United States citizen. My name is Damon Timoldi. I am also a citizen of New Jersey.

I know it gets tedious after awhile to hear the same things over and over, whether the argument is for or against. Usually the facts become the same. I do appreciate your attentiveness. I have been watching you through all the speakers. You have been attentive, and I do appreciate that.

Alexander Hamilton once said that facts are stubborn things, and facts do not change. So let me just be brief and just reiterate some of the things we heard today and some of the things that I feel are important.

On the first page of the Senate Committee Substitute, it says that we have had a nonbalanced Federal budget for 21 straight years. We balanced it once in 30 years. We are probably \$4 trillion in debt -- more than that. I looked it up, according to the Department of Taxes and all that, and our annual Federal budget pays about-- Fourteen percent of the annual budget is made up in paying the net interest on debt, and we have an annual budget deficit of over \$300 billion.

I don't believe there is anyone in this room who disagrees with those facts, and that it is an abuse, what the United States Congress has done. We are all in agreement with that whether we are for or against this Senate Committee Substitute. However, the proposed balanced budget amendment-- Whether I am for it or against it I will not state, but I will say this one thing. There are three things with the balanced budget amendment: Number one, it treats the symptoms and not the causes; number two, it does have consequences; and number three, it is not foolproof

There are many people who are proponents of the balanced budget amendment, almost like it is the be all and end all to all our problems with the national debt and budget deficits. However, it treats the symptom and not the cause, and the cause is spending -- excess spending. If we are taking in this much per year and we are spending this much and we have a balanced budget amendment, we either cut our spending or we increase taxes. I believe that the United States Congress would increase the taxes and not reduce the spending. A balanced budget amendment does not cap spending. It just causes us to balance the budget.

Number two, it does have consequences, which is what I just said. I believe it will raise taxes; it does not cap spending.

Number three, it is not foolproof. People say it is a constitutional amendment; it is foolproof. It is part of the Constitution. I don't believe that. Constitutional amendments are challenging the Supreme Court. The First Amendment is one great example. With the freedom of speech and the freedom of religion, it is constantly challenged. When you have a balanced budget amendment, you are making a direct attack against Congress' livelihood, and that is to spend over what they spend. So I believe they would attack back by dragging this out into the judicial branch. So, it is not foolproof either. But we know that. We can all agree on that; we can all agree on a balanced budget amendment. Whether we are for it or against it, we can agree that the Congress has to stop and do something.

But I think the key is -- and please do not lose focus on this -- the avenue which we ought to take to stop the United States Congress from spending or for a balanced budget amendment. That is the reason why we are here. Nobody is disagreeing that something has to be done. But it is the specific avenue we must take.

In section 1, line 28, on page 1 of this Committee Substitute, it says, "The Legislature of the State of New Jersey makes application to the Congress of the United States for a convention," and on line 31 it says, "for the sole, specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget."

In section 5, on page 2, line 12, it says, "This application for a limited constitutional convention--" Gentlemen, I know you have heard from the other people. I do not believe you can have a limited constitutional convention.

It is not only my opinion; it is the opinion of many legal experts. We talked about Chief Justice Warren Burger. Let me give you his exact quote, which was not mentioned during this hearing. He said, "The convention could make its own rules and set its own agenda. After a convention is convened it will be too late to stop the convention if we do not like its agenda." We have not only the courts, but we have historical precedent, which is the 1787 constitutional convention, which you all know about.

Gentlemen, my point is this: We talk about a balanced budget amendment. Many people want it. But the second part of that survey should always be, "Do you want a balanced budget amendment through a constitutional convention or through the way we have had our last 26 amendments added to the Constitution, without any threat?" Nobody is given the second half of the amendment. So I just ask you to be sober. I appeal to you with reason and common sense, not only on your vote, but that you influence your colleagues to not propose a constitutional convention for the sake of a balanced budget amendment. It is dangerous. There has never been a problem in the United States of America that has been too big for the United States Constitution to handle.

Thank you.

SENATOR INVERSO: Thank you. After Mr. Armor we will have Mr. Joe Ponczek and Mr. Scott Derby.

J O H N A R M O R, ESQ.: Senator Inverso, members of the Committee, ladies and gentlemen, all of whom care passionately about the Constitution: I am John Armor. I am Adjunct Scholar for Constitutional Studies for the American Legislative Exchange Council. I have also practiced in the Supreme Court -- 13 cases. Most recently, I testified before the Senate Subcommittee on the Judiciary of the U.S. Senate on the subject of the balanced budget amendment. I am a detail freak. I clearly admit that.

What I left at the desk there is the index of original documents. They are all identical, though some of them say Trenton and some of them say Baton Rouge because I had prepared a new set for a hearing that was canceled on less than 24 hours notice. But the guts of it are exactly the same.

The main argument against this doesn't have to do with the merits of the balanced budget amendment. Everybody in the room concedes it is desirable that Congress be under the same discipline that every state is, but Vermont. Set that aside. The argument that there will be a runaway convention has three parts: One, the first convention was a runaway; two, we have no other experiences to guide us; three, conclusion, a new convention would be a runaway. The conclusion falls because both premises are false.

What you have in this package of original documents are every word, not excerpts yanked out of context -- every word of all the documents which brought about the convention in Philadelphia. In there are the instructions that every state legislature gave to its delegates who went to Philadelphia. When you read those instructions you will find that all but three of the delegates in Philadelphia obeyed exactly the instructions they were given by their states. Those instructions were to conduct a general convention. Massachusetts and New York are the only states that restricted their delegates. Two out of three of the New York delegation abandoned the convention, so Alexander Hamilton could no longer vote as a state. Two men -- Nathaniel Gorham and Rufus King of Massachusetts -- jumped the fence and voted contrary to the instructions they received from their state.

Ladies and gentlemen, that is the truth. That is the fact about the convention of 1787. Anyone who says otherwise, that it is a runaway, has one of two problems: They are relying on the truth of something someone else has told them, which I think applies to most people who will testify today, or

they have not, in the words of several speakers about -- these very able students-- I salute you, by the way, Rae. You're a crackerjack. They didn't do their homework. These are the documents. You don't have to trust my judgment as an expert. You don't have to allow me to drag you in absentia -- or some other expert -- by the literary ears and give you a small quote, and say, "This person says, and therefore you must believe." No. Right here you have it. That convention was not a runaway. It did what it was supposed to do.

Second question: Do we have any other experience to rely upon? I was very glad -- and this is the second time he has testified -- that former Senator Lance came and spoke to you. The truth of the matter is, every state, except Hawaii, has had a limited constitutional convention. Hawaii has not. They had one. It was a general convention, and they have never gone back and revisited it. But every other state, including New Jersey, as you know from his experience, has had limited constitutional conventions. There have been 250 state constitutional conventions in the years since Philadelphia, and especially in the 20th century, the preferred route that the states have chosen is limited conventions; limited by either of the two methods that former Senator Lance referred to. Either "everything but," or "only this." He stated it exactly right, and there are court decisions upholding exactly those sorts of limitations.

So, anybody who tells you that there is no other experience to rely on, again, is either trusting what someone else has said, or they haven't done their homework, because it is there. And you had a live witness from your own State to tell you that it is there. So, the two premises about the runaway convention are false. Therefore, the conclusion that this would be a runaway is false.

The secondary issue they suggest is, "Oh, we could have a convention and we could rewrite the amendment

ratification provisions. Again, they haven't done their homework. What happened in 1787, '88, and '89? The states of the Articles of Confederation walked out, turned out the lights, and closed the door. They abandoned the Articles of Confederation. That much is established by these documents, because the framers believed a state could leave as freely as it came in. That was true until the end of the Civil War. The Confederacy -- what my grandmother called "the late unpleasantries" in the South -- was soundly, theoretically based, but when the guns fell silent at Appomattox, that was a dead issue. States can no longer walk away from the Constitution. They must act within it. We did not have a Supreme Court then; we do now. We had not had a Civil War then; we have now. That second argument, again, fails because they haven't done their homework.

So I urge you, very much, use the safety valve in the Constitution. That is what this is. If Congress won't act, you can, and I sincerely hope that you will.

Thank you.

SENATOR INVERSO: Oh, you listened to my caution about the applause. That's very good.

Mr. Ponczek?

MR. ARMOR: (speaking from audience) Joe Ponczek and Scott Derby are both close friends of mine. They have not arrived yet, but I am sure they will be here shortly. They are coming a very long distance; they're coming from South Jersey.

SENATOR INVERSO: Okay. If we are here when they arrive, they can speak.

Mr. Kiernan -- Frank Kiernan? After Mr. Kiernan will be Mr. Kevin Hall. Mr. Kiernan? (indiscernible comment from an unidentified speaker from audience)

SENATOR INVERSO: He is not here? Okay. Mr. Kevin Hall.

K E V I N H A L L: Hello. My name is Kevin Hall. I came in from Boston. I am from the group "We the People."

Regarding the last testimony that you just heard, there is missing information there. As you see, what you have in front of you, Senator, covers it. First of all, Mr. Armor did not mention that the reason we originally had a convention was over one issue. That issue was commerce and trade. The States of Virginia and Maryland were fighting over the use of the Potomac River. Because of that, this one issue went to Congress, such as this call for one issue, a balanced budget amendment, would go to Congress to determine the rules of the convention. So that is what it was called for, one issue, commerce and trade. It went to Congress, as this would. When it went to Congress, Congress decided to set up the rules of the convention. In that what they said was that it was to revise, not totally get rid of, but to revise the Articles of Confederation. Once the revision happened, the revision would go to Congress for approval, and then would have to get approved by 100 percent of the state legislatures. That is what Congress set up. That is not what happened. Once it went to the convention, they rewrote the Constitution. It was totally rewritten. That was outside the bounds of revision of the Articles of Confederation.

Now the safeguard regarding the ratification process: The safeguard was supposed to be 100 percent of the legislatures after Congress. It did go through Congress, but then it went-- It was set up as conventions of three-quarters of the states to ratify it, elected delegates in these conventions instead, so it bypassed the legislatures. Where was this rule for ratification made? The rule was made right in the convention. It wasn't in the Articles of Confederation, so the law would totally change-- It was totally changed right within that convention, and that is our precedent. It is our only precedent.

So what would happen here is, we have our one issue. It could go to Congress. Congress could decide what they wanted to bring up and set up the parameters. They may not like a balanced budget amendment at all. What you have, interestingly enough, is that people who are pushing this-- It seems to be coming from the Republican Party, but who is running Congress? Who is going to make the rules? It is going to be the Democrats. You are going to have George Mitchell doing it. You are going to have those platforms. It is kind of ironic that it is being pushed by the Republican Party.

Anyway, it can get changed, so they can bring up anything. As far as the ratification process goes, we don't know what could happen, because the precedent is that it was changed right in the convention. So they could just bypass it, have a general election, or what have you. That is a precedent.

As far as the information regarding state conventions, they have nothing to do with this. A state convention is not a precedent to the Federal Constitution.

Now, what is very important is that this bill should have been dead and gone over in the Assembly, if the Assemblymen were not heavily pressured right on the floor. My group, and some other groups, did a lot of heavy polling of the Assembly members on, I believe it was ACR-30. It was 40 to 20 in our favor to get rid of this. But, what happened? Two people came to the floor. We didn't have any word from our side, but two people came to the floor. One was Rich Bond, the former Chairman of the National Republican Committee. He was right on the floor during the vote. He said, "The President wants this." Also there was Bob Grady, the Executive Director of the Management and Budget Office. So basically you have up there-- They are not coming out and saying, "We will shoot you if you don't do this," but you have the person, Rich Bond, in charge of moving ahead any Republican, and you have the person

who signs the checks for the states, including the State of New Jersey, right there.

Now, that is pressure and it so much and it is 120 votes. This should have been dead.

Do I have 30 seconds?

SENATOR INVERSO: I think you have.

MR. CALLAHAN: Yes, 30 seconds.

MR. HALL: Yes, he just gave me the time limit there.

That is the precedent. That is the pressure. The information on here (referring to written testimony) gives the history of how, since 1974 on, how there was a lot of push to put in a full constitutional convention, unlimited. In 1976, it got defeated. It was based on the 1974 Constitution of the New States of America. It is very destructive.

Basically, what I would like to ask in my last 10 seconds here is for you, Senator Inverso-- I am very pleased that you dropped your cosponsorship after reviewing it. I hope that you will step forward, like Senator Scott, and actually fight this thing, because that is what it will take. We can see that the general rank and file here is against this. There are only a few for it, but they have their lobbyists there, and that is how they pushed this through.

There are alternatives. One thing, for example, outside of the Gramm-Rudman amendment, which could have done something there but was bypassed, is-- Per the Grace Commission Report, which was published in "U.S. Policy and Review" last year, the income tax and corporate tax system costs us \$600 billion per year to comply to, with individuals, businesses, tax shelters, etc., etc. That would increase the spending.

There are other alternatives basically to this, but thank you very much.

SENATOR INVERSO: Thank you, Mr. Hall.

I would like to call Ray Zawacki, from the American Legion. Mr. Zawacki? (no response) Okay. June Morreale, United We Stand. After Ms. Morreale will be Mr. Drew Foster.

J U N E M O R R E A L E: I would like to wait. I need copies made.

SENATOR INVERSO: Okay, fine. Mr. Foster? After Mr. Foster, we will have Mr. Spencer Layman.

J. D R E W F O S T E R: Good afternoon. I am Drew Foster. I am from Ringoes, New Jersey. I am here today representing my five-year-old daughter, Jennifer Foster, with the hope that I can help ensure the free America for her that her ancestors built and maintained since 1635.

I am opposed to the so-called balanced budget amendment because it is a fraud. This amendment proposes a balanced annual budget, but it cannot reduce Congress' \$4 trillion debt, of which each American is held responsible for about \$16,000.

Herein lies the fraud. It is mathematically impossible to reduce the \$4 trillion debt, because all that which we call money in America today is based on debt, not on substance. We would have to incur an additional \$4 trillion debt in order to pay off our creditors.

In 1933, Congressman Louis McFadden, Chairman of the House Banking Committee, stated, "The United States is bankrupt. It has been bankrupted by the corrupt and dishonest Federal Reserve Board and the Federal Reserve banks. It has repudiated its debt to its own people."

The corporate United States is still bankrupt. The Fed owns our money. Therefore, the Fed owns the United States. The Fed is a privately owned corporation. The majority ownership of the Fed belongs to foreign families. Therefore, it is frighteningly clear that foreign interests own the United States.

Ladies and gentlemen, now that you know these facts, a vote cast in favor of this amendment and constitutional convention would be a vote to support foreign interests to the detriment of the American people, and it would be a vote in clear violation of your sworn oath to uphold the Constitution of the United States. Among other things, you would be voting to continue the violation of Article I, section 10, clause 1 of the Constitution, which states: "No state shall make anything but gold and silver coin a tender in payment of debts." As the Constitution is a contract between the United States and each of the several states, it is your responsibility to us, to uphold that contract for our protection.

For more information, if you doubt any of these words, I sincerely invite you to contact me. I have researched this for the last several months, and I have just come up with very discouraging information. Please, for the future of my daughter, and all our children, vote, "No."

So ends my prepared statement. I would like to add a couple of other points, if I may.

It is clear to me that the ultimate issue in dealing with any aspect of the economy in this country, at any level, that we are enslaved by a corrupt and unconstitutional money system. Until that is corrected, it is futile to even discuss balanced budget amendments and getting rid of the debt, because the debt is just perpetuated by this money system.

Now if I may, I take exception to one statement that John Armor made. Maybe he knows more about it than I do, but he said that the Articles of Confederation were thrown out. I have searched and searched, and I can't find when, how, or where the Articles were thrown out. In fact, I find listed in the introductory books to the United States Code that the Articles of Confederation are listed as among the organic laws of this country, along with the Declaration of Independence,

the Ordinance of the Northwest Territories, and the United States Constitution.

Now, as long as we understand that foreign interests are controlling this country, would we want to open up a constitutional convention and risk losing all of these great documents? I think not.

Finally, I have held both appointed and elected positions in local government. I am very sympathetic to your having to sit up here listening to all this commentary. I have come into meetings with facts and decisions in mind, but when I listened to overwhelming testimony in opposition to my original point of view, I had to listen to the people I was representing. It seems clear today what the majority of the people desire.

Thank you very much for your time. (applause)

SENATOR INVERSO: Thank you. Mr. Spencer Layman. After Mr. Layman will be Ms. Loretta Darling.

S P E N C E R L A Y M A N: Thank you for the opportunity to address your Committee. My name is Spencer Layman, from Matawan. I am the New Jersey Libertarian Party Chair. I am here to testify against the proposal to call for a constitutional convention to achieve a balanced budget amendment.

Our Constitution works fine. It is we who have allowed -- and helped -- our political and budgetary problems to occur. A constitution's purpose is to define the basic relationships among levels of government, and the relationship between government and citizens. It is not meant to be used to enact political agendas. When it has been so used -- the original slavery language, prohibition -- it has failed; even presidential term limits backfired on its proponents.

I address the balanced budget proposal, conceding for the moment that a directive to a convention could be worded to preclude consideration of any other business. Most states

require balanced budgets. Now, there are two ways to balance a budget: control spending, or increase revenues -- taxes. Have most states controlled spending? No. Have most states increased taxes and fees, resorted to budgetary chicanery, etc.? Yes. Is there any reason at all to believe that the Federal government would do otherwise? No.

This is a political problem, not a constitutional problem. For decades, we have looked to government, rather than to ourselves, to solve virtually every problem, real or imagined. This is what has led to exponential government growth. This is what has led to exponential increases in the budget and the national debt. Until we change this, we can only expect still larger budgets, balanced or not, accompanied by higher taxes, and more government intrusion in our personal and economic lives. We will have still fewer choices in our lives, with fewer resources to exercise them.

No, a balanced budget amendment will not work. It cannot solve the real problems that led to its consideration, because it does not address them. Worse, however, is that if enacted, we will think it has solved these problems. In essence, this is but another example of relying on a government cure-all, rather than our own initiative, personal and political, to control our government and our lives, and that is what got us all here in the first place.

Let me return for just a moment to the misguided and dangerous idea of using the Constitution to solve passing political issues. There is no guarantee of what a convention would do, regardless of the wording of its mandate. Our history is replete with attempts to change the meaning of the Constitution by all branches of government. I see no reason that this would be different.

This proposed convention, or a future one, would be nothing but an attempt by every group imaginable to impose their political and moral beliefs on all of us. We cannot take

that risk. Political issues -- those that do not relate to the basic structure and powers of government and the rights of its citizens -- belong in the political arena. A balanced budget is a political issue.

So, if you will, both practical and constitutional considerations call for your Committee and the Legislature to reject this proposal. Hysteria and narrow political agendas as a basis for constitutional enshrinement have failed in the past. They will do likewise today, and in the future.

Thank you again for the opportunity to appear.

SENATOR INVERSO: We will have Ms. Darling next, and after Ms. Darling-- Is John Tomicki here? (no response) No? We will then go to Zena Mitchell. She will be next.

L O R E T T A D A R L I N G: Senator Inverso, you are the only one here I recognize.

SENATOR INVERSO: Is that right? You didn't send me this rose, did you?

MS. DARLING: No, I didn't. I just wanted to get one thing clear. I understand we are having a public hearing today for something that was voted on a month ago. Am I clear on that?

SENATOR INVERSO: In Committee, yes; not by the full Senate.

MS. DARLING: So, in other words, this public hearing is to acquire testimony for perhaps--

SENATOR INVERSO: Right.

MS. DARLING: Is that ethical, though, to have a public hearing after you already voted on something?

SENATOR INVERSO: It was voted out of Committee. The process requires then a public hearing. At that point, the information from the public hearing will be made available to the Senators, and there will be a floor vote.

MS. DARLING: Right. What I understood was, ACR-30, SCR-39, and SCR-68 were moved to be combined into one bill --

SCR-39 -- which you voted on a month ago and are now having the public hearing for?

SENATOR INVERSO: Voted on a month ago out of Committee.

MS. DARLING: Why does that sound less than ethical to me?

SENATOR INVERSO: Well, I think-- Early on, if you were here this morning, I went through a little dialogue explaining why we were here and so on. I mean, if you care to get into your testimony, we can discuss it later, if you want to talk to a Committee Aide about the process.

MS. DARLING: I obviously missed it. I just wondered, is that the kind--

SENATOR INVERSO: That is a reasonable question, but I think you are taking up your time on a question of process and procedure--

MS. DARLING: Well, I just wondered. See, that little loophole is exactly the kind of loophole that I think would prevent any control or limitation in a constitutional convention. Would this be the kind of guarantee that we would be offered?

SENATOR INVERSO: I don't understand what you are saying about guarantees. This is the process as duly prescribed. We are going through what is required of us, and we are trying to do it as -- you know, as openly as possible.

MS. DARLING: I think the 12-year-olds probably understood what I said.

SENATOR INVERSO: Well--

MS. DARLING: The other thing I wanted to talk about was something that Mr. Foster touched upon. He talked about balancing the budget and the Federal Reserve notes. He was saying that we spend too many of these -- these so-called dollars. (witness displays dollar bills) Well, it says on it, "Federal Reserve Note." What note means is debt. So, when we

owe a debt on this to the Federal Reserve bank, what do we have to pay it with, more of these? We have twice the debt. I think that is what he is trying to say.

The only way we can pay a bill owed to this, is with some other form of money, or coins. Coins are minted by Congress. He mentioned that Congress had the right only within the Constitution to produce gold and silver coins. Well, that already exists. We do not need a constitutional convention to balance the budget. We do not really need a balanced budget amendment. We need to face the truth.

I hope that each of the State Senators -- I guess I am saying this for their benefit -- can just feel that gut thing that is wrong about this, remain harder than woodpecker lips in facing each of the sponsors, and just have the courage to say, "Quite frankly, when it comes to balancing the budget, SCR-39 just does not fit the bill." I hope that each of the State Senators will just feel it in their hearts to vote, "No," on this very, very, very important issue.

Thank you. (applause)

SENATOR INVERSO: Thank you, Ms. Darling. Ms. Mitchell, and after Ms. Mitchell we will have Mr. Lee LeClaire.

Z E N A M I T C H E L L: Good afternoon. I am Zena Mitchell from Somerset, New Jersey. I come before you, ladies and gentlemen of the New Jersey State Senate, to appeal to the divine spark within each and every one of you, however small it may be, to let your conscience and righteousness be your guide. Let not you be the enemies of freedom from within this nation, masters of deceit, and powermongers who divide, assist, and orchestrate the treasonous overthrow and cessation of this Republic.

Since the formation of the secret society known as "The Order," or "Skull and Bones," at Yale University in 1833, there have been power elitists plotting and scheming to

infiltrate every segment of American society to destroy this nation and bring forth a one-world government.

Glasnost, perestroika, and globalism are but jargon used as a Trojan horse of deception to bring about that end. I emphatically and fervently urge you to vote, "No," on SCR-39, for after the BCCI affair, the postal scandal, the plot to make the District of Columbia the 51st state, the New States Constitution, regionalism, the sex scandals of Senator Bob Packwood, Congressman Gerry Studds, Congressman Barney Frank, Congressman Donald Lukens, and others, how can we, the people, or those elected to represent us, trust the U.S. Congress and Senate with the entire Constitution?

The call for a constitutional convention is a Trojan horse of deception on a destructive path of freedom, with a totalitarian government at its helm. Do what is right. God is watching you, through me and from a distance.

Thank you. (applause)

SENATOR INVERSO: Thank you. After Mr. LeClaire will be Sam Perelli, United Taxpayers. (disturbance in audience) Please, please. I have been very, very tolerant. I think, you know-- Please, let's continue with the hearing. Thank you.

Mr. LeClaire.

L E E L e C L A I R E: My name is Lee LeClaire. I live in Hackettstown, New Jersey. What got me involved in this particular issue was a letter that Dick Kamin sent to Lou Uhler, who happens to be head of the National Tax Limitation Committee. In that letter he wanted Lou to send out to his strong supporters, some of the better supporters of the Tax Limitation Committee, the information for us to write to Senator DiFrancesco and inform him of our backing for a constitutional convention.

The only thing is, in Dick's letter that he wrote to Lou Uhler, he never mentioned the words "constitutional convention" at all. If I am one of the prime movers of the

National Tax Limitation Committee, I don't know how I got there, because I have never paid them a nickel in dues in my life, and most of the mail I throw in the wastebasket. I accidentally opened this one, and don't ask me why. But when you hear these people say, "I am from the National Tax Limitation Committee, and I represent 10,000 or 20,000 or 100,000 people," I must be one that they represent. But believe me, I do not agree with anything they say.

Nowhere in this particular letter that Dick Kamin wrote is there anything about a constitutional convention. The last time we had a constitutional convention, to my knowledge, was on September 17, 1787, at which time the entire original Articles of Confederation were abolished and our present Constitution adopted. On December 15, 1791, our Bill of Rights became effective. We have added several amendments to our Constitution since 1791. However, we have never had a constitutional convention to adopt a single one of them.

At the present time, we are the only free nation in the world, and I do know that the Council on Foreign Relations, whose goal is one-world order, and the Trilateralists, whose goal is to control the world's money, are, in turn, directed by the (indiscernible), the supreme powers, the power-hungry men, the Rothschilds, the Rockefellers, etc., whose main goal is to control the world. As long as our Constitution is in place, their goals will not be met. I pray that our Constitution is not abolished, so that our children, our grandchildren, etc. will enjoy life as free men, the same as our forefathers and the many generations after them.

At the present time, we have added several amendments to our Constitution, and never had a constitutional convention. I see no need of one now.

There have been several attempts in recent years to abolish our Constitution. These people are public officials who, when taking office, can put their hand on the Bible and

swear, "I will uphold the Constitution of the United States." And what do they do then? They get on a committee and fight like hell to abolish it. I think this has got to end.

One of those examples is the New States Constitution of America. What does this do? It divides the country into 10 regions. We are going to be in Region II -- New York, Puerto Rico, and New Jersey. That is how they put us together. Now, what about your birth certificate? You can't be born in New Jersey anymore. You are going to be born in Region II or Region VI or Region VII, whatever the case may be. And to help you get away from the idea that you were born in New Jersey, if you look at all of your states, there are two letters for the address. MD now means Maryland. We used to write Maryland. I guess they can't spell it anymore. They make us put two letters.

The reason for that is, in these regions, they want to get away from the states. Now, what have our states done? All but 19 of our states have abolished the meets and bounds -- the legal description of the state territory.

UNIDENTIFIED SPEAKER FROM AUDIENCE: That is correct.

MR. LeCLAIRE: New Jersey does not have the meets and bounds description in its Constitution anymore. When they took it out, I don't know. But, what other country did the same thing? The USSR. Russia did exactly the same thing.

Now, in this New States Constitution, of course, the balanced budget amendment is completely gone. I mean, the 2nd Amendment of the Bill of Rights is gone. That Bill of Rights gave us the right to keep and bear arms. Now, I have listened to Assemblymen and Senators who pride themselves on the fact that we cannot have an automatic weapon anymore. But let me read to you what was stated in 1787. We've got to go back to 1787 to really know what happened.

James Madison said, "Americans have the right and advantage of being armed, unlike the citizens of other

countries, whose governments are afraid to trust their people with arms." If citizens ever dared give up that which they have no right to surrender, God will surely allow us to be punished for our wicked actions. Just as we have no right to sell ourselves into bondage, we have no similar rights to surrender what has been held as a means to defend our families and the last line of defense in the event of emergency.

The resolve of our forefathers was that our people would always be an armed force against power-hungry tyrants, who would inevitably arise, as evidenced by Jefferson's statement: "The strongest reason for people to retain the right to keep and bear arms is as a last resort to protect themselves against tyranny in government."

Now, George Mason, one of the people back in 1787-- I quote what he said: "I asked her, what is a militia? It is a hope people accept for a few public officials. We are the militia. Are they not ourselves? Is it feared that we shall turn our arms each man against his own bosom?"

Congress has no power to disarm the militia. Their swords and every other terrible implement of the soldier are the birthright of America. They have limited power. The sword is not in the hands of either the Federal or the state governments, but where I trust in God it will ever remain, in the hands of the people. I think we have to consider that.

SENATOR INVERSO: Mr. LeClaire, you have about 20 seconds now. We couldn't get your attention earlier.

MR. LeCLAIRE: We also have, in addition to this New States Constitution-- You have heard about the other constitution we have, the CCS constitution. And of course, once we have a constitutional convention, it is going to be open to every Tom, Dick, Harry, and Jane. You know that as well as I do. If you think these people are not going to get in there and fight, you're crazy. We also have the United Nations Constitution, and who wrote the United Nations

Constitution? The United Nations Constitution was written by the under-secretaries of the Secretary of the United Nations. There were nine Russians and one Yugoslavian. How does the Russian Constitution differ from the U.N. Constitution? It doesn't. Our Senate, by a voice vote, adopted the U.N. Constitution -- the United Nations Constitution. They were just ready to slide it into place, and that takes away your Bill of Rights. You have the right -- the freedom of religion, if the law allows. You have the freedom of the press, if the law allows. So, which way are we going? If you want to take and balance their budget, let's go to the Federal Reserve.

Who is the Federal Reserve? You have heard about your private bankers, and whatnot. I'll tell you who the Federal Reserve is, so you will know. Number one is the Rothschild Bank of London, in England.

SENATOR INVERSO: Mr. LeClaire, I hate to interrupt, but your time is up, sir. I will give you a couple of minutes to summarize -- a couple of seconds. (indiscernible comments from audience at this point)

Wait, hold on a second, please. I think I have conducted this hearing in a very fair open process. (applause) No, I am not looking for applause. All I'm saying is, don't make me feel as though I am not giving someone a fair opportunity. We have been pretty consistent with all of the speakers. I cannot allow him to go on at length. Please summarize.

MR. LeCLAIRE: May I just finish who they are?

SENATOR INVERSO: Yes, but summarize in a few seconds, please.

MR. LeCLAIRE: I mean, if you go down the street and you stop and ask, "Who owns the Federal Reserve?" they say, "The Federal government." This is what we teach in school. I think it is time that someplace in the public record we find out who owns it.

The number one owner -- Rothschild Bank of London and Berlin; number two, Lazard Brothers Banks of Paris; number three, Israel Moses Seif Banks of Italy; number four, Warburg Bank of Hamburg and Amsterdam; number five, Lehman Brothers Bank of New York; number six, Kuhn, Loeb Bank of New York; number seven, Chase Manhattan Bank of New York; and number eight, Goldman, Sacks Bank of New York, and they have 300 private stockholders whose names shall never be revealed. We are paying this bunch \$400 billion in interest, money we print in our Federal government, we give to the Federal Reserve franchise. They turn around and lend it back to us at interest, and we wonder why we are in debt. There is no wonder why we are in debt. This is where we can get our money, and we don't need a balanced budget amendment.

I thank you, but I am sorry you cut me off. (applause)

SENATOR INVERSO: All right. Please, can we have order? I said to Rae Adams earlier that I was sorry she wasn't in my district. I'm glad you're not in my district. You would be an opponent.

MR. LeCLAIRE: The last time I had to come was in 1984. I spent 10 years fighting for a bill in the Assembly and Senate down here. I was the Secretary/Treasurer of the New Jersey Veterans Caucus, and we finally got it so the veterans could retire at age 60. It took me 10 years to get it through.

SENATOR INVERSO: Well, let me say this: There is no battle that you won't win, I'm sure, with your persistence.

MR. LeCLAIRE: I hope it won't take 10 years for you guys to vote, "No."

SENATOR INVERSO: Mr. Perelli? After Mr. Perelli, we'll have David Coggins. Thank you.

SAMUEL PERELLI: Start the clock.

Mr. Senator, we know this is just a pro forma hearing. We know this is just to get information on the record. My name is Sam Perelli. I am the State Chairman of

the United Taxpayers of New Jersey, one of the oldest taxpayer organizations in the State. There are people from other organizations here that I recognize, and my remarks will be directed at a dichotomy that I hear in this room that has to be challenged.

I am not a lobbyist. I am not paid. I, too, took off a day from my livelihood to come down here, and not testify -- because no one swore me in, and there's no Bible here -- but to offer the comments that our organization feels have to be made on the record.

How exciting it is to see Rae, and to hear her get up here and talk about the Constitution of the United States -- to talk about any constitution. How exciting it is to hear this group of people applaud. Applause is great.

But how many people in this room have ever offered comments when a teachers' union was involved? You applauded the teachers' union because they agreed with you. But go into one of these negotiation situations where the teachers' union will run over you like they are a reaper in a wheat field, and you'll find out what raw power is.

What are we afraid of here today? What are we afraid of here? Are we afraid that we can't intelligently discuss the Constitution of this beautiful country? I challenge the people in this room who believe in initiative and referendum, who have come before State government committees for the last 25 or 30 years saying, "We want the right to petition." -- that word was used here by two or three of the speakers, petition, petition -- and listen to the arguments against the discussion of opening our Constitution up.

Even Senator Scott offered an amendment on the initiative process in this State that said, "We trust you, but don't you dare, people of New Jersey, touch the Constitution of the State of New Jersey."

And that mentality carries through on the Federal level. "Don't you dare even think about the discussion. Let's limit the discussion. Don't go near our Constitution."

It is 1993, ladies and gentlemen. It's 1993; this is an age of media. This is an age of information. We're not still riding the horse and buggy to get information from Washington. In 28 seconds I can get 500 words faxed to any place in this world. It's 1993.

I am not an expert, like most people in this room. I am not an expert on the Constitution of this great country, or the Constitution of this great State -- this nearly great State. But I'd venture to say that most people in this room can't even tell you what their local charter is all about; what their local government is all about. And would they go before their local governments with the same veracity, with the same fervor and dare challenge that school board to stop giving these 8 percent and 10 percent pay raises; to stop the public employees from telling you how we should run this State? I wonder how many people have the nerve to do that? I know of the people in this room who have done it, and I know they are on the record. I know who they are.

I ask you -- I ask you-- I've been involved most of my adult life in activism; not paid, just because I want New Jersey to be a better place for my children and their grandchildren. And I want to be able to see that we have an effect on what our life is all about. And if it means looking into our Constitution, if it means bringing it up to 1993 standards, what in the name of God are we afraid of? Are we afraid of the collective wisdom of the people of this country, the collective wisdom of the people of New Jersey?

Are we afraid? That's all I ask you: Are we afraid? Pass this thing -- pass this thing. Pass it. Pass it.

Thank you for your time.

SENATOR INVERSO: After Mr. Coggins will be Ms. Dottie Dunfee.

DAVID COGGINS: I'm David Coggins of Haddonfield. My status is citizen, a resident, taxpayer, veteran, family man, and fiscal conservative.

SENATOR INVERSO: Excuse me, please. Can we keep the conversations toned down, please? Thank you. (addressing audience)

MR. COGGINS: Incidentally, I'm a rose gardener. That was from my garden. (referring to rose on Committee table)

SENATOR INVERSO: Oh, I appreciate that. You know, I was thinking, I was going to make a comment about the rose. It's a shame this wasn't held yesterday. It was my wife's birthday, and I had to buy 12 of these. If I had known--

MR. COGGINS: Take that home to her and make it a baker's dozen.

SENATOR INVERSO: Thank you.

MR. COGGINS: Most importantly, I think, I am a grandfather. It is essential, not merely a proper courtesy, for this Committee to listen carefully to all arguments and points of view on this, the most important issue ever before this body, even to the arguments that are hostile to the integrity of the Constitution, and to our future.

It is equally essential, Senator, that every legislator pray earnestly and work diligently in the quest for wisdom and discernment, and for the courage to rise above party lines and, thus, to do the right thing; preserve our Constitution from chaotic dismemberment.

At our last Committee hearing, I heard legislators acknowledge that there are no valid and persuasive assurances against a wide open or runaway convention. That recognition was a major step in the right direction. It was an implicit rejection of the many bland assurances so glibly issued by the National Taxpayers Union and other con con advocates.

You have also heard testimony rationally identifying the fallacies of the so-called safety net of ratification. For some months, Senator, I was, although appalled by the criminal profligacy of our generally venal Congress, somewhat lukewarm about a balanced budget amendment. But on further reflection I have come to oppose it, as well as a con con.

The reason, Senator, is that such an amendment is a snare and a delusion. It would most subtly seduce the citizenry of the nation to relax further their vigilance in tracking the votes of their congressmen. They would rely instead on a balanced budget amendment to force fiscal restraint. That reliance would be ill placed. There is no substitute for citizen vigilance.

Senator, I would ask you to convey to the absent Committee members, and to your fellow Senators on the floor, the overwhelming sentiments and the thoughts -- not only the emotions that are reflected here, because this is the most profound issue that we can possibly face -- but also the intellectual product of the people who have testified here.

I'd just like to read you a very, very brief quote about government: "Government is not reason. It is not eloquence. It is a force. Like fire, it is a dangerous servant and a fearful master," George Washington.

The protection from further bloating, ruinous taxation, and oppressive powers by a central government can come only by forcing each and every congressman -- or at least a majority -- to so conduct his or her voting as to reduce Federal government back to the parameters set out in the Constitution, with due regard to amendments IX and X. And I do urge every Senator, not only on this Committee but in the entire New Jersey Senate, to refresh their recollection of the Constitution by reading again Articles IX and X -- excuse me, the amendments.

We Republicans tend to point fingers at the Democrats as big spenders. But, Senator, the very best of our New Jersey delegation to Washington rates only 50 percent on the fiscal restraint scoreboard.

I call on both major parties, Senator, to put before the voters a better, more principled and responsible slate of legislative candidates for the voters of this State to send to Washington.

As for the youth present here today, many of whom have had to be taken home because of the hour, the Committee's guest from Mississippi cleverly sought to claim them to his own cause. I would suggest, Senator, that not a single parent of the children here, and not a single child here, can validly be recruited by the gentleman from Mississippi, courtly and charming as he is, to his cause. Instead, these children are here to represent the overwhelming need for us to preserve the Constitution.

Tomorrow morning I've been invited to take my grand daughter, Natalie, to breakfast. This will be the first time I've seen her in a long, long time. She will be, tomorrow, four-years-old. I believe that one of the most important gifts I can give to Natalie -- there will be some others -- will be my effort to persuade this Committee to reject the resolution calling for a constitutional convention.

I ask you, Senator, please, to convey to all of your colleagues in the Senate the remarks that are faithful to that commitment to our Constitution. I thank you. (applause)

SENATOR INVERSO: Dottie Dunfee, to be followed by Cheryl Lemons? Is Ms. Dunfee here? Dottie Dunfee? (no response)

Well, Ms. Lemons, you're next. And after Ms. Lemons, we'll have Tom Fuscaldo.

C H E R Y L D U N C A N L E M O N S: Hi. I'm Cheryl Lemons, and I'm a New Jersey resident. I have written

testimony which I will hand in. I'm going to go over some of it, though, at this time.

SENATOR INVERSO: By the way, if you don't have prepared testimony with you today, and you wish to submit it, I think there is a period of time in which you can, if you get it in within the next day or two. I don't know what the official-- Is there a window?

HEARING REPORTER: It's at your discretion, Mr. Chairman.

SENATOR INVERSO: My discretion. If anyone would care to submit written testimony after the hearing today, we can leave the transcript period open for about -- I don't know what's a reasonable period? -- five days, we'll say.

MS. LEMONS: Okay, great. We've already pretty much gone over the issue that a constitutional convention would not be limited, so I'm not going to go into that at all.

There is also the issue of how a constitutional convention would be executed. The Constitution is quite vague on this point; so vague that Senator Orrin Hatch proposed S-214, entitled Constitutional Convention Implementation Act of 1991. This measure died in committee on December 1, 1992. If a convention had the very safeguards that you've been promised by proponents, why would Senator Hatch have had to write a bill to specify how one would be implemented? As S-214 died, we can be assured that there can be no safeguards as to how one would be implemented.

Congress can pass an amendment itself. It came very close last year. And the way to go on this is to really push them to, you know, push up the votes needed. Our budget certainly does need to be balanced, but we do not need to have a convention and open a whole can of worms to get that result.

Now, what I think is very important are the people and what they want. First of all, I'd like to acknowledge the people who are gathered here today, and who were here and had

to leave; who are coming back time and time again to fight for this, for what they believe is right; who are writing their legislators; who are calling their legislators, etc. I think that this group of people present should be acknowledged with a round of applause. If, for some reason that's not, you know-- At least by smiles--

I say this because this turnout in these spaces should say something. This turnout, and that of earlier hearings, should send a message, and that message is; that the people of the State of New Jersey do not want a constitutional convention.

And I ask myself, if the people do not want a convention, why then is a convention being pushed so hard in this State? Many other states have killed calls for constitutional conventions in recent months, but New Jersey continues. But there is an issue of partisan politics and its pressure.

Last year, Rich Bond, then the head of the Republican Committee, and Bob Grady, the Executive Director of the Office of Management and Budget felt that this issue was so important that they flew in to rally Republican forces on the Assembly floor, turning the vote to their side. Had these special interests not come, this issue would have been dead, and you would have been discussing other, maybe more pleasant matters at this time.

Any pressures that you are receiving to vote in a certain way are merely a hint of the pressures that would be on delegates to any convention. In fact, Dick Allen, a legislator from Michigan, testified in the Assembly that lawmakers in his state received death threats on this issue.

In this political climate with so many vested interests, delegates to a convention would be getting even more pressure than you are today about SCR-39 and the other constitutional measures. Why put yourself through this? Why

put anyone else through this in a convention? This legislation needs to die.

You are the Senators that are most informed on the issue, and today, not only do I ask you to vote no, I'm asking you to speak out against this legislation. I'm asking you to get your fellow Senators to vote no on this legislation by personally lobbying the sponsors to withdraw.

It is very simple why: The people of the State of New Jersey do not want this legislation. They do not want anything that would jeopardize their rights. They, the people sitting in this room today, who you represent, say, "No."

Now it is time for you to listen. Now it is time for you to act. Thank you. (applause)

SENATOR INVERSO: After Mr. Fuscaldo, we'll have Lee Pacifico.

THOMAS FUSCALDO: By way of introduction, my name is Tom Fuscaldo. I'm an independent candidate for Governor, and if you can't remember the name, the lever says, "Zero Sales Tax."

I came to this country in 1928, and couldn't talk English. But then again, no one else in the maternity ward could talk English either. (laughter) I soon learned that my ancestors left me with the best Constitution in the world.

I think this Senate should have dismissed, out of hand, any proposal from these radicals that say we need one little amendment to our Constitution, so throw the whole thing out.

When I leave this country, I want the new arrivals here to still get the same best Constitution in the whole world.

We're circling around the basic problem, and it's beyond the scope of the State to approach this problem; it's a Federal problem. We have a law that has set up a Federal Reserve Bank company. We should make the United States Treasury follow the Constitution, and we should get rid of the

Federal Reserve Bank company. So many people think the government has something to do with that banking, and we don't, and that's the cause of our troubles.

So, in conclusion, Tom Fuscaldo, zero sales tax. Thank you.

SENATOR INVERSO: Ms. Pacifico?

L E E P A C I F I C O: Yes.

SENATOR INVERSO: And after her, we'll have-- Is Joe Ponczek here? (no response) Scott Derby? (no response) Well, they're out. John Tomicki? (no response) June Morreale will be the last speaker. If I missed anyone, please let an aide know. We don't want to miss anyone.

Did I miss you, sir?

J O S E P H L O N G: (speaking from audience) I had my name on the list.

SENATOR INVERSO: I'm sorry.

MR. LONG: Joe Long.

SENATOR INVERSO: Long?

MR. LONG: L-O-N-G, yes.

SENATOR INVERSO: We'll hear you.

MS. PACIFICO: He's President of the Federation of New Jersey Taxpayers.

SENATOR INVERSO: We'll hear you, sir. There's no problem. I don't have you on the list. I didn't overlook it or anything.

MR. LONG: I signed up, and I came all the way down here.

SENATOR INVERSO: We'll hear you. No problem.

S T E P H E N A. B A U E R: (speaking from audience) I had my name on the list, too.

UNIDENTIFIED SPEAKER FROM AUDIENCE: You weren't here when you were called.

SENATOR INVERSO: Your name, sir?

MR. BAUER: Stephen Bauer.

SENATOR INVERSO: Oh, Mr. Bauer. I called you earlier. You weren't here.

MR. BAUER: I resubmitted my name.

SENATOR INVERSO: Fine, okay. You'll have an opportunity to speak, and that will be it then.

Yes, go ahead.

MS. PACIFICO: Senator Inverso, and ladies and gentlemen, thank you for the pleasure of speaking before your group today. I am so happy to hear the many wonderful speakers today defending our Constitution. It shows that we are alive and well here in New Jersey, and it's wonderful.

I never thought, though, that I would see the day that Congress would dare to tamper with our great Constitution. It shows how arrogant they, the Council on Foreign Relations, and the Trilateralists who call for a one-world government, have become. A call for a Federal constitutional convention, popularly called con con, SCR-39, means playing Russian roulette with our Constitution.

To quote the opinion of former Chief Justice Warren Burger-- And this is a new quote. I know others have quoted him before. "There is no effective way to limit or muzzle the actions of a constitutional convention. A constitutional convention today would be a free-for-all for special issue groups, television coverage, and press speculation. Whatever gain might be hoped for from a new constitutional convention cannot be worth the risks involved. A new convention could plunge the 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. We should be celebrating its long life, not challenging its very existence," -- which we're doing today. "Whatever may need repair in our Constitution can be dealt with by specific amendments." End of quote.

But I'm repeating, "specific amendments," for instance, for a balanced budget, by calling for the cutting of spending by Congress.

The Bill of Rights and subsequent amendments have made our Constitution a beacon to the rest of the world, especially evident at this time in Eastern Europe, by providing a model for a political system that effectively guarantees the rights of the individual. We do not want our present day politicians monkeying around with the U.S. Constitution. A convention would be a means of allowing powerful forces such as the Council on Foreign Relations and Trilateralists to control our country, change our governmental institutions, and take away many of our great freedoms: the freedom of religion, speech, assembly, and others.

We cannot let this happen. Let's stand up and defend the rights our great Constitution has given us. God bless our Constitution and country, and please, please, vote no on SCR-39.

I thank you. (applause)

SENATOR INVERSO: June Morreale, followed by Mr. Long.

MS. MORREALE: Hi.

SENATOR INVERSO: Hi. June, I don't know if you're familiar with the time frame. We're allowing three-and-a-half, minutes, roughly. We'll let you know when there are 30 seconds left, okay?

MS. MORREALE: Well, I don't know if I'll be able to do that.

SENATOR INVERSO: Well, June--

MS. MORREALE: I do want to give you copies.

SENATOR INVERSO: June, if I could just interrupt you. You're very close to the last speaker. Every speaker has done a marvelous job complying with it. And we haven't cut a person off in the middle of a syllable. We'll allow you to finish a thought or to make a point, so don't fret about that.

MS. MORREALE: Well, I'm going to have to show some things that I will explain, some factual documents, that we see. And I want you to have a copy.

SENATOR INVERSO: Those documents will be made part of the record.

MS. MORREALE: Pardon me.

SENATOR INVERSO: Those documents will become part of the record, so if you give them to our staff people, we can-- We'll put this in the transcript.

MS. MORREALE: I also wanted to ask Senator Kamin a question. I wonder if he would come forward?

SENATOR INVERSO: No. This is not a question and answer opportunity.

MS. MORREALE: Well--

SENATOR INVERSO: This is an opportunity for comment and input. We're not getting into a dialogue.

MS. MORREALE: Well, I'm disappointed that the Chairman is not here -- Senator Bubba. I just want to thank you for allowing me to testify on this resolution.

SENATOR INVERSO: I take no offense at the fact that I'm here and he's not, and you're sad that he's not.

MS. MORREALE: Pardon me?

SENATOR INVERSO: I said, I take no offense at the fact that you're sad that he's not here, and I'm here.

MS. MORREALE: No. I'm disappointed that the entire Committee is not here to hear the testimony.

SENATOR INVERSO: I know, I know.

MS. MORREALE: And I think it's appalling. What kind of a message is that.

SENATOR INVERSO: I know. I'll give you more time. Your three-and-a-half minutes begins now.

MS. MORREALE: Okay. And the sponsors of the bill, and just one sponsor of the bill is here.

Well, why would you bring a helicopter from Canada to save a baby from drowning in the Delaware River? Wouldn't you take a boat out to rescue the child, instead of waiting for the helicopter, and lose the baby?

In the same token, I ask why you would apply for a constitutional convention to balance the budget, to rewrite the Constitution through this amendment, and risk opening it up and losing our Constitution.

This resolution calls for two separate things: a balanced budget amendment and a constitutional convention, one having nothing to do with the other. Yet, by wrapping the threads around both, it creates a well-fitting noose.

First, the Constitution already provides for a balanced budget on constitutional spending in Article -- I don't have the Article, but you have a copy of this -- sections VIII and IX. And if you would please turn, I would like you to look at that. It's the Constitution. It's the last pages, and it's sections VIII and IX. And I'd like Dick Kamin to look at this, too, because it's very important that he sees this since he sponsored--

SENATOR INVERSO: June, address the Chair, please.

MS. MORREALE: Okay.

SENATOR INVERSO: This has been a very orderly, smoothly operating--

MS. MORREALE: But I thought I was going to be able to talk to the sponsors.

SENATOR INVERSO: Well, June, you can speak to him at any other time. This is not the opportune time for that, or the appropriate time. It's not the purpose of this hearing.

MS. MORREALE: Okay.

There is a list of what our forefathers said that you could -- the Congress could spend. "All debts contracted and engagements entered into before the adoption of this

Constitution shall be valid against the United States under the Constitution, as under the confederation."

Then I will go over to sections 8 and 9: "The Congress shall have the power to lay and collect taxes, duties, imposts and excises to pay the debts and to provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States; to borrow money on the credit of the United States; to regulate commerce with foreign nations, and among the several states, and with the Indian tribes; to establish a uniform rule of naturalization, and uniform rules on the subject of bankruptcies throughout the United States; to coin money; regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish post offices and post roads; to promote the progress of science and useful arts by securing for a limited time to authors and inventors the exclusive right to their respective writings and discoveries; to constitute tribunals inferior to the Supreme Court..."

Well, I could go on, but I'm not going to take the time. I want you to look at this when you go over the testimony. Nowhere, in there, does it say to balance an unconstitutional -- an unconstitutional amendment. It does not say to balance an unconstitutional budget, which includes spending overseas, having armies overseas over a two-year period, which was set in the Constitution. I did not read that part, but I hope you will look at that later.

First, the Constitution -- let's see-- However, the Congress is not obeying the law by unconstitutional spending of American money for world police in Bosnia and Somalia, building housing for Soviet soldiers, and feeding the world. This spending is illegal and unlawful. Who is to make Congress obey

the law because they add some language to an amendment, when they aren't obeying the law now?

I want to point out to you the loopholes. You know, when you were a kid, and you used to try to figure out how Santa Claus could fit through the chimney, and look at the fireplace? Well, let me tell you about this loophole in the HJ Resolution No. 321, Proposed Amendments to the Constitution to Provide for a Balanced Budget Amendment for the U.S. Government.

SENATOR INVERSO: June, June, just let me interrupt you for a second. I apologize, but--

MS. MORREALE: I have to finish this.

SENATOR INVERSO: Your time is up.

MS. MORREALE: This is too important.

SENATOR INVERSO: You can finish that one thought, so long as it doesn't go three minutes, because we've held everyone--

MS. MORREALE: Well, I went through a lot to prepare this.

SENATOR INVERSO: June, everyone else did. People have come from out-of-state. They've come from all over the State.

MS. MORREALE: I've heard some people here longer than three minutes, so I was here when I listened.

SENATOR INVERSO: I've allowed them to go a reasonable period of time to summarize a thought. But you're--

MS. MORREALE: I have to show you some facts.

SENATOR INVERSO: June, you're becoming adversarial, and I don't want that, please.

MS. MORREALE: I'm becoming what?

SENATOR INVERSO: Adversarial. You're becoming adversarial.

MS. MORREALE: Well, I am adversarial to this resolution.

SENATOR INVERSO: I understand that, but don't be adversarial with me. We've known each other too long. That's why, audience, I call her June.

MS. MORREALE: I'm not going to be with you. I know that, but this is very important.

SENATOR INVERSO: I will allow you to finish the thought, so long as it doesn't go three minutes.

MS. MORREALE: Well, I want to pinpoint the loophole. This is in the proposed amendment to the Constitution to provide for a balanced budget for the U.S. government, and for greater accountability in the enactment of tax legislation. You have a copy attached to this testimony, so please turn to page 3 of the resolution. Would you please do that?

SENATOR INVERSO: I certainly will.

MS. MORREALE: I want you all to see--

SENATOR INVERSO: I wouldn't do otherwise.

MS. MORREALE: --these are all of the 257 congressmen who have signed onto this resolution. This is the balanced budget amendment that I thought I was in favor of, until I saw it last night. I believe United We Stand people were in favor of a balanced budget amendment, but no one has been aware of this amendment.

Now, I want you to turn to page 3, and I will show you

SENATOR INVERSO: This is the last reference, please, June.

MS. MORREALE: Okay. This is Santa Claus. This is the loophole where a truck was so big that 500 of the congressmen could fit through this loophole, and 257 signed on.

Now this is what they put-- This amendment can be voted on with a 50 -- two-thirds majority, and it will be passed. But they put in this loophole: "Total outlays for that year shall not exceed the level of estimated receipts set forth in such joint resolution, unless three-fifths of the total membership of each House of Congress shall provide, by a

roll call vote, for a specific excess of outlays over estimated receipts."

So here they put that in so they can go on spending and spending. And in order for this amendment to be amended to the Constitution, the Constitution has to be rewritten, because our Constitution speaks to a balanced budget for constitutional spending, and no where does it say for what I mentioned before, which is unconstitutional. The forefathers never dreamed of this.

SENATOR INVERSO: June, please.

MS. MORREALE: I'm almost finished.

SENATOR INVERSO: No, June. Please, June.

UNIDENTIFIED SPEAKER FROM AUDIENCE: This is very interesting.

MS. MORREALE: The people want to hear this.

SENATOR INVERSO: Hold on a minute. It may be very interesting, but June--

MS. MORREALE: But I'm getting to your--

SENATOR INVERSO: --has unilaterally decided-- June, you're finished. You have unilaterally decided not to comply with the bylaws here. Everyone else -- we've had about 40 speakers. Everyone else has been marvelous and gracious in complying. You're choosing to make this your show.

MS. MORREALE: Because this needs to be said.

SENATOR INVERSO: It's been said. June, you are not the first one to have said this, in all due respect. We have your testimony.

MS. MORREALE: I just haven't gotten to your resolution, and the people need to know, and you need to know about this.

SENATOR INVERSO: If Mr. Long will concede his time of three minutes, I'll give you two minutes.

UNIDENTIFIED SPEAKER FROM AUDIENCE: (indiscernible)

SENATOR INVERSO: Okay. June, you're finished.

MS. MORREALE: I'm the end. I'm the end. It's not like there is a lot of people. I would have gone after Mr. Long.

SENATOR INVERSO: June, we've been here since 10:00.

MS. MORREALE: I understand that.

SENATOR INVERSO: It's not only that it's the end, I think we've been very patient. June you are starting to make this your event. I'm not going to allow it to happen.

MS. MORREALE: I'm sorry; I'm not doing that.

SENATOR INVERSO: Well, I'm not going to allow it to happen now.

MS. MORREALE: I worked very hard on this.

SENATOR INVERSO: I know you have, and I've labored long and hard on this issue, too. We all have. Everyone here has.

MS. MORREALE: This is why I'm here.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Mr. Chairman, as a point of information. All of us were reminded at the beginning of the testimony today that whatever is submitted in writing would be part of the record, to be distributed to every member of the Assembly and the Senate.

MS. MORREALE: Okay. I just wanted to--

SENATOR INVERSO: Please, June, please. I'll give you about 20 seconds to summarize, June, please. Okay? I want to be tolerant.

MS. MORREALE: Okay. Getting to your resolution. It's a fantasy voyage. You put in language to protect us, but according to your SCR-39, "Substitute resolution for an application for a constitutional convention for the sole, specific, and exclusive purpose of proposing an amendment to the Constitution to require a balanced Federal budget, called under Article V of the Constitution," is an erroneous request to begin with.

And if you look in Article V of the Constitution -- I supplied this here for you -- you will see that. The arrows point to it, and--

SENATOR INVERSO: June, your time is up. I'm sorry, your time is up.

MS. MORREALE: But there is no way-- It says, "amendments," a constitutional convention will convene with "amendments," not "an amendment."

SENATOR INVERSO: Yes, June, that's been reiterated-- I understand what you're saying.

MS. MORREALE: Pardon me?

SENATOR INVERSO: You're saying it for the first time. It's been reiterated often during today's hearing. It says amendments, it doesn't say amendment.

MS. MORREALE: Oh, good. That's good, I'm glad to hear that.

SENATOR INVERSO: Thank you, June. June, we can chat afterward. Thank you.

MS. MORREALE: Well-- (applause)

SENATOR INVERSO: Mr. Long?

MR. LONG: Thank you, ladies and gentlemen and the Committee -- Senator. My name is Joe Long. I'm President of the Federation of New Jersey Taxpayers. We cover all of New Jersey, from Port Jervis down to Cape May. I'd just like to bring up a few things. I know you would like to get this meeting over.

SENATOR INVERSO: No, that's quite all right. You have your allotted time frame, sir.

MR. LONG: The Federation believes that we will not have a limited constitutional convention. Also, it's already in the Constitution that there is an article there for a balanced budget that the congressmen can initiate themselves.

Today, it's not like when our country started. We didn't have the special interests that we have today. That's

another reason why we shouldn't have a constitutional convention.

I've always iterated, since 1969 when our organization started, that we have to cut spending. Government doesn't want to cut spending. I noticed this way back when Senator Wallwork, with the Byrne administration, proposed 79 points where they could cut spending, and nobody listened. The Gramm-Rudman, it hasn't worked. The Grace Commission, they haven't done anything on it. They could have saved billions of dollars through the Grace Commission, and they didn't do it.

All they talk about is raising taxes, taxes, but they don't talk about cutting spending, and that's the name of the game here.

The New York City budget, recently, under David Dinkins-- They all talk about, they're going to raise this, they're going to raise that, but they never talked about cutting spending, and this is what we have to do.

So I just want to say this: Please vote against ACR-39. (sic) Thank you. (applause)

SENATOR INVERSO: Mr. Bauer is the next speaker.

Would you just introduce yourself, again, for the record?

MR. BAUER: Sure.

My name is Stephen Bauer. I'm the President of Americans United for Effective Government. I'm going to be brief.

SENATOR INVERSO: You have your three-and-a-half minutes.

MR. BAUER: I'm anxious to get out of here myself.

SENATOR INVERSO: Don't worry about that.

MR. BAUER: From every book, report, newsletter and such that I've read, some of particular interest--

UNIDENTIFIED MEMBER OF AUDIENCE: Excuse me.

SENATOR INVERSO: Yes, we can't hear you.

MR. BAUER: Some of the statements of ALEC, in an issue of "Analysis" of November 1991, on the first page it says, "On the application of two-thirds of the states, Congress shall call a convention to propose an amendment." While the Constitution holds that, "On the application of the legislators of two-thirds of the several states shall call a convention proposing amendments."

Well, ALEC is paraphrasing the Constitution. To paraphrase, one needs to get the content of the original quote correct for the paraphrase to be considered to have the same meaning. It troubles me to say so, but knowing the integrity and influence ALEC has among our nation's legislators, I can only come to the conclusion that this misquote of content is an intentional deception in order to get the state legislators to vote for a constitutional convention. I've heard of no retraction of this misquote of content from ALEC, unless the good gentleman from ALEC wishes to do so.

The aforementioned state factor is identical in topic discussion to volume 13, No. 1, of April of 1987, so this deception has continued at least since then, and even reissued, as submitted in public hearing minutes of the Assembly Committee of September 21 of last year.

Mr. Chairman, members of the Committee, Senators, all: Let us reason together. Once we get through all the opinions from the constitutional scholars to the patriotic immigrant, the one thing left for us to determine, whether a convention can be limited, is the Constitution itself. If the Founding Fathers truly intended for a convention to be limited to one issue, one would think that they would have specifically and clearly made this known in Article V, which would instead read: On the application of two-thirds of the several states, Congress shall call a convention to propose an amendment or amendments.

Furthermore, proving the true intent of the Founding Fathers in proposing amendments in the plural, they knew all too well that the convention rule and its potential for revolutionary change, while they found just cause for putting into the convention both methods of amending it, they felt for the convention route to be taken seriously enough by succeeding generations, it was required by them to insist that the application of the legislators of two-thirds of the several states shall call a convention for proposing amendments.

The Founding Fathers knew that they were setting precedent when many of them, at first, only intended to update or modify the Articles of Confederation, instead, left its obvious unresolvable defects behind to give us what we have today.

Not only were the Founding Fathers fearful of an oppressive Federal government, but from the time the Bill of Rights, our first 10 amendments which were accepted through the congressional rather than convention route, until now, 206 years later, the states have expressed fear, to the point of Congress appointing delegates to a convention, as it states in the American Bar Association Report on page 76, which states:

"The states declined to submit applications. Generally, did not reject the application procedure based on the substantive merits of the problem, rather, the states expressed fear of the power of a constitutional convention and its potential for revolutionary change."

Gentlemen, with all the collective wisdom of our legislators, from the time of our original Constitution until now, I submit to you that we unanimously decline to vote in a positive voice for this bill.

I thank you. (applause)

SENATOR INVERSO: Okay. Have we covered the entire list then? Everyone has been heard? (no response)

Well, I want to thank you all. I know how deep seated an issue this is with each and every one of you. I think, as I

said earlier several times, I think you did a marvelous job in adhering to the time constraints and of the procedure of the hearing today. You are to be commended for that.

The transcript period will be open for five days. So if anyone wishes to supply additional written commentary or support, feel free to do so. We'll close it as of Friday. Five working days would be next Friday.

(HEARING CONCLUDED)



APPENDIX



A minimum of the following deletions and insertions are required to remove the ambiguities and contradictions contained in these bills as presently drafted.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION Nos. 39, 68 and
ASSEMBLY CONCURRENT RESOLUTION No. 30 (ACS)

STATE OF NEW JERSEY

The noble goal of balancing the Federal Budget requires and deserves a less hasty less shabbily prepared bill.

ADOPTED MARCH 11, 1993

Sponsored by Senators DORSEY, EWING, PALAIA,
Assemblymen KAMIN and GARRETT

This bill as is, is not yet worthy to go before the Senate for vote.

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

Insertions
↓

6 WHEREAS, The federal budget has not been balanced in 21
7 consecutive years and has been balanced just once in the past
8 30 years; and

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

those items highlighted, require deletion

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

"taxes"

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

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

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

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

add 2 more
whereas, Taxes are
a direct function of
government spending
whereas it is the
intent of the N.J.
state legislature to
reduce taxes.

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

the Federal Gov't.
to reduce spending
to more than the
present
level of taxation
that

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

to make it correspond
to the Section
expressed in
Section

33 2. An amendment to the Constitution of the United States to
34 be proposed by a convention for submission to the states for
35 ratification shall require that, with certain exceptions, each
36 fiscal year the President of the United States shall submit and
37 the Congress of the United States shall adopt a balanced federal
38 budget.

otherwise it creates
a paradox. An
oxymoron. It cannot
be either sole or
exclusive and contain
any exceptions.

39 3. If Congress adopts, before 90 days after the legislatures of
40 two-thirds of the states have made application for a convention
41 as described in section 1 of this resolution, an amendment to the
42

sections 1 and 2 be construed
otherwise it will not come back to the states for ratification
to not require its return to the states for ratification.

This document
is approved by
the absence of a majority
of the entire
of the entire
thereof

the

1 Constitution of the United States containing provisions similar in
2 subject matter to that contained in section 2 of this resolution.
3 then this application for a convention shall no longer be of any
4 force or effect.

sections 1 and 2

5 4. With the exception noted in section 3, the application
6 contained in section 1 constitutes a continuing application in
7 accordance with Article V of the Constitution of the United
8 States until at least two-thirds of the legislatures of the several
9 states have made application for a convention to propose an
10 amendment similar in subject matter to that contained in section
11 2 of this resolution.

of the same

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

*
of a balanced
budget
amendment

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

sections 1 and 2
otherwise
incorporated
return to the
States for ratification

21 7. Duly authenticated copies of this resolution, signed by the
22 President of the Senate and the Speaker of the General Assembly
23 and attested by the Secretary of the Senate and the Clerk of the
24 General Assembly, shall be transmitted to the President of the
25 United States Senate, the Speaker of the United States House of
26 Representatives, each member of Congress elected thereto from
27 New Jersey and the presiding officer of each house of each state
28 legislature in the United States.
29
30
31
32
33

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

here again, the specificity of item 1 must be maintained if the integrity of the Bill is to be maintained and for this worthwhile effort to balance the budget to be successful.
- the integrity of item 1 must be contained.
creates a dilemma to refer to the other states because the other states call for a convention and the purpose is to balance the budget.
therefore say plainly what the sole, specific and exclusive purpose is.
says: *

James Madison " 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..."

Statement by
Former State Senator Wesley L. Lance
in support of
Passage of ACR-30 (Federal Balanced Budget)
and related proposals

May 27, 1993

My name is Wesley L. Lance. I am an attorney at law with offices at Clinton, New Jersey. I served a total of 14 years in the New Jersey State Legislature - 4 years in the Assembly and 10 years in the State Senate. I also served as Judge of the Hunterdon County Court for 5 years.

I am the only living person who has served as a delegate to two New Jersey Constitutional Conventions.

I was a delegate to the 1947 New Jersey Constitutional Convention some 45 years ago. This Convention was authorized to draft an entirely new Constitution but with a limitation - the Convention could not change the method of representation in the New Jersey Senate or the New Jersey House of Assembly.

I was also a delegate to the New Jersey 1966 Constitutional Convention. This Convention was directed to draft constitutional clauses which would reapportion the New Jersey State Senate and the New Jersey House of Assembly so as to conform with the United States Supreme Court decisions guaranteeing one person, one vote. The 1966 Constitutional Convention was precluded from doing anything except re-

apportioning the State Legislature.

In other words, the 1947 Convention was precluded from doing that which constituted the sole jurisdiction of the 1966 Convention.

Or to put it in still another way, the 1947 Convention was an "everything but" convention while the 1966 Convention was an "only this" convention.

What has been my experience as to the effectiveness of the limitations placed upon the powers of the 1947 and the 1966 New Jersey Constitutional Conventions?

My answer is that the delegates to both conventions observed ^{these} ~~three~~ limitations and restrictions with exactness.

I believe the delegates to the proposed federal constitutional convention for a balanced budget would feel bound by their oath of office to limit the Convention to the subject matter of a balanced budget, just as the delegates to the New Jersey two recent constitutional conventions felt bound to their assigned subject matter.

I believe that a nation-wide opinion poll would show the American people overwhelmingly support the concept of a mandated federal balanced budget. If all they had to do would be to push a "yes" button in a nation-wide referendum, they would so vote.

However, the real opposition to ACR-30 and related proposals comes from groups which fear a runaway federal constitutional convention - a convention which would exceed its limited powers.

I have no such fears that there would be a runaway convention.

However, I realize certain groups have honest fears of a federal constitutional convention.

Thus, I bear no hostility to those groups which honestly feel a national constitutional convention may exceed its appointed bounds.

Rather, I extend an invitation to these groups to try to get nationwide support from their constituencies in the 50 American states to vote for candidates for delegates to the national convention who will scrupulously pledge to stick to the subject of balanced budget.

Governor Alfred E. Driscoll exercised his influence in 1947 to remind the New Jersey Constitutional Convention that it was a body with limited powers and it should observe them.

Along these lines, I would respectfully recommend that the Republican State Committee and the Democrat State Committee take positions in any elections for candidates for delegate to the federal convention, that these delegates pledge they will vigorously oppose any action going beyond the subject matter of a balanced budget.

This would be beneficial bi-partisan action involving policy. It would not require a bi-partisan slate of delegates.

I believe that democracy is the best form of government yet devised. However, democracy has a fundamental weakness. That is, there is little incentive to the elected state or federal legislator to take a long term view. This is not a criticism of legislators because they are merely reflecting the views of their constituencies which often refuse to take a long term view. Congress needs a federal balanced budget amendment to compel it to take a long term view on finances.

In conclusion:

1. We need a federal balanced budget amendment;
2. I believe the probability of a of a runaway federal constitutional convention is minuscule. Even so, the courts would have the power to enjoin.
3. However, certain constituencies have an honest fear of such a possibility;
4. Those of us who favor a federal convention for the sole purpose of creating a balanced budget amendment should pledge our efforts toward the election of delegates who will recognize the bounds placed upon the convention's powers.

An opportunity exists to correct one of democracy's greatest flaws, we should not let it slip by.

Respectfully submitted,

WESLEY L. LANCE
36 Center Street
P.O. Box 5240
Clinton, NJ 08809
(908) 735-5144



First!

NEW JERSEY CONSERVATIVE POLITICAL ACTION COMMITTEE, INC.

"Putting and Keeping America First"

2 Thornton Lane, Piscataway, NJ 08854-5044 908-463-0797

May 19, 1993

Board

To Senators - N.J. State Government Committee:

Greg Kaye
Chairman

We write to you again, on behalf of our statewide network, regarding SCR-39, the Federal Constitutional Convention call. Again, we repeat our unequivocal opposition.

Robert Eichmann
Vice Chairman
Recording Secretary

David I. Von Savage
Treasurer

On 3/11/93, Senator Bubba's State Government Committee voted the bill out of committee without recommendation. In deference to the unprecedented opposition, the chairman scheduled a public hearing to be held on 5/27, prior to a floor vote.

Felix L. Auer
Press Liaison

Since the two previous hearings were in committee, and no transcript is available to you, we take this opportunity to present you with a review of the highlights of our testimony and reasons for opposition. We enclose with our comments a position paper prepared by our associate George C. Detweiler, J.D., Constitutional specialist, who will testify in opposition on 5/27, under the auspices of N.J.CON.P.A.C.

F. Ward Rowley
Corporate Liaison

William P. Cusack
Legislative Liaison
Corporate Registered Agent

Warren Carlstedt
Pro-Life Liaison

P. Ted Hussa
Liaison to Jews for Morality

Peter and Jill Stein
Liaison to C.A.G.W.
& N.J. Taxpayer Groups

Ira Marlowe
Advisor on 2nd Amendment
Issues

In addition, we call your attention to the letter you received last week from our friend, Rep. J. Reese Hunter, member of the Utah State House of Representatives. On 2/11, Mr. Hunter's withdrawal resolution (with 50 co-sponsors in a 75 member house) passed his committee by a 10 to one margin!

Mr. Hunter took the liberty of writing you because your action on SCR-39 will have national implications affecting every American who cherishes and defends the Constitution.

Utah will soon rectify its 1979 "error" of a convention call. They were conned by Con-Con proponents. Please do not allow that to happen in New Jersey, nor should you underestimate the passion of its opponents here in our state.

Reasons for Opposition to SCR-39

1) The issue is not a balanced budget, but rather, a convention call.

Any rational taxpayer, devoid of vested interest, favors a balanced budget. In fact, we favor SCR-52, which you've passed, since it requests a Constitutional amendment via the traditional Congressional amendment process under Article V, which has been successfully employed twenty-seven times since our nation's inception. The safeguard is that in this process, the amendment must be remanded back to the states, where the will of the people will be served.

But, once passed, even this amendment could be bastardized by the flagrant Congressional spenders who would use such an amendment as a mandate for

increased taxation to support pork budgets, rather than implement the just and necessary spending cuts.

2) No defect in the Constitution is to blame for our budget deficits. Few legislators seem to realize that in fact the deficits have accrued out of disregard for Constitutional restraints in the first place. A half-century of shameful violations of the Constitution have resulted in a \$4 trillion debt. No amendment could possibly be written that will correct the problem of a profligate Congress, invidious, outrageous pork barrel, public ignorance and apathy, and the ever-increasing trend toward feeding at the public trough.

For example, years after the Grace Commission, our own G.A.O. published in November 1989 its "Financial Integrity Act" subtitled "Inadequate Controls Result in Ineffective Federal Programs and Billions in Losses." This report documented over \$200 billion in waste. On 1/8/93, the A.P. headline read, "Federal programs plagued by waste, fraud." In that report, Comptroller General Edward A. Bowsher stated that little had changed since its 1989 report, although four years had passed and the country was \$1 trillion deeper in debt.

SCR-39 will not address this problem or its underlying cause - a profligate, arrogant, aristocratic Congress. Throughout my lifetime, I can recall only one or two balanced budgets. We don't need an amendment, we already have a Constitutional means. Simply, if 51% of the House of Representatives would demonstrate fortitude and character, they could cut spending and adopt a balanced budget. Our problem is Congress, not the Constitution!

3) Having attended and testified at the first two hearings, I've had the opportunity to analyze the arguments of Con-Con proponents. No facts based on historical precedent were presented. Instead, I listened to an endless diatribe of specious arguments, wishful thinking, and crystal-ball political science.

After researching the Con-Con proponents' arguments in other states, I've come to realize that the answers are stock and casuistic. Many legislators around the country have come to the conclusion that they've been given erroneous and fallacious information. The drive for a convention call is being spearheaded by the radical "Committee on the Constitutional System" (CCS). This fringe group, chaired by Lloyd Cutler, C. Douglas Dillon, and Senator Nancy Kassebaum, is dedicated to rewriting our entire Federal charter. They believe that the present Constitutional Republic, Federalism, and Separation of Powers have outlived their usefulness in today's global, complicated world. These "enlightened elitists" wish to create a streamlined, activist government, devoid of checks and balances, formulated by their own warped design.

Please note that in N.J., the opposition to a Con-Con crosscuts party lines and left-right ideology. In fact, we commend Sen. Bernard Kerry for his inspired remarks in opposition on 3/11/93.

4) Proponents argue that there were adequate safeguards built into the amendment process that would not permit a convention to radically alter the original document. History and the Constitution prove them wrong!

In 1787, the sovereign states called a convention simply to review the Articles of Confederation. They were not assigned the task of writing a new Supreme Law of the Land. Once convened, they simply overrode that intention, since there were no checks on their actions. Now, under our present Constitution, neither the Supreme Court nor the states can restrict

the delegates' actions (Hamilton, Federalist Paper #85, pp. 520-527).

Article V leaves to the states one power, and only one power - to call the convention, nothing more! Once assembled, the convention is sovereign. They have the authority to rewrite our entire national charter. The only historical precedent available to proponents or opponents is 1787-1789. The first convention proved our point. There are no safeguards!

5) Proponents argue that the convention can be limited to a single issue - a balanced budget amendment. Again, the history of the first convention and Article V itself proves them wrong.

Article V specifically states, "...on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments..." Please recall original intent. Our Founders clearly used the plural term amendments, yet proponents presume some non-existent power to confine a convention to a single amendment.

Since 1789 approximately 400 applications for a Constitutional convention have been received by Congress. None have ever been held. In the last ten years, not one State has passed a convention call. As the N.J. Senate moves us toward the first Article V convention in U.S. history, you lead us into dangerous, unexplored areas, beyond your control, devoid of any safeguards.

6) Proponents argue that the "null and void" clause in the resolution is the ultimate safeguard, because New Jersey will officially withdraw its call if the convention is not restricted to the stated single issue. Again, this safeguard does not exist!

We repeat, Article V gives you only one power - to call the convention. No additional language in your resolution has any meaning because once the convention convenes, the delegates make their own rules and set their own agenda - they are sovereign. Your "null and void" clause, in reality, is totally null and void.

This point was borne out when, on 3/11, Senator Cardinale struck much of the phraseology of ACR-30 and SCR-68, and presented us with a pared-down SCR-39.

Please note that in 1989, the Assembly of Nevada expunged its convention call, concluding that it was induced by fraud. The basis of the fraud was the assurance in 1979 that the convention could be limited to a single subject - a balanced budget amendment.

In 1988, the legislatures of Alabama and Florida voted to reverse their convention call. In 1990, they were joined by Louisiana. These states were astute enough to realize that potential disaster loomed. Movements are now underway in 29 other states to reverse their call.

With the trend away from a convention, will New Jersey naively vote in the wrong direction?

7) Proponents tell us that our legislature will have the final say on the outcome of the convention, because it will have to be remanded back to the states for approval. Again - this is fallacious, and the safeguard is non-existent.

The proponents are purposely confusing the two methods of amendment. Twenty-seven times in our history the amendment process has been used by Congress, requiring ratification by three-fourths of the states. Twenty-six times state legislators ratified, and once (21st amendment) it was

accomplished through special state ratifying conventions.

But the convention is sovereign. It can bypass you. They can rewrite Article V in any manner they desire. They have the power to set up their own ratifying process, as did the first Constitutional Convention.

They could choose to submit our amended national charter to the legislatures, state ratifying conventions, the governors, to Congress, to state "politically correct" councils they may form, put it up for state or national popular referendum, or devise any ratifying procedure they desire - since at that point they are sovereign!

Our Founding Fathers were meticulous with phraseology and original intent. The amendment process by convention call was formulated to give the citizenry recourse against unresponsive government. By its very nature and intent, it is designed to bypass the Legislature, Congress, and Supreme Court.

Considering that 19% of electorate voted for Ross Perot, 50% of the adult American public has never read a book from cover to cover, 52% of adults cannot identify the location of the United States on a blank map of the world, and 55% of adults think the words, "...from each according to his ability, to each according to his needs..." are found in the Constitution, do we really wish to put a new national charter up for popular referendum?

In Conclusion

Please heed the advice of James Madison, penned in 1788, "Having witnessed the difficulties and dangers experienced by the first convention which assembled under every propitious circumstance, I should tremble at the thought of a second."

In today's world, the average lifespan of a nation-state is forty years. Our Republic serves as the oldest continual governmental entity on earth. The thread that has held the fabric together is the United States Constitution in its present form. As the sage aptly put it, "If it ain't broke, don't fix it."

Again, in defense of the Constitution, and on behalf of our statewide organization, I urge you to vote no on SCR-39.

Sincerely,



George C. Detweiler, JD
Specialist,
The United States Constitution

POST OFFICE BOX 771, TWIN FALLS, IDAHO 83303 208-734-4714

THE UNCONTROLLABLE CONSTITUTIONAL CONVENTION

REMARKS BY GEORGE C. DETWEILER BEFORE THE STATE
GOVERNMENT COMMITTEE OF THE NEW JERSEY SENATE, MAY 27, 1993

The pivotal issue behind every application for a supposedly limited constitutional convention (con/con) is the lack of any authority in state legislatures to impose any limits or restrictions upon the kinds of amendments which a con/con has authority to propose. Once this issue is understood, the impossibility of holding a con/con for a single issue purpose becomes clear. The net effect is that the measure which this legislature is asked to adopt, applying for a con/con for a balanced budget amendment to the U. S. Constitution, has absolutely NOTHING to do with balancing the federal budget.

Article V of the U. S. Constitution provides two distinct methods to amend that document. First, amendments may be proposed by Congress and sent to the states for ratification. The ratification process takes place either in the legislatures of the states or in special ratifying conventions held in each state. The choice of method for ratification rests exclusively with Congress. This is the only method of amendment which this country has ever used--26 times. The second method--the con/con method--has never been used--has never been before the courts for interpretation or definition--and is shrouded in uncertainty. Yet it is this second method which the New Jersey legislature and others are asked to use to apply for an amendment to balance the federal budget.

State legislatures must decide either to apply for a con/con or not to apply at all. There are no other choices; they cannot tell the con/con which amendments it may propose. This is true because the authority of the con/con comes from the U. S. Constitution and not from the state legislatures. This is clearly established by the language of Article V and from constitutional scholars around the nation. Some states have held conventions to amend their own state constitutions without encountering the problems inherent in a federal con/con. But no assurance



can be drawn from these experiences because each state operates under its own laws when amending its own state constitution--all of which differ from the federal constitution. Similarly, the roles of the legislatures are greater in the case of a convention to amend state constitutions than they are in a federal con/con.

ARTICLE V DOES NOT PERMIT A LIMITED CONVENTION

The operative parts of Article V relating to a con/con provide:

"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...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;..."

The operative powers and sequence of events in a con/con are, by the very language of Article V, as follows:

1. Two-thirds of the the states, acting through their legislatures, send applications to Congress to call a convention. In making these applications, the state legislatures are exercising extraordinary powers and those powers are strictly limited by the language of the article. Since the legislatures are "playing on federal turf" and not exercising their ordinary powers which they have within the limits of their respective states, they have no implied or plenary power when acting in this capacity. Specifically, they have no power to attach conditions or limitations to their applications. Any conditions or limitations which might be attached are null and void.

2. Upon receipt of a sufficient number of applications (34) Congress MUST call a convention; there is no choice--no discretion. Like the state legislatures, Congress also lacks any authority to attach conditions or limitations to its convention call. Similarly, any conditions or

limitations which Congress attaches to the call are null and void.

3. The call, in the words of Article V, is for "a convention for proposing amendments." Very clearly, Article V gives the power to propose amendments exclusively to the convention itself. This power is best illustrated by example. If all 50 state legislatures apply to Congress for a con/con for the sole and exclusive purpose of proposing a balanced budget amendment, and provide in their applications that if any other amendments are proposed, the applications are of no effect, the con/con machine begins to run. Congress must call the convention, and the limitations to a balanced budget amendment are of no more effect than if they had never been written into the applications. Yet once the con/con convenes, it has the power to propose any amendments it chooses, including wholesale changes to the structure of American government and the Bill of Rights. The con/con could also ignore totally the issue of a balanced budget amendment.

A PREPONDERANCE OF AMERICA'S LEGAL SCHOLARS AND JUDGES BELIEVE THAT A CON/CON SETS ITS OWN AGENDA

This view is shared by an overwhelming majority of America's jurists and legal scholars. Former Chief Justice of the United States, Warren Burger stated in a private letter in 1988:

"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.'"

He continues:

"Whatever gain might be hoped for from a new constitutional convention could not be worth the risk 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 subject 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."

Chief Justice Burger is joined in these thoughts by his former colleague, Associate Justice of the Supreme Court, Arthur Goldberg, writing in the Miami Herald, answering the question, "Why not another constitutional convention?" He says:

"One of the most serious problems Article V presents is a runaway convention. There is no enforcement mechanism to prevent a convention from reporting out wholesale changes to our constitution and bill of rights. Moreover, the absence of any mechanism to ensure representative selection of delegates could put a runaway convention in the hands of single-issue groups whose self-interest may be contrary to our national well being."

Professor Christopher Brown, University of Maryland Law School, in describing the specific movement for a con/con for a balanced budget amendment, says:

"We are on the brink of encountering the risk of radical surgery at a time when the patient is showing no signs of difficulty. *** In my view the plurality of 'amendments' [in Article V] opens the door to constitutional change far beyond merely requiring a balanced federal budget."

Professor Neil Cogan, Southern Methodist University School of law, writes:

"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;...My understanding is further that the States and the congress may suggest amendments and the people give instructions, but that such amendments and suggestions are not binding."

Professor Jefferson Fordham, University of Utah School of Law writes:

"A convention might propose a single amendment but it would clearly have a wider range."

Professor Gerald Gunther of Stanford University Law School writes:

"The fear that a constitutional convention could become a 'runaway' convention and propose wholesale changes in our Constitution is by no means unfounded. Rather, this broad view of a convention reflects the consensus of most constitutional scholars who have commented on the issue."

Similar views are expressed by Professor Rex Lee, President of Brigham Young University; Professor Forrest McDonald; Professor Charles Rice, Notre Dame Law School; Professor Lawrence Tribe, Harvard Law School; Professor Charles L. Black, Yale Law School; Professor Charles Allen Wright, University of Texas School of Law and others.

A sitting United States District judge, Bruce van Sickle of North Dakota, has written a most copious treatise on the subject. The article, over 100 pages in length, appears in 14 Hamline L. Rev. 1 (1990). He, too, finds no ability in either the states or congress to control a con/con's agenda.

THE RATIFICATION PROCESS PROVIDES NO SAFETY NET AGAINST BAD AMENDMENTS

4. Once the con/con has written its amendments, they are sent to the states for ratification. When Congress calls the con/con it decides whether the amendments will

be ratified by state legislatures or in special ratifying conventions. Thus a state legislature may apply for a con/con and yet never have a chance to vote on the amendments the convention proposes.

This happened in the ratification of the 21st Amendment, one proposed by Congress to repeal prohibition (imposed by the 18th Amendment). The final State necessary to ratify the 21st Amendment was Utah. Ironically the Utah legislature was the least likely of any state's to ratify such an amendment, given the heavy opposition to alcoholic beverages among its members. Knowing the legislative opposition to ratification of its amendment, Congress provided that ratification of the 21st Amendment would be by ratifying conventions held in each state. The clear lesson here is that the ratification process is no safety net against bad amendments. Once any state legislature applies for a con/con, it has lost all control of the amending process.

Another hole appears in the supposed safety net of the ratification process as a protection against bad amendments coming from a con/con. The convention could amend Article V itself and substitute a new method of ratification for amendments; it could even dispense entirely with ratification. Before labeling this as impossible, remember what happened when our Constitution was proposed by the Philadelphia convention of 1787. As that convention began its deliberations, the nation operated under the Articles of Confederation. Article 13 of that document required any amendments (called alterations in the language or Article 13) to be approved by Congress and ratified by the legislatures of every State.

Delegates to the Philadelphia convention knew the political realities of their day and knew that they would never be able to gain ratification of the new Constitution using the process they were obliged to use under the Articles of Confederation. So they merely re-wrote the ratification procedure, inserting Article VII which allowed 9 states to ratify by convention. Thus in the stroke of a pen, they eliminated the need for Congress to approve the new Constitution, eliminated the state legislatures from the ratification process by substituting a convention process of ratification in each state, and made 9 states rather than 13 sufficient to ratify and give us a new Constitution. Fortunately the document which they wrote is superb. However,

the Philadelphia convention set a precedent: A new convention could change or eliminate the ratification process for any amendments or any new constitution which it produced.

THE IMPOSSIBLE "LIMITED" CON/CON IS A CREATURE OF THE TWENTIETH CENTURY

Historically, states understood their constitutional role; they applied only for a general convention. But in 1916 the first "limited" applications were submitted to Congress for the direct electins of U. S. Senators. Since that time a few "limited" applications were submitted. Then in 1975 the push for a "limited" con/con for a balanced budget amendment began. After obtaining 32 such applications, academic attention began to focus upon the issue of limiting a con/con. As a result, state legislatures began to realize the impossibility of a limited con/con and stopped applying. Since that time, three states have withdrawn their applications.

CON/CON PROPONENTS LACK CREDIBLE ADVOCATES

Proponents of a con/con have suggested that some protection can come from a proposed act of Congress, S. 204. It is a U. S. Senate bill first introduced in 1989 to control the scope of amendments which a con/con could propose and to do other things. As members of the New Jersey legislature, you are surely able to see quickly that a proposed bill which has not even passed the Senate, let alone made it to the House, provides no protection against anything. Even if it were enacted into law, the fact treated earlier in my presentation remains; neither Congress nor the state legislature have any power whatsoever to tell a con/con what amendments it can or cannot propose. One of the technicians involved in drafting S. 204 was Steven J. Markham, a former aide to Sen. Orrin Hatch. After the bill was written, Markham moved to the Justice Department and wrote a glowing critique of his own work, proclaiming its constitutionality. Although that critique appears on a Justice Department letterhead, it is not an official opinion of the department, according to former Attorney General Edwin Meese.

A committee of the American Bar Association (ABA) has

taken the impossible position that a limited con/con is possible IF Congress has first established those limits by legislation before the states apply for the con/con. The position, the product of committee action by the ABA, is ludicrous since it flies in the face of Article V of the Constitution. Article V establishes the method of amendment by convention; and Congress has no authority to do anything regarding a con/con until it has first received a sufficient number of applications to put the process in motion.

CONCLUSIONS

During World War II, Winston Churchill described the Soviets as "a mystery, wrapped in a riddle, inside an enigma." The same is true of the Article V constitutional convention. We have never had one. No court has interpreted the convention clause of Article V. The nation's leading jurists and legal scholars warn of massive changes to our constitutional system of government which could result from a convention called for the most noble of causes. Now is not the time in our nations's life to rattle the foundation of our entire system of government.

George C. Detweiler, JD

Specialist,

The United States Constitution

POST OFFICE BOX 771, THIN FALLS, IDAHO 83303 208-734-4714

George C. Detweiler received his Juris Doctor degree from Georgetown University Law Center in 1968.

He has served as Assistant Attorney General for the State of Idaho handling civil and criminal appeals before the Idaho Supreme Court as well as trial court cases.

In private practice, he handles cases primarily involving free speech and the free exercise of religion under the First Amendment of the United States Constitution.

His article on the impact of a constitutional convention upon rights guaranteed by the Second Amendment appeared in the December, 1991 issue of "Guns & Ammo" magazine.

He has just completed a law review article about Article V of the Constitution and the inability of states to control the amendments which a convention can propose.

He has been on the lecture circuit regarding Article V and the process of amending the Constitution by convention.

He is a member of the District of Columbia Bar (inactive) and the Idaho Bar.

Supreme Court of the United States
Washington, D. C. 20543

June 22, 1988

CHAMBERS OF
CHIEF JUSTICE BURGER
RETIRED

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,



Mrs. Phyllis Schlafly
68 Fairmount
Alton, IL 62002



Statement of Professor Neil H. Coan.

I agree almost entirely with the foregoing memorandum.

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; that the Convention may be controlled in subject matter only by itself and by the people, the latter through the ratification process. My understanding is further that the States and Congress may suggest amendments and the people give instructions, but that such suggestions and instructions are not binding. Thus, I believe that should the Congress receive thirty-four applications that clearly and convincingly are read as applications for a general convention (whether or not accompanied by suggested amendments), then Congress must call a Federal Convention.

While it is plainly appropriate to examine the traditional historical sources -- text, debates, papers and pamphlets, correspondence and diaries -- it is plain too that these sources must be examined, and other sources chosen, within the context of our evolving theory of government. As I understand that theory, the Federal Convention is the people by delegates assembled, convened to consider and possibly propose changes in our fundamental structures and relationships -- indeed, in our theory of government itself --, and controlled only by the people and certainly not by other bodies the tasks and views of which may disqualify them from fundamental change and which themselves may be the subjects and objects of fundamental change.



THE
UNIVERSITY
OF UTAH

COLLEGE OF LAW
SALT LAKE CITY, UTAH 84112

November 29, 1983

I here offer brief comments of my own. The proponents are trying to blend the two methods of constitutional change made available by Article Five. They are saying that they do not trust a convention, so they propose to resort to such a body. That is incongruous. They may not have it both ways.

It is to be noted that in the American tradition a constitutional convention is not a constituent assembly -- a body competent both to draft and to adopt a constitution. In such an assembly is reposed sovereignty. The state antecedents of the Federal Constitution of 1787 all contemplated voter ratification. In this context it is not unreasonable to conclude that the members of the 1787 federal convention perceived such a convention to be competent to have the widest range of action in proposing amendments. Of course the very text confirms this by use of the plural "amendments." A convention might propose a single amendment but it would clearly have a wider range.

If what proponents desire is a particular change, the state legislative initiation method is adapted to the purpose. If more general review and possible changes are contemplated the convention method is plainly indicated.

Jefferson B. Fordham

STANFORD LAW SCHOOL

January 16, 1992

Representative Reese Hunter
House of Representatives, State of Utah

FAX: 801/538-1908

Dear Representative Hunter:

I am sorry that your FAX of January 13 arrived here while I was away on a brief out-of-town trip. I have just returned, and I am glad to give you my comments on Senator Hatch's column.

The fear that a constitutional convention could become a "runaway" convention and propose wholesale changes in our Constitution is by no means unfounded. Rather, this broad view of the authority of a convention reflects the consensus of most constitutional scholars who have commented on the issue. Senator Hatch, in asserting that the "most skittish constitutional scholars agree that Article V prevents any chance of a runaway crises," is simply wrong. While an ABA Committee some years ago did endorse the view that a limited convention is possible, the weight of the scholarship is clearly the other way. A convention, once called, would be in the same position as the only other convention of this kind that we have had in our history--the 1787 Constitutional Convention that proposed the Constitution that we live under today and whose Bicentennial we celebrated so recently. The Philadelphia Convention, too, was in effect a runaway convention.

I have developed lengthy arguments, legal and practical, that support the case that there is no effective way to limit the agenda of a convention, as have many other scholars. My own article appears in 14 Georgia Law Review 1 (1979). For another elaborate argument to the same effect, see Professor Walter Dellinger's article in 88 Yale Law Journal 1623 (1979). Both Professor Dellinger and I, as well as a number of other constitutional scholars, have testified in state and congressional hearings to the same effect. I am therefore sorry to see that Senator Hatch continues to insist, as the advocates of a balanced budget amendment have so long insisted, that the consensus among constitutional scholars is the other way. The facts are otherwise.

With high regard,

Yours,



Gerald Gunther,
William Nelson Cromwell Professor of Law

Law Quadrangle

25X

HOUSE OF REPRESENTATIVES
STATE OF UTAH

REP. J. REESE HUNTER
40TH DISTRICT
(SALT LAKE COUNTY)
4877 WELLINGTON STREET
SALT LAKE CITY, UTAH 84117
RES. 278-1600 / BUS. 278-2111



COMMITTEES: BUSINESS, LABOR AND ECONOMIC
DEVELOPMENT; HEALTH AND ENVIRONMENT, CHAIR;
COMMUNITY AND ECONOMIC DEVELOPMENT
APPROPRIATIONS SUBCOMMITTEE

May 7, 1993

COPY

Senator Bradford S. Smith
Prof. Plaza, Suite 202
700 Rt. 130,
Cinnaminson, NJ 08077

Dear Senator Smith:

Ordinarily I would not write to members of another state legislature regarding legislation up for consideration in that state. However, I am going to disregard my usual policy because of the unusual nation-wide (and even world-wide) implications of a particular piece of legislation you will be considering shortly, which I understand has already passed one House of the New Jersey Legislature. I am referring to the state's call for a Constitutional Convention for a Balanced Budget Amendment (SCR 39). Obviously, this resolution has far-reaching implications for all states of the Union.

Please clearly understand that there are two issues involved here as follows:

1. A Balanced Budget Amendment
2. A Constitutional Convention

The seriousness of going to a Convention in order to amend the Constitution requires us to ask one singular question: "Can either the State Legislatures or the U.S. Congress limit a Constitutional Convention to a single issue?" Or, put another way, "Can either the State Legislatures or the U.S. Congress set the agenda of a Constitutional Convention?" The answer to this is not found in Article V of the constitution but is fraught with such grave consequences that it deserves our thoughtful and studied consideration.

I, and others, have asked the above question of noted Constitutional authorities such as Judge Robert Bork, Professor Gerald Gunther of Stanford University Law School, Rex Lee, President of Brigham Young University and former Solicitor General of the United States, and other renowned legal constitutional scholars across the country. The consensus of these authorities is that, "No, a Constitutional Convention cannot be limited by State or Congressional action." When the gavel comes down to open the Convention meeting the Convention is sovereign, being not controlled by any outside influence.

Indeed, Robert Bork has written, "... it is my view that a federal constitutional convention called under Article V could not be compelled to confine itself to the subject matter for which it had been called."

26X

Going even further, Professor John J. Flynn, Hugh B. Brown Professor of Law at the University of Utah Law School tells us that a Convention might not even consider the stated purpose for its convening when he wrote, "Indeed, a Convention would be free to not only reject the proposal that the state wished to see them adopt but it would also be free to propose any number of other changes in the Constitution that the proponents of a Convention might not like to see adopted." (Letter to author dated 1/19/90).

Professor Gerald Gunther wrote, "The fear that a constitutional convention could become a 'runaway' convention and propose wholesale changes in our Constitution is by no means unfounded. Rather, this broad view of the authority of a convention reflects the consensus of most constitutional scholars who have commented on the issue. A convention, once called, would be in the same position as the only other convention of this kind that we have had in our history -- the 1787 Constitutional Convention that proposed the Constitution that we live under today and whose Bicentennial we celebrated so recently. The Philadelphia Convention, too, was in effect a runaway convention." (Letter to author dated 1/16/92).

Some have used the argument that any action by a Constitutional Convention would have to be ratified by 3/4 of the state legislatures. However, a careful reading of Article V reveals that two methods of ratification are prescribed: (1) by 3/4 of the state legislatures or, (2) by 3/4 of state conventions convened for that single specific purpose. It was the latter method by which the 21st Amendment (Prohibition Repeal) was ratified because the Congress did not think the state legislatures would do so.

However, consider this, if it is true that the Convention, once called, would be in the "same position as the only other convention we have had in our history" as Professor Gunther said above, could it be possible for even the number of ratifying states to be lowered to, say, 60%, 51%, or even possibly just a majority vote of all the people. If their action were ratified by the lesser number, who is to say that this is illegal. If you remember, it took 100% of the states to ratify under the Articles of Confederation so the Founders reduced the number since they knew they could not get the new Constitution ratified with 100%.

A myriad of unanswered questions present themselves when one considers this issue. Some of them, but not all, are:

- How would the Convention be apportioned?
- How would the delegates be selected?
- What rules would the Convention operate under?
- Would amendments need to be proposed by a majority or a super-majority?
- Could the agenda be limited or wide open to any proposal?
- Would the Supreme Court undertake to resolve controversies or would it refuse to hear them by labeling them "political questions."
- What de-stabilizing effect would this confusion and "Constitutional Chaos" have upon other nations of the world and upon their and our economies?
- Without a map or guideline, where would we be headed?
- Would the Convention meet behind closed doors for deliberation? Hardly! Rather it would more likely be like a political convention with demonstrations, media hype, floor interviews, etc.

LEGAL SCHOLARS WHO SAY A CONSTITUTIONAL CONVENTION CANNOT BE LIMITED

T. ALEXANDER ALEINKOFF, University of Michigan Law School

FLORIAN BARTOSIC, University of California at Davis, School of Law

CHARLES L. BLACK, Sterling Professor, Yale Law School

ROBERT H. BORK (Mentioned above), John M. Olin Scholar in Legal Studies at the American Enterprise Institute, Washington, D.C.

C. CHRISTOPHER BROWN, University of Maryland, School of Law

WARREN BURGER, Former U.S. Supreme Court Chief Justice

NEIL COGAN, Southern Methodist University, School of Law

WALTER E. DELLINGER, Duke University School of Law

THOMAS I. EMERSON, Yale Law School

EDWIN B. FIRMAGE, University of Utah, College of Law

JOHN J. FLYNN, University of Utah, College of Law

JEFFERSON B. FORDHAM, University of Utah, College of Law

ARTHUR J. GOLDBERG (Dec.), Former U.S. Supreme Court Justice

GERALD GUNTHER (Mentioned above), William Nelson Cromwell Professor of Law, Stanford Law School

REX E. LEE, President of Brigham Young University, formerly Solicitor General of the United States

BETSY LEVIN, Dean, University of Colorado, School of Law

FORREST McDONALD, Constitutional Scholar, National Endowment For the Humanities

ARVAL A. MORRIS, University of Washington, School of Law

WILLARD OVERGAARD, Professor of Public Law, Boise State University

CHARLES E. RICE, Notre Dame Law School

TERRANCE SANDALOW, Dean, University of Michigan Law School

ROBERT L. SCHWARTZ, University of New Mexico, School of Law

LAWRENCE H. TRIBE, Tyler Professor of Constitutional Law, Harvard University Law School

CHARLES ALAN WRIGHT, Texas University Law School

Finally, the American Bar Association has noted that a Constitutional Convention Implementation Bill has never passed Congress even though one has been languishing in Congress since the 1960's. The ABA wrote, "If we fail to deal now with the uncertainties of the convention method, we could be courting a constitutional crisis of grave proportions. We would be running the enormous risk that procedures for a national constitutional convention would have to be forged in time of divisive controversy and confusion when there would be a high premium on obstructive and result-oriented tactics."

Mr. Robert D. Evans of the ABA further noted: "I would point out that Congress has not enacted any legislation establishing procedures for a national constitutional convention. I would note further that the Association (American Bar Association) has been unable to support the legislative proposals introduced in recent Congresses to establish such procedures because the proposals have not conformed to the 'one person, one vote' principle in their provisions relating to delegate selection and have lacked adequate provisions for judicial review." (1/31/90 letter to State Legislators)

We have a Constitution that has stood the test of time. It is not the Constitution that is at fault concerning our problems of the day. Rather, we need to change the make-up of the Congress and get people elected who are determined to support and abide by the Constitution. To paraphrase a famous individual, "Even the government of heaven, if it would governed by wicked men, would be one of the most wicked governments on earth." We have a good basic government -- we need not change it but change those in Congress who will not abide by it. Therein lies our best hope for better times.

I encourage you to protect our time-proven Constitution by rejecting the effort to get us back to a Constitutional Convention where wholesale changes are possible. You can do this by voting NO on SCR 39. Thank you for your consideration.

Sincerely,



J. Reese Hunter
State Representative



PUBLIC TESTIMONY PRESENTED BY WAYNE DIBOFSKY, ASSOCIATE DIRECTOR OF GOVERNMENT RELATIONS FOR THE NEW JERSEY EDUCATION ASSOCIATION, BEFORE THE SENATE STATE GOVERNMENT COMMITTEE ON MAY 27, 1993.

The New Jersey Education Association stands unalterably opposed to the purposes of any resolution which would call for a constitutional amendment to balance the federal budget.

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."

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 United 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%.

(over)

- * 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.
- * 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 1993, let us preserve that tradition and abandon the propositions of SCR-39, SCR-68, and ACR-30.

5/27/93

DTC:WD:lp

**NFIB**National Federation of
Independent Business

STATEMENT OF SAL RISALVATO

BEFORE THE NEW JERSEY STATE GOVERNMENT COMMITTEE

MAY 27, 1993

My name is Sal Risalvato. I am owner of Riverdale Texaco in Morris County and employ 11 people. I also have the privilege of serving as the Chairman of the NFIB/NJ Guardian Advisory Council.

On behalf of the 10,000 New Jersey members of the National Federation of Independent Business, I would like to thank the Chairman and members of the Senate State Government Committee for taking the time to examine Committee Substitute for SCR-68 and ACR-30, calling for a limited constitutional convention to consider a balanced budget amendment to the US Constitution. We are here today to express our support for this resolution.

NFIB represents urban, suburban and rural small business owners; our average member employs fewer than ten people. We draw members from all corners of the state and all business classifications. Because NFIB represents a cross section of small business, we believe NFIB speaks for the state's entrepreneurs. And a concern which continues to dominate business owners' thoughts is the federal budget deficit, and what can be done to prod Congress to action.

It is no secret that the last decade has witnessed huge increases in the size of the annual budget deficit.

Many people believe that the federal budget process lacks fiscal discipline. Without a line item veto, the President cannot have much effect. Obviously, Congress has not been able to eliminate the deficit. Despite repeated polls showing that a large majority of the public favors a balanced budget, spending keeps rising and deficits continue to grow.

While the specific effects of large deficits cannot be measured exactly, the broad effect is glaring: excessive government demand for credit creates an artificial strain on private credit markets.

The budget deficit causes the federal government to borrow more in the private credit market. Tight credit markets harm the small business community in an obvious way. It cuts into their prosperity and places obstacles in the path of economic growth.

But, perhaps the most harm inflicted by the deficit is one rarely noted by economists and politicians: It is the erosion of public confidence in the ability of government to conduct one of its basic functions, that of raising and expending money in a coherent manner and in the public interest. It is no small matter that the great mass of Americans are cynical about the ability of Congress to tackle the deficit. It makes the task much harder, and it encourages individual members to pay lip service to the problem while taking no substantial, decisive action.

Obviously, as a small business owner, if I ran my finances like the federal government, in the very short term, my banks would call in my credit.

You as state policymakers cannot run state government like the federal government. The NJ State Constitution requires you to pass balanced budgets.

Under both of these situations, there are fiscal restraints.

Our members believe this restraint as proposed in SCR 68 and ACR 30 may be one of the only ways the federal government will be able to get its fiscal house in order.

As Congress continues to ignore the will of the American people, it is important that the states press for a limited constitutional convention. A constitutional amendment imposing fiscal discipline is the only alternative available to the American public. State Resolutions such as this one will pressure Congress to do what it has refused to do - eliminate the federal deficit.

By restraining spending and cutting deficits, such an amendment would have a major effect in strengthening the economy and would give the individual citizens greater say in how their money is spent.

We believe without this outside pressure, Congress will not act and itself pass a balanced budget amendment.

Some opponents of a call for a convention express fear that a limited convention might exceed its authority. This is simply unfounded. A convention is unlikely to be held. Further, any topic addressed at the convention other than a balanced budget amendment would be immediately struck down because Congress would not send it to the states for ratification. And most importantly, even if a convention is convened, any amendment proposed by the convention would have to be approved by three-quarters of the states to be adopted -- no easy hurdle for irresponsible amendments.

If we are to dispel the present cynicism of the American people, fiscal discipline at the federal level is essential. We urge you to support the committee substitute for SCR-68 and ACR-30.

Thank you for this opportunity to present the views of New Jersey's small business owners on this important issue.



from Steven Warboff

The Budgetary Process

Before one can discuss a government's balanced budget, it is important to understand the history of the budgetary process. Nowadays, the issue of a government's budget carries about it the aura or sanctity that in other times might be associated with religious rituals.

It is important to begin by defining a budget. Webster's First Edition of his *Dictionary* (1828) defines it simply thus: "The papers respecting the finances of the British nation." *The Second International Webster's Dictionary* has, as its two basic definitions, the following:

Budget: a financial statement of the estimated revenues and expenditures of a country (orig. of Great Britain) for a definite period of time.

Loosely, the cost of operation, living, etc. as determined by income, essential needs, or the like; as a minimum weekly budget for a family of five.

Many people have the second and minor meaning in mind. It applies especially where a family has a fixed, regular income, and plans to allocate to meet the minimum needs.

Historically and economically, budget-making and deficit financing have gone hand in hand. In fact, the budgetary process was created in Great Britain in order to justify a national debt as a necessity. The process began in 1780 with a parliamentary commission justifying such a step in the name of *efficiency* and *rationality*. Each agency of state was to submit its needs for the year ahead in order to enable Parliament to tax and appropriate intelligently. Then these budgetary estimates would be submitted to the treasury, which in turn submitted to Parliament the "necessary" costs for the next year. A debate on the floor ensued, followed by tax measures. When the taxes were being collected, or in anticipation thereof, the state borrowed in order to make agency functions possible. Where there was a difference between income and expenditures, a debt was incurred, and servicing the debt became a part of the continuing budgetary process. National debts were born with budgets.

Before long, off-budget spending for special purposes was added to this process; this was an evasion of normal budgetary constraints. In time, off-budget debts began to surpass the regular indebtedness.

National debts were born out of the budgetary process. Up to then, nations that were spending more than their revenue knew that was wrong. The budget gave a respectable name to debts. Budgets tend to be governed by "needs" rather than income, and the definition of "needs" is constantly expanded by bureaucrats and legislative bodies.

Carolyn Webber, a specialist in this area, and

Professor Aaron Wildavsky, in *A History of Taxation and Expenditure in the Western World* (1986), observed:

"Afraid that their funds would be taken away, departments kept up legislative pressure all year long, instead of just at the beginning.... Not only were there more claimants for government funds, they made claims more often and with greater tenacity than before. With no distinction between the 'off' and 'on' budget season, the central budget unit led a chaotic existence... To make their petitions impregnable, departments sought funding through the panoply of modern devices -- entitlements, loans and guarantees, and off budget corporations." (p. 492)

One individual working on an Indian reservation saw an honest government employee rebuked by local, regional, and national officials for operating economically, doing more work than planned, and leaving a surplus of funds. When he persisted in this, he was demoted, and, finally, had to leave the Indian Service.

The budgetary process is unsound because it justifies spending money against revenue that may never come. You can be "half right" if you spend what you plan, even when there is no revenue! The budgetary process gives priorities to "needs" over frugal allocation of the always finite real income. The alternative is to spend *only* the income one has *in hand*.

A "balanced-budget" amendment that works might prove to be as difficult to find as a silent thunderstorm. Budgets, historically, are the origin of government deficits as a regular part of civil government.

That the Constitution already has sound money provisions which are ignored is an issue that others may discuss.

Why should we risk losing the entire Constitution? If someone wants to propose a specific amendment, it should be considered on its merits as all prior amendments. But let us not risk losing the Constitution in the chaos of a convention.

It took only about three months for the first Congress to propose what are now the first ten amendments or *Bill of Rights*. Why don't the proponents of a so-called "balanced budget" amendment reveal some drafts that can withstand public scrutiny? We don't need a formal convention for private citizens to assemble and write proposals. It's a freedom listed in the Constitution. ■

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10
THE SENATE STATE GOVERNMENT COMMITTEE
of
THE LEGISLATURE
of
NEW JERSEY

Testimony of Gardiner Rogers

Asking the New Jersey Legislature
to oppose calling for a Constitutional Convention
by voting NO on the Senate Committee Substitute
for
SCR-39, SCR-88, and ACR-30 ACS

27 May 1993

Mr. Chairman, Senators of the New Jersey Legislature, thank you for allowing me the opportunity to address you in defense of the Constitution which Almighty God gave to us through His agents, the Founding Fathers of our beloved country.

How can we know that God gave us our Constitution? By the fact that the majority of the Founding Fathers believed in the Father of us all and in His Son, Jesus Christ.

Even as far back as 1492, Christopher Columbus, whose Christian name means "The Light of Christ", wrote that he believed he was commissioned to bring the Light of Christ to the New World.

Thus the spiritual roots of America run deep in history. According to the authors of "The Light and the Glory", for some years before the American War for Independence, as well as during that war, the sermons in the churches throughout the land were aflame with the passion for religious and political liberty.

As you know, the 1787 constitutional convention was attended by delegates dedicated to the erection of a government limited in power to protect the people from marauders, both foreign and domestic, while leaving them free to make the necessary decisions to run their daily lives.

The Founders recognized that government could grow to be a danger to the liberties of the people. They also feared large standing armies, both because they consume large amounts of taxes and because they hold power that can be misused. Our Constitution was skillfully designed to achieve a proper balance between individual liberty and limited government. This dedication to establish a benevolent government, rather than political power for a self-appointed elite, could come only from men who had a strong sense of justice, from men who had spiritual depth, from men of honor.

Our country became the envy of the world as a number of countries have copied parts of our Constitution, while immigrants have flocked to our land to start a new life. What a compliment to America!

You have heard false testimony that a constitutional convention (Con-Con for short) can be limited to one amendment, when, in fact, according to the American Bar Association: "neither the language nor the history of Article V reveals an intention to prohibit another general convention." Additionally, Sen. Orrin Hatch told Congress that a convention limited to one amendment would be a farce.

You have even been told the ridiculous lie that you can withdraw your petition for a Con-Con after the convention comes to order if the convention passes more than a balanced budget amendment. What an absurdity!

You have been warned by citizens loyal to our Constitution about the danger of losing our Constitution, even our Bill of Rights, at a constitutional convention

You have been warned, again by loyal citizens, of the sponsorship of several new constitutions, by some well-known, tax-exempt foundations and wealthy internationalists. Two examples are the "Newstates Constitution" and the "21st Century Constitution". These constitutions would establish powerful centralized government to replace the limited government of our Constitutional Republic. You can be sure that the powerful financial interests behind these sponsorships would hand-pick authoritarian men to be placed on the ballots.

You have heard from people in various walks of life testify in defense of the Constitution. You have heard technical reasons who you should vote NO on the resolution. Most importantly, you have heard their passion for liberty. You have heard from many military veterans, many of whom have directly risked their lives in defense of our Constitution.

Now you have before you a momentous decision to make, a dreadful responsibility, which, if misjudged, could wreak havoc on our citizens for generations to come. The American people have besought you to make the responsible decision. DO NOT LET THEM DOWN !

We have heard the call for a New World Order, for a world government. Patrick Henry warned: "A consolidated Federal Government will operate like an ambushade; Destroy the State Governments and Swallow the liberties of the People." How much more of an ambushade a world government would be!

We have no Roger Shermans, no James Madisons, no Thomas Jeffersons, and no George Washingtons in positions of influence today. In other words, we do not have in positions of influence men who believe in limited government. Contrarily, the halls of government abound with socialists. Beguilingly calling themselves "liberals", these socialists think of more ways to squander the earnings of the people as they pass legislation, often in violation of the Constitution, that makes government intrude more and more into our personal lives. The "knock on the door at midnight" creeps ever closer as we slide further toward the hell of a New World Order, which, if not defeated, will not be an order of freedom but of tyranny. We must, as a nation, confess our wrongs. Then perhaps God, in His mercy, will turn this about.

I beseech you to act as His agents, as did our forefathers, and say NO to a constitutional convention. Please vote NO on your Senate Committee Substitute for SCR-39, SCR-88, and ACR-3 ACS and save our Constitution and its blessings for our children and grand-children, for our posterity.



The Military Order of the World Wars

435 NORTH LEE STREET

ALEXANDRIA, VA 22314

TELEPHONE (703) 683-4911
FAX (703) 683-4501

1986 NATIONAL CONVENTION
SAN DIEGO, CALIFORNIA -- 30 JULY-3 AUGUST 1986

RESOLUTION NO. 6

WHEREAS the Constitution of the United States of America has served us well for two hundred years, has been amended through the process provided therein as needed and has been fully interpreted by the Courts through two hundred years of jurisprudence; and

WHEREAS various State legislatures have called for a Constitutional Convention to rewrite this basic guarantee of our freedom; and

WHEREAS there is substantial inherent danger to the well established and well defined freedom we enjoy in the process of rewriting the entire Constitution and any such revision would bring about great confusion, gross insecurity and many long years of bitter litigation to re-interpret the full meaning of the new document;

BE IT THEREFORE HEREBY RESOLVED that we, the membership of the Military Order of the World Wars, in national convention assembled, do oppose a Constitutional Convention and do call upon those persons who wish to change the Constitution to offer amendments as may be needed instead of seeking to make changes by rewriting the entire document.

BE IT FURTHER RESOLVED that we do continue to honor our sworn oath to "uphold and defend the Constitution of the United States against all enemies, foreign or domestic," and we call upon all others who have sworn such an oath, particularly those persons elected to represent the people, to reflect upon their sworn duty and to protect the Constitution as it has so well protected our God-given rights for two centuries.

40X

69th ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION

SAN ANTONIO, TEXAS

AUGUST 25, 26, 27, 1987

RESOLUTION NO. 63
SUBJECT: UNITED STATES CONSTITUTION
COMMITTEE: AMERICANISM

Whereas, The American Legion 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 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 American Legion is bound to support; now, therefore, be it

Resolved, By The American Legion in National Convention assembled in San Antonio, Texas, August 25, 26, 27, 1987, That it states its opposition to efforts to convene a Constitutional Convention for any purpose and specifically opposes the rewriting of the United States Constitution.

MAKE COPIES AND DISTRIBUTE WIDELY

THE NATIONAL RIFLE ASSOCIATION OF AMERICA ANNUAL MEMBERS MEETING - APRIL 25TH, 1992 SALT LAKE CITY, UTAH

WHEREAS, the Second Amendment which guarantees our God given, inalienable, right to keep and bear arms is of vital importance towards the defense of our liberty and our nation; and

WHEREAS, the other nine amendments in our "Bill of Rights" also protect our right to keep and bear arms; and

WHEREAS, the "Bill of Rights" are the first ten amendments to, and part of, our United States Constitution; and

WHEREAS, the National Rifle Association of America was organized to defend our constitutional right to keep and bear arms; and

WHEREAS, attempts to call for a Constitutional Convention which can lead to a "run-away" convention would put our Constitution including our "Bill of Rights" at risk; and

WHEREAS, several of the most prominent members of the Committee on the Constitutional System, which seeks to substitute a new constitution over the one written by our founding fathers, favor gun control and disarmament; and

WHEREAS, the American Legion, the Veterans of Foreign Wars and other patriotic organizations whose members risked their lives, their fortunes and their sacred honor to defend our country and our Constitution have passed resolutions opposing a Constitutional Convention because it could radically alter the Constitution written by our great founding fathers; now, therefore, be it

RESOLVED, by the eligible voting members at the 1992 Annual Meeting of the National Rifle Association of America held at Salt Lake City on the 25th of April, 1992 that we oppose any attempt to call for a Constitutional Convention for any purpose whatsoever because it cannot be limited to a single issue and that our right to keep and bear arms can be seriously eroded.

VETERANS OF FOREIGN WARS OF THE UNITED STATES



Resolution No. 449

CHANGING THE CONSTITUTION

WHEREAS, every serviceman takes an oath to "FIGHT FOR, UPHOLD AND DEFEND THE CONSTITUTION OF THE UNITED STATES OF AMERICA AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC"; and

WHEREAS, we, of the Veterans of Foreign Wars of the United States, need to keep faith with those who fought and died to preserve our freedoms guaranteed by our United States Constitution; and

WHEREAS, attempts are being made to change the Constitution by covert political factions which are not working in our best interests as a Nation; now, therefore

BE IT RESOLVED, by the 85th National Convention of the Veterans of Foreign Wars of the United States, that we oppose any attempt to a call for a Constitutional Convention as this would give our enemies from within and without the opportunity to destroy our Nation.



Adopted by the 85th National Convention of the Veterans of Foreign Wars of the United States held in Chicago, Illinois, August 17-24, 1984.

Resolution No. 449

43X

The APPLICATION to CONGRESS to CALL a CONSTITUTIONAL CONVENTION
for Proposing a
E. Donald L. Smith BALANCED FEDERAL BUDGET AMENDMENT

RE: N.J. SCS SCR 39/68/ACR 30 (last page)

The authors and/or sponsors would have you believe the Legislature of New Jersey can make a conditional Application to Congress for a limited Constitutional Convention (Con Con) for proposing a conditional Balanced Budget Amendment to the Constitution. (Art. V.)

DECEPTION BY GILDING

To accomplish this scheme the authors have liberally sprinkled the Application with colorable words and concepts; the art of concealing by gilding. For example;

- Section 1. - sole, specific, exclusive;
- Section 2. - shall require, certain exceptions, shall submit, shall adopt, balanced federal budget;
- Section 3. - similar in subject matter, force or effect;
- Section 4. - similar in subject matter;
- Section 5. - limited, automatically rescinded if;
- Section 6. - null, void, rescinded, no effect, specific, exclusive.

RESCIND YOUR VOTE FOR AN ELECTED POLITICIAN

Such language in the the Application will have as much force or weight as telling a politician that your vote for him is conditional on his doing a certain thing once elected, and if he does not do it, you want to rescind your vote for him. The politician might agree to go along with the proposition. What you will not be told, is that your RESCISSION does not have any force or effect and is irregular, invalid. and ineffectual.

FIRST SECTION - FIRST FRAUD

SECTION 1. - The restriction this section alludes to is well known by experts and students on Con Con. It is universally known as a ""limited" convention". Even the authors were aware of and used this description in Sections 5 and 6. "Limited Convention" is conspicuous by its omission in Section 1. Had the authors preceded the word convention with "limited" instead of the later used conditions, the first fraud of the bill would have been immediately apparent and the naive supporters would have been alerted to the ongoing fraud. There is no provision for such Con Con restrictions in Article V of the Constitution or elsewhere. In fact, the plural "amendments" is the word used in Article V.

LOOPHOLE RIDDLED BALANCED BUDGET REQUIRED

SECTION 2. - Shall require, WITH CERTAIN EXCEPTIONS, a balanced federal budget. The good ole loophole boys are at it again.

OFF BUDGET EXPENDITURES, LOOPHOLE "EXCEPTIONS"

What are these "CERTAIN EXCEPTIONS"? From time to time "CERTAIN EXCEPTIONS" or "OFF-BUDGET" items included; U.S. Postal Service and the Gulf War. DIRECT LOANS: by Small Business Administration (SBA), Export-Import Bank and others. LOAN GUARANTEES: such as Student Loans, Federal Housing Admin. (FHA), Veterans Admin. (VA), Rural Electrification Admin. (REA) and Small Business Disaster Loans. The present student loan default alone is about 13.5 billion dollars. FEDERAL INSURANCE: for costs over 500 billion dollars such as Federal Deposit Insurance Corp. (FDIC) and Resolution Trust Corp. (RTC) (S&L Bail Out). GOVERNMENT-SPONSORED ENTERPRISE LOANS: such as Federal Home Loan Mortgage Corp. (Freddie Mac), Federal National Mortgage Association (Fannie Mae), Student Loan Mortgage Association (Sallie Mae), Federal Agriculture Mortgage Corp. (Farmer Mac) with all defaults charged to the government. Pension Benefit Guarantee Corp. (PBGC) an insurance to guarantee the payment of private company pension benefits if the company is unable to do so. Other budget related chicanery such as moving government pay days and projecting high estimates of revenue with low estimates of expenses also expose the fraud of "balanced budget" amendment. (BANKRUPTCY 1995, Figgie, 1992, p.52).

The Monetary Control Act of 1980, 94 Stat. 132,140 (P.L. 26-221, Sec. 105(b)(2), 3-31-1980) (12 USC 355), permits the private Federal Reserve Corp. to create money to pay the bad debts of foreign nations that were owed to the International Bankers and to charge the American citizens for that debt payment. (Ron Paul, 18333 Egret Bay, No. 265, Houston, Texas 77058, 1-800-766-7285). Will these debt payment expenditures be part of the "balanced budget" or will they be part of "certain exceptions"?

Social Security taxes, which are listed as unearmarked revenue to the treasury and are considered as expenses when paid out of the treasury, (Helvering v. Davis, 301 U.S. 619, 634 - 636) are not supposed to be in the current budget. Congress treats other income sources such as military, postal workers, railroad, and civil service retirement funds, Medicare surpluses, highway and airport funds in the same manner. They simply account for their use of these funds with IOU bonds. Nothing more than a giant Ponzi scheme. Where the funds will come from to redeem the bonds when payments are due, is someone else's balanced budget problem in the future.

Each time the Congress cancels a debt owed to the United States by a foreign country, does the lender, from whom the United States first borrowed the money in order to have it to loan to the foreign nation, cancel the principal and the interest? Or does the United States still owe the principal and the never ending interest to the lender? Does this transaction show up on the "Balanced Budget"?

Who is going to determine what expenditures are the exceptions? The Applications from most states recognize the above loopholes and restrict the "certain exceptions" to a National Emergency only. Is it the INTENT of the New Jersey Senate State Government Committee and New Jersey Legislature that "CERTAIN EXCEPTIONS" means that any or all of the above current off-budget expenditures are EXCLUDED from the "balanced budget"?

NATIONAL EMERGENCY, LOOPHOLE "EXCEPTIONS"

Or does "CERTAIN EXCEPTIONS" mean that all of the above are to be included in the "balanced budget" and that there are times (CERTAIN EXCEPTIONS) when the budget does not have to be balanced? Such as during National Emergencies? For the last 90 years (1993) the people of the United States have lived under Emergency Rule (EMERGENCY POWERS STATUTES, Senate Report No. 93-549, 93rd Congress, 1973) (Cong. Record, Senate, 11-19-1973, p. 37619, 37620-37623).

Some even believe that "EMERGENCY RULE" or "EMERGENCY POWER" goes back to the Civil War of the 1860s, with full Martial Law and the subsequent and ongoing partial Martial Law known as Martial Law Rule. They refer to the 13th, 14th, and 15th "War Amendments" which were adopted while the nation was under Martial Law and numerous states occupied by the military. Each of those Constitutional Amendments (and more recent ones) contain the Congressional "POWER CLAUSE" to "enforce". The "POWER CLAUSE" resulted in the suspension of Constitutional Article III courts: "Any exercise of legislative power within its limits (POWER CLAUSE) involves a legislative, and not a judicial question" (U.S. v. Rhodes, 27 Fed. Cas. 785 (Case No. 16151 p.793)).

Also noted is the fact that the GOLDEN YELLOW FRINGED flag of the Commander-in-Chief of the Armed Forces (a military capacity) is displayed in the courts, houses of legislation, executive offices, and other Federal and State Agencies (schools, etc.) throughout the land. Army regulations require the the presence of the GOLDEN YELLOW FRINGE on the National Flag; authorize and require its display in each military courtroom; permit its display at recognized United States Army division associations; and prohibit its display outside of military jurisdiction. (ARMY REGULATION, AR 840-10, 2-3b & c, 1-6e, 1 October 1979). The Flag of the United States when representing the national jurisdiction has NO GOLDEN YELLOW FRINGE (61 Stat. 642, July 30, 1947, ch 389, 4 U.S.C.A.Sec. 1.), but when MARTIAL LAW jurisdiction is in power the GOLDEN YELLOW FRINGE is added to the national flag. ((1925) 34 Opinion of Attorney General p.483, 485.) (MARTIAL LAW RULE, Robert Wangrud, Fourth Judicial District, 522 Hartke Loop, Oregon City, Oregon)

In addition, it is noted that under forms of Martial Law; state, county, city, and other boundaries are disregarded, and instead, districts and/or regions are established, ie. Regional Government. States were combined to form Military Districts under Martial Law during Reconstruction. (See: 14 Statutes, 39th Cong. Sess. II, Ch. 153, 1867) Various agencies are established and the citizens are ruled and/or controlled by them. Each time a governor declares an "emergency" and the Federal Emergency Management Agency (FEMA) is sent into a State(s), that region within the state(s) is under direct Federal Martial Law Rule.

Congress, under Martial Law Rule, can make the laws that the Commander-in-Chief (President) and the tribunals (not the Article III judicial courts but Article I Legislative/Statutory administrative tribunal/courts, wherein the Constitution is suspended) are to follow. (The Constitution of the United States Analysis and Interpretation,

92d Congress, 2d Session, Senate Document No. 92-82 p.334. The War Power). (Also see Cochran v. St. Paul & Tacoma Lumber Co., 73 F.Supp. 288)

Others believe the National Emergency became official in 1938 when the Supreme Court ruled that the National Common Law (State Common Law) under the National Constitution (Constitutional Republic known as the United States) (was replaced by the Federal Common Law (Public Policy) under the Federal Constitution (Legislative Democracy known as the United States or the Corporate United States). (Erie Railroad Co. v. Tompkins, 304 U.S. 64, 58 S.Ct. 817, 82 L.Ed. 1188, 1938). Known as the Erie Doctrine. This decision seems to have been based on the fact that the United States was bankrupt. This will be amplified under: THE PROBLEM OF THE DEBT IS NOT "RESOLVED", below.

The questions are: What is the intent of "certain exceptions" in Section 2.? How does the foregoing apply to Section 2.? Do you really believe that Section 2. will restrain the sleight-of-hand artists who control the Congress?

CONGRESS CANNOT "ADOPT" AN AMENDMENT

SECTION 3. - It appears that Section 3. would have you believe New Jersey could rescind its application for a Con Con "after" the required number of states (two-thirds) had made application for a "balanced budget" (Section 1.). Providing that Congress "ADOPTS an amendment" to the Constitution within 89 days after reaching the two-thirds requirement, and that amendment contains provisions "similar in subject matter" to the New Jersey loophole-riddled "certain exceptions" Balanced Budget provision.

NO RESCISSION PERMITTED

RESCIND, specific in Sections 5 and 6, but inferred in Section 3., will first be addressed here. Of all the corrupt activities undertaken by the Congress, none have done more to destroy the Republic and the fundamental law of the Constitution than those activities associated with the Fourteenth Amendment and with the detestable treatment of New Jersey.

In December 1865, there were 36 States in the Union (11 were formerly Confederate States) and thus there were 72 Senate seats. There were 240 House seats. To PROPOSE an Amendment, Congress needs two-thirds of both houses. (Art. V.) The bill was Joint Resolution No. 48, proposing the Fourteenth Amendment. The majority voted to deny seats to 22 Senators from the 11 former Confederate states, contrary to State's rights in the Senate (Art. V). This left 50 "seated" Senators from the remaining 25 states. Two-thirds of 50 would require 34 votes to PROPOSE. A count showed that only 33 were favorable. If the number of seated Senators could be reduced to 49, and since two-thirds of 49 is 33, there would be enough favorable votes to PROPOSE.

Senator John P. Stockton of New Jersey was outspoken in his opposition to the 14th Amendment. Although having been seated earlier, John P. Stockton was later denied a seat. The motion "not to seat" him after he had been seated failed (22 to 21) but after some overnight arm

twisting the motion passed (22 to 21). This was contrary to the lawful two-thirds requirement to unseat (Art. I, Sec. 5, Cl. 2) and New Jersey's right to equal Suffrage in the Senate (Art. III). The reasons used for removal was that he had been elected by a plurality and not a majority of the New Jersey legislature. It was the law in New Jersey and other states that a plurality vote was sufficient for election. Prior to the 17th Amendment, the independent states were represented in the Senate by Senators elected by the State legislatures. The bill for the 14th Amendment was declared passed by two-thirds (33) of 49 "seated" Senators.

Of the 240 House seats, 58 Representatives from the 11 former Confederate states were denied seats, leaving 182 (240-58) "seated". Two-thirds of 182 would require 122 votes to PROPOSE. The House vote was 120 in favor, 32 opposed and 30 abstentions. The bill was declared passed by two-thirds of those voting "yea" or "nay". Those seated but "abstaining" were not counted as part of the two-thirds requirement. The fallacious calculation is: 120 in favor, plus 32 opposed, equals 152 voting; two-thirds of 152 equals 102; thus, 120 is greater than the two-thirds requirement to PROPOSE. The proposed Fourteenth Amendment bill was not submitted to the President (Art. I, Sec. 7, Cl. 2.). (The proposal bill for the Thirteenth Amendment was submitted to the President.)

It should be remembered that by June 30, 1865, the former Confederate states were all restored by presidential proclamation to their proper positions as states in an indissoluble Union. Seven of the states which were denied seats, had ratified and were counted in the ratification of the Thirteenth Amendment, between February 17, 1865 and December 6, 1865 when ratification was completed.

A more elaborate stratagem by the Congress was necessary to obtain ratification of the PROPOSED Fourteenth Amendment by the required three-fourths, or 28 of the 37 states. Ten states could defeat it. The proposed Fourteenth Amendment was submitted to the states on June 16, 1866. By February 1, 1867, 17 states had ratified it (including New Jersey and Ohio) and 10 had rejected it. The proposed amendment was thus defeated. The Philadelphia Enquirer, on Saturday February 9, 1867, forecasted the upcoming events. The Reconstruction Act (full Martial Law) was introduced on February 5, 1867 and was passed over a Presidential veto on March 2, 1867 as was the supplemental Reconstruction Act on July 19, 1867. The count on July 19, 1867, showed 22 state ratifications (including one former Confederate State) and 13 state rejections (including 10 former Confederate States).

The Army was then sent into only the 10 former Confederate States that had rejected the proposed Amendment, despite the fact that the former Confederate states had been functioning peacefully for almost two years. All 10 State Legislatures and Governments were ousted by military force and most Citizens were disfranchised. While under the duress of full Martial Law, new State constitutions were adopted and new legislatures were convened. The states were informed that Martial Law would continue until the proposed Amendment was ratified.

SADDER BUT WISER, NEW JERSEY ATTEMPTS TO RESCIND

Upon observing the rampage of the Congress, as it took the

Constitution into its own hands and was proceeding in willful disregard of the Constitution, some States passed legislation in an attempt to RESCIND their prior ratification; Ohio on January 15, 1868, and then NEW JERSEY by Joint Resolution No. 1 on March 24, 1868. (Laws of N.J. 1868, #IV, page 1225). (copy attached). The resolution enumerates the various abuses by the Federal Government. By July 13, 1868, 6 of the occupied Southern States had changed their position and ratified the proposed amendment.

On July 20, 1868, the Secretary of State published an equivocal proclamation. (15 Stat. at Large, 706 (1868) No. 11)

1. "It appears from official documents on file" that 23 States have ratified the 14th amendment (Ohio and New Jersey included).
2. "It appears from documents on file" that 6 States, (while under duress, occupation, Martial Law, and Citizens disfranchised) with "newly constituted and newly established bodies avowing themselves to be and acting as the legislatures, respectively, of the States" have ratified the 14th amendment. (Note they are not described as "official" documents as above and below.)
3. "It appears from official documents on file" ... "that Ohio and New Jersey (both counted above), have since passed resolutions respectively withdrawing from the consent of each said State to the aforesaid amendment; and whereas it is deemed a matter of doubt and uncertainty whether such resolutions are not irregular, invalid, and therefore ineffectual for withdrawing the consent of the said two States, or either of them, to the aforesaid amendment."
4. "Whereas the 23 States named above, whose legislatures have ratified the proposed amendment, and the 6 States above named, as having ratified the said proposed amendment by newly constituted legislative bodies constitute three-fourths" or 29 of the 37 States. (28 were required).

AGAIN, NO RESCISSION PERMITTED

On July 21, 1868, the following day, in an attempt to eliminate doubt, the House and the Senate proceeded to pass "by majority voice vote" separate resolutions. They simply listed 29 States (Ohio and New Jersey included) as having ratified the 14th Amendment. On July 28, 1868, The Secretary of State cited the House and Senate resolutions, listed the various State's ratification, rejection, and withdrawal records, and proclaimed the 14th Amendment ADOPTED by the States. (15 Stat. at Large, 708 (1868) No. 13).

The July 21, 1868 resolution documents from both houses of the Congress, clearly indicate, without equivocation, that RESCISSION was not permitted.

GILDING: NEW JERSEY EXPOSES THE FRAUD

New Jersey Resolution No. 1, March 24, 1868 (above, Laws of N.J. 1868, #IV, page 1225, 1227, (copy attached)), states in part: "To conceal from the people the immense alteration of the fundamental law they

intended to accomplish by the said amendment, they gilded the same with propositions of justice . . ." Nothing new is under the sun, it only comes in different packages. This Con Con application bill is packaged to conceal the enormity of the alteration which would ensue: all gilded with well sounding propositions.

SUPREME COURT DOES NOT RULE ON POLITICAL QUESTIONS

In 1867, Mississippi and Georgia challenged the constitutionality of the Reconstruction Acts in the Supreme Court. The complaints were dismissed for alleged lack of jurisdiction on the ground that only a political question was presented.

CONGRESS NULLIFIES SUPREME COURT PROTECTION

A case that should have been the means for obtaining from the Supreme Court a ruling on the constitutionality of the Reconstruction Acts was blocked by Congress as follows. In November 1867, William McCardle, a newspaper editor in Mississippi, was arrested by the occupying military authorities for publishing an editorial regarding the validity of the Reconstruction Acts. He applied to the United States Circuit Court for a writ of habeas corpus on the ground that the Reconstruction Acts were unconstitutional and void and that the military commission was without legal authority to try him. The Circuit court issued the writ, heard his argument, and on November 25, 1867, remanded him back to the military authorities (Martial Law) for trial, but released him on bail while he appealed to the United States Supreme Court.

In December 1867, the Supreme Court decided it had jurisdiction to hear the case and denied the government's motion to dismiss the appeal, basing the decision on the Judiciary Act of 1789 and the Act of February 5, 1867, (14 Stat. 385(1867)), which gave the Supreme Court appellate jurisdiction relative to habeas corpus appeals from district courts. (Ex Parte McCardle, 6 Wall. 318(1868) (73 US 318)). Word was passed to Congress that the Supreme Court would be forced to declare the Reconstruction Acts to be unconstitutional. Such a decision would have undone all the above related congressional chicanery. It would have been a disaster to the forces behind the proposed but yet unratified 14th Amendment because ratification by the military occupied states was necessary for complete ratification of the Amendment.

A bill was presented to the Congress calling for the repeal of the provision that the Supreme Court had jurisdiction in appeals from Circuit Courts that were relative to habeas corpus cases. Congress quickly passed the bill on March 27, 1868, overriding a presidential veto. (15 Stat. 44, (1868)) (40th Cong. Sess. II, Ch. 34, par. 2). In December 1868, when the McCardle case was adjudged, the Supreme Court said that Congress could tell them what to do, (Constitution, Art. III, Sec 2, Cl. 2) and since Congress had repealed their jurisdiction, they "Dismissed for want of Jurisdiction". (Ex Parte McCardle, 7 Wall. 506(1869) (74 US 506)).

Fourteenth Amendment references: 13 Statutes at Large, 760-772 (1865); 14 Statutes at Large, 358-359, 428-430 (1867); 15 Statutes at

Large, 14-16, 72-74, 706-712. (1867); The 14th Amendment to the Constitution of the United States and the Threat That it Poses to Our Democratic Government, Pinckney G. McElwee, S.C. Law Quarterly, Vol. 11, No. 4, 484 (1959); Dyett v. Turner, Supreme Court of Utah, 20 Utah 2d 403, 439 Pac. Rep. 2d 266, March 22, (1968); The Unconstitutionality of the 14th Amendment, Judge L.H. Perez, Charles A. Weisman, Weisman Publications, 11751 W. Riverhills Dr. #107D, Burnsville, Minn. 55337; Behold, Fourth Judicial District, 522 Hartke Loop, Oregon City, Oregon; The Constitution of the United States of America, House Document No. 93-215, U.S. Government Printing Office, Washington, D.C..

AGAIN, NO RESCISSION PERMITTED

In more recent times, RESCISSION was an issue relative to the proposed Equal Rights Amendment (ERA). It seems that the 7 year time limit set for ratification was March 22, 1979 and time was running out. The three-fourths requirement was 38 States and by November 1977 only 35 States had ratified. However, 3 of the 35 States had attempted to RESCIND their previous ratification. The proponents wanted to extend the final date by an additional 3 years, 3 months, and 8 days to June 30, 1982.. (H.J. Res. 638) The opponents of extension sought to permit a State to RESCIND the State's ratification if such rescission was made before the three-fourths requirement was met. (Sen. Amend. 3675 and H.R. 9812). Both Houses of Congress refused to include provisions for RESCISSION in the ERA Extension Bill (92 Stat. 3779 (1978)).

For an extensive discussion on RESCISSION see the ERA rescission debates at: Congressional Record, October 4, 1978, pages 33336-33355; October 6, 1978, pages 34279-80, 34282, 34285, 34288-34290; November 8, 1977, pages 37510-37511, November 11, 1977, pages 37538-37539.

AGAIN, NO RESCISSION PERMITTED

RESCISSION was not permitted during ratification of the 15th and 19th Amendments. In 1921 and 1924, the Wadsworth-Garrett Proposed Amendment Bill was introduced in Congress to permit States to RESCIND, but it was never acted upon. Neither RESCISSION nor Reservation was permitted in the Ratification of the Constitution and it is not permitted in the ratification of Amendments. The Supreme Court, in Coleman v. Miller, (307 U.S. 433, 450 (1938)), stated that the question of rescission or withdrawal, in accordance with historic precedent, "should be regarded as a political question pertaining to the political departments, with the ultimate authority in the Congress in the exercise of its control over the promulgation of the adoption of the amendment." In more than 200 years no State RESCISSION has been valid.

The authors of this Con Con bill would have you believe that effective RESCISSION and even Reservation is permissible when making application for a Constitutional Convention. The concept is either a delusion or a hoax unless they mean that New Jersey can RESCIND at any time even though such an act has no force or effect on New Jersey's prior application commitment.

What does "similar in subject matter" mean when compared to the

"ADOPTED amendment" as required in Section 3 or to Applications by Legislatures of other states as required in Section 4? Does the New Jersey Legislature insist that the "off budget" "certain exceptions", as provided in this bill remain intact? Specifically, who determines the similarities when counting the Applications to meet the two-thirds requirement? What are the rules, procedures, and guidelines for making this determination? Does the U.S. Constitution give the New Jersey Legislature the right to restrict its Application to "similar in subject matter"? If so, Where?

CONGRESS CANNOT ADOPT AN AMENDMENT

In Section 3, the authors would have Congress "ADOPT" an Amendment as a condition for nullifying this New Jersey Con Con application. Perhaps the authors are following the constitution that many believe is waiting in the wings to be introduced once a Con Con is convened? There is no provision in the current Constitution for Congress to "ADOPT" an Amendment.

CONGRESS CAPABLE OF ANYTHING: OHIO BECOMES A STATE IN 1953

One should not forget that the Congress is capable of anything. As recently as August 7, 1953, the members passed H. J. Res 121, which became Public Law 204, 67 Stat. 407 (1953), Titled: For Admitting the State of OHIO into the Union, wherein it is stated in Section 2., "This joint resolution shall take effect as of March 1, 1803. Approved August 7, 1953." (Emphasis mine). If OHIO was not a lawful state of the Union, were the U.S. Laws passed by members in Congress from OHIO and the Presidents from OHIO, lawful? What about Amendments ratified by the alleged State of Ohio?

Section 3 was obviously designed to fail.

SECTION 4 - This Section is the purpose of the bill. It is simply a "continuing application for a Constitutional Convention.

Two distinct and independent proceedings result from this Section. The first, occurs when a sufficient number of Applications for a Con Con, with the subject being a proposal of a Balanced Federal Budget Amendment, are received. (two-thirds of the States). This sets in motion the calling of a Convention by the Congress (Art. V.), which might include the setting of the time(s) and place(s) of the Con Con as well as the selection of the delegates to the Convention. The second, is the Convention itself; convening, creating and adopting rules and procedures, proposing amendments or even adopting a New World Order Constitution. There is no limit as to what can occur during this second phase. Even the authors of this Con Con Application bill are aware of this concern. They have attempted to reassure the alarmed with the gilding in Section 6. The use of RESCISSION to gild over the concerns emanating from this Con Con Application is somewhat tarnished.

RESCISSION and "similar in subject matter" are discussed above in Section 3.

NO SUPREME COURT PROTECTION ON POLITICAL QUESTIONS

SECTION 5. - The authors want "automatic" RESCISSION only IF the Supreme Court holds against the calling of a "limited" Constitutional Convention. Does Section 5 only apply IF the Supreme Court "holds" that Congress cannot call for a "limited" Con Con? What happens IF the Supreme Court decides that it is a "political question" as it has done in the past, and does not "hold" at all? See: Coleman v. Miller, 307 U.S. 433, 450 (1938). Section 5. seems to suggest that events, relative to Supreme Court action, will take place in the following order. First, the two-thirds threshold is reached. Second, Congress calls for a Con Con. If Congress does not call for a "limited" Con Con, is this the point the authors would have the Supreme Court "hold"? IF the Supreme Court "holds" that Congress can (not shall) call for a "limited" Con Con, but Congress does not, is the "automatic" RESCISSION activated? What laws would the Supreme Court rule upon which would require the Congress to call for a "limited" Con Con? Will the Supreme Court be bridled by Congress as it was during challenges to the 1867 Reconstruction Acts?

When and who will decide at what point the "automatic" RESCISSION is activated? What will be the effect of activating the "automatic" RESCISSION and what do the authors expect will transpire? What is your intent to have Section 5 of this legislation accomplish?

Once again the authors have used RESCISSION to gild over the inadequacies of the bill. RESCISSION is discussed in Section 3.

POSSIBILITY OF RUNAWAY CONVENTION ADMITTED

SECTION 6. - This section relates to the possibility of a "runaway" Constitutional Convention where anything goes. The authors are well aware of that possibility. So once again, they bring out the tried and true placebo "RESCISSION" in an attempt to soothe the concerned. It probably can be agreed on (like the politician mentioned on page 1) that New Jersey's Application (this bill) can be "deemed null and void, rescinded, and of no effect". But what will that accomplish? Will it cause the Con Con to be disbanded? Disrupted? Adjourned? Will New Jersey be informed that it can not make the rules for the Con Con?

The authors are correct in one sense, ie. The Application will be of "no effect" should a "runaway" Convention take place.

NO CONVENTION RULES

If a Constitutional Convention were called, what are the rules and procedures for governing the Convention? Have you been led to believe they exist? Do you believe that SCS SCR 39/68/ACR 30 can restrict the Convention to one subject? Ask the proponents of a Constitutional Convention to make available the rules and procedures for such a Convention before you go on the record favoring a Convention. There are currently; NONE. Do you remember the plural "Amendments" in Article IV?

Congress does not want the Convention to be "bound by the chains" of Rules and Procedures. They prefer to have rules made "on the wing" as the Convention progresses. A number of bills have been introduced in Congress which would provide rules and procedures for a Constitutional Convention. None of them were adopted. Congress is not ready for a Convention governed by rules of procedure. Perhaps they lust for the same unbridled freedom exercised during the 14th Amendment tragedy? On July 16, 1992, an incumbent Congressman from New Jersey personally testified in favor of ACR 30 (about the same as SCS SCR 39/68/ACR 30), before the Assembly State Government Committee. A former state legislator and now an incumbent congressman was an actual sponsor of Con Con legislation. Seems they just can not wait to get started. Currently the rules and procedures can only be considered as mysterious and secret. Why would anyone ask you to support this open ended Application without telling you the rules and procedures?

Many believe that a "new" Constitution is waiting in the wings, just waiting to be adopted by the Convention. See: Proposed New Constitution for THE NEWSTATES OF AMERICA, by Rexford Tugwell, available from Liberty Library, 300 Independence Ave. E., Wash., D.C. 20003, 1-202-544-1794). Some want a Parliamentary Government to replace the present Constitutional government. On October 22, 1986, Richard Thornburg, President Bush's future Attorney General, testified to the New Jersey Assembly State Government Committee in support of a Balanced Budget Con Con as follows; "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." Can SCS SCR 39/68/ACR 30 prevent this from occurring? What rules prevent it from occurring?

How will Convention delegates be selected and who will they be? What are the rules? Once the Convention proposes a change in the government, how will the change be ratified? Who will be selected to participate in the ratification? Will it be ratified by State Legislatures or by State Conventions? How will the delegates for the Ratifying Conventions be selected?

CONGRESS DOES NOT WANT CONVENTION RULES

The Constitutional Convention Implementation Act, or similar versions of the bill, have been repeatedly introduced in the U.S. Senate. They were referred to the Committee on the Judiciary. Some are as follows; S-1710 (1979) 96th Congress; S-600, S-817, (1981) 97th Congress; S-119, (1983) 98th Congress; S-40, (1985) 99th Congress; S-589 (1987) 100th Congress; S-204, (Jan. 25, 1989) 101st Congress; and S-214 (Jan. 15, 1991) 102nd Congress. None for the 103rd Congress as of 3-11-93.

These bills provide the procedures for calling Constitutional Conventions for proposing Amendments to the Constitution. The bills also have procedures for Applications (including RESCISSION), Calling of a Con Con, Delegates, Convening, Convention Procedures, Proposal of Amendments, Ratification of Proposed Amendments, RESCISSION of Ratification, Proclamation of Amendments, Judicial Review, Effective Date of Amendments. See 99th Congress Senate Report 99-135, 1985. None of these bills have been passed by the Senate, let alone the

House. What rules of procedure do the authors want to follow?

RESCISSION is discussed in Section 3.

SECTION 7. - If you are determined to make Application for a Balanced Budget Amendment Constitutional Convention, do it right. Do not send this intermixture of conditions and equivocations to Washington.

END STATEMENT - This is probably the least fraudulent portion of the bill, although "certain exceptions" is missing. Once again, "Limited" convention is missing. However, the gilded verbal clutter has been eliminated, leaving the Fraud of a "limited" convention and a loophole riddled Balanced Budget, with exceptions, intact. If Congress decided to adhere to the intent of a "Balanced Budget Amendment" they simply could continue their unconscionable spending and just raise taxes to "Balance" the budget.

THE PROBLEM OF THE DEBT IS NOT "RESOLVED"

The authors and proponents of this bill would have one believe that the problem of the Federal debt and the resultant never ending interest payments on that debt, can in some way, be solved by this Application for a Con Con for a Balanced Budget Amendment. Although the WHEREAS clauses; the reasoning for this Application, emphasize "debt" six times in this bill, the subject of "debt" has evaporated when it is time for the legislature to resolve a solution: "BE IT RESOLVED by the Senate of the State of New Jersey (the General Assembly concurring): Sections 1. thru 7. do not mention "debt".

In 1933 the lawful money (gold, not paper with numbers on it) was removed from circulation and used as collateral for the borrowed "Bank Credit" because the government was bankrupt to the International Banking Houses through their private corporation, the central bank known as Federal Reserve. (Lewis v. U.S., 680 F2d 1238, 1241 (1982) p.2, para 14). The Federal Reserve loaned with interest, "Bank Credit", which has no substance and is created out of thin air, (Money Facts, House Banking and Currency Committee, 1964 p.9) and is not "gold or silver coin". In 1921, Congress had abolished the U.S. Treasury (the "Department" remained) by removing the money and bullion from the U.S. Treasury and depositing it in the private Federal Reserve Corporation banks. (U.S. Statutes at Large, 1920, Chapter 214, page 655). When one central bank controls all the credit which it loans with interest, then another loan is necessary just to pay back the interest, and the borrower goes deeper into debt.

The private Federal Reserve issues Commercial Paper as evidence of the loans, some of which are known as Federal Reserve Notes (some call it "Paper Money", "Dollar Bills", or "Military Script") of various denominations. During Civil War Martial Law, the pieces of paper issued by the U.S. Government, with numbers on them, were ruled to be "Legal Tender" and were forced upon the public on an equal exchange for gold and silver coin. The citizens then hoarded the coins and used postage stamps as money, causing the Martial Law government to issue about 369 million dollars worth of fractional paper currency in denominations of 3, 5, 10, 15, 25, and 50 Cents. The private Federal

Reserve System was created by congress on December 22, 1913. See: (The Secrets of the Federal Reserve, Eustace Mullins, Bankers Research Institute, P.O. Box 1105, Staunton, Va. 24401), (Congressional Record, April 29, 1970, p. H 3690 - H 3696), (The Bankers - Conspiratorial Origins of the Federal Reserve, Gary Allen, American Opinion Magazine, March 1970), (Dollars of WHAT?, Bruce McCarthy, HC-62, Box 375, Smithville, Okla. 74957), ("MONEY" THE GREATEST HOAX ON EARTH, Merrill M.E. Jenkins Sr., Monetary Realist, 11591 Joslyn Ct., St. Louis, Mo. 63138), (Standard Catalog of United States Paper Money, Krause & Lemke, Krause Publications, 700 E. State St., Iola, Wisconsin, 54990).

The validity of the public debt of the (Federal) United States ... shall not be questioned. (14th Amendment)(War Amendment under Martial Law containing the Power Clause).

Whenever government makes transactions in commercial paper (see Uniform Commercial Code (UCC) 1 (28) and UCC Article 3) it becomes a different entity. "Governments descend to the level of a mere private corporation and takes on the character of a mere private citizen [where private corporate commercial paper (securities) are concerned]" . . . "For purposes of suit, such corporations and individuals are regarded as an entity separate from government." (Bank of US v. Planters Bank, 9 Wheaton (22 US) 904, 6 L.Ed. 24). "Governments are corporations." (Penhallow v. Doan, 3 Dall 55; (Clearfield Trust Co. v. U.S., 318 US 363 (1943)). Known as the Clearfield Doctrine. (See WHICH ONE ARE YOU?, The Informer, Who are You, C/O 60-6 Roundtree Drive, Naugatuck, Connecticut).

Many question under what authority Congress was acting when it borrowed the debt known as "Bank Credit"; The Constitutional Republic under Article I, Section 8, Clause 2?, The Legislative Democracy under Article I, Section 8, Clause 17?, and/or the Power Clauses of War and later Amendments. Since the Constitutional Republic was founded upon the Common Law and the Common Law was funded on substance, and the substance mentioned is gold or silver, therefore, Congress could only borrow gold and/or silver (not commercial paper) if it was working for the Republic; but if it was working for the Legislative Democracy or in the Martial Law capacity, it could borrow anything from "bank credit" to Continentals and/or Confederate Notes and the International Banking Houses would not have a lawful claim against the Republic. Others believe that since "thin air" was borrowed, only "thin air" and "thin air interest" is due and not the real property that the "thin air" lenders are demanding. The only "Thing" (See Constitution, Article I, Section 10, Clause 1) that was loaned were just "numbers of nothing", not any THING of substance. That is how trillions and trillions can be "owed" when there are not trillions and trillions of substance or specie money in existence. Some think the solution to the debt problem is to buy out the Federal Reserve. (see: H.R. 119, January 3, 1973, 93rd Congress, and more recent bills.), (Howard L. Freeman, P.O. Box 364, Lusk, Wyom. 82225) (BASHED by the BANKERS, Byron Dale, Mandan, N.D. 58554, 701-663-5564) (Dollars of WHAT?, Bruce McCarthy, HC-62, Box 375, Smithville, Okla. 74957) (The Secrets of the Federal Reserve, Eustace Mullins, Bankers Research Institute, P.O. Box 1105, Staunton, Va. 24401).

On November 8, 1991, the "debt" owed to the 12 Federal Reserve Banks was 3 trillion, 736 billion, 559 million, 461 thousand, 620 dollars, (\$3,736,559,461,620.00) and growing at \$8000 each second. Some states

have passed resolutions calling for the repeal of the Federal Reserve Act of December 23, 1933. See: The Most Secret Science (1984), and Bulletin #362 (March 1992) both from: Committee to Restore the Constitution, P.O. Box 986, 2218 W. Prospect Rd., Fort Collins, Colorado 80522, 1-303-484-2575.

The questions are: Precisely; What "debt" do the "WHEREAS" clauses refer to? Is the "debt" real or illusionary? Was fraud involved? How was the debt incurred? Who is owed that debt? Who was Congress working for when the debt was incurred? and, Who is responsible for that debt?

STATEMENT BY SENATE STATE GOVERNMENT COMMITTEE 3-11-93

The committee statement perpetuates the fraud of the bill such as:

1. New Jersey Legislators can rewrite Article V of the Constitution so as to provide for a "sole, specific and exclusive" limited subject-and-purpose convention and also change the plural "amendments" to amendment.

2. A loophole riddled (certain undisclosed exceptions) "balanced budget".

3. The fraud of rescission and Supreme Court involvement is not addressed.

THE PRESENTED SAFEGUARDS ARE ILLUSIONS

There is no rescission provision once the Application is made. Ask the Legislatures in the four States that have sought to rescind (one of the four "expunged") their Application for a Constitutional Convention. There are no provisions for a "limited" Constitutional Convention. There are no safeguards to prevent a "runaway" Constitutional Convention. New Jersey has the same right to rescind as it did on the 14th Amendment, but now as then, it will be of "no effect" just as Section 6. proclaims. New Jersey can RESCIND but it will carry no weight. There are no equivocations or mental reservations permitted. This Application is for keeps! It is big time. Proceed with knowledge, not gilded propositions.

REJECT THIS INSIDIOUS RESOLUTION

SCS SCR 39/68/ACR 30 is a "pig in a poke", a Trojan Horse, worded to convey assurances, but designed for one purpose; a call for a Constitutional Convention without any restrictions whatsoever. That is what you are voting on, nothing more, nothing less. Reject this repugnant Resolution now.

SOME CONSIDERATIONS TOWARDS SOLVING THE DEBT PROBLEM:

FIRST AND FOREMOST: NEVER REELECT ANYONE

Never Reelect Anyone. Ballot after Ballot after Ballot: No elected

official would be permitted to remain in the same office for more than one term. They should also be barred from direct government employment as well as non-government paid positions designed to influence government legislation. By returning them to the private sector for their livelihood, perhaps they would consider more carefully the laws they enact, because they would soon be living by them. They would have more time to concentrate on their job, rather than being concerned about reelection and campaign funds from those who seek to influence their law making.

REPEAL FEDERAL RESERVE ACT OF 1913

An informative and well organized program to repeal the Federal Reserve Act of 1913 through State and County actions is in progress. See: The Most Secret Science (1984), and Bulletin #362 (March 1992) both from: Committee to Restore the Constitution, P.O. Box 986, 2218 W. Prospect Rd., Fort Collins, Colorado 80522, 1-303-484-2575. Some believe that the Federal Reserve Corp. should be owned by the government of the United States. (See H.R. 119(1973), 93rd Congress 1st Session), and later bills.

INTEREST FREE UNITED STATES NOTES

Others believe that since the U.S. Government pays interest (toll) on Federal Reserve Notes (Dollar Bills in your pocket), and since interest payments are the largest single item in the budget, the U.S. Government should issue INTEREST-FREE U.S. Notes as it did from 1862 to 1968. (See 12 Stat. 345(1862), 37th Congress, Sess. II, Ch.33, Sec.1). Currently there is no gold or silver specie coin in circulation because the citizens have hoarded it due to the worthlessness of the paper money with numbers, called "Dollar bills" (Federal Reserve Notes). Because the clad coins and the copper plated zinc cents are as intrinsically worthless as the paper money, they are still in circulation. Thus, if Congress decides to print excessive amounts of INTEREST-FREE U.S. Notes, like the excessive INTEREST-BEARING Federal Reserve Notes and the Continental Currency of 1775-1779, the imitation specie coins should remain in circulation. The U.S. Notes could be exchanged for more U.S. Notes, just like Federal Reserve notes are equally exchangeable, except there would be no interest on the U.S. Notes.

The INTEREST-FREE U.S. Notes could be spent into circulation for only U.S. Government New Construction, Capital Improvement, and Repairs. Some believe that the INTEREST-FREE U.S. Notes, should be used similarly on the Local, County, and State level. In fact, they have prepared a petition and program designed for citizens who want their local government to pass a Municipal Resolution to Congress requesting the issuance of INTEREST-FREE U.S. Notes. (Sovereignty, 1154 W. Logan St, Freeport, Ill. 61032, Tel. 815-232-8737). Also see: The Most Secret Science (1984), page 98, P.O. Box 986, 2218 W. Prospect Rd., Fort Collins, Colorado 80522, 1-303-484-2575.

It appears that the Treasury was removing INTEREST-FREE U.S. Note from circulation. On May 31, 1878, Congress forbid the retirement of any more INTEREST-FREE U.S. Notes. (See 20 Stat. 87(1878), 45th Cong., Sess. II, Ch.146). It is believed that the current amount of

INTEREST-FREE U.S. Notes in circulation is \$346,681,016. (Paper Money of the United States, Friedberg, The Coin and Currency Institute, Inc., P.O. Box 1057, Clifton, N.J. 07014). The "credit lenders" might even be paid off with the INTEREST-FREE U.S. Notes, although Chapter 33 (1862) specifies that they can not be used to pay interest on bonds and notes. Also see: Lincoln Money Martyred, Dr. R.E. Search, (1935, 4th printing 1977); Money Creators, Gerdrude M. Coogan, (1935, 12th printing 1974), and The Legalized Crime of Banking, Silas Walter Adams, 3rd printing 1976, all from Omni Publications, P.O. Box 566, Palmdale, Calif. 93550.

THE PUBLIC SERVANT SHOULD NOT INDEBT THE MASTER

If you hired someone to do a job for you and they later came back and told you that they had charged a lot of things and borrowed a lot of money in your name, that the lenders were going to bill you and charge you interest, and that you should pay off the debt, what would you say?

AN ACCOUNTING OF THE DEBT BEFORE CONSIDERATION OF PAYMENT

Before anyone is required to pay on the debt, if at all, a complete itemized bill "laundry list" of all creditors owed more than \$100,000. should be made publicly available and distributed widely. The list should indicate how and when the debt was incurred (What Law?), the original amount of the loan, the principal paid to date, the rate and total amount of interest already paid that creditor on the loan and what was loaned (specie, paper, credit, etc.). Congress may try to hide behind the 14th Amendment, Section 4., relative to questioning the public debt, but if you Never Reelect Anyone, you will soon have one term officials more interested in the nation's and the citizen's well-being rather than their own reelection and catering to the special interest groups.

Thank you.

Donald L. Smith
C/O 502 Cinnaminson St.
Riverton, N.J. 08077
May 27, 1993

*"Where does the Federal Reserve get the money with which to create bank reserves?
Answer: It doesn't get money, it creates it. When the Federal Reserve writes a check for a government bond it does exactly what any bank does, it creates money . . . it created money purely and simply by writing a check. And the recipient of the check wants cash, then the Federal Reserve can oblige him by printing the cash - Federal Reserve Notes - which the check receiver's commercial bank can hand over to him. The Federal Reserve, in short, is a total money-making machine."*

CONGRESSMAN WRIGHT PATMAN

THE HEGELIAN PRINCIPLE

Revolutionaries in government have created economic chaos, shortages in food and fuel, confiscatory taxation, a crisis in education, the threat of war, and other diversions to condition Americans for "The New World Order."

The technique is as old as politics itself. It is the Hegelian principle of bringing about change in a three-step process: Thesis, Antithesis and Synthesis.

The first step (thesis) is to create a problem. The second step (antithesis) is to generate opposition to the problem (fear, panic, hysteria). The third step (synthesis) is to offer the solution to the problem created in step one—change which would have been impossible to impose on the people without the proper psychological conditioning achieved in stages one and two.

Applying the Hegelian principle, and irresistible financial influence, concealed maffoids seek to dismantle social and political structures by which free men govern themselves—ancient landmarks erected at great cost in blood and treasure.

Their objective is to emasculate sovereign states, merge nations under universal government, centralize economic powers, and control the world's people and resources.

LAWS OF NEW JERSEY

SESSION OF 1868.

1225

NUMBER IV.

Withdrawing the consent of this State to the proposed Amendment to the Constitution of the United States, entitled article fourteen, and rescinding the joint resolution, approved September eleventh, anno domini eighteen hundred and sixty-six, whereby it was resolved that said proposed Amendment was ratified by the Legislature of this State.

The legislature of the state of New Jersey having seriously and deliberately considered the present situation of the United States, do declare and make known: That the basis of all government is the consent of the governed, and all constitutions are contracts between the parties bound thereby; that until any proposition to alter the fundamental law, to which all the states have consented, has been ratified by such number of the states as by the federal constitution makes it binding upon all, any one that has assented is at liberty to withdraw that assent, and it becomes its duty to do so, when, upon mature consideration, such withdrawal seems to be necessary to the safety and happiness of all; prudence dictates that a consent once given should not be recalled for light and transient causes; but the right is a natural right, the exercise of which is accompanied with no injustice to any of the parties; it has, therefore, been universally recognized as inhering in every party, and has ever been left unimpaired by any positive regulation.

The said proposed amendment not having yet received the assent of the three fourths of the states, which is necessary to make it valid, the natural and constitutional right of this state to withdraw its assent is undeniable.

With these impressions, and with a solemn appeal to the Searcher of all Hearts for the rectitude of our intentions, and under the conviction that the origin and objects of said pro-

posed amendment were unseemly and unjust, and that the necessary result of its adoption must be the disturbance of the harmony, if not the destruction, of our system of self government, and that it is our duty to ourselves and our sister states to expose the same, do further declare:

That it being necessary by the constitution that every amendment to the same should be proposed by two-thirds of both houses of congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two houses eighty representatives from eleven states of the union, upon the pretence that there were no such states in the Union: but, finding that two-thirds of the remainder of the said houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of marring the integrity of the United States senate, and without pretext or justification, other than the possession of the power, without the right, and in palpable violation of the constitution, ejected a member of their own body, representing this state, and thus practically denied to New Jersey its equal suffrage in the senate, and thereby nominally secured the vote of two-thirds of the said houses.

The object of dismembering the highest representative assembly in the nation and humiliating a state of the Union, faithful at all times to all its obligations, and the object of said amendment, were one: to place new and unheard of powers in the hands of a faction, that it might absorb to itself all executive, judicial and legislative power, necessary to secure for itself immunity for the unconstitutional acts it has already committed, and those it has since inflicted on a too patient people.

The subsequent usurpations of these once national assemblies, in passing pretended laws for the establishment in ten states of martial law, which is nothing but the will of the military commander, and therefore inconsistent with the very nature of all law, for the purpose of reducing to slavery men of their own race in those states, or compelling them contrary to their own convictions, to exercise the elective franchise in obedience to the dictation of a faction in those assemblies; the attempt to commit to one man, arbitrary and uncontrollable power, which they have found necessary to exercise to force the people of those states, into compliance with their will; the authority given to the secretary of war to use the name of the

17-609

tion stated that a convention of delegates should meet in Philadelphia on May 14, 1787,

"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." (emphasis added)⁶

The intent of Congress in adopting the above resolution was quite clear and unambiguous: the authorization given to the Convention was strictly limited to revisions in the Articles of Confederation as needed and no more.

Thus citizens of 18th Century America who may have been concerned that the upcoming Convention in Philadelphia would become a runaway convention could reassure themselves against such an occurrence by pointing to several specific legal protections against just such an event. First, the congressional resolution which authorized the calling of the Convention clearly limited the agenda of that Convention. Moreover, that same resolution instructed the Convention to submit its "revisions" not only to Congress but also directly to the state legislatures, thus insuring that the legislatures would not be bypassed by the Convention in the amending process. Finally, of course, there were the protections afforded by the existing charter of the government itself, the Articles of Confederation, which would prevent any amendment that was not unanimously accepted by the legislatures of all thirteen states. Article XIII of the Articles of Confederation specifically stated,

"And the Articles of this Confederation shall be inviolably ob-

served 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.*" (emphasis added)⁷

Thus clearly bound by various legal limitations in its proper role, the Convention met in secret session through the Summer of 1787. On Monday, September 17, 1787, however, when the Philadelphia Convention finally adjourned, it became clear that none of these limitations had succeeded in binding the Convention to the ostensible purpose for which it had been called. Congress' resolution had clearly been violated. The Articles of Confederation had not been "revised" but had in fact been totally replaced by a proposed new Constitution which significantly enlarged the powers of the Federal government at the expense of the States. Moreover, the Convention was not going to submit the new Constitution for ratification to the State legislatures as the Congressional resolution and the Articles of Confederation required. Rather, it had adopted its own resolution which transmitted the document only to Congress with the recommendation that:

"... it should afterwards be submitted to a Convention of delegates, chosen in each State by the people thereof, under the recommendation of its legislature, for their assent and ratification;" (emphasis added)⁸

Finally, the terms of Article XIII of the Articles of Confederation, which continued to be the legally binding and operative document of the government, had been totally ignored by the Convention's decision to treat the new Constitution as ratified when only nine

states assented, rather than the unanimous thirteen required under existing law.

As noted above, the proceedings of the Convention had been conducted in secret. Thus, when the Constitution was sent to Congress on September 20 there was sharp comment that the Convention had so blatantly exceeded its authority. Even those who had been strongly in favor of a more effective national government had little reason to expect that such a comprehensive document would emerge from the Convention. Clearly, once convened, the political currents at work within the Convention simply became uncontrollable. Despite the existence of a series of legally binding protections against precisely this contingency, the Convention had run away, breaking the bounds which sought to restrain it.⁹ Now Congress, which had specifically instructed the Convention not to do what it had so blatantly done, was caught in the political tides. In the face of a clear violation of the limitations contained in its Resolution calling the Convention, Congress simply acquiesced and transmitted the Convention's proposed Constitution to the States on September 28, 1787.

The first state to consider the Constitution, Delaware, promptly adopted it unanimously, as did New Jersey and Georgia, but in most other states the fights for ratification were vigorous and closely won. In Massachusetts, the final vote for adoption was 187-168; in New Hampshire it was 57-46; in New York, 30-27; in Virginia, 89-79; and in Pennsylvania, 46-23. Within nine months the Constitution had been ratified by all the states except Rhode Island and North Carolina, and on September 13, 1788, Congress, by resolution, recognized it.¹⁰

The document that emerged from the Philadelphia Convention has been praised by scholars and historians for its capacity to provide measures of both

stability and flexibility. It is beyond question that it has, does and, hopefully, will continue to serve our Nation well. The American Constitution is a uniquely successful and enduring document in contemporary governments since it has the distinction of being the oldest written Constitution in continuous use as the governing charter of a nation.

Citizens To Protect The Constitution believes that it is precisely because it has served us so well that our nation should seek to preserve and protect the Constitution rather than place it at risk. History has established that the Philadelphia Convention was a success, but it cannot be denied that it broke every legal restraint which sought to limit its power and agenda. After the Convention, Madison himself acknowledged the violation of the Articles of Confederation by the Convention but attempted to justify this breach in the Federalist Papers:

"It has been heretofore noted among the defects of the Confederation that in many of the states it had received no higher sanction than a mere legislative ratification. The principle of reciprocity seems to require, that its obligation on the other states should be reduced to the same standard. A compact between independent sovereigns founded on ordinary acts of legislative authority can pretend to no higher validity than a league or treaty by the parties. It is an established doctrine on the subject of treaties that all the articles are mutually conditions of each other, that a breach of one article is a breach of the whole treaty and that a breach committed by either of the parties absolves the others and authorizes them, if they please, to pronounce violated and void. *Should it unhappily be necessary to appeal to*

257X

To: The Senate State Government Committee of the Senate of the
New Jersey Senate

Testimony of June Morreale, Chair, United We Stand State
Issues Committee and Coordinator, Mercer County Chapter speaking
for self. 60 Montague Ave. Trenton, N.J. 08628 (609) 882-4930

Thursday, May 27, 1993

Concerning Senate Committee Substitute for Senate Concurrent
Resolution Nos. 39,68 and Assembly Concurrent Resolution No. 30(ACS)
30(ACS) Sponsored by Senators Dorsey, Ewing, Palaia.
Assemblymen Kamin and Garrett
A Concurrent Resolution applying to the Congress of the U.S. for
calling a convention to propose an amendment to the Constitution.

Mr. Chairman (Senator Bubba) and ladies and gentlemen of this
committee and sponsors of SCR 39.

I want to thank you for allowing me to testify on this resolution.

Why would you bring a helicopter from Canada to save a baby from
drowning in the Delaware river? Wouldn't you take a boat out to
rescue the child instead of waiting for the helicopter and lose
the baby?

By the same token I ask why you would apply for a Constitutional
Convention to balance the budget to save the country when Congress
can balance the budget anytime they want with a simple majority.

This resolution calls for two separate things, a balanced budget
amendment and a Constitutional Convention. One having nothing to
do with the other, yet by wrapping the threads around both
creates a well fitting noose.

First, the Constitution already provides for a balanced budget on
constitutional spending in Article sections 8 and 9 which is
attached to this testimony and I will read those sections to you.
It lists what the Congress can spend revenues on.

However, the Congress is not obeying the law by unconstitutional
spending of American money for world police in Bosnia and Somalia,
building housing for Soviet soldiers and feeding the world.
This spending is illegal and unlawful.

What's to make Congress obey the law because they add some language
to an amendment when they aren't obeying the law now?

I want to point out to you the loophole in H.J. Resolution 321 Propos-
an amendment to the Constitution to provide for a balanced budget
for the U.S. Government and for greater accountability in the enact-
ment of tax legislation. You have a copy attached to this testimony
So please turn to page 3 of the resolution. Under "Article" "Section
1. "Total outlays for that year shall not exceed the level of
estimated receipts set forth in such joint resolution, unless three-
fifths of the total membership of each House of Congress shall

fifths of the total membership of each House of Congress shall not provide, by a rollcall vote, for a specific excess over estimated receipts." A 60% vote (3/5) can override the budget at any time!

This loophole is big enough to drive a truck through it with all the Congress on it. And 257 members of Congress already signed onto this resolution including Chris Smith and Jim Saxton of New Jersey.

The amendment requires a simple majority 2/3 of both houses to pass it. So, why pass it when the Congress is proposing to suspend it? They are not following a large part of the Constitution now and they want an escape clause to ignore it, borrow more while perceived conservat WE need a Constitutional Convention to pass this hypocritical resolution? This ~~is~~ ~~may~~ reenforces that the problem is with individuals who make up our Congress and not with the structure of our government.

Now, according to your SCR 39 substitute resolution for an application for a Constitutional Convention for the sole specific and exclusive purpose of proposing an amendment to the Constitution to require a balanced federal budget called under Article V of the Constitution is an erroneous request to begin with.

If you will look at your attached copy of page 19 of the Constitution you will see where the arrows point to " 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 covention for proposing amendments, which in either case , shall be valid to all intents and purposes, as part of the Constitution....."

by Duane Parde of
Also attached is an Issue Analysis that was/written / the American Legislative Exchange Council in January 1992 titled The Limited Constitutional Convention shows fraudulent excerpts from Article V of the Constitution as Amendment instead of Amendments which I brought to your attention in Article V. Attached is a copy of this issue.

You are calling for a convention that doesn't exist just like the Easter bunny, everyone is talking about it but nnc one has seen it.

You also put protective language in your number 5 of your resolution stating this "application....shall be automatically rescinded if the Supreme Court holds that the Congress of the United States can not call a Constitutional convention soley and exclusively to the subject requested by two-thirds of the several states."

In number 6 you said "This application shall be deemed null and void rescinded, and of no effect.....".

Would people be lining up to buy tickets on an airplane that said "If the plane crashes and burns the ticket is cancelled?"

Now maybe there will be no evidence that New Jersey was responsible for the Con Con opening up the Constitution for Revolutionary change.

And if you do get the balanced budget amendment the Constitution will have to be rewritten to make lawful unconstitutional spending and then Congress can continue to spend, feeding the world and maintain armies in foreign countries for more than two years, not what our founding fathers intended.

You can't balance unconstitutional spending because there is no end. Budgets are balanced by raising taxes, not spending less. A budget is just a projection.

We are now paying 300 billion on interest for the 1 Trillion deficit now and if Clinton gets his package of \$ 1/2 Trillion our taxes will be raised 50% more.

Do you know who benefits from the deficit? The bankers who own the Federal Reserve who have a monopoly on printing money and paying the government 2 cents for each bill no matter what's on the face of it. They loan it to us for the face value and we pay the interest.

There is propaganda saying that we have 32 states having applied that are valid when there are only 29. The call for 11 states failed just this past year and the 29 that have not been rescinded are more than ten years old.

Propaganda says that the states that have not been rescinded are more than ten years old. You have been warned by those who employ you.

Senator Dorsey, now is the time for sophisticated senators to withdraw this legislation from the legislature.

We employ the good Senators Ewing and Palaia and Assemblymen Kamin and Garrett to see the wisdom of their act.

Let Senator Dorsey be the leader.

Thousands of people would come to observe you on a sunny day seeking heaven's help to have a magnifying glass and the light of heaven shine on the fraud of this document so destroy and burn it.

Then no one will be wrong.

Addendum: Excerpts of John Armor lobbying the state legislatures.
8 pages inclusive

100TH CONGRESS
1ST SESSION

H. J. RES. 321

Proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1987

Mr. STENHOLM (for himself, Mr. CRAIG, Mr. ROBERT F. SMITH, Mr. CARPER, Mr. GIBBONS, Mr. ANDERSON, Mr. ANTHONY, Mr. ARCHER, Mr. ARNEY, Mr. BADHAN, Mr. BAKER, Mr. BALLENGER, Mr. BARNARD, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BENNETT, Mrs. BENTLEY, Mr. BEREUTER, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BOEHLERT, Mr. BONER of Tennessee, Mr. BOSCO, Mr. BOULTER, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. BUECHNER, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CALLAHAN, Mr. CAMPBELL, Mr. CHANDLER, Mr. CHAPMAN, Mr. CHAPPELL, Mr. CHENEY, Mr. CLARKE, Mr. CLINGER, Mr. COATS, Mr. COBLE, Mr. COLEMAN of Missouri, Mr. COMBEST, Mr. COURTER, Mr. CRANE, Mr. DANIEL, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAUB, Mr. DAVIS of Illinois, Mr. DAVIS of Michigan, Mr. DE LA GARZA, Mr. DELAY, Mr. DERRICK, Mr. DEWINE, Mr. DICKINSON, Mr. DIOGUARDI, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DOWDY of Mississippi, Mr. DREIER of California, Mr. DUNCAN, Mr. DYSON, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. ENGLISH, Mr. ERDBEICH, Mr. ESPY, Mr. FAWELL, Mr. FIELDS, Mr. FLIPPO, Mr. FRENZEL, Mr. GALLEGLY, Mr. GALLO, Mr. GEXAS, Mr. GINGRICH, Mr. GOODLING, Mr. GORDON, Mr. GRANDY, Mr. GRANT, Mr. GREGG, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HEFLEY, Mr. HEFNER, Mr. HENBY, Mr. HERGER, Mr. HILER, Mr. HOLLOWAY, Mr. HOPKINS, Mr. HORTON, Mr. HUBBARD, Mr. HUCKABY, Mr. HUNTER, Mr. HUTTO, Mr. INHOFE, Mr. IRELAND, Mr. JACOBS, Mr. JENKINS, Mr. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. KASICH, Mr. KOLBE, Mr. KONNYU, Mr. KYL, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LATTI, Mr. LEACH of Iowa, Mr. LEATH of Texas, Mr. LENT, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mrs. LLOYD, Mr. LOTT, Mr. LOWERY of California, Mr. LUJAN, Mr. THOMAS A. LUKEN, Mr. DONALD E. LUKENS, Mr. LUNGREN, Mr. McCANDLESS, Mr. MCCOLLUM, Mr. MCCURDY, Mr. MCDADE, Mr.

MC EWEN, Mr. MC GRATH, Mr. McMILLAN of North Carolina, Mr. McMILLEN of Maryland, Mr. MACK, Mr. MACKAY, Mr. MADIGAN, Mr. MARLENEE, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mrs. MEYERS of Kansas, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MORRISON of Washington, Mr. NEAL, Mr. NELSON of Florida, Mr. NICHOLS, Mr. NIELSON of Utah, Mr. ORTIZ, Mr. OWENS of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PARRIS, Mrs. PATTERSON, Mr. PENNY, Mr. PETRI, Mr. PICKLE, Mr. PORTER, Mr. PRICE of North Carolina, Mr. PURSELL, Mr. QUILLEN, Mr. RAVENEL, Mr. RAY, Mr. REGULA, Mr. RICHARDSON, Mr. RIDGE, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. ROEMER, Mr. ROGERS, Mr. ROSE, Mr. ROTH, Mr. ROWLAND of Connecticut, Mr. ROWLAND of Georgia, Mrs. SAIKI, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHUETTE, Mr. SCHULZE, Mr. SENSENBRENNER, Mr. SHAW, Mr. SHUMWAY, Mr. SHUSTER, Mr. SKEEN, Mr. SKELTON, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Texas, Mr. SMITH of New Hampshire, Mrs. SMITH of Nebraska, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. STALLINGS, Mr. STANGELAND, Mr. STUMP, Mr. SUNDQUIST, Mr. SWEENEY, Mr. SWINDALL, Mr. TALLON, Mr. TAUKE, Mr. TAYLOR, Mr. TAUZIN, Mr. THOMAS of California, Mr. UPTON, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALKER, Mr. WATKINS, Mr. WEBER, Mr. WELDON, Mr. WHITTAKER, Mr. WILSON, Mr. WOLF, Mr. WORTLEY, Mr. WYLIE, Mr. YOUNG of Alaska, and Mr. YOUNG of Florida) introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation.

1 *Resolved by the Senate and House of Representatives*
 2 *of the United States of America in Congress assembled*
 3 *(two-thirds of each House concurring therein), That the fol-*
 4 *lowing article is proposed as an amendment to the Constitu-*
 5 *tion of the United States, which shall be valid to all intents*
 6 *and purposes as part of the Constitution if ratified by the*

1 legislatures of three-fourths of the several States within seven
 2 years after its submission to the States for ratification:

3 "ARTICLE —

4 "SECTION 1. Prior to each fiscal year, the Congress and
 5 the President shall agree on an estimate of total receipts for
 6 that fiscal year by enactment into law of a joint resolution
 devoted solely to that subject. Total outlays for that year
 shall not exceed the level of estimated receipts set forth in
 9 such joint resolution, unless three-fifths of the total member-
 10 ship of each House of Congress shall provide, by a rollcall
 11 vote, for a specific excess of outlays over estimated receipts.

12 "SECTION 2. Whenever actual outlays exceed actual re-
 13 cepts for any fiscal year, the Congress shall, in the ensuing
 14 fiscal year, provide by law for the repayment of such excess.
 15 The public debt of the United States shall not be increased
 16 unless three-fifths of the total membership of each House
 17 shall provide by law for such an increase by a rollcall vote.

18 "SECTION 3. Prior to each fiscal year, the President
 19 shall transmit to the Congress a proposed budget for the
 20 United States Government for that fiscal year in which total
 21 outlays do not exceed total receipts.

22 "SECTION 4. No bill to increase revenue shall become
 23 law unless approved by a majority of the total membership of
 24 each House by a rollcall vote.

A 60% VOTE
 (3/5) CAN OVERRIDE
 THE BUDGET AT
 ANY TIME! →

1 "SECTION 5. The provisions of this article are waived
2 for any fiscal year in which a declaration of war is in effect.

3 "SECTION 6. Total receipts shall include all receipts of
4 the United States except those derived from borrowing. Total
5 outlays shall include all outlays of the United States except
6 for those for repayment of debt principal.

7 "SECTION 7. This article shall take effect beginning
8 with fiscal year 1991 or with the second fiscal year beginning
9 after its ratification, whichever is later."

○

The Constitution of The United States of America

(Parts of the Constitution no longer in effect
are printed in italics.)

PREAMBLE

WE THE PEOPLE of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of members chosen every second year by the people of the several

ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

*No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.*¹⁷

SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in the Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

7. This clause was made obsolete when slavery was abolished.

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.

ARTICLE VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under the Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before-mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

18. This temporary provision became obsolete in 1808.

by law appoint a different day.

SECTION 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

SECTION 7. All bills for raising revenues shall originate in the

6. The Twentieth Amendment changed this to "shall begin at noon on the third day of January."

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president, to countermand the president's orders and to certify military orders to be "by the direction of the president," when they are notoriously known to be contrary to the president's direction, thus keeping up the forms of the constitution to which the people are accustomed, but practically deposing the president from his office of commander-in-chief, and suppressing one of the great departments of the government, that of the executive; the attempt to withdraw from the supreme judicial tribunal of the nation, the jurisdiction to examine and decide upon the conformity of their pretended laws to the constitution, which was the chief function of that august tribunal, as organized by the fathers of the republic; all, are but amplified explanations of the power they hoped to acquire by the adoption of the said amendment.

To conceal from the people the immense alterations of the fundamental law they intended to accomplish by the said amendment, they gilded the same with propositions of justice drawn from the state constitutions; but like all the essays of unlawful power to commend its designs to popular favor, it is marked by the most absurd and incoherent provisions.

It proposes to make it a part of the constitution of the United States, that naturalized citizens of the United States shall be citizens of the United States; as if that were not so without such absurd declaration.

It lodges with the legislative branch of the government the power of pardon, which properly belongs, by our system, to the executive.

It denounces, and inflicts punishment for past offences, by constitutional provision, and thus would make the whole people of this great nation, in their most solemn and sovereign act, guilty of violating a cardinal principal of American liberty: that no punishment can be inflicted for any offence, unless it is provided by law before the commission of the offence.

It usurps the power of punishment, which, in any coherent system of government, belongs to the judiciary, and commits it to the people in their sovereign capacity.

It degrades the nation, by proclaiming to the world that no confidence can be placed in its honesty or morality.

It appeals to the fears of the public creditors by publishing a libel on the American people, and fixing it forever in the national constitution, as a stigma upon the present generation, that there must be constitutional guards against a repudiation

of the public debt; as if it were possible that a people who were so corrupt as to disregard such an obligation would be bound by any contract, constitutional or otherwise.

It imposes new prohibitions upon the power of the state to pass laws, and interdicts the execution of such parts of the common law, as the national judiciary may esteem inconsistent with the vague provisions of the said amendment, made vague for the purpose of facilitating encroachments upon the lives, liberties and property of the people.

It enlarges the judicial power of the United States so as to bring every law passed by the state, and every principal of the common law, relating to life liberty, or property within the jurisdiction of the federal tribunals, and charges those tribunals with duties, to the due performance of which, they, from their nature and organization, and their distance from the people, are unequal.

It makes a new apportionment of representation, in the national councils, for no other reason than thereby to secure to a faction a sufficient number of the votes of a servile and ignorant race to outweigh the intelligent voices of their own.

It sets up a standard of suffrage dependent entirely upon citizenship, majority, inhabitancy and manhood, and any interference whatever by the state, imposing any other reasonable qualifications, as time of inhabitancy, causes a reduction of the state's representation.

But the demand of the supporters of this amendment in this state: that congress should compel the people of New Jersey to adopt what is called "impartial suffrage," makes it apparent that this section was intended to transfer to congress the whole control of the right of suffrage in the state, and to deprive the state of a free representation by destroying the power of regulating suffrage within its own limits, a power which they have never been willing to surrender to the general government, and which was reserved to the states as the fundamental principle on which the constitution itself was constructed, the principle of self-government.

This section, as well as all others of the amendment, is couched in ambiguous, vague and obscure language, the uniform resort of those who seek to encroach upon public liberty; strictly construed it dispenses entirely with a house of representatives, unless the states shall abrogate every qualification, and especially that of time of inhabitancy, without which the right of suffrage is worthless.

18-614

This legislature, feeling conscious of the support of the largest majority of the people that has ever given expression to the public will, declare that the said proposed amendment being designed to confer, or to compel the states to confer the sovereign right of the elective franchise upon a race which has never given the slightest evidence, at any time, or in any quarter of the globe, of its capacity for self-government, and erect an impracticable standard of suffrage, which will render the right valueless to any portion of the people, was intended to overthrow the system of self-government under which the people of the United States have for eighty years enjoyed their liberties, and is unfit from its origin, its object and its matter to be incorporated with the fundamental law of a free people; therefore,

1. BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, That the joint resolution approved September eleventh, anno domini eighteen hundred and sixty-six, relative to amending the constitution of the United States, which is in the following words, to wit:

“Joint Resolution ratifying the Amendment of the Constitution of the United States.

“1. BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, That the amendment to the constitution of the United States proposed at the first session of the thirty-ninth congress, by a resolution of the senate and house of representatives of the United States of America in congress assembled, to the several state legislatures, be and the same is hereby ratified upon the part of this legislature, and made a part of the constitution of the United States of America, said amendment being in following words, to wit:

“ARTICLE XIV.

“SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or

Resolution ratifying amendment

Fourteenth amendment.

“property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

“SECTION 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed; but when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

“SECTION 3. No person shall be a senator or representative in congress, or elector of president or vice president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but congress may, by a vote of two-thirds of each house, remove such disability.

“SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for the payments of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned; but neither the United States, nor any state, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

“SECTION 5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.”

Be and the same is hereby rescinded, and the consent on behalf of the state of New Jersey to ratify the proposed fourteenth amendment to the constitution of the United States, is hereby withdrawn.

2. And be it resolved, That copies of the foregoing preamble and resolution, certified to by the president of the senate and speaker of the general assembly, be forwarded to the president of the United States, the secretary of state of the United States, to each of our senators and representatives in congress, and to the governors of the respective states.

3. And be it resolved, That these resolutions shall take effect immediately.

Passed March 27, 1868.

Resolution rescinded.

Certified copies to whom sent.

-19- 622x

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION Nos. 39, 68 and
ASSEMBLY CONCURRENT RESOLUTION No. 30 (ACS)

STATE OF NEW JERSEY

ADOPTED MARCH 11, 1993

Sponsored by Senators DORSEY, EWING, PALAIA,
 Assemblymen KAMIN and GARRETT

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

5
 6 **WHEREAS**, The federal budget has not been balanced in 21
 7 consecutive years and has been balanced just once in the past
 8 30 years; and

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

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

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

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

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

23 **WHEREAS**, Such deficits and debt also increase pressures to raise
 24 taxes on the American people; now, therefore.

25
 26 **BE IT RESOLVED** by the Senate of the State of New Jersey
 27 (the General Assembly concurring):

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

34 2. An amendment to the Constitution of the United States to
 35 be proposed by a convention for submission to the states for
 36 ratification shall require that, with certain exceptions, each
 37 fiscal year the President of the United States shall submit and
 38 the Congress of the United States shall adopt a balanced federal
 39 budget.

40 3. If Congress adopts, before 90 days after the legislatures of
 41 two-thirds of the states have made application for a convention
 42 as described in section 1 of this resolution, an amendment to the

WHEN DO YOU THINK THE "FREE"
 PRESS WILL LET YOU IN ON THIS
 BEST KEPT SECRET????!!

1 Constitution of the United States containing provisions similar in
 2 subject matter to that contained in section 2 of this resolution.
 3 then this application for a convention shall no longer be of any
 4 force or effect.

5 4. With the exception noted in section 3, the application
 6 contained in section 1 constitutes a continuing application in
 7 accordance with Article V of the Constitution of the United
 8 States until at least two-thirds of the legislatures of the several
 9 states have made application for a convention to propose an
 10 amendment similar in subject matter to that contained in section
 11 2 of this resolution.

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

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

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

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

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION Nos. 39, 68 and
ASSEMBLY CONCURRENT RESOLUTION No. 30 (ACS)

STATE OF NEW JERSEY

DATED: MARCH 11, 1993

The Senate State Government Committee reports without
 recommendation a Senate Committee Substitute for Senate
 Concurrent Resolution No. 39, Senate Concurrent Resolution No.
 68, and Assembly Concurrent Resolution, No. 30 (ACS).

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

An amendment to the Constitution of the United States to be
 proposed by a convention for submission to the states for
 ratification shall require that, with certain exceptions, the
 President of the United States shall submit and the Congress of the
 United States shall adopt a balanced federal budget each fiscal year.

**Statement to the Senate State Government Committee
of the New Jersey State Legislature**
Re: The Proposed Resolution Calling for a Constitutional Convention
May 27, 1993

My name is Phyllis Schlafly. On behalf of the 3,000 members of New Jersey Eagle Forum, I urge you to reject all proposals calling for a new Constitutional Convention.

Last Friday, Dan Rather led off the CBS-TV Evening News by describing a "tax revolt" which, he said, is sweeping the country just like Proposition 13 did a few years ago. CBS reported that there is enormous public resistance to raising taxes for any purpose.

In the late 1970s, when ^{a resolution to call a Constitutional Convention for} the Balanced Budget Amendment was passed by a number of State Legislatures, it sounded to some people like a constructive way to address the problem of federal deficits. At that time, federal deficits were relatively small. Most of the states that passed calls for a Constitutional Convention did so during the years of the Jimmy Carter Administration.

But we live in a different world now, with the current federal deficit running at about \$350 billion. It is not believable that the current Congress would cut out \$350 billion in federal spending a year. The current Congress is talking about spending more, not less.

So, how would Congress balance the budget if the Constitution required it to do so? **By raising taxes, that's how!** The joker in this whole argument is that the Balanced Budget Amendment would not require Congress to cut spending! So a Balanced Budget Amendment would give the green light for raising taxes. Liberal big-spending Congressmen would weep crocodile tears and say, "I'm sorry. I didn't want to do it, but the Constitution forced us to balance the budget, and the only way we could do it was to raise taxes."

Balancing the federal budget today would mean raising taxes an awesome 30 percent or more. A Balanced Budget Amendment would give the big-spenders the excuse they've been waiting for.

Other state legislators across the country have realized how circumstances about the deficit have changed. Not a single State Legislature since 1983 has passed a resolution calling for a Constitutional Convention. The pro-Con Con groups have continued to force votes about a Constitutional Convention in state after state, but they have failed to win in a single state during the last ten years. Just this year, the Con Con advocates made major efforts to get a Con Con passed in Michigan and Montana, but the State legislators were too smart to go along.

Meanwhile, over the last ten years, three other State Legislatures woke up to the fact that circumstances have changed and rescinded their previous calls for a Con Con. There has to be something mighty wrong with an amendment that couldn't pass a single legislature in ten years!

To call for a Constitutional Convention today would put New Jersey out of step with reality and out of step with public opinion. The danger from raising taxes is only one of many compelling reasons why I urge New Jersey to reject all proposals to call for a Constitutional Convention.

The second reason is that it would open up our great Constitution to being manipulated by the media in a free-for-all Convention wholly dominated by Big Media.

A new Constitutional Convention would be like holding the Republican and Democratic National Conventions together — at the same time, in the same hall. Imagine the confrontations of partisan politicians and pressure groups, the clash of liberals and conservatives, the tirades of the activists, the bedlam and the tension that happen when large numbers of people try to make group decisions in a huge auditorium. Imagine the gridlock as the Jesse Helms caucus tries to work out a constitutional change with the Jesse Jackson caucus!

Such an event would be a self-inflicted wound that could do permanent damage to our nation, to our process of self-government, and possibly even to our liberties.

The most influential players in a new Constitutional Convention would be Big Media (such as Dan Rather and Sam Donaldson) giving on-the-spot interviews and predictions of what they are trying to make happen. As we saw in the 1992 presidential campaign, the media elite have made themselves players in the political process, not just observers, and a Constitutional Convention would be the biggest media event of our time. The original Constitutional Convention of 1787 deliberated in complete secrecy and there were no leaks to the press. That is obviously impossible today.

The demonstrators would hold court outside the convention hall, with the TV cameras giving us daily, live, on-the-spot coverage of pressure groups and radicals demanding constitutional changes. We would have round-the-clock coverage by CNN and C-Span. Demonstrations would be staged by the pro-abortionists and the pro-lifers, the gay activists and their opponents, the feminists led by Molly Yard or Eleanor Smeal, the environmentalists, the pro- and anti-gun control people, the animal rights extremists, the D.C. Statehood agitators, those who want to relax immigration and those who would restrict it, and the unions — all demanding that their perceived “rights” be recognized in the Constitution.

The advocates of a Constitutional Convention try to make us believe that it would be a dignified gathering where scholarly delegates would discuss constitutional issues and come to the constructive conclusion that our fiscal situation requires a Balanced Budget Amendment. They are dreaming. Politics is not dignified and reasonable — it is confrontational, divisive, and ruled by 20-second television sound-bites.

Nobody can assure us what the rules or the agenda of a new Constitutional Convention would be. The advocates of a Constitutional Convention have presented some lawyers to try to tell us that the agenda would be limited to considering a single proposal, such as the Balanced Budget Amendment. But we are not assured. The most prestigious constitutional authorities in the country, both conservative and liberal, say it is impossible for Congress or anyone else to limit the agenda. The highest authority who has spoken out on this subject is retired Chief

Justice Warren Burger, who said, "There is no effective way to limit or muzzle the actions of a Constitutional Convention. . . . After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda."

Your New Jersey resolution contains a provision stating that it will be "null and void" if the Constitutional Convention is not limited to the specific purpose of a Balanced Budget Amendment. But you won't find out if the Convention will take up other issues until the Convention actually meets, at which time the delegates will make their own rules. If the Convention doesn't obey your resolution, your only option would be for your New Jersey delegates to pick up their marbles and go home. Meanwhile, the Constitutional Convention would roll along with its own unstoppable momentum.

The political reasons why a Convention could not be limited to a single issue are just as compelling as the legal arguments. Nearly all those who are promoting a Constitutional Convention for a Balanced Budget Amendment are also promoting other amendments to our Constitution, and it is not believable that they would pass up the opportunity to get the Convention to take up their other proposals.

Powerful and politically active pressure groups, from both the right and the left, are now working for such significant constitutional changes as Term Limitation, the Line-Item Veto, prayer in public schools, and modifying our Separation of Powers (which they call "gridlock") in order to move toward a parliamentary form of government. Ross Perot wants three amendments; Ronald Reagan and John Sununu want four amendments. Anybody who understands politics knows that the powerful forces working to take away our right to own guns would never pass up such a golden opportunity to rescind the Second Amendment — and that's why every group working to protect the Second Amendment is opposed to calling a Constitutional Convention. The pro-life and the pro-abortion groups both have a track record of voting for candidates on their single issue regardless of any other factor, and they will surely play a big role in any Convention.

A national convention would throw confusion, uncertainty, and court cases around our governmental process and make us look foolish in the eyes of the world. It would be a whole new industry for lawyers. A Constitutional Convention could not be the formula to restore fiscal integrity to our government when the first thing it would do is to unsettle our financial markets and make the world wonder if our American system of government will survive.

Regardless of what Con Con resolutions any states might pass, and regardless of how those resolutions might purport to limit a Con Con to one issue, Congress is still in the catbird seat. Congress could vote out a Balanced Budget Amendment and then use it as an excuse to raise taxes. Or, Congress could just thumb its nose at the State Legislatures. Or, Congress could actually call a Constitutional Convention in order to divert public attention from Congress's reckless tax-and-spend behavior. State Legislatures can start a constitutional conflagration, but State Legislatures cannot put out the fire once ignited, cannot control its spread, and cannot control the winds that will fan this fire in ways we cannot now foresee.

The miracle of our great United States Constitution is that it has lasted for two centuries, accommodating our great geographic and economic expansion, while preserving individual liberties. We recently witnessed the inauguration of our 42nd President. No other country in history has had 42 peaceful transfers of power from one regime to the next. How could we possibly allow our great Constitution to be jeopardized by calling a national Convention at a time when so many special-interest groups want to rewrite it in different ways!

We are proud to stand with the American Legion and the Veterans of Foreign Wars in opposing a Constitutional Convention. Those who have fought for America realize how precious our Constitution is. We are not willing to make our Constitution the political plaything of those who think they can do a better job than our Founding Fathers. I urge you to vote NO and save us from having to spend precious energies fighting a terrible idea. Let's join together in pressuring Congress to cut spending and cut taxes.

Considering Some Arguments from the Other Side

Q. The Con Con advocates assert that a Convention couldn't do any more mischief than our current mischievous Congress.

A. This is false because, first, Congress is bound by Article VI of our present Constitution, which requires every Member to take an oath to support our present Constitution, while delegates to a Constitutional Convention are exempted from this requirement. Secondly, any constitutional change proposed by Congress must get a two-thirds majority in both the House and the Senate. A Constitutional Convention would not have two houses and, until the Convention convenes and adopts rules of procedure, no one can know whether the body would vote out changes by a simple majority or a super majority.

Q. The Con Con advocates say there are "safeguards" that assure us a Constitutional Convention will surely be limited to just one issue.

A. The number-one "safeguard" they cite in their literature is that the U.S. Senate Judiciary Committee approved Section 10 of a federal procedures act which states that no amendments may be considered by a Con Con except the one stated in the call for a Convention. **But this legislation never passed!** Would you have the nerve to tell your constituents that their rights are safe because of a section in a bill that never passed!

Q. The Con Con advocates cite legal authorities to say that a Constitutional Convention can be limited to one issue.

A. Lawyers are advocates, you can find a lawyer to argue any position. However, they don't have any lawyer as important as former Chief Justice Warren Burger. Many other distinguished professors of constitutional law, both conservatives and liberals, say it is impossible to restrict the agenda of a Constitutional Convention to consideration of one issue. These authorities include Charles Alan Wright of the University of Texas, Gerald Gunther of Stanford, Charles Black of Yale, and Walter Dellinger of Duke. They say that, even if Congress orders the Constitutional Convention to consider only a Balanced Budget Amendment, the Convention delegates can ignore that instruction and set their own agenda.

Q. But the Con Con advocates say that the American Bar Association supports their view on a limited Constitutional Convention.

A. I don't know why anyone would cite the American Bar Association as an authority, since it is a very political organization that takes left-wing positions on a long list of issues. But the American Bar Association report on this subject is very damaging to their cause because it says that the time period during which Con Con resolutions on a particular issue are valid should be no more than seven years. If you accept this ABA report as some kind of authority, then the supporters of a Constitutional Convention for a Balanced Budget Amendment have no case at all — because no state has passed a single one of these Con Con resolutions within the last ten years, and three states have rescinded their earlier resolutions!

Q. The Con Con advocates say "don't worry — any mischief a Convention might do would have to be submitted to the State Legislatures."

A. No, it won't. Under Article V of the U.S. Constitution, Congress can bypass the State Legislatures completely and call a convention in each state to ratify the proposed changes. Furthermore, we can't be sure how many states would have to ratify an amendment, regardless of which method is used. If a Convention can change any other section of the Constitution, then it can also change the ratification formula. That's exactly what the 1787 Constitutional Convention did — it changed the number of states required for ratification from 100% to 75%. A new Constitutional Convention could change that percentage from 75% to 60% or even 51%.

Q. The Con Con advocates say that the history of the 17th Amendment shows that, if nearly enough states pass Con Con resolutions, Congress will see the handwriting on the wall and send a Balanced Budget Amendment out to the states for ratification.

A. The more recent history of the proposed Dirksen Reapportionment Amendment proves exactly the opposite. In the 1960s, when nearly enough states passed resolutions calling for a Constitutional Convention to consider a Reapportionment Amendment, Congress just thumbed its nose at the states, and the whole proposal died.

Q. Many states have held limited state constitutional conventions, so that means a federal Constitutional Convention would be limited, too.

A. No, it doesn't. All those state conventions were subject to the United States Constitution. However, the delegates to a new federal Constitutional Convention are specifically exempted under Article VI from having to take an oath of loyalty to the United States Constitution. Furthermore, the president of one of the most successful state constitutional conventions in recent memory, Sam Witwer of Illinois, is firmly opposed to calling a federal constitutional convention because he understands that it opens up an entirely different can of worms.

Q. The Con Con advocates accuse the opponents of a Constitutional Convention of being against a balanced budget.

A. That is ridiculous — and dishonest. We are for balanced budgets, but not at the price of calling a risky Constitutional Convention, and not at the price of raising taxes.

Phyllis Schlafly is an attorney, an author who has written widely on constitutional subjects, and the president of Eagle Forum (a national conservative, pro-family organization). She served as a member of the Commission on the Bicentennial of the U.S. Constitution by appointment of President Reagan.

68 Fairmount, Alton, Illinois 62002, (618) 462-5415.

Supreme Court of the United States
Washington, D. C. 20543

June 22, 1988

CHAMBERS OF
CHIEF JUSTICE BURGER
RETIRED

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,



Mrs. Phyllis Schlafly
68 Fairmount
Alton, IL 62002

Statement of

David Keating

Executive Vice President,
National Taxpayers Union

Before the

State Government Committee
of the
New Jersey Senate

on

ACR 30 and SCR 68

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 and SCR 68, a resolution calling for a Convention limited to proposing 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.

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 were 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."

*Should We Fear a Constitutional Convention?
Six Safeguards Protect Us*

... or 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

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 once established, would be a single proposition and might be brought forward singly ... And consequently, whenever nine, or rather ten States, were united in the desire of a particular amendment, that amendment must infallibly take place." Hamilton, The Federalist No. 85, at 572. (Note: When there were only 13 States, Article V would have required nine States to meet the two-thirds requirement for calling a convention, and ten States to meet the three-fourths requirement for ratifying an amendment.)

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.

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.

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 1993 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.

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 permanent, unlimited constitutional convention.

Whenever Congress is in session, our whole Constitution is always "opened up" 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 and SCR 68, the New Jersey Senate can 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

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.

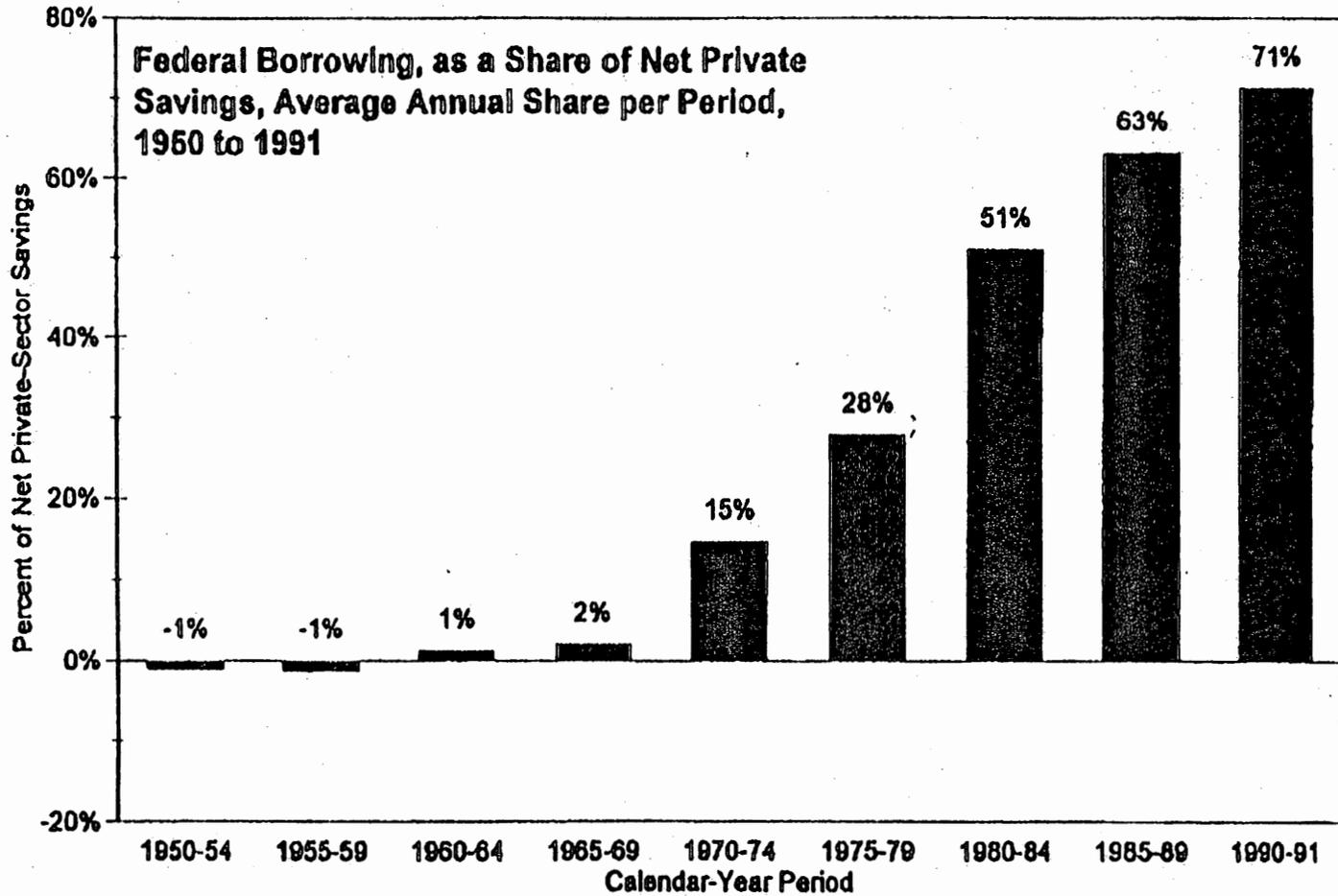
Unless we have the courage to use the tools the Founders in their wisdom gave us, our nation will become a second-rate economic power and bury our children under a mountain of debt.

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.

Fig. 1

... and thoughtlessly extinguishing well over half of our nation's scarce private-sector savings.



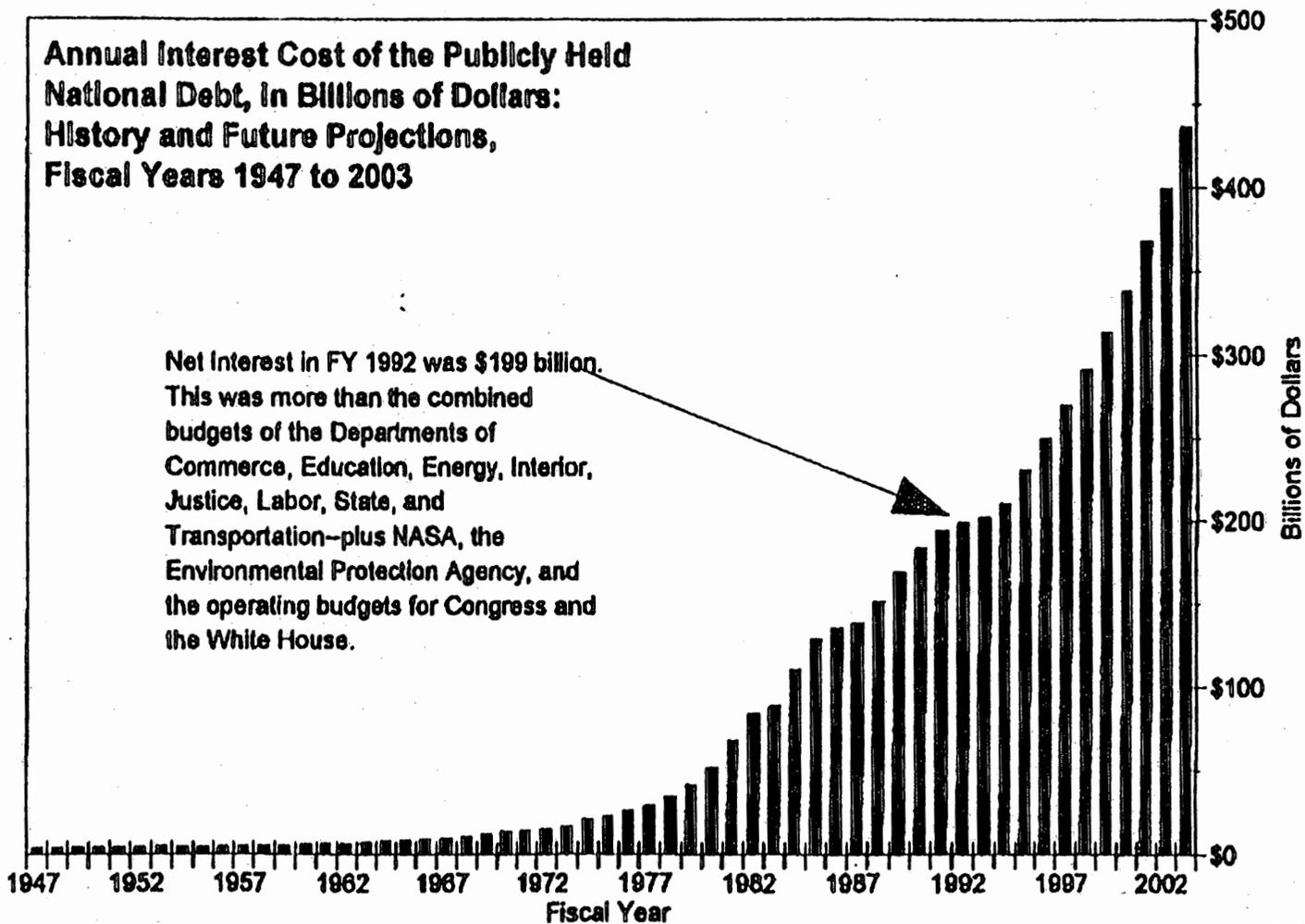
NOTE: Negative numbers indicate budget surpluses.
SOURCE: BEA (1993).

Chart 4-4

858

The recent surge in interest costs is the price we must pay
for our widening deficits, ...

**Annual Interest Cost of the Publicly Held
National Debt, in Billions of Dollars:
History and Future Projections,
Fiscal Years 1947 to 2003**



NOTE: See Chart 4-2B; projections are Jan, 1993 CBO baseline.
SOURCE: OMB (1993); CBO (1993).

Chart 4-7

X98

LEGAL EXPERTS, POLITICAL SCIENTISTS, AND A CONSTITUTIONAL CONVENTION

“ 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. ”

— the late U.S. Senator Sam Ervin.

“ I think the convention can be limited . . . the fact is that the majority of the scholars in America share my view. The view that ‘you can’t do this’ among scholars is a minority view. ”

— former U.S. Attorney General
Griffin B. Bell.

“ Congress has the power to establish procedures limiting a convention to the subject matter which is stated in the applications received from the state legislatures. ”

— Official position of the
American Bar Association.

“ If the States apply for a convention on a balanced budget, Congress must call a convention on a balanced budget. It cannot at its pleasure enlarge the topics. Nor can the convention go beyond what Congress has specified in the call. The convention’s powers are derived from Article V and they cannot exceed what Article V specifies. The convention meets at the call of Congress on the subject which the States have set out and Congress has called the convention for. ”

— Federal Judge John T. Noonan,
former professor, University of
California Law School, Berkeley.

“ I have no fear that . . . extreme proposals would come out of a constitutional convention . . . The founders inserted this alternative method of obtaining constitutional amendments because they knew the Congress would be unwilling to give attention to many issues the people are concerned with, particularly those involving restrictions on the federal government’s own power . . . I would like to see that [convention] amendment process used just once . . . Using it once will exert an enormous influence on both the Congress and the Supreme Court. It will establish the parameters of what can be done and how, and after that the Congress and the Court will behave much better. ”

— Antonin Scalia, Associate Justice,
U.S. Supreme Court, former
Professor of Law, University of Chicago.
(American Enterprise Institute Forum, 1979).

“ Amending the federal constitution by means of a constitutional convention would be one of the safest political procedures the nation could pursue. The political constraints insure that no convention can get out of control.

“ There are at least six such constraints: the character of the delegates elected; the public campaign statements and promises of the delegates; 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; the constant awareness that whatever the convention proposes must be presented to Congress; the Supreme Court which, upon appeal, might well declare certain actions beyond the constitutional powers of the convention; and

continued . . .

most important of all, [ratification] by 38 states. One could hardly imagine more effective constraints on a constitutional convention. ”

— Professor Paul J. Weber,
Dept. of Political Science,
University of Louisville.

“I agree with the substantial majority of persons who have reviewed this matter. The State-initiated mode of securing amendments is not in contemplation of wholesale revision; it is, rather, to secure State legislatures a means of getting a fairly efficient response, albeit under the auspices of a national convention, to grievances of a rather particularized and limited nature.

“It is altogether in keeping with the proper use that Congress, as it convokes the convention, appropriately limit the convention to the purpose it was convoked for in the first instance. Insofar as, by some untoward event, that convention — called for that purpose, and under these auspices — were to suddenly run away with itself . . . It would be entirely proper [for Congress] to reject that [runaway] amendment. ”

— William W. Van Alstyne,
William R. Perkins, and
Thomas C. Perkins,
Professors of Law, Duke University.

“Apocalyptic visions of a runaway convention have nothing to do with anything except fear-mongering. Suppose you, or I, or anyone, were given the task of managing a convention that instead of dealing with the budget balancing [constitutional amendment] would fundamentally alter the Constitution in such a way that three-quarters of the states would approve. Immediately the immensity of the task and the sheer unlikelihood of its accomplishment would come crashing down on us. No one would bet a dollar on its behalf. (Those who wish to contribute to my income

should write proposing wagers.) The case for a runaway convention is patently absurd. ”

— Professor Aaron Wildavsky,
Political Science Dept.,
Graduate School of Public Policy
University of California, Berkeley

“It would seem to be consistent with, if not compelled by, the article for Congress to limit the convention in accordance with the express desires of the applicant states. If Article V requires that a convention be called by Congress only when a consensus exists among two-thirds of the states with regard to the extent and subject matter of desired constitutional change, then the convention should not be free to go beyond this consensus and address problems which did not prompt the state applications. ”

— Note, “The Proposed Legislation on the Convention Method of Amending the United States Constitution,”
85 Harvard Law Review 1612, 1628 (1972).

“The two amendment processes, therefore, must be viewed as equal alternatives. The reports of the convention do not rebut this conclusion and provide no indication that the Framers intended for State legislatures to concern themselves only with total constitutional revision, while Congress alone would initiate specific amendments. ”

— Robert M. Rhodes, “A Limited Constitutional Convention,”
26 U. Fla. Law Review (1973), 1, 9.

“On the strict legal question, the better view is that there is nothing in Article V to prevent the Congress from limiting the constitutional convention to the subject that made the states call for it. ”

— Professor Paul Bator, Harvard Law School,
“A Constitutional Convention: How Well Would It Work?”
(American Enterprise Institute Forum, 1979).



FACTS ABOUT THE NATIONAL DEBT

In fiscal year 1993, interest on the National Debt is expected to total \$296 billion.

This is :

- the second largest item in the budget.
(20% of all Federal spending)
- more than the total revenues of the Federal government in 1975.
- 97% of Social Security payments.
- \$4,470 per family of four.
- \$5,701 million per week, \$812 million per day, \$563,684 per minute,
or \$9,395 per second.
- 26% of all Federal revenues.
- 58% of all individual income tax revenues.

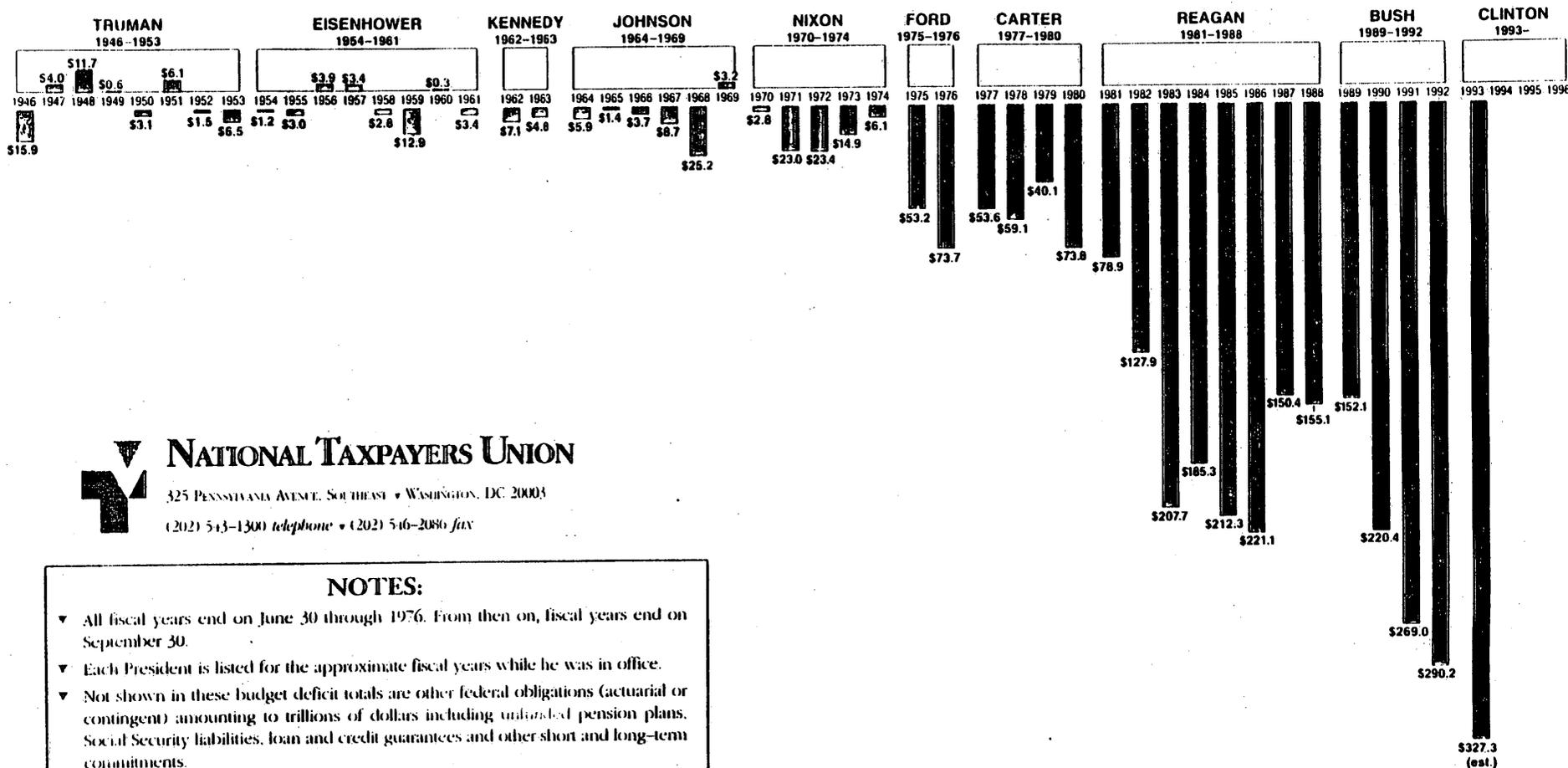
The National Debt has now topped \$4.2 trillion.

- The Federal government has run deficits 54 out of the last 62 years
and 31 out of the last 32 years.
- The national debt has increased 1418% since 1960, 714% since 1975,
386% since 1980 and 143% since 1985.
- During the 1960's deficits averaged \$6 billion per year.
- During the 1970's deficits averaged \$35 billion per year.
- During the 1980's deficits averaged \$156 billion per year.
- During the 1990's deficits averaged \$277 billion per year.

*It took over 200 years to accumulate our first trillion dollars in national debt. In the period
FY '91 - FY '94, we will accumulate well over \$1 trillion in additional debt.*

(Revised Jan '93)

FEDERAL BUDGET: Surpluses vs. Deficits (in billions by fiscal years)



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NOTES:

- ▼ All fiscal years end on June 30 through 1976. From then on, fiscal years end on September 30.
- ▼ Each President is listed for the approximate fiscal years while he was in office.
- ▼ Not shown in these budget deficit totals are other federal obligations (actuarial or contingent) amounting to trillions of dollars including unfunded pension plans, Social Security liabilities, loan and credit guarantees and other short and long-term commitments.

Sid Taylor, Research Director, February, 1993



AMERICAN SECURITY COUNCIL

TESTIMONY BY DANIEL J. KALINGER, EXECUTIVE VICE PRESIDENT OF THE AMERICAN SECURITY COUNCIL, BEFORE THE STATE GOVERNMENT COMMITTEE, NEW JERSEY STATE SENATE

May 27, 1993

Thank you, Mr. Chairman, and Members of the Committee, for the opportunity to testify on one of the most critical economic issues facing our nation today. My name is Dan Kalinger, and I am Executive Vice President and Chief Operating Officer of the American Security Council. We are a 38-year-old, nationwide, grassroots, advocacy organization working on behalf of our nation's security and economic well-being. Today I am speaking on behalf of ASC's nearly 100,000 members, including over 6000 members and supporters in the State of New Jersey.

I would like to note, Mr. Chairman, that I am a local boy, and that I jumped at the opportunity to leave the slippery streets of Washington, D.C. to return to this beautiful state where I spent so many happy years. I worked for many years in Teaneck and moved on to volunteer as Marge Roukema's deputy campaign manager in her first successful congressional race. I still come back here often, and I'm glad to see some in our state are in the forefront of the debate about fiscal responsibility.

Mr. Chairman, the members of the American Security Council stand strongly in support of a Balanced Budget Constitutional Amendment. You might ask why an organization such as ours, with a reputation for working principally on military and foreign affairs issues, would even care about supporting a balanced budget. The reason is that America needs economic security in order to have national security. If we can't balance our budget, reduce the deficit and put our fiscal house in order, our nation's security will ultimately suffer.

The reason for drastic action is the drastic state of our nation's fiscal policy. The 1993 budget deficit is now projected at \$332 billion, and the Congressional Budget Office estimates that it will rise as high as \$455 billion by the end of the decade. Our national debt is \$3.5 trillion, and interest payments alone consume some 14 percent--or \$210 billion--of our federal budget each year.

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New Jersey State Library

That's more than we spend on education, the environment, transportation, law enforcement, space exploration, scientific research and drug treatment--combined.

We believe in a Balanced Budget Constitutional Amendment for one simple reason: we think that Congress has shown a structural inability to pass a balanced budget. Four times in the last 15 years, Congress passed a law requiring a balanced budget. In every case, the deficit rose the following year because Congress could not resist the temptation to spend. So we need the force of the Constitution to serve our people where the Congress has failed.

The American Security Council has lobbied Congress to adopt a Balanced Budget Constitutional Amendment. Unfortunately, we've come close--within 9 votes in the House of Representatives last year--but the prognosis in asking Congress to reform itself is still very uncertain. I am pleased to tell you the amendment has the support of an impressive array of bipartisan lawmakers in both houses of Congress. They include Congressmen Bob Torricelli, Frank Pallone, Dean Gallo, Jim Saxton, Chris Smith, Bob Franks and Dick Zimmer from this state.

So now, the American Security Council is here to support the legislative call for a constitutional convention to propose a balanced budget amendment. New Jersey has a real chance to show some leadership on this important issue. Thus far, 29 states have applied to Congress for a limited constitutional convention on the balanced budget. New Jersey is one of those swing states that provides a real opportunity of helping push us over the top. If we succeed here, we have a good chance of succeeding in other states that are currently considering similar legislation. So once again, New Jersey, I ask you to show the country the way.

The American Security Council aims to do its part helping you lead the way. We are currently organizing a nationwide campaign that will ask our members--and other supporters a balanced budget--to let their lawmakers know how they feel. We hope to provide the grassroots support and muscle to put this movement for fiscal sanity "over the top" within the next year.

Mr. Chairman and Members of the Committee, we urge your prompt action in adopting a call for a constitutional convention. We know that the people, through their representatives at such a convention, will speak loudly for an amendment to balance the budget. History is full of examples where people have spoken up loudly in support of fundamental reform. This is one of those times. The American Security Council urges your favorable action now.

Thank you.

**New Jersey Senate Public Hearing Testimony
SCR-39
Call for a Constitutional Convention
to Develop a Balanced Budget Amendment to the
United States Constitution**

Gregory T. Finnegan
P.O. Box 266
Three Bridges, New Jersey 08887
May 27, 1993

Mr. Chairman and Members of the Senate, my name is Gregory Finnegan. I have lived in Flemington for 8 years with my wife Kathy and my son Chris.

It is an honor to testify before you today, my first official venture into any legislative proceeding. I am here as John Q. Public. I am also a newcomer to the Con-Con scene. But then aren't we all.

Eight weeks ago, I attended a banquet of 125 parents who are very involved in the education of their children and who are trying to positively impact the public schools their children attend. The featured speaker was very late in arriving, so I was asked if I would say a few words.

I considered several topics to address, but when I got to the microphone, I asked three questions:

1. How many of you know that drafts of a new U.S. Constitution exist that include the following:
 1. "The practice of religion shall be PRIVILEGED."
(No longer a right)
 2. "Bearing of arms shall be confined to the police, members of the armed forces, and those licensed under law."
 3. The judge can decide if there will be trial by jury.
2. How many of you know that the United States is just two states short of having the 2/3 state approval needed to call for a Con-Con for the purpose of creating a balanced budget amendment?
3. How many of you know that New Jersey is pivotal in this issue and has an upcoming hearing and vote in the State Senate on approving or disapproving a call for a Con-Con? Senate bill SCR-39.

Out of 125 people present, only 2 knew what I was talking about.

On May 15th, seven weeks later, I addressed 900 parents, also very involved in the education of their children, and asked the same three questions. More than 50% of those present knew what I was talking about.

People from both audiences directed anger toward me. Their basic response was: How can this be TRUE, and I don't know ANYTHING about it. I found that difficult to answer. But it is clear that the press has dummed up on the Con-Con battle, locally and nationally.

I am one who believes what Constitutional scholars have said for years. That is:

1. a Constitutional Convention CAN NOT BE LIMITED TO A SINGLE, OR SET NUMBER OF ISSUES, and
2. once called, a convention can't be UNCALLED.

These two simple points destroy the arguments of the Con-Con proponents who say that there are safeguards to a runaway convention, or that calling for a convention will get Congress to pass legislation to balance the budget and forestall an actual convention.

Everybody wants a balanced budget for our homes and for the United States. But, most people (I believe), whether liberal or conservative, are against any move to hold a Con-Con in this contentious culture.

I did a radio interview a month ago where I asked the listeners to think of the special interest group they most disliked. Then, I said, imagine them at a convention, tampering with the Bill of Rights, AND playing to the media.

When the radio program was completed, the very hip looking sound engineer said that he thought of the NRA - National Rifle Association. He said he didn't want the Constitution changed. And, he didn't want a convention for fear the NRA would get more expansive rights to bear arms. I, on the other hand, would fear that the right to bear arms would be terribly diminished by a convention. We disagreed on the 2nd amendment; we agreed on the integrity of the United States Constitution. Neither of us want the Constitution tampered with by today's special interest groups.

The last state approval to call a Con-Con was Missouri in, I believe, 1984. Activity stopped then, because legislators finally understood and believed that the U.S. Constitution was endangered by a Con-Con. Little happened between then and last Fall, a passage of 8 years.

Now, once again we are forced to bear the Con-Con threat. We are forced to put up with the pressures and threats on our legislators to approve the call. But, this threat has not been limited to New Jersey.

Last Fall, only two states had proposed legislation calling for a Con-Con - Ohio and New Jersey. Then since last Fall, in the last 6 months, 9 states have introduced bills calling for a Con-Con.

Since last Friday, I have spoken with people in most of these states that have seen Con-Con action. Here is an update.

In MICHIGAN:

The Con-Con should have been an easy win in the Michigan Senate. 19 of the 38 members of the Senate were sponsors to SJR-28. But, between the time of a public hearing (where the Sergeant-at-Arms had to be called twice to restore order) and the time of the expected vote, thousands of calls went into the Senate. (This according to aides of the chief sponsor Senator Donello) Sen. Donello was also the chairman of the committee reviewing the bill. Within four days he tried to introduce it, pass it through committee, have a hearing and then get a vote. The result: it was referred back to committee.

An aide to Michigan State Senator Dick Allen, who gave testimony at the New Jersey Assembly Con-Con hearing last September, said: "Senators don't want to touch it with a 10 foot pole." Now, the Michigan Senate is rewriting the bill dropping the call for a Con-Con and calling instead for Congress to balance the budget.

In ILLINOIS:

On Friday April 30th, a hearing for SJR-28 was announced for the following Monday at 11 AM. On Monday, by 11AM the chief sponsor Senator McCracken had received 500 calls against his Con-Con bill. At the same time, he received the kind of information shared with you today. He went to the hearing and said: "I will not call SJR-28. I am so sorry. This is the worst mistake I've ever made in my life." Someone from the back of the room asked loudly: "Is it dead?" His response: "Not only is it dead forever, but I wish it had never been born." Later, Sen. McCracken said he felt used. "Feeling used" is the same expression used by a sponsor to a Con-Con bill in Connecticut.

In OHIO:

The legislative session ended in December with no action taken. Their Con-Con bill has not been re-introduced.

In HAWAII:

An initial vote to approve the Con-Con call was followed by a lunchtime discussion concerning the dangers to the U.S. Constitution. A re-vote was called in the afternoon, and the bill was defeated.

In MONTANA:

The first vote in their House after a public hearing defeated their Joint Resolution by a vote of 15 to 1. It took the pressure of the citizens making thousands of calls to Helena to make the point to protect the Constitution.

In CONNECTICUT:

There has been no action taken since the bill's sponsor withdrew his support.

Two states that rescinded earlier YES votes, had bills introduced to RESCIND the RESCINDED votes - Florida and Louisiana. To vote YES, again, to a Con-Con call. Both were defeated.

In Florida - the bill was defeated before the legislative session ended

In Louisiana - when it was put on the schedule for a hearing, a high volume of complaints caused the sponsor to withdraw the bill.

There were attempts to find a sponsor in Alabama, the third state to rescind an earlier YES vote, but no sponsor was found.

Now, there are Con-Con calls in Wisconsin and Rhode Island.

The pressure put on legislators to pass these Con-Con calls is enormous. Sen. Dick Allen of Michigan testified before the New Jersey Assembly in September that his life was threatened. Last October, two Washington heavyweights came to Trenton the day before the Assembly vote and caused sufficient pressure to change what I'm told was a NO vote to a YES.

Do we rightly fear behind-the-scenes strong arm tactics for you our New Jersey Senators the day before the Senate vote?

At the close of the only other Constitutional Convention in 1787, Benjamin Franklin was asked: "What kind of government did you give us?" He answered: "A republic. If you can keep it."

The question is: "Can we?"

That is what concerns me and a lot of citizens of New Jersey and these United States. Can we keep the republic? Do some believe we would give up our sovereignty so easily?

Discernment is in order. A balanced budget amendment can be passed by Congress and ratified by the states IF a balanced budget is what this is really about. Or, is this really the excuse, or KEY, to use the word of the Committee for a Constitutional System, to change our system of government.

Where will the legacy of this legislative session be? In education, in finance, in public works, or in upholding the U.S. Constitution you were sworn to protect? Can we keep the republic?

Tell Congress to create a balanced budget amendment and you will ratify it if it is in the best interests of the American people. Our prayers are with you in what are truly difficult times. Thank you.



Polish Legion of American Veterans

648-654 FRANKLIN STREET
ELIZABETH, NEW JERSEY 07206

May 27, 1993

To: Senate Committee on State Government

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.

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 Louisiana. 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

May 27, 1993

betray our solemn oath.

Most of these 16 million 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 being herded in the footsteps of Assemblyman Kamin, Assemblyman Garrett and Assemblyman Solomon?

I think this is an attempt 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.

We, the supporters of the current constitution who have placed our lives on the firing line during wartime have helped develop this nation into the strongest, militarily and the most sound financially, and with some exceptions, the most reverend nation in the world.

We do not take the position of an eye for an eye and a tooth for a tooth! Look what President Clinton wants to do, he wants to give approximately 4 billion dollars to our arch enemy - the Russians to help them out of the communist 5 year plans they have become mired in. Those same Russians have shot down American military planes with losses of lives. They have shot down civilian passenger planes with the death toll in the hundreds and have lied about it. Only we, with the strong constitution are strong enough to attempt this act of mercy.

Thomas Jefferson states back 200 years ago "With the change of circumstances, institutions must advance to keep pace with the times". He was correct! This is why the current constitution can be amended to keep pace with the times!

Joseph A. Plonski
104X First State 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

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

69th ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION

SAN ANTONIO, TEXAS

AUGUST 25, 26, 27, 1987

RESOLUTION NO. 63
SUBJECT: UNITED STATES CONSTITUTION
COMMITTEE: AMERICANISM

Whereas, The American Legion 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 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 American Legion is bound to support; now, therefore, be it

Resolved, By The American Legion in National Convention assembled in San Antonio, Texas, August 25, 26, 27, 1987. That it states its opposition to efforts to convene a Constitutional Convention for any purpose and specifically opposes the rewriting of the United States Constitution.

MAKE COPIES AND DISTRIBUTE WIDELY

THE NATIONAL VETERANS COMMITTEE
ON THE CONSTITUTION

1560 SHEFFIELD ROAD
BALTIMORE, MD 21218

A real "smart" A.L.E.C.

WHY would ANYONE believe a document whose own publisher DISCLAIMS it???

Page 9, volume 13, of A.L.E.C.'s Report states that it is the sole work of Carolynn Miller and "DOES NOT NECESSARILY REFLECT THE VIEWS OF A.L.E.C., ITS OFFICERS OR MEMBERS."

THE HIDDEN AGENDA

This is WHY they are so desperately scrambling to find just the right "noble cause" to get our Nation to go the convention "ROUTE" and using the tactic of smearing & name-calling on those who are exposing them.

CFR & CCS & NTU
Connection Exposed

NTU advisor's book
Exposed

CFR & NTLC
Connection Exposed



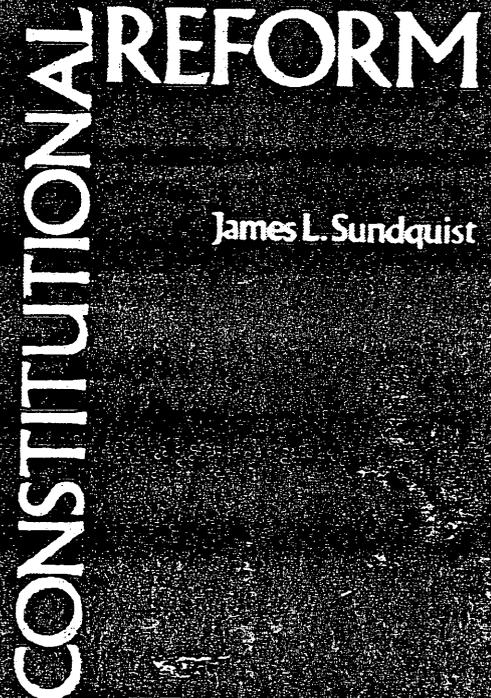
Reforming American Government

The
Bicentennial Papers
of the Committee
on the
Constitutional
System

"And if the pending call for a constitutional convention to propose a 'balance the budget' amendment is joined by the two additional states needed to provide the triggering two-thirds - an outcome we do not favor - our committee may be ready with some better ideas."

-page 106

108X



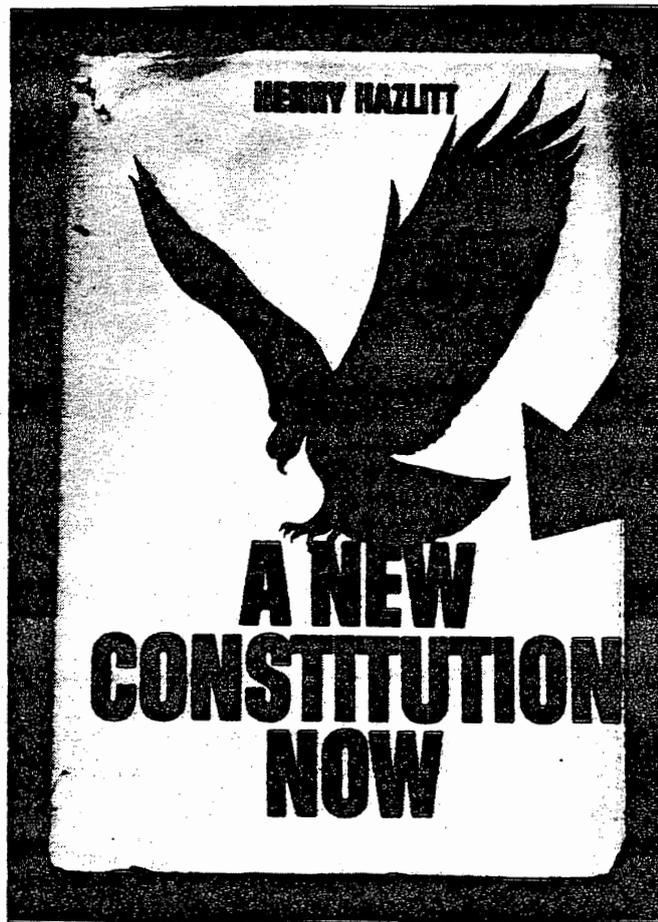
"The delegates of 1787, after all, had been assigned only to propose amendments to the Articles of Confederation but, once they met, they set their own agenda."

-page 245

"In the same way, an 'amendment' to the Constitution could be proposed that would strike out everything after the paragraph 'We the people...do ordain and establish this Constitution'."

-page 271

NATIONAL TAXPAYERS UNION ADVISORS BLUEPRINT TO GET:



(HIDDEN AGENDA
FOR CON/CON)

**EXTREMELY
URGENT**

HENRY HAZLITT
IS AN ADVISOR TO
JAMES DALE DAVIDSON,
THE CHAIRMAN OF
THE NATIONAL
TAXPAYERS UNION

1942 McGraw-Hill Co., Inc
1974 Arlington House
ISBN 0-87000-277-5

**NEW
EVIDENCE**

(HIDDEN AGENDA
FOR CON/CON)

**NTU
Advisors
Book**



"I confess I can see no strong objection to any proposal to revise the Constitution by calling a convention." -page 270

"If the state legislatures could be brought to act under the present Constitution, they could take a great forward step immediately." -page 273

Everyone may be for a balanced budget, but what will we get if we continue to follow the leaders of the National Taxpayers Union?

"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."

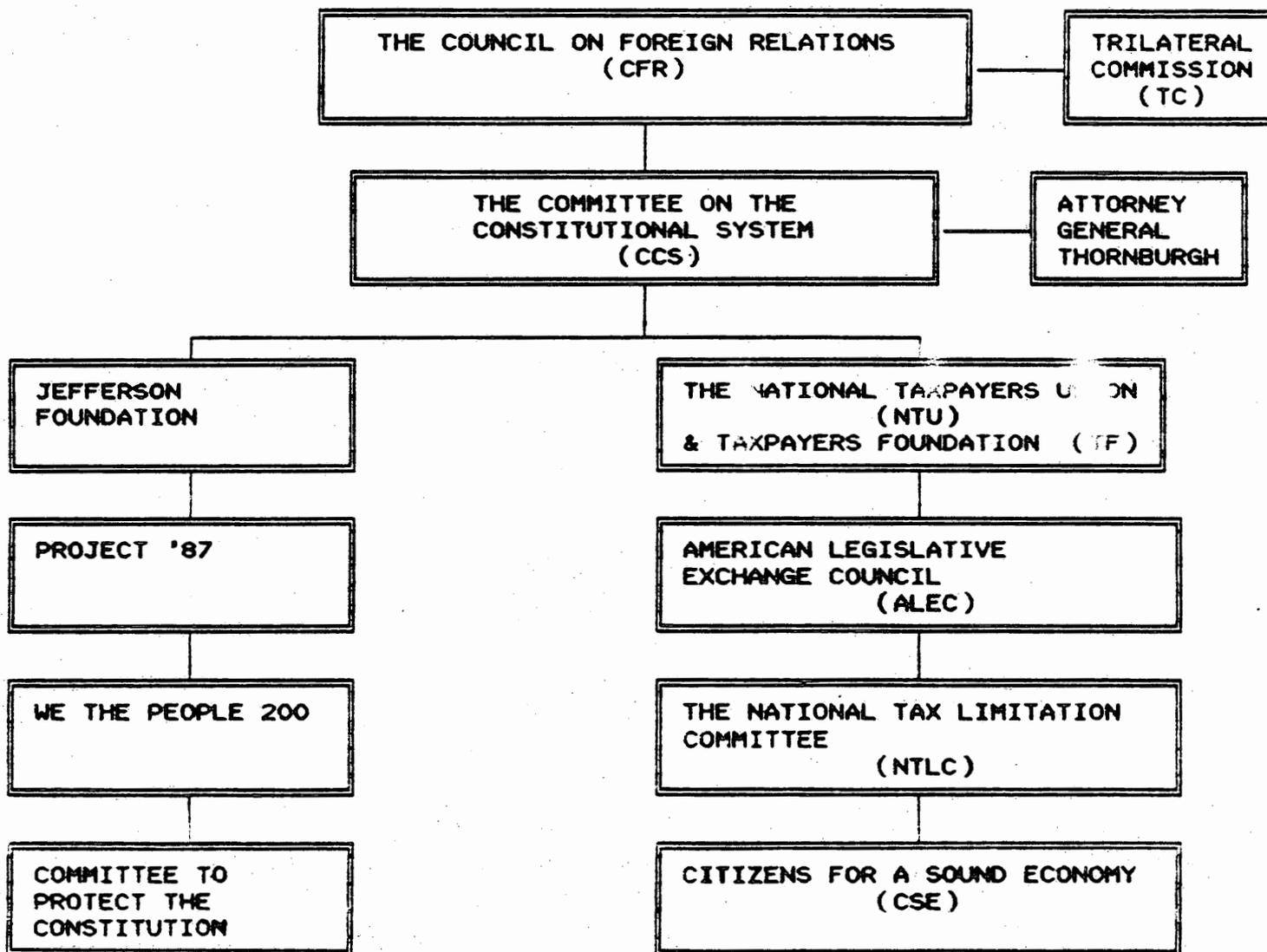
- National Taxpayers Union committee co-chairman and Committee on the Constitutional System (CCS) director Dick Thornburgh from his testimony at Trenton, New Jersey, October 21, 1986, 2:30 p.m.

WHAT DOES HE MEAN BY SUCH A STATEMENT FROM HIS TESTIMONY IN FAVOR
OF A CONSTITUTIONAL CONVENTION ?

109X

This Chart explains WHY these organizations are so desperately scrambling to find just the right "noble cause" to get our Nation to go the convention "ROUTE" and using the tactics of smearing & name-calling on those who are exposing them.

They are all interlinked TOGETHER.



National Taxpayers Union chairman Jim Davidson REVERSES POSITION on "strictly limited convention"

State Legislatures in an uproar!

— See testimony below —

NATIONAL TAXPAYERS UNION (NTU) James Dale Davidson, Chairman

At the Wisconsin hearing on 10/7/87, the following question was proposed to Mr. Davidson: "Is it the position of your organization that the convention should be limited or is it your position that it should be open to other matters?"

Answer: "All right - several thoughts on that - I'll answer it as briefly as I can. First of all, I don't think it makes any difference whether it is limited or not. I do favor a limited convention but I don't think that I would be opposed to a convention even if it could be proven it couldn't be limited, because I know the Congress can't be limited and I'm not in favor of stopping Congress from meeting."

SCHEME UNCOVERED

Florida Legislature

RESCINDS

"full-blown plans for constitutional revision."

DEAR LEGISLATOR:

This is what Jim Davidson (NTU) & Lewis Uhler (NTLC) & others did in other states and they will do the SAME THING to your constituents too.

PLEASE BE AWARE OF THIS ! These groups will be sending letters (see insert between pages 1 and 2) to your constituents talking about the "limited convention" and your constituents do not have any knowledge of Davidson's speech to the Wisconsin Legislators (see above). Notice constituents have also no knowledge of the CCS (the group formed solely to bring about a new constitution) and that the CCS is directly linked to the NTU, etc. This letter was sent by angry constituents to warn other State Legislators about how they felt they were misled. They will also use radio, TV, newspapers ads, etc. **BE AWARE !**

TAXALERT

National Taxpayers Union

325 Pennsylvania Avenue, S.E.
Washington, D.C. 20003
(202) 543-1300

December 19, 1988

Dear Virginia NTU Member:

The future of the effort to add a balanced budget amendment to the U.S. Constitution is in your hands.

Your help is urgently needed immediately to prevent the big spenders in the Virginia Senate from seriously damaging the national campaign for a constitutional amendment to require Congress to balance the federal budget and limit taxes.

Your state, Virginia, is among the thirty states that have called for a limited constitutional convention to draft a balanced budget amendment if Congress fails to act. To date, thirty of the required thirty-four states have passed such resolutions. The closer that we come to thirty-four states, the more pressure is put on Congress to act on this constitutional amendment. Unfortunately, several state legislators, responding to pressure from special interest groups, have introduced bills to repeal Virginia's call for the balanced budget amendment. If it's repealed, this will be a severe setback, stalling the Balanced Budget Amendment for years!

If you will spend just a few minutes contacting your legislators, you personally may make the difference between the success and failure of our Balanced Budget Amendment campaign.

Background: The Virginia Assembly voted to repeal Virginia's 1976 balanced budget call in February 1988. HJR 28, and identical Senate measure SJR 22, were then sent to the Senate Rules Committee for study. This committee will hold a public hearing on the issue in mid January 1989 in Richmond and then vote on the resolutions shortly thereafter.

These measures are on a fast track. But, we have an excellent chance to stop them in the Senate Rules Committee, if we can have your help immediately.

We need you to let members of the Senate Rules Committee know that a vote for SJR 22 or HJR 28 is a vote against the effort to force the U.S. Congress to pass a balanced budget amendment.

You've got to let your legislators know that voting to repeal Virginia's balanced budget resolution is the same as voting AGAINST the balanced federal budget amendment. Without Virginia as one of the thirty states, Congress will NEVER act.

What you can do:

Immediately write to two key members of the Senate Rules Committee and also to one or more of the other senators on the

over please --

112X

Committee who live near you (See attached list).

The letters you write can be very simple. The following points can be made:

1. I support a balanced budget amendment to the U.S. Constitution.
2. The Virginia Legislature should keep pressure on the U.S. Congress to act.
3. Therefore, I oppose repeal of Virginia's 1976 call for a balanced budget amendment.
4. Please vote against SJR 22 and HJR 28.

When you write, use your own words. Then encourage your spouse, your friends, relatives and coworkers to write as well. Remember, in a democracy the ideas and positions of those who write letters and make calls are the ones that win out. To date, the big spenders are making more contacts with state legislators than those who care about fiscal responsibility. I encourage you to take action. Please write at least three letters to senators on the Rules Committee. If you don't, no one else will.

Let your Rules Committee senators know that you want Virginia to remain among the thirty states that have called for a limited constitutional convention to draft a balanced federal budget amendment if Congress fails to act. Without the balanced budget convention call resolution, Congress will ignore the people's demand for a balanced federal budget amendment. It's that simple.

Politicians and special interests who oppose a balanced federal budget amendment are using every possible device to get the Virginia Legislature to repeal its call for a balanced federal budget amendment . . . scare tactics, you name it.

If we lose Virginia, that will take tremendous pressure off Congress on this constitutional amendment. It will also send another message: Congress, we don't care how much money you spend.

I've enclosed some background information on the safety and necessity of a constitutional convention call as well as the need for a balanced federal budget amendment.

Sincerely,


Jim Davidson
Chairman

P.S. Please keep this mailing. The Virginia Legislature's 1989 session begins January 11th. You can follow up your letters by calling your senators between January 11th and January 13th and leaving the message that you support a balanced budget amendment and oppose SJR 22 and HJR 28. All senators can be reached by calling 1-804-786-6530, then asking to be transferred to a specific senator's office.

Attachments: List of Senate Rules Committee members
Map of Virginia Senatorial districts
Q & A's on the BBA
BBA editorial, Harrisonburg Daily News Record, 11/26/88

THE NATIONAL VETERANS COMMITTEE
ON THE CONSTITUTION
1560 SHEPHERD ROAD
BALTIMORE, MD 21218

(301) 467-9093

RAY GILTON
Chairman

Critical Information To All State Legislators

*Group formed solely for making
"Major Structural Changes" to the
U.S. Constitution discovered*

LINKED to

*The National Taxpayers Union**
**and now also to the office of the
Attorney General of the
United States of America**

**FORMAL
NOTICE:**

IF YOU AS A STATE LEGISLATOR SHOULD
RECEIVE DOCUMENTS FROM THE U.S. ATTORNEY GENERAL'S OFFICE
REGARDING A CONSTITUTIONAL CONVENTION, PLEASE FACTOR IN
THE FOLLOWING DOCUMENTATION.

* "the driving force behind the Constitutional
Convention to Balance the Budget."

- from *BLOOD IN THE STREETS*

— continued on back side —

Now, the Honorable position of U.S. Attorney General is being occupied by a Director--not merely a member--but a Director of the Committee on the Constitutional System (CCS). This same CCS Director testified in 1986 before the New Jersey General Assembly State Government Committee in favor of a constitutional convention that:

"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."

He also stated that he was in favor of a specific structural change--the line item veto. CCS Director Dick Thornburgh's fellow CCS Director James L. Sundquist stated in his book Constitutional Reform & Effective Government on page 237 that:

"The most powerful of the proposals, in terms of potential subversal of the executive-legislative balance, would be the item veto in any form that required a two-thirds majority of both houses to override the president."

Why did CCS Director Sundquist use the word "subversal?"

This same CCS Director that testified in New Jersey was asked by James Dale Davidson (the driving force behind the constitutional convention and Chairman of the National Taxpayers Union - NTU) to serve as an NTU committee co-chairman. The man being described here is CCS Director/Attorney General, Dick Thornburgh.

CCS Director Dick Thornburgh has another fellow CCS Director, James MacGregor Burns who stated in Reforming American Government:

"Let us face reality. The framers have simply been too shrewd for us. They have outwitted us. They designed separated institutions that cannot be unified by mechanical linkages, frail bridges, tinkering. If we are to 'turn the founders upside down'--to put together what they put asunder--we must directly confront the constitutional structure they erected."

Who is "us" State Legislator?

Since "us" now has a CCS Director as the Attorney General of the United States, is this part of what is meant by "we must directly confront the constitutional structure they erected?"



NATIONAL TAXPAYERS UNION COMMITTEE CO-CHAIRMAN
AND COMMITTEE ON THE CONSTITUTIONAL SYSTEM (CCS)
DIRECTOR DICK THORNBURGH TESTIFIES FOR TWO
CONSTITUTIONAL AMENDMENTS AT THE N.J. HEARING ON
ACR 54 CALLING A CONVENTION. ON PAGE 2 HE SAYS
THE BBA "IS THE KEY" TO MAKING THE STRUCTURAL
CHANGES TO THE CONSTITUTION.

**EXTREMELY
URGENT**

TESTIMONY BEFORE THE NEW JERSEY
GENERAL ASSEMBLY STATE GOVERNMENT COMMITTEE

ON THE NEED FOR A BALANCED-BUDGET
AMENDMENT TO THE U.S. CONSTITUTION

BY GOVERNOR DICK THORNBURGH
OF PENNSYLVANIA

STATE HOUSE ANNEX
TRENTON, NEW JERSEY

OCTOBER 21, 1986

2:30 P.M.

need for a constitutional amendment to impose long-overdue fiscal discipline on Washington's "credit card" budget process.

It is a constitutional, not legislative, change that is needed.

You can no more expect Congress to balance the budget without a constitutional mandate, than you could expect a chocoholic to ignore a Hershey bar, or a 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.

The 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 budget. During the 1982-83 recession, for example, 43 states cut costs and 44 raised taxes to keep budgets in balance. It is doubtful that these actions would have occurred without constitutional requirements mandating balanced budgets, and without the executive and legislative discipline those provisions impose.

At the same time, the Federal budget process, lacking any such discipline, has been out of balance in twenty-five of the last twenty-six years and national debt has more than doubled in 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 is not without significance that the nation's governors are on record in favor of a balanced budget constitutional

CFR MEMBERS FOUNDERS OF CCS



COMMITTEE ON THE CONSTITUTIONAL SYSTEM (CCS)

FOUNDED BY LLOYD CUTLER AND DOUGLAS DILLON

(BOTH FORMER DIRECTORS OF THE COUNCIL OF
FOREIGN RELATIONS (CFR) (MARKED TO SHOW
MEMBERS OF CFR ORGANIZATION OVERLAP.)



"The Committee (CCS) owes its existence to the courageous vision and energetic leadership of its founding co-chairs, Lloyd Cutler and C. Douglas Dillon..."

-page xvi of REFORMING AMERICAN GOVERNMENT

● Co-Founders

BOARD OF DIRECTORS OF CCS

Richard Bolling, former Congressman from Missouri

Nicholas Brady, former Senator from New Jersey

Janet Brown, former Senate assistant

1976 CFR James MacGregor Burns, Co-Chairman, Project '87

William Carey, American Association for the Advancement of Science

CFR Douglass Cater, former Assistant to the President

Gerhard Casper, Dean, University of Chicago Law School

TC/CFR William Coleman, Jr., former Secretary of Transportation

LeRoy Collins, former Governor of Florida

● TC/CFR Lloyd Cutler, former Counsel to the President

Lynn Cutler, Vice-Chair, Democratic National Committee

● CFR C. Douglas Dillon, former Secretary of the Treasury

Ruth Friendly, teacher, Scarsdale (N.Y.) school system

J. William Fulbright, former Senator from Arkansas

CFR W. Wilson Goode, Mayor, City of Philadelphia

William Green, former Mayor, City of Philadelphia

Charles Hardin, Professor Emeritus, University of California, Davis

CFR Alexander Heard, Chancellor Emeritus, Vanderbilt University

Elsie Hillman, Republican National Committee, Pennsylvania

Matthew Holden, Jr., Professor, University of Virginia

Linwood Holton, former Governor of Virginia

A. E. Dick Howard, Professor, University of Virginia

Nancy Landon Kassebaum, Senator from Kansas

Philip Klutznick, former Secretary of Commerce

Hubert Locke, Dean of Public Affairs, University of Washington

Nancy Altman Lupu, Kennedy School, Harvard University

TC/CFR Bruce MacLaury, President, The Brookings Institution

Robert McClory, former Congressman from Illinois

CFR Donald McHenry, former Ambassador to the United Nations

TC/CFR Robert McNamara, former Secretary of Defense

CFR Charles Mathias, former Senator from Maryland

CFR Martin Meyerson, President Emeritus, University of Pennsylvania

CFR Daniel Patrick Moynihan, Senator from New York

CFR Norman Ornstein, Visiting Scholar, American Enterprise Institute

Kevin Phillips, President, American Political Research Corporation

Jessie Rattley, former President, National League of Cities

Henry Reuss, former Congressman from Wisconsin

John Rhodes, former House Minority Leader from Arizona

Dorothy Ridings, former President, National League of Women Voters

Sharon Percy Rockefeller, Corporation for Public Broadcasting

CFR Donna Shalala, President, Hunter College

Rocco Siciliano, former Undersecretary of Commerce

Mary Louise Smith, former Chair, Republican National Committee

Elmer Staats, former Comptroller General

Elvis Stahr, former Secretary of the Army

James Sundquist, Senior Fellow Emeritus, Brookings Institution

James Symington, former Congressman from Missouri

Dick Thornburgh, former Governor of Pennsylvania

TC/CFR Glenn Watts, former President, Communications Workers of America

Coordinator: Peter Schaffler

Editor and Director of Research: Donald Robinson, Professor,
Smith College

Consultants: Thomas Burnard, Carl Stover

TC TRILATERAL Commission

CFR Council on Foreign Relations

URGENT



➔ Dick Thornburgh, Governor of Pennsylvania is listed on page 334, under the heading, "Board of Directors of the Committee on the Constitutional System".

Henry Hazlitt's blueprint is now being constructed by the
Committee on the Constitutional System, by Director Dick Thornburgh
and others.

YOU AND YOUR FELLOW LEGISLATORS MUST ACT NOW TO
PREVENT ITS COMPLETION.

NONE OF THE 32 STATES EVER KNEW ABOUT A NEW CONSTITUTION NOW.

"The second suggestion that I wish to make with regard to a technique for converting American public opinion to parliamentary government is the organization of a League for Constitutional Reform." - Page 238

"A League for Constitutional Reform, as I see it, would confine itself to discussing the constitutional aspects of public questions. It would advocate a parliamentary form of government for cities, States, and for the nation. It would be organized on a national scale and have state and city chapters." - Page 238

Henry Hazlitt, National Taxpayers Union advisor,
from his book, A New Constitution Now

The "plot" of the Plot for: "A Constitutional Revolution of the First Magnitude"

Senator Nancy Landon Kassebaum is Co-Chairman of the Committee on the Constitutional System (CCS), perhaps the most controversial organization in America today. The group was formed in 1982 and unfortunately Sen. Kassebaum became Co-Chairman in 1984. She is now being asked to resign. This is due to conflict with her oath of office as a U.S. Senator to support the present U.S. Constitution.

Senator Kassebaum's CCS has some 40 "working papers" which when taken as a whole, violate the principles embodied in the U.S. Constitution. Foreign CCS proposals alien to America include APPOINTED Congressmen and Senators, ABOLISHING every other election and giving the President the power to DISSOLVE Congress.

Senator Kassebaum's Co-Director James M. Burns writes of turning the founders upside down while the group itself is partially funded by The Dillon Fund, and is believed by many to be the captive pawn of the well-heeled moneyman, C. Douglas Dillon, who is Founder and Co-Chairman with Sen. Kassebaum. The goal of eliminating the founding fathers' checks and balances is shared by the Fabian socialists, about whom more shall be said later.

THE AIM OF THE CCS IS TO CHANGE THE STRUCTURE OF THE U.S. GOVERNMENT BY ELIMINATING THE SEPARATION OF POWERS AND REPLACING IT WITH A EUROPEAN PARLIAMENTARY SYSTEM.

Sen. Kassebaum's other Co-Chairman is Lloyd Cutler who as Co-Founder is author of some of the "working papers" and refers to the proposals as "a set of modest changes", which is exposed as a masquerade when Fabian socialist Harold Laski expounds on cabinet government in the same collection of working papers.

Just one of Mr. Cutler's "set" is referred to in this "working paper" dealing with Congress members also being the President's Cabinet and is authored by Fabian Society Chairman (1946-1948) Harold J. Laski. Mr. Laski writes, "Fundamentally, this is to alter the whole balance of the American Constitution it is a constitutional revolution of the first magnitude." This Fabian Society "reform" technique is where "revolutionary wolves masquerade in sheep's clothing as gentle reformers" revealed in The Great Deceit (1964) by Veritas Foundation staff. The techniques of the Fabian Society are expounded upon in Veritas Foundation Keynes at Harvard (1960). (The Fabian Society symbol was changed from a patient tortoise to a wolf in sheep's clothing after successful masquerades as "mild reformers" prior to 1910.)

Sen. Kassebaum's CCS published their papers as Reforming American Government including a dozen proposals for amending the U.S. Constitution. Seven of these proposals are clones from A NEW CONSTITUTION NOW WRITTEN BY HENRY HAZLITT, advisor to (the group attempting to call a constitutional convention) the National Taxpayers Union (NTU). In this book, Mr. Hazlitt outlines a parliamentary government which he proposes for the United States. Founder of the NTU is Oxford educated James Davidson who has recently successfully lobbied for the disarmament of America in closing several hundred military bases. Mr. Davidson is being challenged for following the Fabian socialist objective of disarmament of the United States for world government.

NTU advisor Henry Hazlitt wrote on page 43 of A NEW CONSTITUTION NOW (1942) "Englishmen whether of the Left or the Right are equally critical of the American System. Harold J. Laski, a declared Marxist, has in repeated volumes in the last two decades expressed his dislike of the presidential system and his decided preference for the parliamentary."

Actually for over four generations, members and friends of the Fabian Society have dedicated themselves to promoting an anglicized version of Marxism. Mr. Laski's Fabian Society was formed in 1884 and the American branch begun in 1888, (Joseph Fels and other Fabian members loaned Lenin money for his first Russian Revolution in 1905), and Mr. Laski's group has thus had a plan in motion for several decades in America.

Sen. Kassebaum's CCS met at Harvard and among those attending in 1986 was Lady Eirene White who was Chairman of the British Fabian Society (1958-1959) (following Harold Laski by ten years). Lady White's Fabian Society founded the Labour Party. "Reforms" she approved while Fabian Society Chairman resulted in her being elevated to the House Of Lords.

Just as the foreign parent Fabian branch has grown in power with the "mild reformers'" techniques over the decades, so has the American branch. Rose Martin documents the Society from 1884-1966 in her book Fabian Freeway (1966). Mrs. Martin writes, "Few outsiders realized this movement emanated always from a single center, whose unchanging aim continues to be that of supplanting the constitutional American system of checks and balances with a collectivist state under Socialist International guidance." Mrs. Martin continues on pp. 251 "... The Fabian Society has not deviated in any essential way from the patterns initially devised for it. It remains today, as it was at its inception, a dangerously subtle conspiracy beneath a cloak of social reform."

A CONSTITUTIONAL REVOLUTION OF THE FIRST MAGNITUDE is indeed what is planned by this CCS group. Sidney Webb was the founder of the Fabian Society AND the London School of Economics where Harold Laski and others were instructors. Among the CCS Directors are two who have been educated at this Fabian School, they are James MacGregor Burns and Sen. Daniel Moynihan.

The "working paper" of CCS Director James M. Burns is of particular interest for he makes clear the nature of the CCS organization of which Sen. Kassebaum has identified herself as Co-Chairman. Mr. Burns writes, "Let us face reality. The framers have simply been too shrewd for us. They have outwitted us. They designed separated institutions that cannot be unified by mechanical linkages, frail bridges, tinkering. If we are to 'turn the founders upside down' -- to put together what they put asunder -- we must directly confront the constitutional structure they erected" Mr. Burns reveals that the "most heartening precedent for constitutional change" is the constitutional ratifying conventions of 1787-1788. He then proceeds to identify a cadre for today to repeat the precedent, "The answer can be found in the civic and religious groups, in the local Leagues of Women Voters and local bar associations, in the unions and Chamber of Commerce, in the professional organizations, in the schools and colleges and universities of America."

Spokesmen for Sen. Kassebaum's CCS acknowledge that the nation is close to calling a constitutional convention and that they will have a package of amendments to submit as agenda.

CCS Director Dick Thornburgh provides the CRITICAL LINK as he is also a Co-Chairman for THE NTU group calling the convention. Since his testimony before the NJ legislature on Oct. 21, 1986, he has been described as the "Judas to the U.S. Constitution and Bill of Rights." He testified, "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."

Eleven of CCS Director Thornburgh's group's amendments are designed to rewrite "The executive and legislative branches" violating everyone who pledges allegiance to the Republic. CCS Director James Sundquist says "the most powerful of the proposals, in terms of potential subversal of the executive-legislative balance, would be the item veto"

Moreover NTU Co-Chairman Dick Thornburgh's CRITICAL LINK, the deceptive "key element" convention has as its pretention the "reform" of a budget question while legislators are led to believe such non-binding language as "specific and exclusive" will limit his convention to the "key element." Hundreds of state legislators have been petitioned by their constituents to stop this plot of calling a convention for the "key element" to provide the occasion to attempt the CCS agenda described to the public as "modest changes."

Fabian educated James "turn the founders upside down" Burns says, "This is a strategy for gradual structuralists." The Fabian Society strategy is patient gradualism toward total government. The Fabian technique of permeating established institutions and penetrating political parties in order to win command of the machinery of power perhaps has no better clear example than in the CCS Outreach Program.

Sen. Nancy Kassebaum's CCS boldly set forth an Outreach Program to overturn the American Government. The Objectives specifically state: "... lay plans, enlist cooperation, prepare materials, and make necessary arrangements for ensuring a national dialogue on the Committee's proposals; and build support for the Committee's proposals as they are considered by the Congress"

Sen. Kassebaum's two CCS Co-Chairmen are both former Directors of the CFR and are the co-founders of the CCS. The Fabian Society American branch in turn had representation among the founders of the CFR. Today there are over 250 CFR members in the news media who are to participate in planned media blitzes to promote the CCS Outreach Program in the same manner as the Gorbachev Pearl Harbor of 1987.

Former Governor Alfred M. Landon said, "I have cooperated with the New Deal to the best of my ability," and had even issued public praise of New Deal designer Rexford Guy Tugwell, devoted radical socialist and subsequent author of the proposed New States Constitution.

Sen. Nancy Landon Kassebaum is now being petitioned to stop cooperating with the CCS designers of the EUROPEAN PARLIAMENTARY SYSTEM and resign from this CCS group. Sen. Kassebaum writes in her "working paper" in Reforming American Government: "If government becomes the captive pawn of the well-heeled moneymen and the sharp media advisor, it will no longer be the champion of the average citizen. At that point, average citizens will have a lot to say about this matter, and they won't require large sums of money to deliver their message."

1989

A SUITABLE TARGET DATE

The Committee on the Constitutional System (CCS) was formed by members of the Council on Foreign Relations (CFR).

CFR member Zbigniew Brzezinski stated in his 1970 book, Between Two Ages : "The approaching two-hundredth anniversary of the Declaration of Independence could justify the call for a national constitutional convention to reexamine the nation's formal institutional framework. Either 1976 or 1989--the two-hundredth anniversary of the Constitution--could serve as a suitable target date...."

**MAKE AS MANY COPIES OF THIS AS YOU POSSIBLY CAN AND
SEND IT TO PEOPLE EVERYWHERE.**

*** ALERT ***

Intercepted CCS plans for 1989-1990

V. How to proceed

Is it necessary to proceed by statutory or constitutional changes, or can the desired results be achieved by changes in party rules, or by changes in the outlook of the political culture? And if we decide that the Constitution must be amended, should we use the only method used thus far, working first through Congress, or would it be better to use the other method provided by the framers: a constitutional convention?

- see page 24 -

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Committee on the Constitutional System

ANNUAL MEMBERS MEETINGS

Auditorium
The Brookings Institution
2 pm, Friday, December 16, 1988

AGENDA

1. Election of Directors
2. Report on the Canadian Election
Gary Levy, Visiting Associate
American Society/Canadian Affairs
3. Preparations for the Debate Book
Donald Robinson
(prospectus attached)
4. Planning for a 1989 Symposium
Lloyd Cutler and James Sundquist
(prospectus attached)
5. Outreach Activities
6. Finances
7. Other Business

Suite 410, 1755 Massachusetts Ave., NW, Washington, DC 20036
Telephone 202/387-8787

Committee on the Constitutional System

ANNUAL MEETING - December 16, 1988

ATTENDANCE LIST

Bruce Adams	Sue McCone
Alberta Arthurs	David McGiffert
Norman Beckman	Nancy Neuman
Robert Bowie	Norman Ornstein
Henry Brandon	Thomas Payne
Janet Brown	Malcolm Peabody
Thomas Burnard	Jessie Rattley
Douglass Cater	Kevin Phillips
William Coleman	Henry Reuss
Lloyd Cutler	Alice Rivlin
Lynn Cutler	Donald Robinson
Douglas Dillon	John Rohr
Supplee Farquhar	Thad Rowland
Henry Fowler	Franklin Salisbury
Erwin Griswold	Peter Schauffler
Matthew Holden	Elvin Sill
Ernest Hollings (David Rudd)	Walter Sherwin
A. E. Dick Howard	A. A. Sommer, Jr.
Steny Hoyer	Elvis Stahr
Nancy Kassebaum (Dave Bartel)	Perry Stambaugh
Gary Levy	Carl Stover
Nancy Altman Lupu	Eugene Straub
Bruce MacLaury	James Sundquist
Mary Ann Madison	Robert Wood
Pete McCloskey	

NOMINATION BY UNANIMOUS CONSENT OF DIRECTORS FOR THE COMING YEAR

Richard Bolling	Hubert Locke
Nicholas Brady	Nancy Altman Lupu
Janet Brown	Bruce MacLaury
James MacGregor Burns	Charles Mathias
William Carey	Donald McHenry
Douglass Cater	Robert McNamara
Gerhard Casper	Martin Meyerson
William Coleman, Jr	Daniel Patrick Moynihan
LeRoy Collins	Nancy Neuman
Lloyd Cutler	Norman Ornstein
Lynn Cutler	Kevin Phillips
C. Douglas Dillon	Jessie Rattley
Ruth Friendly	Henry Reuss
J. William Fulbright	John Rhodes
W. Wilson Goode	Dorothy Ridings
William Green	Sharon Rockefeller
Charles Hardin	W. Thad Rowland, Jr
Alexander Heard	Donna Shalala
Elsie Hillman	Rocco Siciliano
Matthew Holden, Jr	Mary Louise Smith
Ernest Hollings	Elmer Staats
Linwood Holton	Elvis Stahr
A. E. Dick Howard	James Sundquist
Nancy Kassebaum	James Symington
Philip Klutznick	Dick Thornburgh
Glenn Watts	

Committee on the Constitutional System

Financial Statement

Jan. 1, 1988 - Dec. 15, 1988

Cash Balance - 1/1/88 18,839.05

Receipts:

Grants/Contributions	101,500.00
Membership	1,070.00
Royalties	2,109.20
Interest	821.93
Books	20.00
Miscellaneous	187.53

Total Receipts 105,708.66

124,547.71

Less: Disbursements:

Consultants	51,625.00
Travel	4,026.96
Meeting costs	2,595.56
Rent	14,642.68
Telephone	1,452.86
Administrative	547.25
Printing/Postage/Repro	2,061.29
Reports/Books/Booklets	4,654.00
Miscellaneous	512.50

Total Disbursements 82,118.10

Cash Balance - 12/15/88 42,429.61

September, 1988

Prospectus for a Book:

A Government for the Third American Century

by Donald L. Robinson

for the Committee on the Constitutional System

PURPOSE: to provide a "debate book" which considers the need for fundamental reforms of the American political structure. Is the system ready for the challenges of the 21st century? After reviewing the record since mid-century, the book sets forth the cases for and against reform in general, then examines the pros and cons of various specific proposals for statutory and constitutional change.

AUDIENCE: civic groups, such as the League of Women Voters; educational programs sponsored by trade unions, business corporations, partisan committees and the like; undergraduate courses in political science, history and American studies; advanced high school programs. The book will be concrete, specific and vigorously engaged with the concerns of major segments of the population.

HOW THIS BOOK DIFFERS FROM OTHER PUBLICATIONS: this book will be shorter and intellectually more accessible than Reforming American Government (Westview) and Sundquist's Constitutional Reform and Effective Government (Brookings); unlike Reforming American Government, it will be presented, not as an edited collection, but as the work of a single author, a single "voice," though it may be fortified by excerpts from the work of other writers; it will be more comprehensive, and with greater attention to the system as a whole, than the Jefferson Forum pamphlets.

FEATURES: bibliography; questions and discussion starters at the end of each major section; illustrations (photos, drawings, cartoons, graphics)

LENGTH: under 250 pages.

STYLE: in paperback, as inexpensively as possible.

OUTLINE OF CONTENTS

(* means that the section has been drafted.)

* I. Introduction.

It is time to take a fresh look at the question of structural reform. Uncontrolled and mounting deficits, the abuse of war powers, and serious problems with the electoral system raise questions that go to the roots of the system.

The focus of the book is on basic questions of political structure and process, such as interactions between Congress and the presidency, procedures for choosing candidates, the control of war powers and budget making. We will not consider proposals for reform of the judiciary or the bill of rights (on grounds that these do not raise structural issues), nor of the federal system (the existing system provides ways to re-adjust federal relations), nor such proposals as eliminating the bicameral legislature or introducing a parliamentary system (too alien).

II. Signs of Strain: the performance of the American system, 1950-1990

A. Choosing our Leaders

According to the American tradition, governance must be not only effective, but accountable. Reformers have changed the American electoral system continuously since the founding, and especially since the late 1960s, always with the intention of increasing democratic control. The results, however, have been full of ironies. The problems are both obvious (low turnout, high cost, interminable campaigns, tremendous advantage for incumbents) and subtle (a government incapable of coordinating an approach to public problems and an electorate unable to render a coherent judgment on the performance of the government).

* B. Managing the Economy

A complex national economy needs careful management: a stable currency, predictable and effective regulation. It also needs balanced trade in the global economy. The American economy has been ill-served in both respects by the political process.

* C. Controlling the "War Powers"

Two developments -- the establishment of a permanent standing army and the replacement of "no entangling alliances" by a global network of alliances -- have disturbed the balance between president and Congress in the conduct of war powers. A review of events since World War II reveals the continuing tension over procedures in this vital area.

III. Do We Need Structural Reform? Pro and Con

* A. "Don't Fix It": The Case Against Structural Reform.

The system was designed to prevent tyranny. It has done that, by entrenching defensive power in many places. It has also proven capable of concerted action when a broad consensus demands it.

B. The Case for Structural Reform.

The party system collapsed in mid-century, leading to weakened control over nominees and office-holders and a series of divided governments. Divided government in turn contributed to a lack of budgetary discipline and an impaired ability to address and solve pressing problems. In addition, we have not found a way to adapt the framers' intended sharing of war powers to the modern situation.

IV. Proposals for reform: Pros and Cons

This section is the core of the book. It presents reforms -- party rules, new statutes, and constitutional amendments -- that the Committee on the Constitutional System has under consideration. Each proposal is considered critically, with an airing of pros and cons.

NB: Not all of the reforms listed here will be included in the book. Some may be grouped under a single title; others may be eliminated from this volume. Still others that are not here may be added to the final list. The goal will be to feature proposals that the Committee deems most worthy of serious consideration.

A. How we choose our leaders

The way we choose national officials (staggered elections, long ballot, nomination by primaries, heavy use of

television, virtually unlimited campaign financing for Congress) contributes to the centrifugal tendencies of our governing process. Modifications of the electoral law would doubtless have a tremendous effect on the shape and movement of the resulting government, though the consequences would be very difficult to predict and control.

To produce these changes, we might

* adjust the terms of office: four years for all federal elected officials (4-4-4), or four years for representatives and president and six years for senators (4-6-4), or four years for president and representatives and eight years for senators (4-8-4), or a single six-year term for the president.

* adopt a straight party ticket, optional or mandatory

control campaign financing (contributions and expenditures; presidential and congressional; broadcasting; by party rules, statute or constitutional amendment)

repeal 22nd amendment? impose limits on the number of terms an MC may serve?

abolish the electoral college; substitute a straight national popular vote; eliminate the "faithless elector"; have MCs serve as electors

reform nominating conventions and delegate selection (more, or fewer, superdelegates? bicameral conventions?)

hold sequential elections (as in France)

provide for "bonus seats," to be filled by at-large members of Congress drawn from party lists

B. How our government works together

The separation of powers often leads to confrontation and stalemate; nor has it adapted well to the sharing of modern war powers. In approaching these problems, we need to consider, not only the interactions of the two political branches, but their internal workings and the

proliferation of bodies that belong to neither branch (regulatory commissions, independent prosecutors, bilateral commissions).

To deal with these problems, we consider the following reforms:

amend the war powers act to require consultation with a limited number of members of Congress, or add members of Congress to the National Security Council.

clarify the distinction between treaties and executive agreements, and change the majority needed to confirm a treaty (reduce two-thirds requirement? involve the House?)

permit members of Congress to "hold office" in the administration

encourage presidential appearances before Congress (borrowing the "question period" from the parliamentary model)

create a shadow cabinet for the legislative opposition

grant biennial budget authority, with or without a presidential item-veto of appropriations bills

require a balanced budget

provide a legislative veto

develop an expedited legislative procedure for use in various defined emergencies.

institute a ceremonial chief of state; council of elders

eliminate the vice presidency

develop a permanent, professional White House staff; shorten the transition to a new administration

C. What we do when government fails

Regardless of whatever changes we may make in the electoral process or the separated powers, there may come a time when the government fails, whether because of a

protracted deadlock between the elected branches, or a profound and irremediable loss of public confidence in one branch or the other, or corruption in the administration that does not touch the president personally, or whatever. In this event, we may need a mechanism that goes beyond the impeachment power; we may need

dissolution, followed by new federal elections

broadened impeachment power (political, rather than judicial in nature)

a binding referendum, initiative, or recall

D. How reforms interact; possible packages

From Woodrow Wilson, W. Y. Elliott, and Thomas Finletter to Charles Hardin, Henry Reuss, Burns, Robinson and Sundquist, reformers have argued that the ills of the system require a combination of measures and that one reform ought not to be adopted without certain others. In our own group, some members have insisted that extending the term of office for House members without providing a safety-valve in the form of special elections would be dangerous and unacceptable. Others have suggested that members of Congress elected at-large might be good candidates for membership in the president's cabinet.

In this section, we will analyze and critically examine the contention that reforms ought not to be adopted piecemeal, that the whole system needs to be taken into consideration and adjusted, not just one of its parts.

V. How to proceed

Is it necessary to proceed by statutory or constitutional changes, or can the desired results be achieved by changes in party rules, or by changes in the outlook of the political culture? And if we decide that the Constitution must be amended, should we use the only method used thus far, working first through Congress, or would it be better to use the other method provided by the framers: a constitutional convention?

VI. Appendix

text of the Constitution and amendments

text of January, 1987, CCS Report

excerpts from other CCS documents?

Committee on the Constitutional System

Symposium on Divided Government

When George Bush takes the oath of office as president on January 20, the occasion will mark the sixth Inauguration Day among the last nine that a newly-sworn-in Republican president has confronted a Congress in which one or both houses was controlled by the opposition Democratic party. Dwight Eisenhower in 1957 and Richard Nixon in 1969 and 1973 faced Democratic majorities in both House and Senate, and Ronald Reagan in 1981 and 1985 had to deal with a Democratic House. Like Eisenhower and Nixon, President Bush will have to work out a relationship, however friendly or hostile, with the opposition that controls both houses.

This division of the government between opposing parties is a new phenomenon in American politics. During the entire seventy-two-year period between Grover Cleveland's first inauguration in 1885 and Eisenhower's second term beginning in 1957, not once did the American voters send a president to the White House without sending also to Washington a Congress of his own party predisposed to support him and make his term successful. After two years, of course, the opposition party might sometimes win a majority in one or both legislative bodies, but even such occasions were rare. The fifty-eight year period from 1897 through 1954 saw only eight years of divided government--during the terms of President Taft, Wilson, Hoover and Truman--amounting to only 14 percent of the time. But from 1955 through 1990, the government will have been split between the parties for twenty-four of the thirty-six years, or exactly two-thirds of that period.

The United States has thus passed through a momentous transition, from an era in which one or the other of the two major parties was given responsibility for--and held accountable for--enacting and administering the program of the government, to one in which power is divided and neither party can govern responsibly or be held clearly accountable. And this new era is not likely to end soon. Barring a profound political realignment that is not yet visible on the horizon, the House of Representative is sure to be controlled by Democratic majorities well into the next century, and the Senate will also be Democratic most of the time. But the Republican advantage in presidential contests that has been so apparent during the last third of a century is likely to continue also.

Unfortunately, the United States has developed no theory or doctrine as to how a system of divided--or coalition--government can and should operate. In the earlier period of party government, the doctrine was, in contrast, well settled. Political theorists and practicing politicians alike recognized the political party as the institution that served to unite the government, bringing the separated executive and legislative branches into a degree of harmony sufficient to formulate and carry out vigorous and consistent policies. The voters accepted the doctrine of party government as well, normally voting the straight ticket that brought into office a president and a Congress of the same party. The concept was a simple one: The parties would present their programs to the electorate in the campaign, the voters in the election would give the mandate to whichever party they preferred, and the victorious party would enjoy the control of both branches that would enable it under the president's

leadership as head of his party--to carry out that mandate. If the party succeeded in its four years, it would be given another term in office; if not, it would be replaced.

In the new era of divided government, this established and accepted doctrine is obsolete. Both parties, which on many issues may represent sharply opposing views, are given a measure of approval. The president is inaugurated with great fanfare and high expectations as the nation's leader, but he must contend from the outset with legislative bodies dominated by the very men and women who sought most energetically to defeat him in the last election and will be dedicated to vanquishing him, or his party's nominee as his successor, in the next election. The healthy rivalry between opposing parties that is so essential in a democracy is thus translated into what can become debilitating conflict between the institutions of government themselves--the president, Senate, and House that, for anything constructive to happen, must somehow come together and reach agreement. If the government fails to achieve the necessary degree of unity, the parties that control the separate branches can, and do, shift blame to each other, and the voters in their one sovereign act of governance--casting their ballots--cannot render a clear verdict and set the nation's course. No party can be held responsible for the conduct of the government, for none has been in fact responsible. Thus the very elections that are the bedrock on which democracy rests lose their meaning and significance.

The consequences of divided government are today most vividly apparent in the failure of the government during the eight Reagan years to come to grips with the problem that is universally recognized as the overriding issue of the time: The budget deficit that has reached alarming proportions in the 1980s, doubling the total national debt in that period. Indeed, every one of the nine years in the postwar era in which the government's budget deficit exceeded three per cent of the gross national product was a year of divided government. For half a dozen years, until 1987, the leaders of the executive and legislative branches could not even arrange to sit down together in a "summit" meeting to discuss, in a mood of collaboration rather than confrontation, the problem that both sides acknowledged to be paramount. Even then, it took a half-trillion collapse in the stock market to bring about the meeting.

Divided government has its impact on foreign affairs as well, because politics no longer "stops at the water's edge"--if it ever did. During the Reagan years, the Congress and the President have separately pursued diametrically opposed policies in Central America, with the result that the country has had no effective policy at all. In earlier periods of divided government, the branches similarly went their separate ways on crucial issues of foreign and military policy, most notably in the conduct of the Vietnam war.

The Committee on the Constitutional System, in its seven years of deliberations, has concluded that divided government is a fundamental Constitutional problem, and has sought to devise proposals that would reduce the likelihood of governmental division or, when it occurs, mitigate its consequences. These proposals have been distributed widely as topics for discussion, but any ideas for altering the governmental system are not likely to be considered seriously during the first year, -t least, of

President Bush's term--the "honeymoon" period in which the pattern of relationships between the Republican president and the Democratic Congress will take shape. Not only the executive branch but the Senate also will be under new leadership, and a relatively fresh team will lead the House. Accordingly, the Committee believes that the year 1989 is one in which to step back from a position of advocacy, in order to observe closely the workings of divided government in the altered circumstances and reappraise the positions that the Committee has taken based on earlier experience:

We propose, therefore, to assemble a group of scholars and experienced governmental officials to undertake that observation and reappraisal. The participants will include members of the Committee as well as persons who have not been affiliated with the organization and are not necessarily sympathetic to its views. Their product will be a symposium to be written late in 1989 and published in 1990. It will serve as a source book and background document for discussions of the American constitutional system that the committee will be promoting among civic groups and in colleges and universities beginning in that year.

The participants in the symposium will be brought together in two meetings. One will be conducted at the outset of the project, early in 1989, to reach agreement on the general approach and to discuss the coverage of the respective chapters to make sure that all significant aspects of the problem of divided government are covered and to minimize overlap. The second will be held early in December 1989, after each of the chapters has been drafted, in order that the group may critique each chapter and offer suggestions to the author. Final responsibility for each chapter will, of course, remain with the author.

Lloyd N. Cutler, who served as counsel to President Carter, and James L. Sundquist, a senior fellow emeritus of the Brookings Institution, have agreed to serve as co-editors of the symposium.

Following is a tentative outline of chapters, with an indication of the type of authors who will be sought. The names are at this stage only indicative; while some of the persons identified have been approached informally, others have not, pending the availability of funds to assure that the project will proceed. In view of the importance of the issues being dealt with, however, there will be no difficulty in enlisting the participation of outstanding scholars and practitioners with long experience in governmental affairs.

Part One: Introduction

Chapter 1, Overview. A definition of the problem of divided government with which the book will deal. A review of its origins in the electoral process and an account of the difficulties, as well as the advantages, that flow from it. A summary of the themes that will be treated in the separate chapters that follow, and of the conclusions that individual writers have reached. Possible author: Lloyd Cutler.

Chapter 2, Divided Government in Historical Context. An analysis of the role of government in Twentieth Century America and a review of the

Draft of November 16, 1988/4

workings of the government, in this century, during times of division and times of unity. Possible author: James MacGregor Burns, Otis Graham.

Part Two: Institutional Performance in 1989

Chapter 3, The Bush Approach to Divided Government. An account of how the Bush administration handled congressional relations in its first year of divided government. Was the President's approach essentially confrontational, as was the case with some of his Republican predecessors, or conciliatory and compromising, as was the case with others? What was the effectiveness of the approach he chose? How did he organize the policymaking process within the executive branch and relate this process to the congressional processes, and how did he conduct day-to-day relations with the congressional leaders? Author: Either an academic student of the presidency, such as Stephen Wayne or James Pfiffner, or a former White House staff member, such as Douglass Cater, James Cannon or Stuart Eizenstat.

Chapter 4, The House Approach to Divided Government. An analysis of the policymaking processes of the House of Representatives and the way in which the Democratic House organized itself to deal with the Republican president. Again, was the approach, on the basic issues, essentially confrontational or conciliatory and compromising? Did the majority party reach an understanding, however implicit, as to what the relationship should be, and was it cohesive, vigorous, and efficient in proceeding according to any such understanding. Or was the President able to circumvent the House Democratic organization and form shifting bipartisan coalitions to achieve his goals? How well did the Democratic House and Senate majorities collaborate to attain a unified Democratic posture vis-a-vis the President? Author: A recognized academic authority on Congress, such as Norman Ornstein, Robert Peabody, Roger Davidson, or Lawrence Dodd.

Chapter 5, The Senate Approach to Divided Government. The same range of questions and the same list of potential authors.

Chapter 6, Divided Government as Seen from Capitol Hill. An account of how the fact of divided government affects the conduct of an individual member of the Congressional majority. How does he or she respond to the conflicting pressures from the Democratic party leadership and from the executive branch, and to such constituency pressures as the President may be able to mobilize by going "over the heads" of the members in appeals to the people. Author: A member of Congress with an established reputation as a scholar as well as a politician, such as David Price (a political science specialist on Congress before his election) Lee Hamilton, or Daniel Patrick Moynihan. A second contribution might be sought from a Republican member, such as Senator Nancy Landon Kassebaum.

Part Three: Case Studies of Executive Legislative Relationships in 1989

Chapter 7, The Budget Deficit. A review of how the problem that is universally-recognized as the central issue of 1989 was handled by divided government in that year. Were the difficulties of split responsibility overcome in a responsible fashion, or was the year marked by deadlock and

failure? What are the implications of the budget experience for the development of doctrine to govern the operation of coalition government in the United States? Possible author: Bruce MacLaury, Alice Rivlin, Allen Schick, Herbert Jasper.

Chapter 8, Domestic Policy. An appraisal of executive-legislative relationships in policymaking in areas of domestic policy that received attention during the 1988 campaign, such as education, environmental protection, health care, housing, and child care. Was the relationship essentially one of stalemate between the parties, or was some degree of collaboration achieved? What are the lessons from the success stories, if any, as to the development of institutional devices that will make coalition government work? Possible author: James Sundquist.



Chapter 9, Foreign and Military Policy. The same range of questions, with special consideration of the impact of the two-thirds requirement for treaty ratification on arms control negotiations. Possible author: I. M. Destler.

Chapter 10, International Economic Policy. The same range of questions. Possible author: C. Fred Bergsten, Pietro Nivola.

Chapter 11, The War Power. An examination of how the Constitutional conflict between the branches over the power to engage the United States in hostilities played out in 1989. An appraisal of the War Powers Resolution of 1973 in the light of the most recent experiences of interbranch conflict, and of possible ways of resolving the Constitutional issues and arriving at a sound and acceptable division of responsibility. Possible author: Donald L. Robinson, Kenneth Sharpe.

Chapter 12, Congressional Oversight of Administration. A review of oversight activities in 1989, and an appraisal as to how such activities are influenced, for better or worse, by the fact of divided government. Did the Democratic Congress overstep reasonable bounds in attempting not only to enact policy but to administer it as well? Did party divisions lead to withholding information by the executive branch, as had been the case in earlier periods of divided government--notably in the Iran-contra affair? Possible author: Louis Fisher, Walter Oleszek, Joel Aberbach.

(Note: Other case studies may be added to this part if new issues become the focus of attention in 1989.)

Part Five: Conclusion.

Chapter 13, A Look Into the Future. Drawing upon all of the preceding chapters, a general discussion of the outlook for the American form of coalition government, and an appraisal of the strengths and weaknesses of the Constitutional system. Speculation about the direction that any reconsideration of that system should take, and about the possibilities of constructive modifications of the system. Possible author: C. Douglas Dillon.

THE HIDDEN AGENDA

Secretly for five days, Feb.2-6, 1987, the officers of a private organization held their council meeting in Moscow with Gorbachev and other party elders at their invitation. Those attending the Soviet Socialist Party government meeting included the Chairman, Vice- Chairman, President, Executive Vice- Pres., Editor of "Foreign Affairs", key Board members and the Staff Director of the organization's "East- West Project".

Perhaps most significant is that the organization's annual report for 1987 further revealed that their membership included TWO HUNDRED AND SIXTY-TWO listed as being "journalists, correspondents, and communication executives".

This private organization of media owners and agents was making plans soon to be implemented that would involve every American.

Subsequently, Gorbachev delivered his Moscow address on Nov.2,1987 to his Socialist Party members and this was published in the Winter 1987/88 edition of "Foreign Affairs". Gorbachev said therein: "Together with our allies, we defeated the imperialist strategy of 'rolling back socialism'.....Naturally, there have been changes in Lenin's concept of peaceful coexistence....the reasons for this include the internationalization of world economic ties....the essentially novel role played by the mass media....".

NOVEL ROLE PLAYED BY THE MASS MEDIA

The "novel role" was immediately seen the very next month with Gorbachev's triumphant visit to the White House on America's Day Of Infamy-December 7th and his claim of having "defeated the imperialist" was validated to his party faithful and the captive nations as the American President ordered the crushing, cutting, and burning of America's defensive medium and shorter-range missiles in Europe and an endless stream of foreign agents inspecting continuously each factory that manufactured any component.

The "novel role" was to sell the satisfied smile of the Soviet Party leader Gorbachev as one of "friendship" in a massive Moscow media-bltz. The task had been a Moscow media masterpiece because of boldness by members of the above private group- the Council on Foreign Relations (CFR). In fact CFR Director Robert F. Erburu, CFR member Norman Ornstein and others concluded from the computer studies that "two-thirds of the most sophisticated and influential Republicans and Democrats hold a favorable view of Mikhail Gorbachev".

THE BUDGET CONVENTION "MIGHT WANDER"

So reported CFR member Aaron Wildavsky while other members of this "novel role" group have set their goal for the "party system" of government to replace the present constitutional system with sweeping changes. Two "former Directors" Lloyd Cutler and Douglas Dillon both current members of the CFR private group have founded a committee to prepare and advocate their proposals in anticipation of "a stupendous international or foreign-policy crisis" providing a "detonating event" resulting in party government during a "revolutionary crisis".

This Cutler-Dillon Committee on the Constitutional System (CCS) met on December 16, 1988 at the Brookings Institution. Discussed was the prospectus for their advocacy book: A Government for the Third American Century by their Research Director Donald L. Robinson. Targeted for 1990 are students in "undergraduate courses in political science, history, and American Studies, advanced high school programs" and others.

CCS Research Director Donald Robinson's party government proposals will be cleverly packaged in a debate format "specific and vigorously engaged with the concerns of major segments of the population". These of course are revealed in the same computer data collection of Erburu-Ornstein mentioned above-The People Press & Politics study of 1987 by the Times Mirror. Yes, 47% of adults cite "deficits" as the "top problem". Both a "balanced budget" and a "constitutional convention" are among Director Robinson's debate topics which also include a ruling "council of elders" or wise men.

In the same issue of "Foreign Affairs" with Gorbachev's speech to the party faithful was an article by CFR member George R. Packard entitled "The Coming U.S.-Japan Crisis". As a solution George Packard suggests an international body be permanently established as a "Wise-men's Commission" to exercise the powers of both Congress and the Japanese Diet with a skilled permanent staff.

While almost a trillion dollars have been loaned to the U.S. Treasury by Japanese Banks to fund foreign "aid and trade" and foreign aid has reached a trillion to socialist governments, the "aid" became Taxpayer "debt" as it passed through the Congress. Average Americans know the method of destroying any government is to make them a "debtor" and THEN refuse to renew loans unless a revolutionary crisis convention is held.

A Moscow style Council of Elders or Wise-men must be rejected by all State Legislators. A budget convention must not be triggered.

A "SAFE" CONVENTION

Every episode in the socialist world government plot has been disguised by a cloak of brazen falsehoods and a blatant pretense of noble aims. This is the central strategic concept of socialism known as the Principle of Reversal (BIG LIE).

For example, the "foreign aid" debt and deficit scheme was designed by the "novel role" group member George F. Kennan while Soviet Ambassador writing in "Foreign Affairs" in 1947 as "Mr.X". (His true identity was revealed by the editor of "Foreign Affairs" FOURTY YEARS later on pg.19 of the 1986 CFR annual report.) The scheme was successful in making America a vulnerable "debtor" (Constitution at risk) nation.

In the present example, the debt and deficit "bait" to trigger a constitutional convention could have followed the projection of "former" CFR member James 'turn the founders upside down' Burns: "Why not hold a second grand constitutional convention-in Philadelphia in 1987!-and draft a brand-new twenty-first-century charter?" As a Director of the Cutler-Dillon Committee, Burns has acknowledged such basic "structural change would probably take a decade or two, if possible at all."

As CFR member Aaron Wildavsky pointed out, a convention interacting with a crisis might "wander". Indeed the refusal to renew debt could easily be made to coincide with a triggered convention, producing the event desired by enemies of freedom since our nation was founded-that of a "revolutionary crisis".

The question at all times for this group of Gorbachev's "allies" has been how far they dared to go in the use of their invisible power without stirring up opposition within our government itself which would weaken their influence, and without alerting the American people to increasing awareness of what is really happening.

May God send us men and women who will represent our constitutional republic and have the courage to defend it.

IF YOU AS A STATE LEGISLATOR KNEW THERE WERE A FINANCIAL CRISIS SCHEME AND A DEBATE PLOT DESIGNED TO TRICK YOU INTO CALLING A CONSTITUTIONAL CONVENTION, WOULD YOU FALL FOR IT ???

Be Aware of the Crisis!

WHO IS JIM DAVIDSON? (ONE OF VIDAL'S LEADERS "DISGUISED AS CONSERVATIVES," AND THE FOUNDER AND CHAIRMAN OF THE NATIONAL TAXPAYERS UNION AND THE DRIVING FORCE BEHIND THE CONSTITUTIONAL CONVENTION.)

IN HIS OWN BOOK: BLOOD IN THE STREETS, JIM DAVIDSON DESCRIBES HIMSELF AS A CO-DIRECTOR WITH GILBERT DeBOTTON (FORMER PRESIDENT OF THE ROTHSCHILD BANK IN ZURICH), SIR WILLIAM REES-MOGG AND OTHERS IN THEIR MUTUAL FUND: "CROSS MARKET OPPORTUNITY FUND." DAVIDSON STATES HIS FIRM, WITH BROWN BROTHERS, HARRIMAN & COMPANY, AS THE CUSTODIANS, INVESTS USING THE PRINCIPLE OF BLOOD IN THE STREETS (BASED UPON RAW POWER).

THESE QUOTES FROM AUTHOR JIM DAVIDSON'S BOOK MAY REVEAL INSIGHT INTO WHAT A CONSTITUTIONAL CONVENTION COULD DO BY A SIGNAL TO WORLD MARKETS IN REGARD TO THE FINANCIAL STABILITY OF THE U.S. GOVERNMENT WITH ITS CONSTITUTION ON THE SURGICAL TABLE FOR STRUCTURAL CHANGES. WRITING ON PAGE 23 UNDER THE CAPTION, "THE SECRETS OF MEGAPOLITICS" (RAW POWER), DAVIDSON SAYS: "WE BELIEVE THAT THE WORLDWIDE ECONOMIC COLLAPSE THAT BEGAN IN 1929 HAD ORIGINS IN THE HIDDEN WORKINGS OF MEGAPOLITICS." (RAW POWER).

ON PAGE 27 DAVIDSON CONTINUES DESCRIBING SUCH A MANUFACTURED CRISIS AS THAT OF 1929 WITH REGARD TO TODAY:

"UNDERSTANDING POWER AND THE PATTERNS OF BEHAVIOR THAT ARE INSTIGATED BY SHIFTS OF POWER IS THE KEY TO UNDERSTANDING THE WAY THE WORLD WORKS."

"THE VERY FOUNDATIONS OF POLITICAL STABILITY UPON WHICH PROSPERITY RESTS ARE SEVERELY WEAKENED."

ON PAGE 30, HE WRITES UNDER THE CAPTION "WHY WE ARE PUBLISHING THIS ANALYSIS":

"THE ANSWER HAS SEVERAL PARTS. ONE PART, OF COURSE, IS THAT WE WERE PAID TO WRITE THIS BOOK."

AND ON PAGE 31:

"GREAT INVESTORS HAVE MANY OF THE SAME SKILLS AS GREAT DETECTIVES. THESE ARE NOT SKILLS THEY ARE BORN WITH. THEY ARE NOT MAGIC. THEY ARE SKILLS THAT YOU CAN OBTAIN BY TRAINING YOUR MIND TO LOOK FOR THE HIDDEN CONNECTIONS BETWEEN THINGS."

ON PAGE 34, MR. DAVIDSON SAYS:

"THE STORY OF THIS BOOK IS THE STORY OF RAW POWER AND THE WAYS OF POWER."

WHILE THE ABOVE QUOTES MAY NOT SUGGEST A GROUP OF INSIDERS POISED TO DEVELOP A STOCK MARKET TRADING SCENARIO LIKE 1929, OTHERS INVOLVED IN THE N.T.U. HAVE PREPARED NUMEROUS AMENDMENTS AND PLANS FOR A NEW CONSTITUTION BASED ON SUCH A CRISIS. LET US NOW ASK: WHO IS HENRY HAZLITT? (ANOTHER OF VIDAL'S LEADERS, "DISGUISED AS CONSERVATIVES," ADVISOR OF THE NATIONAL TAXPAYERS UNION AND AUTHOR OF A NEW CONSTITUTION NOW.)

NATIONAL TAXPAYERS UNION ADVISOR, HENRY HAZLITT WROTE IN HIS BOOK, A NEW CONSTITUTION NOW, IN 1942, AN OUTLINE FOR A PARLIAMENTARY FORM OF GOVERNMENT FOR THE THEN WAR "CRISIS" AND RE-PUBLISHED HIS BOOK FOR THE 1974 "WATERGATE CRISIS."

AS JIM DAVIDSON'S INVESTORS PREPARE FOR RAW POWER EVENTS LIKE THAT OF 1929, THE "CRISIS" THEME OF PARLIAMENTARY GOVERNMENT PROPONENT HENRY HAZLITT IS LIKEWISE ECHOED IN THE 1980'S BY NUMEROUS CO-DIRECTORS OF THE COMMITTEE ON THE CONSTITUTIONAL SYSTEM (C.C.S. DIRECTOR, DICK THORNBURGH IS ALSO A CO-CHAIRMAN OF THE NATIONAL TAXPAYERS UNION).

C.C.S. DIRECTOR JAMES SUNDQUIST AUTHORS A BOOK HIMSELF IN 1986: CONSTITUTIONAL REFORM AND EFFECTIVE GOVERNMENT IN WHICH HE SAYS WITH REGARD TO PROPOSED CHANGES IN THE CONSTITUTION ON PAGES 250-251:

NOTHING IS LIKELY TO HAPPEN SHORT OF CRISIS WHICH IS, OF COURSE, THE CASE WITH ALL FUNDAMENTAL CONSTITUTIONAL REFORM, IN EVERY COUNTRY IN THE WORLD AND THROUGHOUT HISTORY." "ALL OF THE SEEMINGLY INSURMOUNTABLE OBSTACLES TO CONSTITUTIONAL CHANGE COULD BE OVERCOME, OF COURSE, IF THE GOVERNMENT WERE INDEED TO FAIL, PALPABLY AND FOR A SUSTAINED PERIOD."

MR. SUNDQUIST STATES ON PAGE 223: "A MEANS OF OVERCOMING THE CHECKS AND BALANCES COULD BE MADE AVAILABLE THROUGH CONSTITUTIONAL AMENDMENT. THAT IS THE DEVICE OF THE REFERENDUM BY WHICH THE PEOPLE THEMSELVES VOTE YES OR NO ON A CONSTITUTIONAL PROPOSITION."

THUS, A PACKAGE OF AMENDMENTS COULD RIDE THE HAZLITT/SUNDQUIST TYPE PROPOSED REFERENDUM AS IT IS RATIFIED. (SEE REFORMING AMERICAN GOVERNMENT, PAGE 258.)

C.C.S. CO-FOUNDER, DOUGLAS DILLON (AUTHOR, C.C.S. DIRECTOR WITH C.C.S. DIRECTOR DICK THORNBURGH, CO-CHAIRMAN OF THE N.T.U.) SAYS ON PAGES 27,28,29 OF REFORMING AMERICAN GOVERNMENT:

"TODAY THE QUESTION 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. YOU MAY ASK 'WHAT IS THE ALTERNATIVE?' THE ANSWER COULD WELL BE SOME FORM OF PARLIAMENTARY DEMOCRACY." "SUCH A SIGNIFICANT SHIFT IN OUR CONSTITUTION IS UNLIKELY TO COME ABOUT EXCEPT AS A RESULT OF A CRISIS" "A DEPRESSION COMPARABLE TO THAT OF THE THIRTIES" "ROARING INFLATION."

C.C.S. DIRECTOR JAMES M. BURNS (ALSO ANOTHER C.C.S. CO-DIRECTOR WITH DICK THORNBURGH, CO-CHAIRMAN OF THE N.T.U.) SAYS ON PAGE 162 OF REFORMING AMERICAN GOVERNMENT:

"I DOUBT THAT AMERICANS UNDER NORMAL CONDITIONS COULD AGREE ON THE PACKAGE OF RADICAL AND 'ALIEN' CONSTITUTIONAL CHANGES THAT WOULD BE REQUIRED. THEY WOULD DO SO, I THINK, ONLY DURING AND FOLLOWING A STUPENDOUS NATIONAL CRISIS AND POLITICAL FAILURE."

ON PAGE 160, MR. BURNS SAYS:

"IF WE ARE TO 'TURN THE FOUNDERS UPSIDE DOWN' TO PUT TOGETHER WHAT THEY PUT ASUNDER - WE MUST DIRECTLY CONFRONT THE CONSTITUTIONAL STRUCTURE THEY ERECTED."

SOME WILL ARGUE THAT N.T.U. CHAIRMAN JIM DAVIDSON MAY KNOW NOTHING OF THE PLANS OF HIS ADVISOR HENRY HAZLITT, OR OF HIS N.T.U. CO-CHAIRMAN DICK THORNBURGH'S GROUP, THE C.C.S. SOME WILL ARGUE THAT DAVIDSON IS WRONG WHEN HE SAYS ON PG. 23 OF HIS BOOK: BLOOD IN THE STREETS THAT "THE WORLDWIDE ECONOMIC COLLAPSE THAT BEGAN IN 1929 HAD ORIGINS IN THE HIDDEN WORKINGS OF MEGAPOLITICS" (RAW POWER). OTHERS WILL SAY HE IS WRONG WHEN HE SUGGESTS ON PG. 31: "TRAINING YOUR MIND TO LOOK FOR THE HIDDEN CONNECTIONS BETWEEN THINGS."

- 3 -

BUT LET US EXAMINE THE "CONFIDENTIAL" BUDGET OF JIM DAVIDSON FOR HIS N.T.U. ORGANIZATION IN WHICH MR. DAVIDSON BUDGETS \$930,000 FOR "NATIONAL REFERENDUM" AND \$350,000 FOR "TELEVISION/RADIO CAMPAIGN FOR NATIONAL REFERENDUM." (A NATIONAL REFERENDUM AMENDMENT IS AMONG THE PROPOSALS OF N.T.U. ADVISOR HAZLITT IN HIS 80-PAGE OUTLINE FOR PARLIAMENTARY GOVERNMENT AND ALSO AMONG THE DOZEN AMENDMENTS PROPOSED BY C.C.S. DIRECTOR DICK THORNBURGH'S GROUP IN THEIR PAPERS PUBLISHED IN 1985 AS REFORMING AMERICAN GOVERNMENT, PAGES 258-259.)

FURTHERMORE, MR. DAVIDSON BUDGETS \$405,000 "TO PETITION CONGRESS TO CALL FOR A CONSTITUTIONAL CONVENTION" BY STRATEGY TO PRESSURE STATE LEGISLATURES"

WHO IS DICK THORNBURGH? (ANOTHER OF VIDAL'S LEADERS, "DISGUISED AS CONSERVATIVES," CO-CHAIRMAN OF THE NATIONAL TAXPAYERS UNION COMMITTEE: "CITIZENS FOR A BALANCED BUDGET AMENDMENT".)

DICK THORNBURGH IS ALSO LISTED AS A DIRECTOR OF THE C.C.S. PARLIAMENTARY GOVERNMENT GROUP ON PG. 334 OF HIS C.C.S. PUBLICATION: REFORMING AMERICAN GOVERNMENT AND CONTRIBUTES TO THE PUBLISHED PAPERS. N.T.U. CO-CHAIRMAN DICK THORNBURGH EXPOSED HIS C.C.S ORGANIZATION'S PLANS IN HIS OCTOBER 21, 1986 TESTIMONY BEFORE THE TRENTON, N.J. STATE LEGISLATURE:

"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."

SOME WILL ARGUE THAT IT IS ONLY COINCIDENCE WHEN WE NOTE THAT N.T.U. CHAIRMAN JIM DAVIDSON MENTIONED TWO OF THE DOZEN STRUCTURAL CHANGES PROPOSED BY THE C.C.S. WHEN HE WAS INTERVIEWED BY THE L.A. TIMES, AND ON FEBRUARY 18TH, 1984, THE TIMES QUOTED JIM DAVIDSON:

"A CONVENTION COULD INTRODUCE OTHER MECHANISMS FOR BALANCING BUDGETS AND FOR EXCEPTIONS TO BALANCED BUDGETS."

ACCORDING TO THE FEBRUARY 18TH, 1984 L.A. TIMES ARTICLE, "DAVIDSON SAID THESE MECHANISMS MIGHT INCLUDE A PROVISION FOR VETOES OF PARTS OF BILLS, AND FOR NATIONAL REFERENDUMS ON WHETHER A SPECIFIC BUDGET SHOULD INCLUDE A DEFICIT."

YES, THE B.B.A. IS THE "KEY" TO OBTAINING CONVENTION TO "INTRODUCE OTHER MECHANISMS" MENTIONED BY N.T.U. CHAIRMAN JIM DAVIDSON. TWO OF THESE SPECIFICALLY MENTIONED BY DAVIDSON ARE AMONG THE DOZEN PROPOSED BY N.T.U. CO-CHAIRMAN JIM THORNBURGH'S C.C.S. GROUP, HEADED BY LLOYD CUTLER AND DOUGLAS DILLON.

SOMEONE SHOULD POINT OUT TO MR. DAVIDSON THAT THE USE OF FUNDS BY HIM IN HIS N.T.U. BUDGET FOR ADVOCACY OF THE NATIONAL REFERENDUM AMENDMENT IS PRECISELY WHAT HIS N.T.U. ADVISOR, HENRY HAZLITT, HAS PROPOSED AS "THE INTERMEDIATE STEP" IN HIS BLUEPRINT FOR PARLIAMENTARY GOVERNMENT BOOK: A NEW CONSTITUTION NOW:

"I HAVE RECOMMENDED THE INTERMEDIATE STEP OF AN AMENDMENT OF THE AMENDING PROCESS BEFORE UNDERTAKING A MORE EXTENSIVE DIRECT REVISION OF THE CONSTITUTION." (PG. 273).

"ONCE THIS IS DONE, WE SHALL BE IN A POSITION TO CONSIDER CONSTITUTIONAL REVISION REALISTICALLY, AND WITH CLEAR MINDS." (PG. 276).

"IF THE STATE LEGISLATURES COULD BE BROUGHT TO ACT UNDER THE PRESENT CONSTITUTION, THEY COULD TAKE A GREAT FORWARD STEP IMMEDIATELY. BUT THEY WOULD BE LIKELY TO ACT ONLY IF PUBLIC OPINION REACHED A CRITICAL STAGE" (PG. 273).

"A MEASURE ONCE ACCEPTED BY REFERENDUM ACQUIRES SO SACROSANCT A QUALITY THAT NO LEGISLATURE DARES TO TOUCH IT." (PG. 158).

THE ONLY SOUND USE FOR THE REFERENDUM IS IN THE ADOPTION OF CONSTITUTIONAL AMENDMENTS, FOR NO LEGISLATURE CAN BE SAFELY DEPENDED UPON TO DECIDE THE LIMITS OF ITS OWN POWER AND AUTHORITY." (PG. 158).

MR. HAZLITT PROPOSES AMENDMENT TO ARTICLE V - AMENDING THE AMENDING DEVICE.

"IF AN AMENDMENT IS SUBMITTED DIRECTLY TO THE QUALIFIED VOTERS OF THE STATES, IT SHALL BECOME PART OF THIS CONSTITUTION IF APPROVED BY A MAJORITY OF ALL THE VOTERS OF THE NATION IN A MAJORITY OF THE STATES." (PG. 267).

"IT WOULD MAKE POSSIBLE,, THE SUBMISSION AND RATIFICATION OF AN AMENDMENT WITHIN A PERIOD OF A FEW MONTHS - OR EVEN WITHIN A FEW WEEKS IF CONGRESS THOUGHT AN EMERGENCY REQUIRED IT." (PG. 268).

"I CONFESS I CAN SEE NO STRONG OBJECTION TO ANY PROPOSAL TO REVISE THE CONSTITUTION BY CALLING A CONVENTION." (PG. 270).

"FIRST, IF WE MAKE THE AMENDMENT PROCESS ITSELF SIMPLE AND EXPEDITIOUS, THEN WE CAN AT THE SAME TIME PASS AN AMENDMENT CALLING FOR SUCH A CONSTITUTIONAL CONVENTION." (PG. 271).

"TO BEGIN WITH, IT IS NOT NECESSARY TO CALL A CONSTITUTIONAL CONVENTION TO REVISE THE CONSTITUTION COMPLETELY, RATHER THAN MERELY TO 'AMEND' IT." (PG. 271).

"IN THE SAME WAY, AN 'AMENDMENT' TO THE CONSTITUTION COULD BE PROPOSED THAT WOULD STRIKE OUT EVERYTHING AFTER THE PARAGRAPH 'WE THE PEOPLE DO ORDAIN AND ESTABLISH THIS CONSTITUTION' THIS AMENDMENT COULD BE IN ITSELF, AN ENTIRELY NEW CONSTITUTION, AND IF IT WERE RATIFIED BY POPULAR REFERENDUM, 'WE THE PEOPLE' WOULD INDEED BE ORDAINING AND ESTABLISHING A CONSTITUTION IN A FAR MORE LITERAL SENSE THAN DID 'THE PEOPLE' OF 1789." (PG. 271).

SOME PEOPLE MAY BELIEVE THAT JIM DAVIDSON HAS READ THESE BOOKS. LEGISLATORS SHOULD DO SO. OUR NATION ~~MAY~~ BE IN PERIL IF WE DO NOT BECOME AWARE OF THESE "LEADERS".

WILL

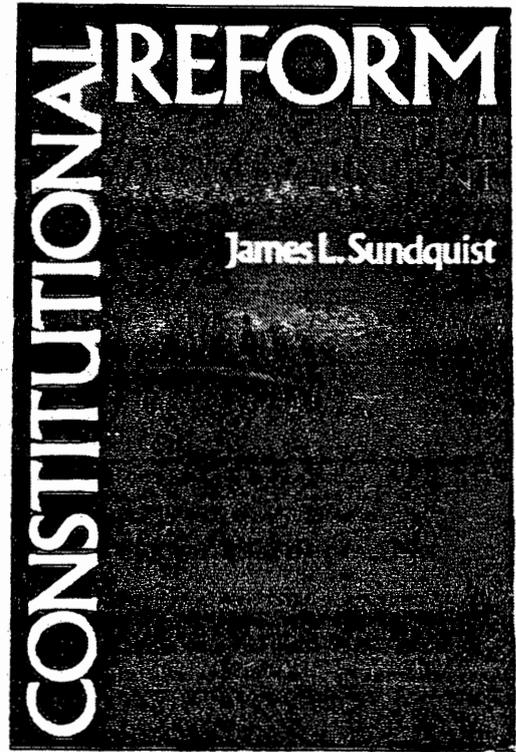
THE CRISIS

These are quotes from:

CONSTITUTIONAL REFORM AND
EFFECTIVE GOVERNMENT

by James L. Sundquist,
CCS Director

ISBN 0-8157-8227-6



"Nothing is likely to happen short of crisis--which is, of course, the case with all fundamental constitutional reform, in every country of the world and throughout history." - page 251

Page: Forward

"The author wishes to thank Paul E. Peterson, director of the Brookings Governmental Studies program, James W. Fesler, Peter P. Schaffler, Nathan Tarcov, Aaron B. Wildavsky, and an anonymous reader for their careful reviews of the entire manuscript and their penetrating criticisms and suggestions."

"The Brookings Institution deeply appreciates financial assistance for this study from the American Express Foundation, the Dillon Foundation, the Ford Foundation, the William and Flora Hewlett Foundation, and the Rockefeller Foundation."

Bruce K. MacLaury, President

Note: Bruce K. MacLaury is a Director of The Committee on the Constitutional System (CCS) and a member of the Council on Foreign Relations (CFR) and Trilateral Commission (TC) in addition to being President of the Brookings Institution, a CFR dominated think tank, whose Chairman of the Board is Robert V. Roosa also CFR, TC, a Rhodes Scholar and Roosa is also a partner in Brown Brothers Harriman & Co., of which company nine of 26 partners in the 1970's were also Yale members of a secret society called The Order of the Skull & Bones. It is commonly just called The Order.

Professor Antony C. Sutton in his book,
America's Secret Establishment--An
Introduction to the Order of Skull
& Bones

Liberty House Press ISBN 0-937765-02-3

States:

'Members of the CFR, when accused of being involved in a conspiracy, have protested to the contrary. And by and large they are right. Most CFR members are not involved in a conspiracy and have no knowledge of any conspiracy. And some personally known to the author are about the last people on earth to get involved in an illegal conspiracy.

HOWEVER, there is a group WITHIN the Council on Foreign Relations which belong to a secret society, sworn to secrecy, and which more or less controls the CFR. CFR meetings are used for their own purpose, i.e., to push out ideas, to weigh up people who might be useful, to use meetings as a forum for discussion.

These members are in The Order. Their membership in The Order can be proven. Their meetings can be proven. Their objectives are plainly unconstitutional. And this ORDER has existed for 150 years in the United States."

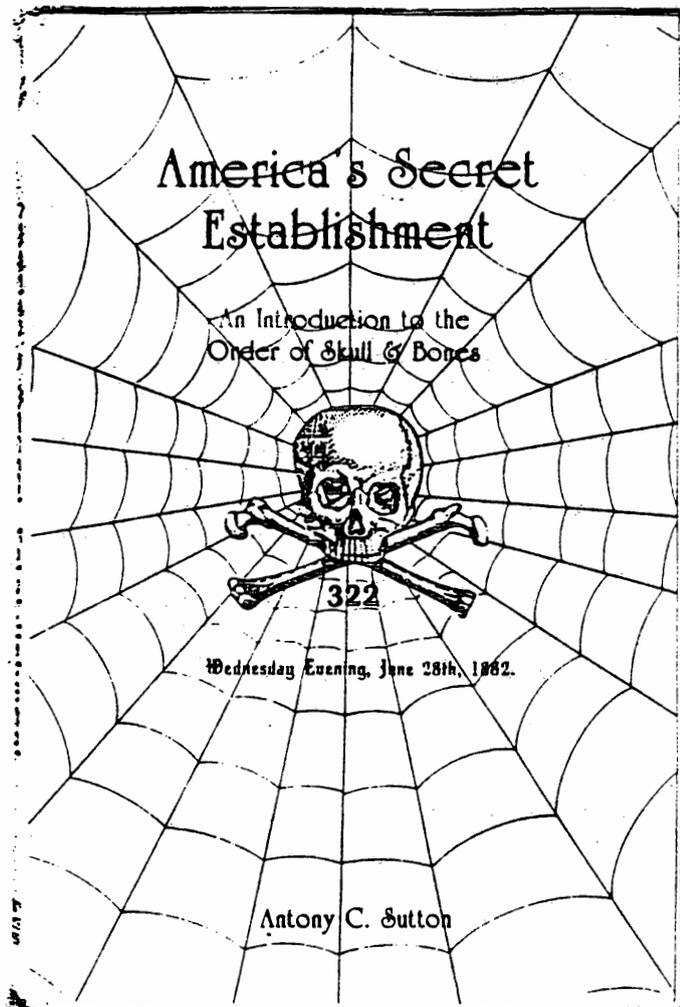
- pages 3-4

Page: Cover Jacket

"This is a remarkably good book. It is cool, thoughtful, insightful, balanced, and wise. It has anticipated what will undoubtedly be considerable public debate...the book is splended and should find a wide audience."

Aaron Wildavsky

Note: Members of the Council on Foreign Relations (CFR) founded an organization whose sole purpose is "to turn the founders upside down"--the founders of the U.S. Constitution. The name of this organization is The Committee on the Constitutional System (CCS). The CCS has already stated: "And if the pending call for a constitutional convention to propose a 'balance the budget' amendment is joined by the two additional states needed to provide the triggering two-thirds - an outcome we do not favor - our committee may be ready with some better ideas." Why then is Aaron Wildavsky, a CFR member working with Lewis K. Uhler, the President of The National Tax Limitation Committee (NTLC), whose organization wants a convention and should a CFR member be giving "assurances" to State Legislators about a convention? ? ?



Note: Aaron Wildavsky is a reviewer of Constitutional Reform and Effective Government and the CFR member who authored the tract The Runaway Convention or Proving a Preposterous Negative in which he says a convention might "wander" during a CRISIS, "Right in the midst of this chaos comes a budget convention. Might not the general sense of crisis be transferred to this body, which might seem to come to be the only hope? It might."...they could quickly get a mere two-thirds of the states to call a Convention for radical revision."

"Parliamentary democracy is not a model to be adopted in its entirety, supplanting the entire U.S. constitutional structure with something new and alien." - page 15

"Many of the specific changes that have been under consideration by The Committee on the Constitutional System (CCS) are adapted from parliamentary systems...." - page 15

"The purpose of this book is to examine what some of the incremental steps might be...." - page 15

"Should the balanced budget movement succeed in compelling a convention, then, and that body decide to consider additional matters, critics of the governmental structure would have an opportunity to advance any proposals...." - page 245

"...Hazlitt would center power in a cabinet drawn only from the House and responsible to it, headed--like MacDonald's cabinet--by a premier designated by the president. Since the president's role would be so largely ceremonial, Hazlitt would dispense with direct election and permit the Congress, with the two houses sitting jointly, to choose the chief of state. If the premier lost a vote of confidence, he would have the choice of resigning or dissolving the Congress. In the latter case, a new election would fill all the legislative seats and the new Congress would either support the outgoing premier or choose a new one. Hazlitt also argued for a simplified amendment process."

- page 71

"William MacDonald in 1921...thoughtfully set forth the advantages of the British parliamentary system. To convert the United States government into a parliamentary form, he proposed that the president select a 'premier' from among members of the Congress, that the premier head a cabinet made up of legislators, and that the cabinet resign whenever it lost the confidence of both houses." - page 70

"The most powerful of the proposals, in terms of potential subversal of the executive-legislative balance, would be the item veto in any form that required a two-thirds majority of both houses to override the president." (This is the "line item veto" being media promoted as something "good") - page 237

"...An ideal series of amendments to the American Constitution would include these..."

1. "The team ticket"
2. "Four-year House terms and eight-year Senate terms."
3. "A method for special elections to reconstitute a failed government."
4. "Removal of the prohibition against dual office holding."
5. "A limited item veto."
6. "Restoration of the legislative veto."
7. "A war powers amendment."
8. "Approval of treaties by a majority of the membership of both houses."
9. "A national referendum to break deadlocks."

- pages 240-241

REMEMBER:

"Nothing is likely to happen short of crisis--which is, of course, the case with all fundamental constitutional reform, in every country of the world and throughout history." - page 251

Note: The committee on the Constitutional System (CCS) Director James Sundquist has revealed much on page 245, "Should the balanced budget movement succeed in compelling a convention....", then the "reform" planners would be provided the world-wide economic CRISIS ensuing from this constitutional crisis for the implementation of their radical revision. The scenario is outlined by CCS Directors and plotted with a specific course of action in the CCS's outreach program of November 20, 1986.

THE PEOPLE INVOLVED...

The NATIONAL TAX LIMITATION COMMITTEE:

Lewis K. Uhler, President and Director*
William H. Shaker, Director*
Robert B. Carleson, Director*
Jameson G. Campaigne, Director*
Wm. Craig Stubblebine, Director*

George Champion, Founder/Sponsor
M. Stanton Evans, Founder/Sponsor
Allan Grant, Founder/Sponsor

* Also Founder and Sponsor

Allan Grant, Founder/Sponsor
James M. Hall, Founder/Sponsor
Clare Boothe Luce, Founder/Sponsor
Henry Manne, Founder/Sponsor
Vern I. McCarthy, Jr., Founder/Sponsor
→ William A. Niskanen, Founder/Sponsor
Frank Shakespeare, Founder/Sponsor
William E. Simon, Founder/Sponsor
Jay Van Andel, Founder/Sponsor
General A. C. Wedemeyer, Founder/Sponsor

THE TAX LIMITATION RESEARCH FOUNDATION:

Robert T. Thompson, Chairman
Lewis K. Uhler, President
William H. Shaker, Ex. V.P.

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Jay Van Andel, Chairman
Amway Corp., Ada, MI

* Partial list, titles and affiliations
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Robert Hudecek, President
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Garvey Industries, Wichita, KS
Emory Williams, Chairman
Chicago Milwaukee Corp., Chicago, IL
Robert K. Gray, Chairman
Gray and Company, Washington, D.C.

Among the Outstanding Academicians who have participated actively in preparing the Federal and/or state amendments are:

Robert H. Bork, U.S. Circuit Judge, U.S. Court of Appeals, and former Professor of Law, Yale University
James M. Buchanan, University Professor and General Director of the Center for Public Choice, George Mason University
C. Lowell Harriss, Professor of Economics, Columbia University and advisor to the Tax Foundation, Inc.
E. Clayburn La Force, Dean of the Graduate School of Management, University of California, Los Angeles
Henry G. Manne, Director of the Law & Economics Center, Emory University
Paul McCracken, Professor of Economics, University of Michigan, former Chairman, President's Council of Economic Advisors
Milan Meltzer, Professor of Economics, Carnegie-Mellon University
Robert A. Nisbet, Sociologist, American Enterprise Institute
William A. Niskanen, Chairman, Cato Institute, Washington, D.C., former member of the President's Council of Economic Advisors
Wm. Craig Stubblebine, Professor of Political Economy and Director of the Center for the Study of Law Structures, Claremont McKenna College
→ Aaron Wildavsky, Professor of Political Science, University of California, Berkeley ←
Walter E. Williams, Professor of Economics, George Mason University

THESE ARE QUOTES FROM REFORMING AMERICAN GOVERNMENT

→ "Thirty-two state legislatures have called for a constitutional convention to adopt a balanced-budget amendment."

-Dick Thornburgh, page 164

→ "Financial support has come from The Ford Foundation, The Brookings Institution, and The Rockefeller Foundation.", page XVI

→ "Second, there was - there is - a way out, painful, difficult, and dangerous as it may be. It will require constitutional surgery at least as severe as that of 1787. The end result can be briefly stated as "presidential power and accountability" or, to put it another way, as presidential leadership and party government."

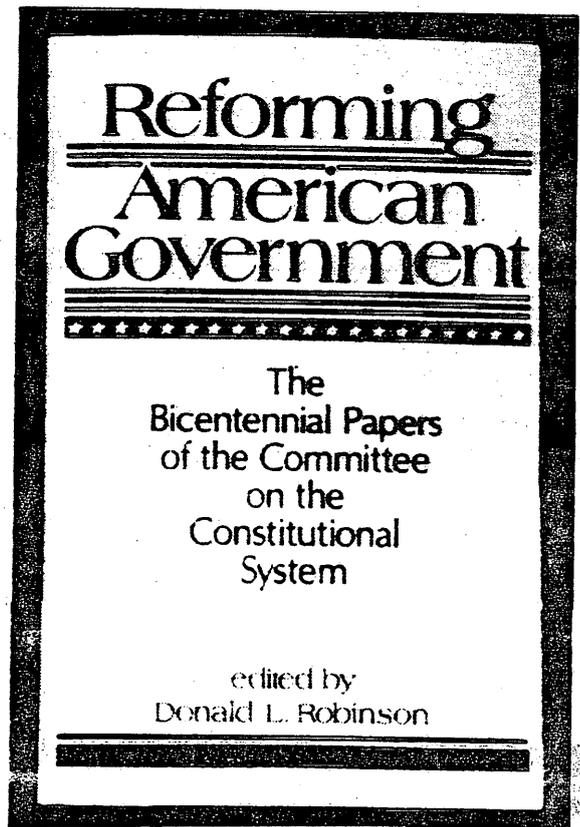
-Charles Hardin, page 4

"The first reform then must strike at the relationships not only between president and Congress but also between both and the public. The president and Congress should be elected for simultaneous four-year terms."

-Charles Hardin, page 7

"The Committee (CCS) owes its existence to the courageous vision and energetic leadership of its founding co-chairs, Lloyd Cutler and C. Douglas Dillon..."

-page xvi



➔ "Fundamentally, this is to alter the whole balance of the American Constitution."

- Harold Laski, page 142

"The House of Representatives (hereinafter, the House) should be elected from single-member districts as now, but should be supplemented by approximately 150 members elected at large. Each party should nominate 100 candidates. The party winning the presidency should elect the entire slate."

- Charles Hardin, page 149

➔ "The Senate should be deprived of its power to approve treaties. . ."

"That part of Article I, section 6, clause 2, of the Constitution that prevents members of Congress from serving in other offices of the United States should be repealed. . ."

"All parts of the present Constitution in conflict with the foregoing proposals should be repealed or modified to conform to them. The twenty-second amendment should also be repealed."

- Charles Hardin, page 150 & 151

➔ "Let us face reality. The framers have simply been too shrewd for us. They have outwitted us. They designed separated institutions that cannot be unified by mechanical linkages, frail bridges, tinkering. If we are to "turn the founders upside down" - to put together what they put asunder - we must directly confront the constitutional structure they erected. . ."

- James M. Burns, page 160

➔ "Major changes in process and structure will not be brought about by spontaneous action on the part of the mass public."

➔ "Changes will be brought about by leadership, as in the drafting and adoption of the Constitution of 1787."

- James M. Burns, page 162

"Replacement of the president by an adverse vote of confidence . . . dissolving government and holding new elections."

- Charles Hardin, page 9

"You may ask, 'What is the alternative? The answer could well be some form of parliamentary democracy."

"Such a significant shift in our Constitution is unlikely to come about except as a result of a crisis that is very grave indeed, one that I hope we never have to face. But we cannot be complacent, and, if such a crisis does come upon us, we should be as prepared as possible."

- C. Douglas Dillon, page 29

"Providing for four-year terms for House members, running simultaneously with the presidential term."

"Granting the president discretion to include sitting members of Congress in his cabinet without requiring them to give up their seats, something the Constitution now forbids."

". . . reduce the requirements for treaty ratification from two-thirds of the Senate to sixty percent or to a simple majority of both houses."

". . . the president to make a 'line-item' veto"

→ "These are all rather modest proposals."

- Lloyd N. Cutler, pages 104 & 105

On pages 175 through 187, under the heading "Specific Proposals: Text and Analysis", we find the following amendments already prepared and ready to be introduced:

- A. Coordinated Terms of Office
- B. The Team Ticket
- C. Bonus Seats for Party Winning Presidential Election
- D. Legislators in Executive Branch
- E. Cabinet Secretaries in Congress
- F. Repeal of Two-Term Limit on the President

Also, pages 254 through 264, under the heading "Specific Proposals: Text and Analysis", we find the following amendments already prepared and ready to be introduced:

- A. Dissolution and Special Elections
- B. One-House Override
- C. Referendum
- D. Item Veto
- E. Legislative Veto
- F. Reduced Majority for Treaty Ratification

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FORMER GOVERNOR OF TEXAS

HONORABLE WILLIAM E. SIMON → CFR
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EX OFFICIO

DR. MILTON EISENHOWER
HONORABLE JAMES LONGLEY

THESE ARE QUOTES FROM A NEW CONSTITUTION NOW

by NTU advisor, Henry Hazlitt

→ "If the state legislatures could be brought to act under the present Constitution, they could take a great forward step immediately." - Page 273

"The present writer has yet to meet anyone, no matter how conservative or how much opposed to the general notion of constitutional change, who does not, when questioned, approve some change in our Constitution. Sometimes this takes the disguised form of wishing to get everyone else to accept his own particular interpretation of the Constitution. For those who wish to make their particular interpretation of a constitutional clause prevail over rival interpretations, there is a candid way to go about it. They can propose that their interpretation be submitted as an explicit amendment, so that the country can directly make it clear whether or not it wishes that interpretation to prevail." - Page 275

→ "In the same way, an "amendment" to the Constitution could be proposed that would strike out everything after the paragraph "We the people . . . do ordain and establish this Constitution." This amendment could be in itself an entirely new Constitution, and if it were ratified by popular referendum, "we the people" would indeed be ordaining and establishing a Constitution in a far more literal sense than did "the people" of 1789." - Page 271

"The present chapter is written on the probability that, however urgent it may be for the United States to adopt a full parliamentary form of government, the American people may be quickly brought to recognize the need for such a change, and that therefore those who favor it may have to decide what sound compromises they will meanwhile support if these seem to have a better chance of adoption." - Page 229

"Conceivably Congress could frame a lengthy amendment providing for a parliamentary form of government and submit it to the state legislatures or to "conventions" in the present prescribed manner. But the advantages of approaching this goal by two or more steps, rather than by one, seem to me of determining importance, as I shall try later to show." - Page 251

→ "It will be noticed, also, that while Congress is to call a convention after two-thirds of the state legislatures ask for it, no time limit is set within which Congress must call this convention. No method is indicated, either, by which the members of this convention are to be chosen. → It is not inconceivable that Congress could legally ← declare itself to be the convention." - Page 252



HENRY HAZLITT
IS AN ADVISOR TO
JAMES DALE DAVIDSON,
THE CHAIRMAN OF
THE NATIONAL
TAXPAYERS UNION

1942 McGraw-Hill Co., Inc.
1974 Arlington House
ISBN 0-87000-277-5

→ "Our present system of government, in sum, is anachronistic, inflexible, and irresponsible." - Page 14

"Article V, the amendatory article to the Constitution, makes one exception even to the extremely difficult general method of amendment that it permits. It provides in its final clause that 'no State, without its consent, shall be deprived of its equal suffrage in the Senate.' Thus there is embedded in the Constitution one clause that . . . protects a fantastic rotten-borough system, and so far as one can see it protects it forever." - Page 172

"What are the alterations in our Constitution that experience has suggested . . . Congress should have power at any time to vote a lack of confidence in the Executive, who would then have the choice of resigning or of dissolving Congress. There is no use trying to disguise the fact that a complete reform of this sort would involve a very extensive change in our whole method of government." - Page 9

→ "The real need is to reduce the powers of the Senate." - Page 104

"Under our Constitution, the power to ratify treaties not only belongs to the Senate alone, but requires a vote of two-thirds of the Senate. Obviously, to permit the ratification of treaties by a majority vote of both the House and Senate would be a much more satisfactory arrangement." - Page 222

"The normal term of members of the House (I shall consider this question at more length later) might be profitably extended to four years, but there should be no constitutional assurance of such a term." - Page 105

"Members of the cabinet chosen from outside the legislature should, once accepted by the legislature, have the same right to vote as if they had been elected." - Page 128

→ "Special provision, it seems to me, should be made where a party majority would otherwise be a very narrow one. It could be provided, for example, that any party that had won more than 50 percent but less than 55 percent of the seats in the legislature should have the privilege of appointing representatives at large to bring its majority up to 55 percent of the original legislature." - Page 153

"Another reform that has been urged by Mr. Roosevelt is one that would permit the President to veto individual items in appropriation bills. This reform is desirable in itself if we are going to retain the presidential system." - Page 260

➔ ". . . a constitutional convention that could submit its results directly to the people for approval and not to Congress." - Page 273

"The proposed amendments are then submitted to a direct vote of the people, and adopted if they are approved by a majority of the voters in a majority of the States." - Page 261

➔ "Obviously Congress itself should have the power to name the date of the vote on the referendum. This would not only expedite the amendment process, but remove all the present possibilities of doubt concerning when an amendment issued will be settled." - Page 263

➔ "The premier will probably, in fact, choose mainly members of the legislature itself; but like the legislature in choosing the premier, the premier in choosing the cabinet should be free to go outside the legislature for members." - Page 128

"When the premier - or, as we might more accurately call him up to this point, the man asked to form a government - had chosen his cabinet, he would present it to the legislature, which would then vote whether to accept or reject it as a body." - Page 129

WILL YOU STOP IT NOW ?

NATIONAL TAXPAYERS UNION (NTU) James Dale Davidson, Chairman

At the Wisconsin hearing on 10/7/87, the following question was proposed to Mr. Davidson: "Is it the position of your organization that the convention should be limited or is it your position that it should be open to other matters?"

Answer: "All right - several thoughts on that - I'll answer it as briefly as I can. First of all, I don't think it makes any difference ➔ whether it is limited or not. I do favor a limited convention but I don't think that I would be opposed to a convention even if it could be proven it couldn't be limited, because I know the Congress can't be limited and I'm not in favor of stopping Congress from meeting." ➔ ➔ ➔

69th ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION

SAN ANTONIO, TEXAS

AUGUST 25, 26, 27, 1987

RESOLUTION NO. 63
SUBJECT: UNITED STATES CONSTITUTION
COMMITTEE: AMERICANISM

Whereas, The American Legion 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 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 American Legion is bound to support; now, therefore, be it

Resolved, By The American Legion in National Convention assembled in San Antonio, Texas, August 25, 26, 27, 1987, That it states its opposition to efforts to convene a Constitutional Convention for any purpose and specifically opposes the rewriting of the United States Constitution.

MAKE COPIES AND DISTRIBUTE WIDELY

MARSHALL PETERS

21602 NORTH RUHL ROAD

FREELAND, MD 21053

TEL. (301) 343-1273

Dear Representative:

I am writing in opposition to calling a constitutional convention. Let us examine the proponent and ask "Who is the Jim Davidson who advocates this convention?"

If I had been educated in England, and I lived under the parliamentary system, and then came to your country and founded an organization dedicated to calling a constitutional convention, you may have been surprised.

If I had declared myself chairman and named as my advisor, Mr. Henry Hazlitt, author of A New Constitution Now which outlines a new constitution for your country, replacing your Republic with a British parliamentary form of government, you may have been surprised.

If I had held a press conference in Washington, DC at the National Press Club on December 3, 1987 to announce as my organization's co-chairman, Dick Thornburgh, who is one of the Directors of the Committee on the Constitutional System (the parliamentary government group), you may have been surprised.

If I had told you of Mr. Thornburgh's testimony at Trenton that the balanced budget amendment is the "key" to obtaining the twelve structural changes outlined in his CCS organization's book Reforming American Government to implement Mr. Hazlitt's new constitution, you may have been surprised.

If I had co-authored Blood In The Streets (with the former editor of The London Times) on an investing strategy based on "raw power" during a crisis or more than one crisis and that I am a co-director of an investment firm "Cross Market Mutual Fund" with former Rothschild bank president Gilbert de Botton and other international figures, you may have been surprised.

If I had given you a copy of my 1988 "confidential" budget with \$405,000 to "pressure state legislatures" to call a convention, and my plans to spend \$50,000 to swing four Kentucky votes this March, plus \$930,000 for a "Referendum" and \$350,000 for TV/radio advocacy of "Referendum", you may have checked your Constitution in surprise. (The "Referendum Amendment" proposal is found on p. 258 of Mr. Thornburgh's CCS group's book, Reforming American Government.)

If I had neglected to supply you and all other state legislators with a copy of my advisor Hazlitt's book A New Constitution Now and my co-chairman Thornburgh's CCS publication Reforming American Government, both of which extol the merits of

MARSHALL PETERS

21602 NORTH RUHL ROAD

FREELAND, MD 21053

—
TEL. (301) 343-1273

the Old World System of parliamentary government discarded by your founding fathers, the oversight could be corrected as soon as my convention convenes.

If I had pointed out that your National Budget should be balanced and my group desires to call a "limited" convention, you may have trusted me, joined my group and supported my efforts as chairman of the National Taxpayers Union which many international businesses have done, and I would not have been surprised.

Of course, I am not the "Jim Davidson" above and do not desire to find out if his convention will be "limited". I ask that you table Mr. Davidson's convention.

Sincerely,

A handwritten signature in cursive script that reads "Marshall Peters". The signature is written in black ink and is positioned below the word "Sincerely,".

Marshall Peters

**THE NATIONAL VETERANS COMMITTEE
ON THE CONSTITUTION**

1560 SHEFFIELD ROAD
BALTIMORE, MD 21218

(301) 467-9093

RAY GILTON
Chairman

Dear State Legislator,

Please be aware of the tactic of some
"time escape/expiration safety clause"
being sold to you as a "safeguard."

↙ Congressional testimony indicates that a state's attempt at "LIMITING LANGUAGE",
"SELF-RESCIND OR SELF-DESTRUCT CLAUSES", "NULL AND VOID WORDINGS",
"TIME LIMITS", and "CONTINGENCIES UPON CONGRESS PASSING RULES AND
PROCEDURES FOR 'LIMITED' CONVENTIONS" are considered as;

"SURPLUSAGE", "MERE OPINION", "NOT A PART OF
ITS CALL", and "IT MUST BE DISREGARED". ↘

→ COMPLETE DOCUMENTATION ENCLOSED HEREIN

WITNESS LIST

**HOUSE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS**

OVERSIGHT HEARING: Constitutional Convention

Date: Wednesday, July 31, 1985

Time: 9:30 a.m.

Room: B-352 Rayburn House Office Building

**Professor Walter Dellinger
Duke University Law School
Durham, North Carolina**



**LIMITATION PROVISIONS
OF CON CON SUBJECT MATTER
FOUND NON BINDING BY
CONGRESSIONAL HEARINGS.**

Subcommittee on Civil and Constitutional Rights
Committee on the Judiciary
United States House of Representatives
July 31, 1985

The information in this single document is exceptionally informative and answers a multitude of questions. If you are unable to study all the other documentation, please read this one.

**EXTREMELY
URGENT**

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

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

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

. . . 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

convention with an expanded mandate. (The following states, for example, have stated in their applications that they seek a convention limited to the "specific and exclusive purpose" of considering an amendment that federal expenditures may not exceed federal revenues: Alabama, Colorado, Georgia, Maryland, Oklahoma, Oregon, Pennsylvania, South Carolina, . Virginia, Wyoming, Nebraska, Idaho, South Dakota, Arkansas, Utah, Texas, Arizona and Iowa.) Half a dozen states (Colorado, Delaware, Louisiana, Idaho, North Carolina and Utah) explicitly provide that their applications are not to be counted towards the calling of a convention if the convention has the authority to propose an amendment which varies from the very narrowly defined amendment set forth in the applications. Congress should not, under the Hatch bill or otherwise, act upon such applications, since they call for a convention shackled by narrow constraints that Congress has no power to impose, and since they expressly or by implication oppose the calling of a convention on any other basis.

Those who support a "balanced budget constitutional convention" now concede that such a Convention can neither legally nor practically be limited to a yea or nea vote on the "balanced budget amendment." Officials of the organizations promoting a convention have effectively conceded that such a "subject matter" might properly encompass an amendment prohibiting federal funding for abortions, or denying federal funds to any local school district that failed to comply with federal religious guidelines. As every experienced legislator

knows, virtually any issue can be subsumed under the general subject matter of "the budget."

The legislatures that passed the pending petitions were assured by the lobbying groups supporting a convention that a "Convention for proposing Amendments" could constitutionally and practically be limited to voting up or down on a very specific amendment proposal. Many states were careful to put such limiting language in their petitions. Now that the "magic number" of 34 appears within reach, the supporters of holding a convention are changing their story. Now they are "conceding" that it would be a "farce" (Senator Hatch) to limit a Convention to consideration of one particular amendment. What happened to the assurances that were given to the state legislatures back in 1979 that a convention could consider only the amendment contained in the state legislative proposal? Those assurances have conveniently been forgotten. What about the express provisions adopted by the state legislatures that their petitions were to be "null and void" if the Convention could not be limited to the particular amendment proposal? That language, we are now told by supporters, was mere "surplusage."

Consider Delaware - the most egregious example of the convention supporters' willful disregard of the actual intent of the applying state legislatures. Delaware adopted an application for a constitutional convention on June 11, 1975, after carefully providing that its application would be counted by Congress only if the lobbying proponents were accurate in their assurances that the convention would be narrowly limited. Not willing to leave

this assurance to chance, the Delaware legislature included in the actual text of its resolution its understanding that:

if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to propose other amendments on the same or different propositions.

How could anyone possibly "count" Delaware as applying for a convention that will have (even under the pending Senate legislation) the power to propose any amendment pertaining in some way to the budget or fiscal matters, and that would have the authority to propose amendments on abortion funding and guidelines for federal fund recipients? An incredible answer was given by a recent Cato Institutes publication. It says of the Delaware provision:

This statement by the legislature is mere opinion, not a part of its call, and it must be disregarded since the nature of any Convention is such as to require deliberation and drafting. It is a statement which is surplusage, not a condition invalidating the call by Delaware." (emphasis added)

The similar but less explicit language of other states, the author goes on, "must be regarded" as "legislative opinion without binding force." Noonan, "The Balanced Budget-- The States Call for a Convention" in Wagner, Tollison, Rabushka and Noonan, Balanced Budgets, Fiscal Responsibility and the Constitution, 1982, page 103. In other words, Congress is to call, in the name of the States, a constitutional convention of a kind that the states clearly oppose. Those who speak so warmly of the states' role would have Congress flatly ignore the state

PROFESSOR DELLINGER'S
WRITTEN TESTIMONY DOCUMENTS THAT
CATO INSTITUTE
HAS PUBLISHED

THAT PROVISIONS TO CANCEL CON CON
CALLS IF THE CONVENTION DOES NOT LIMIT
ITSELF TO A BALANCED BUDGET AMENDMENT

↙ "IS MERE OPINION, NOT A PART OF ITS CALL,

AND IT MUST BE DISREGARDED".

↙ " LEGISLATIVE OPINION WITHOUT BINDING
FORCE".

"MERE SURPLUSAGE"

PRESUMABLY THIS WOULD INCLUDE 60 DAY
RESCIND CLAUSES WHICH HAVE EXISTED
SINCE 1977 IN CON CON CALLS.

legislatures' express language in order to come up with an inflated count of valid applications. This constitutional "bait-and-switch" scheme should be treated by Congress as a shameless sham, not as a serious call for an Article V constitutional convention.

The central point is this: Congress has no authority under the Constitution to call a constitutional convention merely because it feels that such convention is necessary or desired by a number of people. Congress may call a convention only upon receipt of 34 valid applications for a "Convention for proposing Amendments." If 34 states seek only a so-called "limited convention," while expressly opposing the calling of an actual Article V convention invested with the authority to propose amendments, then Congress has a constitutional duty to decline to call a convention.

60 DAY SELF-RESCIND
VOTED DOWN BY
MICHIGAN LEGISLATORS
WHO GO ON RECORD IN CALLING IT A
"MEANINGLESS SAFEGUARD"

No. 108
JOURNAL
OF THE
House of Representatives

83rd Legislature
REGULAR SESSION OF 1985

Lansing, Thursday, November 7, 1985.

2:00 o'clock p.m.

The House was called to order by the Speaker Pro Tempore.

Hon. Nelson Saunders, Representative from the 7th District, offered the following invocation:

"On this day we seek, wisdom, courage and understanding in the pursuit of our responsibilities. May we each meet those objectives with humility and be servers of all human kind . . . Amen!"

The roll of the House was called by the Clerk, who announced that a quorum was present.

The following members were absent with leave:
Reps. Keith and O'Neill.

The following member was absent without leave:
Rep. Hood.

Rep. Stabenow moved that all absentees without leave be excused temporarily from today's session. The motion prevailed.

Messages from the Senate

The Speaker laid before the House
House Joint Resolution C, entitled

A joint resolution to petition the congress of the United States to adopt an amendment to the constitution of the United States, for submission to the states, to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.

(The joint resolution was received from the Senate on November 6 with substitute (S-1) and title amendment made by the Senate, consideration of which, under the rules, was postponed until today, see p. 2250 of House Journal No. 107.)

The question being on concurring in the adoption of the substitute (S-1) made to the joint resolution by the Senate.

After debate

Rep. Dodak demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

The question on concurring in the adoption of the substitute (S-1) made to the joint resolution by the Senate.

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 578

Yeas—51

Bandstra	Dunaskiss	London	Pridnia
Bankes	Engler, C.	Maynard	Randall
Bartnik	Furton	Middaugh	Rocca
Bender	Giese	Muxlow	Runco
Bennett	Gnodtke	Nye	Sietsema
Brotherton	Griffin	O'Connor	Sparks
Bryant	Gruse	Ostling	Stacey
Bullard, W.	Hayes	Ouwings	Strand
Busch	Hillemonds	Oxender	Trim
Carl	Hoekman	Palamara	Van Regenmorter
Connors	Hoffman	Perakis	Van Singel
DeLange	Krause	Porreca	Walberg
Dillingham	Law	Power	

Nays—56

Allen	Fitzpatrick	Kilpatrick	Sitz
Alley	Gagliardi	Knight	Smith, V.
Barns	Geerlings	Koivisto	Spaniola
Bennane	Gilmer	Kosteva	Stabenow
Berman	Gubow	Leland	Stallworth
Brown, M.	Harrison	Mathieu	Stopezynski
Bullard, P.	Hertel	Miller, J.	Terrell
Cherry	Hickner	Mueller	Wartner
Ciaramitaro	Hollister	Murphy	Watkins
Clack	Honigman	Nash	Weeks
DeMars	Hunter	Owen, G.	Young, J., Jr.
Dodak	Jacobetti	Owen, L.	Young, J., Sr.
Dutko	Johnson	Saunders	Young, R.
Emerson	Jondahl	Scott	McNeely

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Jacobetti, O'Neill and Johnson.

Rep. Gary Owen, having previously reserved the right to explain his nay vote, made the following statement:
"Mr. Speaker and members of the House:

The official line on the call for a constitutional convention has traditionally been that the proponents did not actually want a convention called, but simply wanted to wave the spectre of a convention at Congress. The logic in this being that the Congress would finally make a move to balance the federal budget lest they lose their political power to a convention. It has become increasingly clear, however, that there are those who harbor a not-so-secret desire to see such a convention convened.

The leader of one of the groups pushing the convention language, has said, 'A convention would be a fantastic national civics lesson, more exciting than 'Brideshead Revisited'. In like fashion, the tenor of my correspondence on the issue has evolved over the past two years. When we first dealt with this language two years ago, the form letters referred to a convention for the purpose of drafting a 'Balanced Budget Amendment'. The most recent photocopied letters have referred to 'The Tax Limitation/Balanced Budget Amendment'. I'm not sure when this amendment became multipurpose, but it seems abundantly clear that it could have just as easily read, 'The Tax Limitation/Balanced Budget/Abortion/School Prayer Amendment.'

I, for one, am unprepared to unleash the largest special interest free-for-all in our nation's history. It would mock our democracy, it would threaten our national interest, and, most importantly, it would do nothing to address a federal debt that has doubled in just the last five years."

Rep. Richard A. Young, having previously reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

I voted 'no' on House Joint Resolution C.

I am very concerned about the United States federal government deficit but not that concerned that I care to challenge the entire Constitution of the United States. Congressman Jack L. Kemp and Senator Nancy L. Kassebaum are certainly conservatives who have seen the light and have recommended a no vote. Likewise, the Detroit News, a very conservative newspaper in our state, has recommended a no vote.

I believe the President of the United States should have the right to veto expenditures and, in fact, has a duty to do so, so that the United States government does not spend more money than it takes in.

President Nixon and President Ford oftentimes refused to spend money during their tenure because an appropriation is not a mandate to spend money. The current President has not, to my knowledge, ever presented a balanced budget to Congress and for him to say at this time that he is for a Constitutional Convention does not make much sense to me. As I understand it, the President will not cut military spending, will not cut social programs, and he cannot cut the interest expense. That leaves approximately 20 percent of the budget that can be cut and that would not be sufficient to have a balanced budget.

I admit it would be difficult to cut any program but in Michigan we did it. It was a tough situation when we had to go back home and face the voters, but we did have a balanced budget and slowly and surely we are making our way out of the financial mess in which we found ourselves in 1982. It is tough to be responsible but it falls squarely on the shoulders of the person who is the President to do what is in the best interest of the people.

The Constitution has survived for approximately 200 years and many nations throughout the world have copied it. Because it has guided this nation through times of great economic crises, times of war, and times of national emergencies, to call a convention where the delegates would have the power to change this document without a vote of the people would put all of us in jeopardy. Most of us have looked at that document to guide our lives, to make investments, and to put our money into savings, and all of this could be undone by the delegates to a constitutional convention.

Professors at the Wayne State University Law School, who specialize in constitutional law and administrative law, have advised me that there would be no way that we could put ties on the constitutional convention to instruct the delegates to add a section that would force a balanced budget.

Many of my constituents have written to me imploring me not to vote in favor of House Joint Resolution C, and when I summarize all of these various points I can only conclude that it is not in the best interest of my district to vote yes on this proposal."

Rep. Berman having previously reserved the right to explain her nay vote, made the following statement:

"Mr. Speaker and members of the House:

I think it is important for everyone to understand what is really happening here today. All of the substantive discussions have been meaningless.

This is not a vote to balance the federal budget. Indeed, it is abundantly clear that those who vote 'no' here today have lost as much sleep, if not more, over the federal deficit as those who vote 'yes'.

This is a two-part hidden agenda vote.

All of us know that there are many who would like nothing more than to change the Constitution of this country and that is the admission of the Senator who sponsored the original resolution.

But the most significant reason for voting today has nothing to do with the federal budget or the Constitution. The only purpose for this vote is to allow the Michigan State Chamber of Commerce to pick those legislators they will target for defeat next year and those whose campaigns they will bankroll. There is nothing more going on.

There is no concern here for deficits today. There is no concern about the Constitution. We are forfeiting those and forgetting those today for the sake of a few legislative seats.

This is one of the most embarrassing sessions this legislature has ever conducted."

Rep. Allen, having previously reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

Since placing my own stamp of approval on this issue in the past, like many of you I have had an opportunity to listen to dozens of so-called constitutional scholars address the balanced budget proposal before the Appropriations Committee. In addition, I have read volumes of material concerning the issue of the call of the constitutional convention and now must make a decision which, collectively, may well have national implications. After having done so, I find that I cannot—no, I am not willing to take the risk of a runaway convention that could well subject this nation's most valuable, enduring document to alteration by special interest groups. At the same time, I am deeply concerned over the size of the mounting national debt which the Congress refuses to address.

Politically, it would be prudent for me personally to vote in favor of this proposal; but my conscience simply will not allow me to do so."

Rep. Alley, having previously reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

My 'no' vote explanation is reflected in the following letter sent by myself on November 7, 1985:

November 7, 1985

Mr. James Barrett, President
MICHIGAN STATE CHAMBER OF COMMERCE
200 N. Washington Square, Suite 400
Lansing, MI 48933

Dear Mr. Barrett:

It seems it wasn't too long ago I wrote you on this very same issue, the Federal Balanced Budget Resolution coming before the House of Representatives.

At that time I expressed my deep belief that the federal-elected officials need to begin balancing the federal deficit. I cannot understand why the President told us he was going to balance the budget and then see it grow from one trillion dollars to two trillion dollars. For certain, this type of deficit is unconscionable to most American citizens.

Last April I voted for a resolution requesting the federal-elected officials to adopt a balanced budget amendment and send it on to the states for ratification. This type of action has happened 26 different times which has given our U.S. Constitution added meaning and added citizen protections.

My stand last April was strongly based upon my fear of a runaway constitutional convention. HJR C has been amended to supposedly provide safeguards against an open convention. We all know that those so called safeguards may very well be meaningless.

I respect your position on this issue and I believe I have a good understanding as to why this is being pushed now and why your organization has taken the stand it now has.

Recently I have given this issue tremendous thought. I have reviewed my past position and tried very hard to see my way to agree that the possibility of an open convention would not take place. My gut feelings continue to hold me in check on this issue, just the way they did under my worker's compensation votes back in 1981.

Just this week I had a trusted friend visit Philadelphia. He did not know of my concern over this vote. He told me the feelings he had when he touched the Liberty Bell and when he stood in the same room where the drafters of the U.S. Constitution worked to give us this great document. His feelings helped to solidify my beliefs.

You do know that our form of government has lasted through difficult times. Our constitution is a reason behind that great record. I can't see us messing with it by opening it up for any purpose. We can and should, at times, consider amendments given to us by Congress.

I guess I don't believe we have the Hancock's, Jefferson's, Hamilton's, Franklin's and others to reopen that great document. Maybe we should travel to Philadelphia and stand in that room to discuss this issue.

I do believe you trust that the Constitution will not be adversely altered. I wish I had your blind faith. It would have made my decision easier.

My final decision falls with my love for my son and the desire to see him go after his "great American dream" under the same constitution I have worked under.

The massive debt can be changed, it must be reduced. I will hate to see my son face that staggering deficit. However, I am more fearful of seeing my son having to go through life in America under a changed U.S. Constitution.

I will continue to hold you and your organization in high regard. I am sorry we have not agreed in totality on the means to see a federal balanced budget.

I will not vote to allow, in any way, shape or form, the possibility of a U.S. Constitutional Convention. I will vote to ratify an amendment to the constitution calling for a balanced budget.

Sincerely,
Tom Alley
State Representative
105th District

Rep. Dodak, having previously reserved the right to explain his nay vote, made the following statement:
"Mr. Speaker and members of the House:

- I voted 'no' on the Senate substitute to HJR 'C' because it contains an expression from the Michigan legislature to call a constitutional convention. The argument in favor of the Senate version urges that the possibility of actually calling a convention is not real, but is simply a tactic with which to threaten a recalcitrant President and Congress. I have chosen not to play such a precarious political game with the United States Constitution.

Moreover, even if one accepts the assurances of those who counsel that the agenda of a convention could be contained, the delay occasioned by the inevitable legal debate would be unacceptable. Our national debt is fast approaching \$2 trillion. The time to deal with the problem is now—not at an uncertain future date employing uncertain methods."

Rep. Kosteva, having previously reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

In just the last five years the federal government has doubled the national debt. At the same time we in Michigan have eliminated a \$1.7 billion debt by facing economic realities.

The economic realities of the federal debt are becoming more clear daily. The debt causes foreign goods to be less expensive at the cost of American jobs. With Washington borrowing so much money just to pay interest on the debt, interest rates will push higher and everyone will find it increasingly difficult to obtain loans.

Congress and the President will face these economic realities, hopefully, before too much damage is done. A constitutional amendment and threat of convention is not necessary to persuade Washington to do the things that the natural laws of economics will force them to.

Founding fathers left foreign policy and economic policy out of the Constitution for good reason. And, the Balanced Budget Amendment is not a magic wand.

Let us direct our energy, not at the Michigan Legislature whose only real power in this issue is to adopt or not adopt a resolution, but rather, let us implore the Congress and the President to cast aside wasteful defense spending and catering to special interests and bring spending in line with revenues."

Rep. Miller, having previously reserved the right to explain her nay vote, made the following statement:

"Mr. Speaker and members of the House:

We are all deeply concerned about the "runaway" deficit spending of the federal government. The solution currently being pushed is to threaten Congress with a Constitutional Convention if it does not pass a balanced budget amendment.

I believe there are quicker, more effective means of gaining control of the deficit. The balanced budget amendment is a long-term operation. There could be a 10 to 15 year delay before a balanced budget amendment could be implemented. But, we need action NOW. Congress itself could act faster and more effectively—within 2 to 4 years—to bring about a balanced budget. It has all the power and tools needed to do it. In addition, we have no assurance that a constitutional amendment would result in a balanced budget. There are varying definitions of what constitutes a balanced budget. While a balanced budget can control deficit spending, it does not eliminate it altogether. Michigan has a balanced budget amendment in its State Constitution, which did not prevent our state from having a financial crisis. Furthermore, an amendment wouldn't control the important factors necessary for a balanced budget—spending, taxes and interest rates. Congress has the greatest control over these factors.

Much has been said about the wisdom of calling for a constitutional convention to consider a balanced budget amendment. Once Congress has received 34 petitions, it must call a convention. We have no guarantee that the convention will consider only a balanced budget amendment. There is no legal mechanism to assure us that other issues would not be a part of the debate. We simply don't know what will happen. Furthermore, we have the strong possibility of legal challenges which might hinder the process even more. We are courting a constitutional crisis that simply does not deal with the substance of the issue.

The executive and legislative branches, at any level of government, find the task of providing services to citizens within the budget more difficult each year. From my experience on the Birmingham City Commission,

I know there are no magic solutions. It takes courage and the will to make hard decisions in balancing revenues and expenditures. It is more important to lobby Congress directly than to threaten with a Constitutional Convention."

Rep. Saunders, having previously reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

I would like to express my firm and unequivocal opposition to any resolution that would petition Congress to call a constitutional convention.

Because the Article V provisions for triggering a constitutional convention have never been exercised, there are no guidelines as to whether the Congress or anyone else could control the procedures or scope of the convention. The only precedent we have is that of the first and only constitutional convention. That history indicates that an attempt to call for a constitutional convention is tantamount to playing Russian roulette with the very foundation of our nation and our most sacred rights as individual citizens of the United States of America.

Like the presently proposed convention, the 1787 convention was convened for a single purpose—to amend the Articles of Confederation to settle a dispute between Maryland and Virginia concerning navigation rights on the Potomac River. Its procedures were supposed to be governed by those Articles, which were then the equivalent of our Constitution. Under those Articles, all changes had to be ratified by Congress and by all 13 state legislatures. That Congress also made rules that limited the convention agenda and procedures, as some suggest the current Congress could limit a convention.

When that convention ended, the Articles that were supposed to restrict it were abolished. The convention made its own rules and created an entirely new document—our present Constitution. Instead of submitting it to the state legislatures for ratification, the convention recommended that it be submitted to a convention of delegates from each state for ratification. Instead of requiring unanimous approval as the previous Articles had mandated, the new Constitution was ratified even though two states refused to sign it. Needless to say, Congressional attempts to restrict the scope of the convention were of no effect.

Even given this only precedent, some are still willing to bet our most precious civil liberties and individual rights on the ability of Congress to control a convention. Others state that Congress will never allow it to happen. But in making any rational decision, one must always weigh the magnitude of the harm along with the 'odds' of their occurrence. I believe that the basic freedoms and values embodied in our Constitution and Bill of Rights are simply too precious to gamble in a game of 'chicken' with Congress.

Fiscal responsibility begins with the Presidency. In order to have a balanced budget, the President has to propose one. I find it most ironic that a President who says he wants a balanced budget amendment to the Constitution has consistently proposed larger appropriations than the Congress ultimately passes. Since Reagan took office, the size of the federal debt has more than doubled. His support of a balanced budget amendment AFTER he leaves office is merely a smokescreen erected to divert attention from the fact that his economic policies are a failure. He has mortgaged our future, and that of our children.

I will not participate in efforts that could well lead to destroying our civil liberties, as well."

Rep. Weeks, having previously reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

Although I totally support a balanced federal budget and will do everything in my power to force that to happen, I refuse to risk the destruction of our Constitution in order to force people to do a job that common sense indicates should automatically be done."

Rep. Terrell, having previously reserved the right to explain her nay vote, made the following statement:

"Mr. Speaker and members of the House:

In compliance with my request for a NO vote explanation on HCR 'C', my reason for a NO vote on this resolution is simply because I fear the possibility of a runaway constitutional convention.

In a political climate in which we live today the possibility of convening a convention that would cause us to lose some of the guaranteed rights is too much to risk. I fully agree with those who propose the balancing of the federal budget and, as important as that is, I believe we must seek other ways to bring the issue to the full attention of our Congress.

Basic human rights must continue to be guaranteed and upgraded. The fear of losing one single section of those rights already gained causes me to vote NO on House Concurrent Resolution 'C'.

Thank you!"

The Speaker Pro Tempore called the Assistant Associate Speaker Pro Tempore to the Chair.

An Article V Convention = A Constitutional Convention
A Constitutional Convention = An Article V Convention

**38 STATE
RATIFICATION SAFEGUARD
TO BE
BY-PASSED
ACCORDING TO
CCS/NTU CONNECTION**

LOBBYIST LEADER, THE INCREDIBLE JAMES DALE DAVIDSON AND CHAIRMAN OF THE NATIONAL TAXPAYERS UNION (NTU) AS REPORTED IN THE NTU PUBLICATION "DOLLARS AND SENSE" (DEC/JAN 1988), ASKED COMMITTEE ON THE CONSTITUTIONAL SYSTEM DIRECTOR (CCS), DICK THORNBURGH TO SERVE AS THE COMMITTEE CO-CHAIRMAN OF THE NTU'S "CITIZENS FOR A BALANCED BUDGET AMENDMENT".

THORNBURGH'S CCS PUBLICATION, REFORMING AMERICAN GOVERNMENT OPENLY ADMITS ON PAGE 330:

"ONLY A HANDFUL OF BOOKS HAVE SET FORTH FULL-BLOWN PLANS FOR CONSTITUTIONAL REVISION.

..... HENRY HAZLITT, A CONSERVATIVE JOURNALIST, ARGUED IN A NEW CONSTITUTION NOW (WHITTLESEY HOUSE, 1942) THAT THE EXIGENCIES OF WAR DEMANDED A PARLIAMENTARY FORM OF GOVERNMENT."

**THE NATIONAL VETERANS COMMITTEE
ON THE CONSTITUTION**

1560 SHEFFIELD ROAD
BALTIMORE, MD 21218

LOBBYIST LEADER, THE INCREDIBLE JAMES DALE DAVIDSON HAS THE AUTHOR OF THIS BOOK, A NEW CONSTITUTION NOW, AS HIS ADVISOR.

MR. DAVIDSON'S ADVISOR HAS PROPOSED A NATIONAL REFERENDUM AMENDMENT AS "THE INTERMEDIATE STEP" IN HIS "FULL-BLOWN PLANS FOR CONSTITUTIONAL REVISION", THE EXACT DESCRIPTION BY THE CCS IN REFORMING AMERICAN GOVERNMENT OF HIS BOOK, A NEW CONSTITUTION NOW.

ON PAGE 273, MR. HAZLITT SAYS:

"I HAVE RECOMMENDED THE INTERMEDIATE STEP OF AN AMENDMENT OF THE AMENDING PROCESS BEFORE UNDERTAKING A MORE EXTENSIVE DIRECT REVISION OF THE CONSTITUTION."

MR. HAZLITT DESCRIBES HIS AMENDMENT TO THE AMENDING PROCESS:

"IF AN AMENDMENT IS SUBMITTED DIRECTLY TO THE QUALIFIED VOTERS OF THE STATES, IT SHALL BECOME PART OF THIS CONSTITUTION IF APPROVED BY A MAJORITY OF ALL THE VOTERS OF THE NATION IN A MAJORITY OF THE STATES." (Pg. 267).

IN THE 1988 NTU CONFIDENTIAL (FOR USE OF NTU ADVISORY GROUP - ONLY), \$930,000 IS BUDGETED FOR HIS "NATIONAL REFERENDUM AND OFFICIAL PETITION CAMPAIGN". AND, \$350,000 IS BUDGETED FOR HIS "TELEVISION/RADIO CAMPAIGN FOR NATIONAL REFERENDUM".

ALSO, THE NATIONAL TAX LIMITATION COMMITTEE (NTLC) IN THEIR "CONFIDENTIAL PLAN AND STRATEGY" STATES:

"IMMEDIATELY UPON RECEIPT OF THE FIRST 10 MILLION PETITIONS, NTLC, ON BEHALF OF THESE CONCERNED AMERICANS, WILL REQUEST THAT THE PRESIDENT DEMAND A JOINT SESSION OF CONGRESS AT WHICH TIME THE PETITIONS WILL BE PRESENTED."

IN ADDITION, AMONG THE DOZEN ALREADY PREPARED AMENDMENTS BY CCS DIRECTOR DICK THORNBURGH'S GROUP IN THEIR PAPERS PUBLISHED IN 1985 AS REFORMING AMERICAN GOVERNMENT, PAGES 258-259, IS THE NATIONAL REFERENDUM AMENDMENT WHICH PROVIDES THAT A PRESIDENT SHALL HAVE POWER TO PROCLAIM A NATIONAL REFERENDUM.

ANOTHER CCS DIRECTOR, AUTHOR OF THE BOOK, CONSTITUTIONAL REFORM AND EFFECTIVE GOVERNMENT, JAMES L. SUNDQUIST SAYS ON PAGE 233:

"IF THE BRANCHES OF GOVERNMENT REACH AN IMPASSE ON A SINGLE CRUCIAL ISSUE AT A TIME WHEN THEIR RELATIONS ARE OTHERWISE REASONABLY EFFECTIVE, A MEANS OF OVERCOMING THE CHECKS AND BALANCES THAT PRODUCED THE DEADLOCK COULD BE MADE AVAILABLE THROUGH CONSTITUTIONAL AMENDMENT. THAT IS THE DEVICE OF THE REFERENDUM, BY WHICH THE PEOPLE THEMSELVES VOTE YES OR NO ON A LEGISLATIVE OR CONSTITUTIONAL PROPOSITION."

BYPASSING THE SAFEGUARD

THE THREE METHODS OF AMENDING THE U.S. CONSTITUTION MUST BE ACKNOWLEDGED ALTHOUGH USUALLY THE DISCUSSIONS BY PROPONENTS OF A CONVENTION ALWAYS INCLUDE THE TWO METHODS UNDER ARTICLE V. THE THIRD METHOD (THAT USED IN 1787) IS NEVER MENTIONED.

RECALL HOW THE CONVENTION OF 1787 IGNORED THE PROVISIONS OF THE ARTICLES OF CONFEDERATION STIPULATING THAT THE ARTICLES BE OBSERVED UNLESS ANY ALTERATION BE CONFIRMED "BY THE LEGISLATURES OF EVERY STATE."

NEITHER THAT CONVENTION NOR CONGRESS EVER SUBMITTED THE CONSTITUTION TO THE STATE LEGISLATURES.

INSTEAD, THE CONVENTION WROTE INTO THE NEW DOCUMENT THAT:

"THE RATIFICATION OF THE CONVENTIONS
OF 9 STATES, SHALL BE SUFFICIENT..."

THIS METHOD OF AMENDMENT WHICH BY PRECEDENT PROVIDES THE POSSIBILITY OF AMENDING THE AMENDING DEVICE ONCE A CONVENTION IS CONVENED. HOWEVER, A CONGRESS MAY DECIDE TO PROCEED WITH A CONSTITUTIONAL REVOLUTION PACKAGE SUCH AS THE CCS PROPOSES AND INCLUDE IN THE PACKAGE AN AMENDMENT TO THE AMENDING DEVICE. (ART. V). THIS THIRD METHOD THEN, IS THE AMENDMENT OF THE AMENDING DEVICE TO FACILITATE CHANGES NOT FEASIBLE UNDER THE EXISTING CONDITIONS AT A GIVEN TIME.

CCS DIRECTOR SUNDQUIST ON PAGES 243-244 OF CONSTITUTIONAL REFORM AND EFFECTIVE GOVERNMENT ACKNOWLEDGES HOW TO BY-PASS CURRENT SAFEGUARDS:

"A SIMPLIFIED AMENDMENT PROCEDURE WOULD NEVER BE CONSIDERED IN THE ABSTRACT, SIMPLY AS A THEORETICAL PROPOSITION IN THE INTEREST OF GOOD GOVERNMENT. TO WIN ANY SIGNIFICANT BACKING, IT WOULD HAVE TO BE SEEN AS MAKING THE COURSE EASIER FOR ONE OR MORE SPECIFIC, POPULAR AMENDMENTS WHOSE SUPPORTERS COULD THEN BE MOBILIZED BEHIND IT."

ALSO, ON PAGE 287 OF REFORMING AMERICAN GOVERNMENT BY AUSTIN RANNEY UNDER THE TITLE "WHAT CONSTITUTIONAL CHANGES DO AMERICANS WANT", THE CCS BOOK STATES:

"THEY APPROVE PROPOSALS TO REQUIRE A BALANCED FEDERAL BUDGET AND TO GIVE THE PRESIDENT THE POWER TO VETO INDIVIDUAL ITEMS IN APPROPRIATIONS BILLS, BOTH OF WHICH ARE INTENDED TO RESTRAIN FEDERAL SPENDING."

THUS, IN SUMMARY NTU ADVISOR HENRY HAZLITT IN HIS BOOK, A NEW CONSTITUTION NOW STATES WITH REGARD TO BY-PASSING CURRENT SAFEGUARDS:

"ONCE THIS IS DONE, WE SHALL BE IN A POSITION TO CONSIDER CONSTITUTIONAL REVISION REALISTICALLY, AND WITH CLEAR MINDS." (Pg. 276).

CONFIDENTIAL

For use of NTU Advisory Group -- ONLY

 *
 * Recipient: Please store in *
 * safe place for future *
 * reference. *
 *

BALANCED BUDGET STRATEGY MEMORANDUM AND ACTION PLAN

. . . prepared for key NTU members and supporters



From: Jim Davidson
 The National Taxpayers Union
 Washington, D.C.
 November 29, 1987

ANALYSIS

Almost all Americans agree -- Republicans and Democrats -- liberals and conservatives: Perhaps the only way to avoid an economic disaster of a depression is to force Congress to pass the Balanced Budget Constitutional Amendment.

Yet our politicians continue to resist. The powerful Big Spenders and special interests do not want any limitation on the ability of Congress to tax and spend. And too many politicians are thinking of only how they can reward these special interests with huge new spending programs.

1988 is the precise time in history that we can make the Balanced Budget Amendment the 27th Amendment to the Constitution. Leading Presidential candidates in both the Republican and Democratic parties have strongly endorsed the Amendment. All members of the House of Representatives and one-third of the Senate are up for re-election.

It is our job to make these politicians feel the political heat.

STRATEGY

This integrated plan is designed to force the Congress to pass the Balanced Budget Amendment in 1988.



A. NATIONAL REFERENDUM & OFFICIAL PETITION CAMPAIGN [Budget: \$930,000]

NTU is using Article [1] of the Bill of Rights: The right of the people to petition the Government for redress of grievances [shall not be abridged]. The official petition is to the Congress of the United States. NTU has been authorized to officially transmit these certified petitions to the President of the Senate and Speaker of the House of Representatives, with notification of each petitioner's U.S. Representative and U.S. Senators.

Our goal is two million petitions by July 1, 1988: approximately 5,000 petitions per Congressional District -- with presentation of the full list of petitioners at a special event before Congress. Scope and size of presentation will be unprecedented in American Politics.

B. TELEVISION/RADIO CAMPAIGN FOR NATIONAL REFERENDUM [Budget: \$350,000]

NTU will go on television and radio -- alerting citizens to watch their mail boxes for their kit containing the official federal petition on the Balanced Budget Amendment. We will concentrate in the states and districts of members of Congress who are likely to be swing votes on the Amendment.

C. HANDS ON LOBBYING ON CAPITOL HILL - WASHINGTON [Budget: \$65,000]

NTU's grass roots campaign is already having a major impact. Representative Peter Rodino, Chairman of the House Judiciary Committee (and a strong opponent of the Balanced Budget Amendment) began hearings on October 15. Senator Paul Simon, Chairman of the Senate Subcommittee on the Constitution (and a strong supporter of the Amendment) indicated that he is also planning on holding hearings.

We must have our lobbyists exert maximum taxpayer pressure on members of Congress and to counter the strong lobbying armies of the big spending special interests that hate the balanced budget amendment.

➔ D. STATE RESOLUTIONS CAMPAIGN [Budget: \$405,000] ←

NTU organized the Balance the Budget Amendment Committee in 1975, with the purpose of getting the several states to petition Congress to call for a constitutional convention for the sole purpose of writing a Balanced Budget Amendment to the United States Constitution. Since that time, NTU has rallied the support of hundreds of other groups behind this effort. So far we've persuaded 32 of the required 34 state legislatures to pass resolutions requiring Congress to call such a strictly limited convention, should it fail to pass the Balanced Budget Amendment on its own.

➔ NTU's strategy is two-fold: 1) Flood the hall of Congress with petitions and surveys demanding passage of the Amendment, and 2) Pressure the State ← Legislatures to demand a balanced budget amendment. This is the method citizens used to pass the 17th Amendment (direct election of U.S. Senators); and it will work again to force Congress to pass the 27th Amendment: The Balanced Budget Amendment.

TOTAL BUDGETS FOR PASSAGE OF AMENDMENT [\$1,732,000]

BR:69

LEGISLATIVE ACTION PLAN

CONFIDENTIAL

This report is prepared by and registered at NTLC headquarters under the following name and number:

When you're finished reading this report, please return it immediately.

NATIONAL TAX LIMITATION COMMITTEE
201 Massachusetts Avenue, N.E.
Washington, D.C. 20002

STRATEGY

With your support and that of other NTLC supporters, we're collecting millions of petitions from Americans all across the country to force Congress to adopt our Tax Limitation/Balanced Budget Constitutional Amendment. Postcards, Senate Grams, letters, and all kinds of pressure will force Congress into action.

It is now absolutely clear that the *only* way we will ever force Congress to limit taxes and balance the budget is with a constitutional amendment. Congress has demonstrated that neither the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act, nor the financial crisis we have been living through for the last few months, will bring about responsible spending from the Big Spenders in Congress.

This is the final year of Ronald Reagan's presidency. It may be our last year with a president who fully supports our Amendment. And the Amendment has more support in Congress than ever before.

We must force Congress to pass the Amendment this year. To fail will mean passing massive debt on to our children, grandchildren—and to generations yet unborn.

But too many politicians are thinking only about their next election. These Big Spending politicians are hoping against hope that the American people will do little to force passage of this Tax Limitation/Balanced Budget Amendment—so they can go on spending and rewarding the special interests.

But they didn't reckon on NTLC's Grassroots Americans for a Tax Limitation/Balanced Budget Amendment. **HERE IS OUR CONFIDENTIAL PLAN AND STRATEGY.**

A. NTLC's Grassroots Americans for a Tax Limitation/Balanced Budget Amendment—Direct Mail

The constitution guarantees us the right to vote. But we can't vote directly on federal spending and the federal deficit. The constitution also guarantees "*we the people*" another right . . . the rights of the people to petition the government for redress of grievances [shall not be abridged].—ARTICLE I OF THE BILL OF RIGHTS.

This is a constitutional right that cannot be ignored by the politicians. NTLC's Grassroots Americans for a Tax Limitation/Balanced Budget Constitutional Amendment will literally flood the halls of Congress with 10 million petitions demanding passage of the Tax Limitation/Balanced Budget Constitutional Amendment.

NTLC has already launched this campaign. We know from independent surveys that at least 80% of the American people support a Tax Limitation/Balanced Budget Amendment. Our challenge is to get these petitions into the hands of all Americans who want to sign them. The petitions are addressed to the Speaker of the House and the President of the United States Senate. Kits containing the official petition will be mailed out to millions and millions of Americans.

Immediately upon receipt of the first 10 million petitions, NTLC, on behalf of these concerned Americans, will request that the President demand a joint session of Congress at which time the petitions will be presented. This strategy, along with additional supporting activities, will force Congress to pass the Tax Limitation/Balanced Budget Amendment.

Direct Mail Budget: \$1,210,000

B. Grassroots Americans for a Tax Limitation/Balanced Budget Amendment—Radio

The American people rate deficits as Public Enemy Number One. WE THE PEOPLE are demanding that constitutional amendment mandating a balanced budget and a limit on spending be passed. OUR FELLOW CITIZENS DON'T HAVE TO BE CONVINCED OF THE ABSOLUTE NECESSITY OF PASSING THE AMENDMENT. NTLC's nationwide drive time radio ads will give an 800 number to call to get the official petition.

Radio Broadcast Budget \$180,000

C. Grassroots Americans for a Tax Limitation/Balanced Budget Amendment—Television
 You've probably seen Ed McMahon on your television set publicizing the Publishers Clearing House Sweepstakes and opportunity to subscribe to your favorite magazine. That kind of publicity makes people aware that they will be getting their sweepstakes package in the mail. It works. Passage of the Tax Limitation/Balanced Budget Amendment is so much more critical than a subscription to any magazine.

NTLC will therefore go on television—making the American people aware that their official petition—their chance to exercise their constitutional right of petition—will be arriving in the mail, so that they will be on the lookout for it.

Television Budget \$410,000

D. Grassroots Survey Campaign—Direct Mail

National surveys show that approximately 80% of the American people want passage of the Tax Limitation/Balanced Budget Amendment. Along with the Petition Campaign, NTLC plans to conduct a survey mailing in targeted congressional districts—to show congressional representatives and U.S. Senators how strongly the voters back home feel about this issue. These individual responses can then be provided to each Member of Congress. Our leaders on Capitol Hill believe that this detailed survey is an essential part of the total strategy to force the Congress to pass the Amendment.

Individual Opinion Survey Budget \$320,000

E. Hands-on Lobbying

NTLC has helped organize the formal coalition of national associations in support of the Tax Limitation/Balanced Budget Amendment. We must hire additional staff members so your NTLC can maintain constant contact with Senators, Representatives and members of their staffs. This is how we formally sign on co-sponsoring Senators and Congressmen.

It is this effort that identifies solid supporters, weak supporters, and the undecided Members of Congress. This intelligence is essential to the success of our targeted grassroots lobbying campaign.

Hands-on Lobbying Budget \$165,000

F. Targeted Grassroots Lobbying Campaign

The intelligence gathered from NTLC's "hands-on lobbying" will show us which Members of Congress require the most special attention. First priority will be the "undecideds" and second priority will be those leaning against the Amendment but who might be persuaded to vote for the Amendment.

NTLC's president, Lew Uhler, and others are prepared to go into the states and home districts of these Senators and Members of Congress. Using direct mail, newspapers, radio, television and telephone banks, we will demonstrate the broad base of public support for the Tax Limitation/Balanced Budget Amendment and the political risks incurred by those who may vote against the Amendment.

Targeted Grassroots Budget \$110,000

G. State Resolution Campaign

We are intensifying our work in the several states to put the critical additional pressure on Congress to pass the Amendment. So far we've helped persuade 32 of the required 34 State Legislatures to pass resolutions requiring Congress to pass our Tax Limitation/Balanced Budget Amendment.

While the State Legislatures were in recess, your NTLC worked quietly behind the scenes, spending time and money to influence the shape of key state legislatures around the country. That work is about to pay off—that is, if we can put together the money and resources to complete this phase of our work.

If Congress fails to act after two-thirds of the states (34 states) pass balanced budget resolutions, Article V of the Constitution requires the Congress to call a convention for the sole and exclusive purpose of drafting a Tax Limitation/Balanced Budget Amendment.

This is part II of the NTLC strategy. On the one hand, Congress will be flooded with petitions from the people back home demanding passage of the Amendment. On the other hand, Congress will be faced with unrelenting pressure from the legislatures of the several states—who under their state constitutions must live under the constraints of a balanced budget requirement.

Pressure from the states is the precise method used to force the Congress to pass the 17th Amendment (direct election of U.S. Senators). Congress passed the 17th Amendment when the states were one state shy of the necessary two-thirds at that time.

From the 18 states that have not yet passed resolutions, we are concentrating on the following: California, Connecticut, Kentucky, Minnesota, Montana, New Jersey, Ohio, Washington State and West Virginia.

State Resolution Budget \$350,000

H. Continue Operations of Other NTLC Programs

Publication of the NTLC Spending Score Card for Congress, monitoring all legislation regarding spending and taxing, fighting against tax increases and for cuts in wasteful federal spending, publication of TAXWATCH.

Program Budget \$130,000

Total Campaign Budget

\$2,875,000

Detailed documentation
by a state's Attorney General
including the legal authority behind it
verifying that any state can indeed
withdraw or rescind its petition
for a constitutional convention.

Signature of

STATE



"The [illegible] weight of legal authority on this issue
supports my position."

Attorney General

STATEMENT OF
STEPHEN H. SACHS
ATTORNEY GENERAL OF MARYLAND

In Support of SJR 17
March 9, 1983

Thank you for giving me this opportunity to speak on SJR 17, a resolution to withdraw Maryland's 1975 petition to Congress to call a constitutional convention for a balanced budget amendment. I strongly support the passage of this resolution.

Maryland's 1975 petition was passed pursuant to Article V of the United States Constitution, which provides that Congress must call a constitutional convention upon the application of two-thirds of the states. Under Article V, such a convention could propose constitutional amendments which would then have to be ratified by three-fourths of the states. This procedure is an alternative to the Congressionally-initiated amendment process where amendments are proposed by a two-thirds vote of both Houses of Congress for ratification by three-fourths of the states.

Before addressing the merits of the resolution to withdraw Maryland's 1975 petition, I would like to restate my position that a withdrawal of a petition for a constitutional convention is constitutional. As you know, I concluded in a 1979 opinion that a state could not rescind a prior ratification of a proposed constitutional amendment. But I believe that there is a 'crucial difference' between a ratification of an amendment and a petition for a constitutional convention. While the former is a 'final act' of a sovereign body which cannot be undone, the latter is merely a 'formal request' to Congress which can be withdrawn.

The overwhelming weight of legal authority on this issue supports my position. I have attached a copy of my letter to Senator Dorman which fully sets forth my position and the authority behind it.

I urge you to recommend passage of SJR 17 because, regardless of the merits of the balanced budget amendment itself, calling a constitutional convention to adopt it would create a substantial risk of a "runaway" convention which undermines basic constitutional protections. And, because thirty-one of the necessary thirty-four states have already petitioned for a convention, a convention may well be called -- and soon -- unless action is taken to withdraw petitions.

One of the most important features of our Constitution is the protection it gives through the Bill of Rights and the Fourteenth Amendment to individuals and to groups from a tyrannical majority of the moment. As we have occasionally learned through bitter experience, no nation, including this one, is immune from the curse of the many seeking to oppress the few. That is why we must do everything we can to preserve the rights and liberties guaranteed by the Constitution--and why we must avoid unnecessary risks to those rights and liberties.

One of the most effective protections we have against attempts to curtail our constitutional rights is the fact that amending the Constitution is a relatively difficult process. I believe, however, that this protection would be greatly eroded if, instead of utilizing the traditional Congressionally-initiated amendment process, we invoked, for the first time in

our history, the provision in Article V of the Constitution for a national constitutional convention. Calling such a convention is a radical and unprecedented step we should not take.

Up until now, every amendment added to the Constitution was first approved by two-thirds of both the Senate and House of Representatives and then ratified by three-fourths of the states. Representatives of not only a majority, but of a substantial super-majority of the American people agreed to the amendments before they were adopted. It is, I believe, not coincidental that none of these amendments permanently curtailed constitutional rights or liberties. The passing passions which may compel a temporary majority of Americans to limit basic rights or liberties are unlikely to sway the super-majority necessary to amend the constitution by this traditional method.

The untried constitutional convention method of amending the constitution offers no similar guarantee against a temporarily "tyrannical" majority. In the first place, it is possible under this method for an amendment to be adopted by the concurrence of persons representing a bare majority or less of the American people. Further, and even more important, there is a great risk that such a convention could ignore limits sought to be placed on it and propose amendments on any subject -- including individual rights.

If the states of Hawaii, Montana, and Vermont joined the thirty-one states that have petitioned for a constitutional convention on the balanced budget, such a convention would be called on petition of thirty-four states comprising just less

than half of the American people. Once a convention is called, there is nothing to prevent it from proposing constitutional amendments by a simple majority of its delegates. And, because there is no established procedure for choosing these delegates, it is not even clear that a convention majority would actually represent a majority of the American people. We in Maryland can have no guarantee that delegates in other states would be chosen in a fair and equitable manner. Finally, although Article V of the Constitution requires that amendments proposed by a convention must be ratified by three-fourths of the states, it is possible for an amendment to be ratified by the requisite thirty-eight states comprising only 42% of the total U.S. population. Thus, nowhere in the convention method of constitutional amendment is there a requirement similar to the requirement in the Congressional method that two-thirds of the House of Representatives approve a proposed amendment which would insure that before an amendment is adopted representatives of a substantial super-majority of the American people approve it.

This lack of a requirement of super-majority support would, of course, be especially troubling if a convention were to propose amendments in areas such as individual rights. Many of those who favor the call for a convention argue that we need not worry about this happening because the Maryland petition and petitions from many other states explicitly provide that the convention could only consider certain specific balanced budget amendments. The effectiveness of these purported limitations is, however, uncertain at best.

There are three possible theories under which a convention could "run away" from limits sought to be placed upon it by legislatures or Congress.

First, a constitutional convention could become what is known as a "revolutionary" convention. Under this theory, a constitutional convention would, once it is called, become the most sovereign entity in the nation, free to do essentially as it pleases. The highest courts in at least two states have viewed conventions in this manner. See Sproule v. Fredericks, 69 Miss. 898, 904 (1892); McMullen v. Hodge, 5 Tex. 34, 73 (1849).

There is an important precedent for this model in the 1787 Convention which framed our present Constitution. That convention was called "for the sole and express purpose of revising the Articles of Confederation." Further, the Articles of Confederation required that any amendments proposed by the Convention had to be ratified by all the states to be effective. The 1787 Convention, of course, ignored both of these limitations: it scrapped the Articles entirely by proposing a whole new Constitution and it made adoption of the Constitution contingent on ratification by only three-fourths of the states.

Thus, it is possible, though I believe unlikely, for a convention called under Article V of the Constitution to follow the "revolutionary" precedent set by the Founding Fathers in 1787. If so, such a convention could totally revamp the Constitution and, in order to make adoption of its product more likely, change the ratification procedure to require assent by less than three-fourths of the states.

A second, more probable, theory for an Article V Convention would be for it to consider itself bound by Article V, including the three-fourths ratification requirement, but for it to also interpret Article V as permitting it to propose any amendments it chose regardless of limitations sought to be imposed by Congress or the state legislatures. Under this scenario a convention called by two-thirds of the states to propose a balanced budget amendment could also propose amendments affecting abortion rights, a nuclear freeze, religious freedom, sexual preference, free speech, privacy interests, the right to bear arms, or any imaginable set of similar issues. As we have seen, such proposed amendments could then become part of the Constitution after approval by representatives of a bare majority or less of the American people.

There is substantial authority that a convention could run away in this manner. First, some of the most renowned constitutional scholars in the country, including Professor Charles Black of Yale, Walter Dellinger of Duke, Gerald Gunther of Stanford and Laurence Tribe of Harvard have concluded that neither State legislatures nor Congress can limit a constitutional convention to proposing only certain specific amendments. Second, there is a long history at the state level of conventions going beyond limits sought to be imposed on them by a state legislature. As recently as 1975, the Supreme Court of Arkansas held in Pryor v. Lowe, 523 S.W. 2d 199, that because a constitutional convention exercises power "inherent in the people", its actions cannot be restricted by a legislature. Although it did not rule on this

specific point, the Maryland Court of Appeals made the similar finding that delegates to a convention are "direct agents of the people, rather than agents of the organized government" to support its holding that such delegates are not "officers" under the pre-existing State Constitution. Board of Supervisors of Anne Arundel County v. Attorney General, 246 Md. 417 (1967).

Under a third possible theory, the State legislatures which petition for a convention could limit the subject matter which the convention can consider but could not constrain it to voting up or down specific amendments only. The Supreme Court of Tennessee adopted such a theory in Snow v. Memphis, 527 S.W. 2d 55, where the Court held that a provision in the Tennessee Constitution permitting "limitations" on constitutional conventions only authorized limits on the subject matter that a convention could address. Further, one of the most forceful advocates of the position that a convention could be limited, former Senator Sam Ervin, has also maintained that the states can only limit the subject matter of a convention and could not limit the convention to specific amendments.

In our case, this third possibility would mean that the state legislatures could require the convention to deliberate only on a balanced budget amendment to the federal constitution, but could not limit the convention to considering only the precise amendment or amendments proposed in the state petitions. In terms of protecting individual liberties, I find little comfort in such a partial limitation of a convention. There are an infinite number of ways by which a convention could curtail

rights and liberties through the budget process. For example, the budget could be balanced in part by denying federal aid to states that did, or did not, depending on which viewpoint commended itself to the delegates, require prayer in public schools, or permit busing, or pass gun control laws, or restrict police searches.

After reviewing these three theories and the authority behind them, the conclusion I reach is that there is no way to limit a convention once it is called and that, therefore, a runaway convention could very well occur.

The most important legal authority I found taking the view that a convention could, in fact, be limited is a 1974 Special Report issued by the American Bar Association. This Report, I understand, was influential in convincing many Maryland legislators in 1975 that a runaway convention would not occur.

Substantial doubt, however, has been cast on the Special Report's conclusion by both a committee of the ABA and one of the authors of the Report itself. The ABA's Section on Individual Rights and Responsibilities agreed without dissent to reject the Special Report because of "its infirmly supported position that the Legislatures applying for the call of a convention could limit convention jurisdiction to one or more specific subjects." In response to a question by Senator Birch Bayh at a 1979 Senate hearing on constitutional conventions as to whether he had any doubts about the conclusion of the Special Report, co-author and leading ABA spokesman John D. Feerick stated that "it is a possibility -- maybe more than a possibility under certain

circumstances where there is strong emotion about a particular subject" that a convention could exceed the limits placed on it by state legislatures.

Further, even if one could make a persuasive argument that the framers of the Constitution intended to give state legislatures the right to limit conventions under Article V (and no one has), there would still be a substantial question as to whether the courts would enforce this right. Although the courts have ruled on many Article V questions, there is a judicial tradition of treating some particularly sensitive Article V issues as non-justiciable "political questions." A dispute among a "runaway" convention, the State legislatures that called it and Congress may be just the kind of issue on which the courts would decline to rule.

Thus, I believe that there is a substantial risk that a constitutional convention called to propose a balanced budget amendment would also propose other amendments to the constitution. And, since under the convention method of amending the constitution, an amendment could be adopted by representatives of a bare majority or less of the American people, the risk is heightened that amendments which curtail basic constitutional rights or liberties may result.

I urge those of you who desire a balanced budget amendment to work for its adoption through the tried and tested Congressionally-initiated process, and not to let this issue open the "Pandora's box" of a constitutional convention.

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January 31, 1983

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The Honorable Arthur Dorman
 303 James Senate Office Building
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Dear Senator Dorman:

You have requested our opinion on whether it would be constitutional for the General Assembly to withdraw a petition asking Congress to call a constitutional convention. In 1975, the General Assembly passed Joint Resolution 77, petitioning Congress to prepare and submit to the states an amendment to the United States Constitution that would require a balanced federal budget or, alternatively, to call a constitutional convention to propose such an amendment. See Laws of Maryland 1975, at 3921-24. You have asked whether the General Assembly may now, by subsequent Joint Resolution, withdraw that petition.¹

¹ In your letter of inquiry, you refer to a "rescission" by the General Assembly of its petition to Congress. Although "rescission" and "withdrawal" have substantially the same meaning, we use the word "withdrawal" when referring to actions to nullify a petition for a constitutional convention and the word "rescission" when referring to actions to nullify (continued)

OPINION OF THE ATTORNEY GENERAL

Cite as: Opinion No. 83-006 (January 31, 1983) (to be published at 66 Opinions of the Attorney General (1983))

For the reasons stated below, it is our conclusion that such a withdrawal would be constitutional.²

I

Article V

The process of amending the Constitution is governed by Article V of the United States Constitution, the pertinent provisions of which are as follows:

"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[.]"

Under Article V, state legislatures participate in the amendment process in one of two distinct ways: (i) by petitioning Congress to call a constitutional convention to propose amendments; and (ii) by ratifying amendments proposed either by the Congress itself or by a convention called by Congress.

Until now, every amendment to the Constitution has been originally proposed by Congress. There have, however, been several attempts over the years by state legislatures to compel Congress to call a constitutional convention for various purposes. Since 1940, close to two-thirds of the states have passed resolutions urging conventions to propose amendments that would limit the federal income tax, reverse in part the Supreme Court's reapportionment decisions, and, spurring your present inquiry, require a balanced federal budget. See generally American Bar Association Special Constitutional Convention Study Committee, Amendment of the Constitution by the Convention Method

state ratifications of proposed amendments. We believe that using these words in this distinct manner comports with widely accepted practice and would facilitate clarity in our discussion of the issue.

² We do not address the question of whether a state may withdraw a petition even after the requisite number of states have petitioned for a convention. That particular problem is not now before us.

under Article V Appendix B (1974) (referred to below as "ABA Report"). The ABA Report is reprinted in Bills to Provide Procedures For Calling Constitutional Conventions For Proposing Amendments To the Constitution of the United States. On Application of the Legislatures of Two-thirds of the States. Pursuant To Article V of the Constitution; Hearings on S3. S520. and S1710 Before The Subcomm. on the Constitution of the Senate Comm. on the Judiciary, 96th Cong., 1st Sess. 69-165 (1979) (referred to below as "1979 Hearings")

In recent years, there has been much debate as to whether a legislature can either rescind a previous ratification of an amendment or, as in your inquiry, withdraw a petition for a constitutional convention.³

II

Rescinding A Ratification

In 1979, we considered whether the General Assembly could rescind its ratification of a constitutional amendment. We concluded that it could not do so. 64 Opinions of the Attorney General-84 (1979).

Our conclusion rested primarily on our determination that, when a state legislature ratifies a constitutional amendment, it is not exercising its inherent legislative powers but is, instead, "exercising power as a ratifying assembly which is conferred by Article V of the United States Constitution". Id. at 92. This determination, in turn, was based on our finding that the framers of the Constitution intended the two procedures provided for in Article V for state ratification of constitutional amendments - by a state convention or by the state legislature - to be functional equivalents.

Because the ratification of an amendment by a state convention would be the final, irrevocable act of such a convention, ratification by a state legislature similarly should be final and irrevocable. Id. at 85-87. We found support for our conclusion in judicial and Congressional precedents. Id. at 87-89, 90-92.

³ There is no question whatever that the General Assembly may withdraw that portion of its 1975 petition which requested Congress to itself propose a balanced budget amendment. Article V of the U.S. Constitution does not address such a request at all.

III

Withdrawing A Petition

We reach a different conclusion, however, with respect to petition withdrawals. In our view, the General Assembly has the authority to withdraw a petition.

The crucial difference between ratifications and petitions is that a state ratification - whether by the state legislature or by a state ratifying convention - is that state's final action under Article V. By contrast, Article V relies entirely on the legislature in each state to initiate a constitutional convention through a commonplace legislative device - the petition. Although ratifications are the "final act by which sovereign bodies confirm a legal or political agreement", petitions for a constitutional convention are "merely formal requests by state legislatures to Congress" to call a convention. Bonfield, The Dirksen Amendment and the Article V Convention Process, 66 Mich. L. Rev. 949, 966-67 (1968). See also 1979 Hearings at 297-98 (prepared statement of Professor William W. Van Alstyne, Duke University Law School); Fensterwald, Constitutional Law: The States and the Amending Process - A Reply, 46 A.B.A.J. 717, 719 (1960).

The one reported federal court case concerning a state legislature's petition for a constitutional convention strongly supports our characterization of this procedure. In Petuskev v. Rampton, 431 F.2d 378 (10th Cir. 1970), cert. denied 401 U.S. 913 (1971), the U.S. Court of Appeals reversed a district court decision that had invalidated Utah's petition for a constitutional convention. Despite a federal statute that then barred single federal judges from overturning state statutes, the district court held that it was authorized to invalidate the petition.⁴ According to the judge, the action by a legislature in petitioning for a constitutional convention was a "national" rather than a "state" function and, therefore, the petition was not a statute. 431 F.2d at 383. The circuit court disagreed, holding that:

"The argument that [the action of petitioning Congress] was national, rather than state, does not persuade us. The national action, if any, would be the calling of the convention [by Congress]. Utah has announced as a matter of state policy it favors such a call. Its action was that of a state and does not partake of a national flavor." Id.⁵

⁴ At the time the Petuskev case was decided, only a three-judge panel could invalidate state statutes. 431 F.2d at 383.

⁵ But see Opinion of the Justices to the Senate, 366 N.E.2d 1226, 1227-28 (Mass. 1977) (dicta).

Because the General Assembly's withdrawal of a petition for a constitutional convention is not restricted by Article V, normal rules of legislative procedure apply. One of the most basic of these rules is that one legislature may not bind its successors by its legislative acts. See Fisher v. State, 204 Md. 307, 315 (1954); Montgomery County v. BiceLOW, 196 Md. 413, 423 (1950). Thus, the General Assembly is free to withdraw a previous petition for a constitutional convention. Our conclusion is concurred in by virtually every constitutional scholar who has addressed this point.⁶

The position that a state may withdraw a petition to Congress is also supported by state and Congressional practice. Since 1940, eighteen state legislatures have withdrawn petitions concerning six different calls for a constitutional convention. ABA Report at Appendix B.⁷ Further, the Senate of the United States, by twice unanimously passing legislation that would provide for petition withdrawals, has recognized the constitutionality of permitting states to withdraw constitutional convention petitions. See S. 1272, 93rd Cong., 1st Sess., 119 Cong. Rec. 22731-37 (1973); S. 215, 92nd Cong., 1st Sess., 117 Cong. Rec. 36804-06 (1971). See also Graham, The Role of the States in Proposing Constitutional Amendments, 49 A.B.A.J. 1175, 1177 (1963) - (claim that the requisite thirty-four states had petitioned Congress to call a constitutional convention to limit federal income taxes was rejected by Senate Judiciary Committee staff, in part because twelve of those states had withdrawn their petitions).

⁶ In addition to the authorities cited above, see also 1979 Hearings at 308 (statement of Gerald Gunther, Professor of Law, Stanford University); ABA Report at 32-33; Sam Ervin, Jr., Proposed Legislation to Implement the Convention Method of Amending the Constitution, 66 Mich. L. Rev. 875, 889-90 (1968); A Bill To Provide Procedures For Calling Constitutional Conventions For Proposing Amendments To The Constitution Of The United States. On Application Of The Legislatures Of Two-Thirds Of The States, Pursuant To Article V Of The Constitution; Hearings on S. 2307 Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary, 90th Cong. 1st Sess. 64 (1967) (testimony of Alexander M. Bickel, Professor of Law, Yale University); Staff Of House Comm. On The Judiciary, Problems Relating To State Applications For A Convention To Propose Constitutional Limitations On Federal Taxes, 82nd Cong., 2nd Sess. 13-14 (Comm. Print. 1952). But see Packard, Rescinding Memorialization Resolutions, 30 Chi.-Kent L. Rev. 339 (1952).

⁷ Although Maryland has never withdrawn a petition, the State Senate has passed, in three different sessions, resolutions for withdrawal of Maryland's petition for a constitutional convention to partially overturn the Supreme Court's reapportionment decisions. S.J.R. 29, 1971 Journal of the Senate 621; S.J.R. 14, 1968 Journal of the Senate 239; S.J.R. 64, 1967 Journal of the Senate 1642.

IV

"Political Question" Doctrine

Although we are confident of our legal conclusion that the General Assembly is empowered to withdraw its petition to Congress - and that the courts would so hold were the General Assembly's action challenged - we must add one note of caution.

An argument can be made that determining the validity of a petition withdrawal is ultimately a "political question" on which Congress, and not the courts, would be the final arbiter. In our 1979 Opinion on ratification rescissions, we concluded that a determination on the validity of such rescissions is probably such a political question. 64 Opinions of the Attorney General at 89. Since that Opinion, however, a federal district court has ruled that the validity of ratification rescissions is a justiciable issue on which the courts may rule - and not a political question. Idaho v. Freeman, 529 F. Supp. 1107, 1123-46 (D. Idaho 1981), vacated as moot, ___ U.S. ___ [103 S.Ct. 22] (1982).

Regardless of whether the validity of ratification rescissions is justiciable, the fact that, since 1798, federal courts have consistently ruled on other Article V issues demonstrates that at least some Article V issues are justiciable and not political questions. See, e.g. Kimble v. Swackhamer, 439 U.S. 1365 (Rehnquist, J., Circuit Justice), appeal dismissed, 439 U.S. 1041 (1978); Leser v. Garnett, 258 U.S. 130 (1922); Hawke v. Smith, 253 U.S. 221 (1920); Hollingsworth v. Virginia, 3 U.S. 378 (1798); Dyer v. Blair, 390 F.Supp. 1291 (N.D. Ill. 1975); Trombetta v. Florida, 353 F.Supp. 575 (M.D. Fla. 1973).

Indeed, the only court that has been faced with the political question doctrine in the context of a legislature's petition for a constitutional convention held that a series of Supreme Court cases supported the justiciability of the issues before it. Petuskev v. Rampton, 307 F.Supp. 235, 250 (D. Utah 1969), rev'd on other grounds, 431 F.2d 378 (10th Cir. 1970), cert. denied, 401 U.S. 913 (1971). Thus we cannot assume that the validity of a withdrawal of a legislature's petition is solely a matter for Congress to decide.⁸

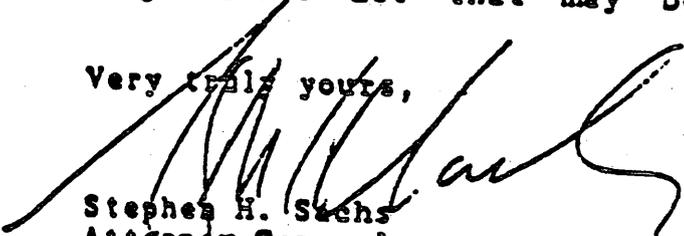
⁸ For discussions of the applicability of the political question doctrine to the withdrawal issue, see Ripple, Judicial Review of Congressional Determinations Pursuant to the Convention Method of Amending the Constitution, reprinted in 1979 Hearings at 431-35; 1979 Hearings at 503 (prepared statement of Laurence H. Tribe, Professor of Law, Harvard University); ABA Report at 20-25; Note, Proposed Legislation on the Convention Method of Amending the United States Constitution, 85 Harv.L.Rev. 1612, 1634-41 (1972).

V

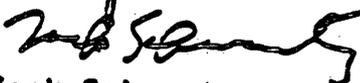
Conclusion

In summary, we conclude that the General Assembly may withdraw its 1973 petition asking Congress to call a constitutional convention to propose a balanced budget amendment. If the courts rule on this issue, we believe they will determine that such a withdrawal is permitted by Article V of the United States Constitution. Unlike ratification of a proposed constitutional amendment, the General Assembly's petition for a constitutional convention is a legislative act that may be withdrawn.

Very truly yours,



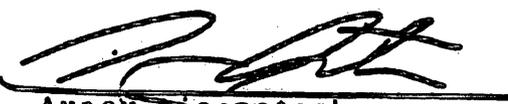
Stephen H. Sachs
Attorney General



Jack Schwartz
Assistant Counsel
Opinions and Advice



Vincent DeMarco
Staff Attorney



Averil Eisenstark
Chief Counsel
Opinions and Advice

1 WHEREAS, there is no need for a new constitution, the adoption
2 of which would create legal chaos in America and only begin the
3 process of another two centuries of litigation over its interpretation
4 by the courts; and

5 WHEREAS, such changes as may be needed in the present
6 Constitution of the United States may be proposed and enacted by the
7 well-established method of amendment contained therein.

8 THEREFORE, BE IT RESOLVED that the Legislature of
9 does hereby rescind any and all previous applications to the Congress of
10 the United States made by the Legislature of the state of
11 pursuant to Article V of the Constitution of the United States of
12 America for the calling of a constitutional convention for any
13 purpose, limited or general.

14 BE IT FURTHER RESOLVED that a copy of this Resolution be
15 transmitted to the presiding officers of the Senate and the House of
16 Representatives of the Congress of the United States of America, to
17 the members of the delegation to the Congress of the
18 United States and to the presiding officers of each house of the
19 legislatures of the several states.

STATEMENT TO THE SENATE STATE GOVERNMENT COMMITTEE
OF THE NEW JERSEY STATE LEGISLATURE
RE: PROPOSED RESOLUTION REFERENCING A CONSTITUTIONAL CONVENTION

PRESENTED BY: BETH ANN PERADOTTI
STATE OF ILLINOIS
MAY 27, 1993

TOTAL PAGES 8

212X

I'M SPEAKING TO YOU TODAY AS A CONCERNED CITIZEN FROM ILLINOIS BECAUSE THE IMPLICATIONS OF SCR39 REACH BEYOND THE STATE OF NEW JERSEY AND AFFECT ALL AMERICANS.

I AM ONE OF MANY CITIZENS AND PARENTS WHO ARE BECOMING INCREASINGLY ALARMED AT THE CALLOUS ATTITUDES OF OUR GOVERNMENT LEADERS, LEGISLATORS, THE MEDIA AND OTHERS WHO INCREASINGLY DISREGARD THE IMPORTANCE OF OUR CONSTITUTION AND THE PUBLIC'S RIGHT TO KNOW THE TRUTH. I AM A NATIONAL CO-DIRECTOR FOR COUNCIL ON DOMESTIC RELATIONS AND A DISTRICT COORDINATOR FOR UNITED WE STAND AMERICA - THE ROSS PEROT GROUP, WHICH ARE ONLY TWO OF MANY REFORM GROUPS HAVING MEMBERS WHO THINK MUCH AS I DO ON THE IMPORTANCE OF VALUES AS SET FORTH BY OUR FOREFATHERS AND OTHER INTELLIGENT AND HONEST PATRIOTS WITH INTENT TO PRESERVE OUR GOD GIVEN RIGHTS AND FREEDOMS.

THE ELIMINATION OF THE MIDDLE CLASS IS AN OBVIOUS MOVE TOWARD A TWO CLASS SYSTEM INVOLVING SOCIALISTIC PROGRAMS. "SELLING OUT TO FOREIGN INTERESTS" HAS PRODUCED OUR DETERIORATING ECONOMY WITH LOSS OF JOBS, INCREASED TAXATION, A LOWER TAX BASE, A HIGHER CRIME RATE, INCREASED GOVERNMENT ACQUISITION OF PROPERTY AND MILITIA CONTROL; AND OUR CHANGING EDUCATIONAL SYSTEM HAS CONTRIBUTED TO OUR COUNTRY'S PROBLEMS BY PRODUCING UNCARING AND POORLY EDUCATED LEADERS WHO ARE UNABLE TO SEE THE RESULTS OF THEIR SELF-SERVING ACTIONS AND GOVERNMENT DICTATES.

SIMILAR RESOLUTIONS AS SCR39 HAVE BEEN TABLED MANY TIMES. WHY BRING IT UP AGAIN? MANY CITIZENS WORKING FOR REFORM ALSO QUESTION ROSS PEROT AND HIS INVOLVEMENT AS NATIONAL DIRECTOR OF UWS,A. IS HE REALLY WORKING FOR THE PEOPLE AS MANY OF US WANT TO BELIEVE? MANY THINK NOT.

PAPER (b) - 'THE MAN BEHIND ROSS PEROT'
2 PAGES BY DOUG KELLEY

PAPER (e) - 'DICK THORNBURG'S STRUCTURAL ADJUSTMENT'
2 PAGES REFORMING AMERICAN GOVERNMENT
(THE BICENTENNIAL PAPERS OF THE COMMITTEE ON THE
CONSTITUTIONAL SYSTEM)

PAPER (D) - '1993 CONSTITUTIONAL CONVENTION FACT SHEET'
2 PAGES BY DOUG KELLEY

I ASK THAT YOU RECONSIDER YOUR PRIORITIES, WITHDRAW SCR39 AND CALL MANY OTHERS ASKING THEM TO DO WHATEVER IS NECESSARY TO HELP US DERAIL THE DESTRUCTION OF OUR COUNTRY.

THANK YOU.

THE MAN BEHIND ROSS PEROT

(b)

The key to understanding Ross Perot's agenda is his advisor Lloyd Cutler, Jimmy Carter's white house council and co-chairman of the committee on the constitutional system (CCS) which is made up of well known Washington figures, including Nancy Kassebaum, Nicholas Brady, William Fullbright and dozens of others.

On July 16, 92 Ross Perot announced, on the big 3 TV networks, that he was withdrawing from the presidential race. He said that the economy was the problem in this country, and that it would take 12 years to fix it. But the trouble was that senators are elected for 6 years, presidents for 4 years, and representatives for 2 years. And that he would have proposed that all three offices carry 6 year terms. The 1985 book 'Reforming American Government'* a collection of papers by members of Lloyd Cutlers committee on the constitutional system and edited by Donald L. Robinson calls for "single 6 year terms for presidents" on pg. 167.

Perot then said that all 6 year terms should be served concurrently. Discussing a proposed constitutional amendment on pg. 176 of 'Reforming American Government' "by establishing concurrent 4 year terms for representatives and the president the amendment would link...". The CCS appears to be as confused between 4 year and 6 year terms, as does Ross Perot on whether he is in or out of the presidential race.

Next, Perot observed that this would not be enough to solve the problem, because if the president was republican and the congress democratic, then they would not work together.

This leads to his next proposal that the president and all the members of congress be of the same party. Discussing the offices of president, senator, and representative 'Reforming American Government' says on pg. 177, "No candidate for any such office may consent to run on more than one party slate. Each voter may cast a ballot for one such slate as an entirety, and votes cast separately for individual candidates shall not be counted".

There go our voting rights, as we know them.

*(ISBN 0-8133-7114-7. Westview Press, Boulder CO.)

He summed up his proposals by saying that such a system already exists, "The British Parliamentary System", which brings us to pg. 191 of 'Reforming American Government'. The first page of chapter 24, entitled "An American Parliament", is where they advocate scrapping our constitutional republic for the parliamentary system, that our founding fathers fought a war to free us from. Thus we see that Ross Perot is not the independent outsider that the media has lead us to believe he is. But is attempting to implement the agenda of the very insiders, who created the problems. Problems such as the federal deficit, some of which went into the government contracts which built Ross Perot's fortune. You don't have to be an economic genius to accept government contracts, but you do have to support their agenda if you want to keep them. Nicholas Brady, mentioned above as a member of the committee on the constitutional system is George Bush's Secretary of the Treasury. Ross Perot criticizes Bush's economic policy, but as a tool of the CCS can he be any different.

BOTTOM LINE: 'Reforming American Government' states on page 29 that they plan a "significant shift in our constitution" that would require " a crisis that would be very grave indeed" such as a depression. The only way the CCS can get its package of amendments into the constitution, is if the state legislatures can be panicked into calling for a U.S. constitutional convention which Alexander Hamilton warned us against in Federalist paper Number 85, as it puts our government at risk of overthrow, and was only intended to be used to avoid armed revolution; so if Ross Perot goes on TV and asks all Americans to call some state legislature and demand that they pass a constitutional convention resolution to balance the federal budget, **DON'T DO IT.** It's only Lloyd Cutler's way of getting his nose into the tent. But it will not balance the budget, it will destroy our voting rights and many other rights.

**SAY NO TO PEROT
AND
STOP THE OVERTHROW.**

Copy And Distribute Widely

'Dick Thornburg's Structural Adjustment' (e)

SCR-39

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 the N.J. 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.

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.

On pg. 27, 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 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 ^{FARMER} 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.

SCR-39

SCR-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.**" The constitutional convention would destroy our country, much sooner than the awesome budget problems.

A constitutional amendment to require full federal funding of all FEDERAL MANDATES handed down to the states is the new issue being used this year, by the American Legislative Exchange Council (ALEC) and the National Taxpayers Union, 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 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 proven 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.

- 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 it's 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.

- SEE OTHER SIDE -

We oppose New Jersey's ACR 30 or any other similar Bill or Resolution calling for a National Constitutional Convention.

By Signing Below, I express my opposition to ACR 30 or any similar Bill or Resolution that attempts to call for a National Constitutional Convention. We do not need a new Constitution because our beautiful Constitution has held our Country together for over 200 years.

- 1 Rae, Caroline Adams 14 Murray Road, Montvale
- 2 CHARLES ADAMS
- 3 Sarah Simchera 259 North ~~Talbot~~ Saddle Brook
Englewood N.J. 07631
- 4 Chuck Tobias 151 1/2 West Street Englewood N.J. 07631
- 5 Mike Miller 1 Frankler Ave. 07009
- 6 Marcia Marchetti 72 Carlin Pkwy Cedar Grove N.J. 07009
- 7 ~~John Marchetti~~ " "
- 8 Thoma Marchetti 72 Carbin Pkwy Cedar Grove, N.J. 07009
- 9 New Thiller 29 Edward Dr. Ringwood NJ 07456
- 10 Adrienne Erickson 47 Hawthorne Ave Ridge, NJ 07050
- 11 ~~John Marchetti~~ 119 RIVERVIEW TER RIVERDALE N.J. 07457
- 12 Rebecca Kehrlly 27
- 13 Kimberly Pains

We oppose New Jersey's ACR 30 or any other
Bill or Resolution Calling for a National Constitutional
Convention.

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similar Bill or Resolution that attempts
to call for a National Constitutional
Convention. We do not need a new
Constitution because our Beautiful
Constitution has held our country
together for over 200 years.

- 14 Darcy Abrams
- 15 ~~Wessa~~ N.J.M.
- 16 Kristen Cherdler
- 17 Nicole Sisti
- 18 Faith Roselle
- 19 Evelyn Reith
- 20 Stephanie Moeller
- 21 Molly Bell
- 22 Emma Gardner
- 23 Rachel Babryak
- 24 Terence Greenberg
- 25 Tawnee Tobias
- 26 Matthew Tobias

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27 Katie Mc Dermott

28 Lindsey Elwood

29 Jean Estus

30 Kate

31 Andrew R. Erb

32 Elisa Gardner

33 Nick Paccaro

34 Janne Paccaro

35 Timothy Gilman

36 Heidi Strayer

37 Lisa Prins

38 Sarah Greenberg

39 Melanie Prins

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40 Chris Maelor

41 Hannah Rosella

42 Jehna Kehry

43 Ryan Prins

44 Catherine A. Gonzalez

45 Josh Koval

46 Evelyn Babjak

47 [Signature]

48 [Signature]

49 Aprillee Elliott

50 Cole Rosella

51 Jonathan Babjak

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55 Jimmy Fuller

56 Kris Gobias

57 Chris Cross

58 Helen Cox

59 Christian Gonzalez

60 Margaret Bell

61 Elizabeth Bratt

62 Beth Prins

63 Margaret C Keith

64 Kristen Prins

65 Lynn Cross

66 Benjamin Silbone

67 Sm G Fene

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71 Carly Gibson

72 Paul J. Cross

73 Kathy Gilmore

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75 Sheila Crow

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INDEX OF ORIGINAL DOCUMENTS
for hearing on H.C.R. 82
Baton Rouge, La., 12 May, 1993
prepared by John Armor, Esq.
Adjunct Scholar for Constitutional Studies,
American Legislative Exchange Council

There have been 17 years of hearings in almost all States that have acted either way on Article V conditional calls for a Balanced Budget Amendment to the US Constitution. All issues except one have dropped away. There is general agreement that a BBA is needed, to operate like similar provisions in 49 States. The one surviving issue is whether using Article V might produce a "run-away" convention, addressing all subjects rather than the one specified by the States. Critical to this argument is the opponents' contention that the 1787 Convention was called "for the sole and express purpose of amending the Articles of Confederation..."

This claim is false. It is not a matter of opinion; it is a matter of fact. All of the basic documents which led to the 1787 Convention are attached. They show that the Convention was called "to devise such further provisions as shall appear to... the Commissioners... [whom we now call delegates] necessary to render the constitution of the Foederal Government adequate to the exigencies of the Union..." In short, it was called as a *general* convention, not a limited one. And, 10 of the 12 States which selected, paid, instructed and sent Commissioners specifically gave them *general* rather than *limited* powers. (Rhode Island did not participate.)

The entire argument about a "run-away" convention in 1787, predicting a "run-away" convention now, rests on the slim fact that two Commissioners, Nathaniel Gorham and Rufus King of Massachusetts, disobeyed the instructions they had received from their State.

Why, then, will hearings in this State, like all others in recent years, be packed with people adamantly opposing an Article V call on the grounds of a "run-away" convention? Most of them have done no basic research. They are simply repeating what they were told by individuals or organizations they trust to tell the truth. Their dedication to the Constitution is clear. Their concern is genuine. But, whether their fears are legitimate depends on the facts. You now hold in your hands all documents necessary to determine the truth for yourselves, rather than depending on "experts" who may or may not have the facts right and may or may not be honest.

Anyone who claims to be an expert should have done his or her homework. A true expert will be familiar with these documents. And any expert who knows these documents, but withholds major parts of them from your attention, is trying to deceive you into accepting a pre-conceived and biased conclusion, rather than putting the facts before you so you can reach your own conclusion. That is not a fair and honest approach in this or any other hearing.

The basic documents are indexed and discussed below, with references to specific pages in each one. Two hundred years ago, laws and resolutions were written in language that laymen could read and understand. So, regardless of whether you are trained in the law or not, you will understand these documents. You will be able to decide for yourselves where the truth lies, in the debate about whether the 1787 Convention was a "run-away."

After you undertake that review, the American Legislative Exchange Council (ALEC, representing more than 2,500 State legislators) thinks you will conclude that the 1787 Convention obeyed the instructions of the States -- except for Nathaniel Gorham and Rufus King. ALEC thinks you will also be satisfied that delegates to a new convention now (if one is called), will, like their predecessors, again obey the instructions of the States. If so, you will honor the Constitution by using the provision in Article V that the Framers gave you precisely to deal with a situation

where Congress is reluctant to act, but the State legislators as equal representatives of the people, force it to act. ALEC thinks that after you review these documents, you will act to pass or maintain your State's Article V call for a Balanced Budget Amendment.

There is a second misstatement you will also hear in this meeting. Opponents will say that a new convention might "change the method of ratification," so the protection of ratification by 38 States might not apply. This begins with the false conclusion that the 1787 Convention was called to amend the Articles. But, it also ignores the Civil War. Many Framers believed, and wrote, that States could leave the Union as freely as they joined it. Between 1787 and 1791 all 13 States abandoned the Articles, joining the new Union under the Constitution. The central, constitutional question of the Civil War was whether States had a right to leave the Union. When the guns fell silent at Appomattox, that possibility was foreclosed. That aspect of what happened in 1787-91 cannot be repeated. The second argument, like the first, fails when the facts are known.

The attached documents are:

I. The Articles of Confederation. This was the constitution of "The United States in Congress Assembled," from 1781 until 1789. *Encyclopedia Britannica, Great Books*, Vol. 43, 1952, pps. 5-9. As this shows, the amendment clause, Article XXIII, contains no reference whatever to a Constitutional Convention. (p. I-9) The Congress, then meeting in New York City, had no authority to call such a Convention. Instead, it was called by the States themselves, as were all other meetings of the States (and previously the Colonies) since 1754 in Albany, New York.

II. The Report of the Annapolis Convention of 1786. Only five States and 14 delegates attended. Being unable to act substantively, that Convention submitted this Report to the Congress and to the Governors (or Presidents) of all States. Note that this calls for the Convention in Philadelphia in May, 1787, to take whatever steps "as appear necessary... to the exigencies of the Union." (p. II-2) The subject matter was not limited. *The Founders' Constitution*, Philip Kurland and Ralph Lerner, Editors, University of Chicago Press, Vol. I, pps. 185-187.

III. Commissions of 12 States, and the Resolution of Congress. Like the Report of the Annapolis Convention, the acceptance of the Commonwealth of Virginia was sent to all States, and reinforced the invitation that all States send Commissioners to propose "all such Alterations as may be necessary... to the Exigencies of the Union." (p. III-3) All these documents are in *The Record of the Federal Constitution of 1787*, edited by Max Farrand, republished by Yale University Press, 1966, Volume III, Appendix B, pps. 555-587, and 1937 edition, pps. 586-590.

The Commissions stated the extent of the powers of the 55 Framers. Each group of Commissioners presented these to the President of the Convention, George Washington, when they arrived in Philadelphia. Seven States were committed to go before Congress attempted to limit the Convention (pps. III-3-5, 8-13, 15-16). Virginia was critical, then having 1/6th of the whole population. Only two of the remaining five States, New York and Massachusetts, restricted their Commissioners to "revising the Articles of Confederation," which "in the opinion of Congress" they should have done (pps. III-12, 15, emphasis added). So, the terrifying argument that the 1787 Convention was a "run-away" rests only on the votes of two Massachusetts' Commissioners, Messrs. Gorham and King. New York did not officially act, since a majority of its delegation, Robert Yates and John Lansing, Jr., left the Convention in disgust in July, never to return. Alexander Hamilton signed the Constitution, not as the New York delegation, but as an individual.

Even without this trip through ancient history, 29 States and about 4,500 State legislators have acted favorably on the Article V calls. With this addition, ALEC thinks you will join them.

ARTICLES OF CONFEDERATION

ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN
THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE
ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW
YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND,
VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA.

Article One

THE style of this Confederacy shall be "The United States of America."

Article Two

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THE said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pre-
15 tence whatever.

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THE better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States, and the people of each State shall have
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State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction shall be laid by any State, on the property of the United States, or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

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FOR the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

228X

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The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following:—Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint,

by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot, and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the Supreme or Superior Court of the State where the cause shall be tried, "*well and truly to hear and determine the matter in question according to the best of his judgment, without favor, affection, or hope of reward,*" provided also that no State shall be deprived territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more States, whose jurisdictions as they may respect such lands and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the

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The United States in Congress assembled

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315 or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted—to build and equip a navy

320 —to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the legislature of each State shall appoint the reg-

325 imental officers, raise the men, and clothe, arm, and equip them in a soldier-like man-

ner, at the expense of the United States, and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled; but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared: and the officers and men, so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on, by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy, and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal,

except such parts as are above excepted to lay before the legislatures of the several States.

Article Ten

385 THE Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall from 390 time to time think expedient to vest them with: provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United 395 States assembled is requisite.

Article Eleven

400 CANADA, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

Article Twelve

405 ALL bills of credit emitted, moneys 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 410 solemnly pledged.

Article Thirteen

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 415 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 420 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 respectfully represent in Congress to approve of and to authorize us to 425 ratify the said Articles of Confederation and perpetual Union, Know Ye, That we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf 430 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: and we do further 435 solemnly plight and engage the faith of our respective constituents that they shall abide by the determinations of the United States in Congress assembled, on all questions which by the said Confederation are submitted to 440 them. And that the Articles thereof shall be inviolably observed by the States we respectively represent, and the Union shall be perpetual.

GEORGE WASHINGTON

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ARTICLES OF CONFEDERATION

ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN
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YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND,
VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA.

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FOR the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

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where Congress is reluctant to act, but the State legislators as equal representatives of the people, force it to act. ALEC thinks that after you review these documents, you will act to pass or maintain your State's Article V call for a Balanced Budget Amendment.

There is a second misstatement you will also hear in this meeting. Opponents will say that a new convention might "change the method of ratification," so the protection of ratification by 38 States might not apply. This begins with the false conclusion that the 1787 Convention was called to amend the Articles. But, it also ignores the Civil War. Many Framers believed, and wrote, that States could leave the Union as freely as they joined it. Between 1787 and 1791 all 13 States abandoned the Articles, joining the new Union under the Constitution. The central, constitutional question of the Civil War was whether States had a right to leave the Union. When the guns fell silent at Appomattox, that possibility was foreclosed. That aspect of what happened in 1787-91 cannot be repeated. The second argument, like the first, falls when the facts are known.

The attached documents are:

I. The Articles of Confederation. This was the constitution of "The United States in Congress Assembled," from 1781 until 1789. *Encyclopedia Britannica, Great Books*, Vol. 43, 1952, pps. 5-9. As this shows, the amendment clause, Article XXIII, contains no reference whatever to a Constitutional Convention. (p. I-9) The Congress, then meeting in New York City, had no authority to call such a Convention. Instead, it was called by the States themselves, as were all other meetings of the States (and previously the Colonies) since 1754 in Albany, New York.

II. The Report of the Annapolis Convention of 1786. Only five States and 14 delegates attended. Being unable to act substantively, that Convention submitted this Report to the Congress and to the Governors (or Presidents) of all States. Note that this calls for the Convention in Philadelphia in May, 1787, to take whatever steps "as appear necessary... to the exigencies of the Union." (p. II-2) The subject matter was not limited. *The Founders' Constitution*, Philip Kurland and Ralph Lerner, Editors, University of Chicago Press, Vol. I, pps. 185-187.

III. Commissions of 12 States, and the Resolution of Congress. Like the Report of the Annapolis Convention, the acceptance of the Commonwealth of Virginia was sent to all States, and reinforced the invitation that all States send Commissioners to propose "all such Alterations as may be necessary... to the Exigencies of the Union." (p. III-3) All these documents are in *The Record of the Federal Constitution of 1787*, edited by Max Farrand, republished by Yale University Press, 1966, Volume III, Appendix B, pps. 555-587, and 1937 edition, pps. 586-590.

The Commissions stated the extent of the powers of the 55 Framers. Each group of Commissioners presented these to the President of the Convention, George Washington, when they arrived in Philadelphia. Seven States were committed to go before Congress *attempted* to limit the Convention (pps. III-3-5, 8-13, 15-16). Virginia was critical, then having 1/6th of the whole population. Only two of the remaining five States, New York and Massachusetts, restricted their Commissioners to "revising the Articles of Confederation," which "*in the opinion of Congress*" they should have done (pps. III-12, 15, emphasis added). So, the terrifying argument that the 1787 Convention was a "run-away" rests only on the votes of two Massachusetts' Commissioners, Messrs. Gorham and King. New York did not officially act, since a majority of its delegation, Robert Yates and John Lansing, Jr., left the Convention in disgust in July, never to return. Alexander Hamilton signed the Constitution, not as the New York delegation, but as an individual.

Even without this trip through ancient history, 29 States and about 4,500 State legislators have acted favorably on the Article V calls. With this addition, ALEC thinks you will join them.

INDEX OF ORIGINAL DOCUMENTS
for hearing on H.C.R. 82
Baton Rouge, La., 12 May, 1993
prepared by John Armor, Esq.
Adjunct Scholar for Constitutional Studies,
American Legislative Exchange Council

There have been 17 years of hearings in almost all States that have acted either way on Article V conditional calls for a Balanced Budget Amendment to the US Constitution. All issues except one have dropped away. There is general agreement that a BBA is needed, to operate like similar provisions in 49 States. The one surviving issue is whether using Article V might produce a "run-away" convention, addressing all subjects rather than the one specified by the States. Critical to this argument is the opponents' contention that the 1787 Convention was called "for the sole and express purpose of amending the Articles of Confederation..."

This claim is false. It is not a matter of opinion; it is a matter of fact. All of the basic documents which led to the 1787 Convention are attached. They show that the Convention was called "to devise such further provisions as shall appear to... the Commissioners... [whom we now call delegates] necessary to render the constitution of the Foederal Government adequate to the exigencies of the Union...." In short, it was called as a *general* convention, not a limited one. And, 10 of the 12 States which selected, paid, instructed and sent Commissioners specifically gave them *general* rather than limited powers. (Rhode Island did not participate.)

The entire argument about a "run-away" convention in 1787, predicting a "run-away" convention now, rests on the slim fact that two Commissioners, Nathaniel Gorham and Rufus King of Massachusetts, disobeyed the instructions they had received from their State.

Why, then, will hearings in this State, like all others in recent years, be packed with people adamantly opposing an Article V call on the grounds of a "run-away" convention? Most of them have done no basic research. They are simply repeating what they were told by individuals or organizations they trust to tell the truth. Their dedication to the Constitution is clear. Their concern is genuine. But, whether their fears are legitimate depends on the facts. You now hold in your hands all documents necessary to determine the truth for yourselves, rather than depending on "experts" who may or may not have the facts right and may or may not be honest.

Anyone who claims to be an expert should have done his or her homework. A true expert will be familiar with these documents. And any expert who knows these documents, but withholds major parts of them from your attention, is trying to deceive you into accepting a pre-conceived and biased conclusion, rather than putting the facts before you so you can reach your own conclusion. That is not a fair and honest approach in this or any other hearing.

The basic documents are indexed and discussed below, with references to specific pages in each one. Two hundred years ago, laws and resolutions were written in language that laymen could read and understand. So, regardless of whether you are trained in the law or not, you will understand these documents. You will be able to decide for yourselves where the truth lies, in the debate about whether the 1787 Convention was a "run-away."

After you undertake that review, the American Legislative Exchange Council (ALEC, representing more than 2,500 State legislators) thinks you will conclude that the 1787 Convention obeyed the instructions of the States -- except for Nathaniel Gorham and Rufus King. ALEC thinks you will also be satisfied that delegates to a new convention now (if one is called), will, like their predecessors, again obey the instructions of the States. If so, you will honor the Constitution by using the provision in Article V that the Framers gave you precisely to deal with a situation

Bill

We oppose ACR 30 or any other Bill or Resolution calling for a National Constitutional Convention.

By Signing Below, I express my opposition to ACR 30 or any similar Bill or Resolution that attempts to call for a National Constitutional Convention. We do not need a new Constitution because our Beautiful Constitution has held our country together for over 200 years.

68 Daniel Chandler

69 Elaine R. Chandler

70 Shannon Hagedorn

71 Carly Gibson

72 Gerald L. Cross

73 Kathy Gilmore

74 Peter Cross

75 Sheila Cross

76

77

78

79

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ANNAPOLIS CONVENTION
11-14 Sept. 1786
Tansill 39-43

*Proceedings of Commissioners to Remedy Defects of the
Federal Government*

Annapolis in the State of Maryland
September 11th. 1786

At a meeting of Commissioners, from the States of New
York, New Jersey, Pennsylvania, Delaware and Virginia—

Present

Alexander Hamilton	}	New York
Egbert Benson		
Abraham Clarke	}	New Jersey
William C. Houston		
James Schuarman		
Tench Coxe		Pennsylvania
George Read	}	Delaware
John Dickinson		
Richard Bassett		
Edmund Randolph	}	Virginia
James Madison, Junior		
Saint George Tucker		

Mr. Dickinson was unanimously elected Chairman.
The Commissioners produced their Credentials from
their respective States; which were read.

After a full communication of Sentiments, and deliber-
ate consideration of what would be proper to be done by
the Commissioners now assembled, it was unanimously
agreed: that a Committee be appointed to prepare a draft
of a Report to be made to the States having Commission-
ers attending at this meeting—Adjourned 'till Wednesday
Morning.

Wednesday September 13th. 1786

Met agreeable to Adjournment.

The Committee, appointed for that purpose, reported
the draft of the report; which being read, the meeting
proceeded to the consideration thereof, and after some
time spent therein, Adjourned 'till tomorrow Morning.

Thursday Sept. 14th. 1786

Met agreeable to Adjournment.

The meeting resumed the consideration of the draft of
the Report, and after some time spent therein, and
amendments made, the same was unanimously agreed to,
and is as follows, to wit.

*To the Honorable, the Legislatures of Virginia, Delaware,
Pennsylvania, New Jersey, and New York—*

The Commissioners from the said States, respectively as-
sembled at Annapolis, humbly beg leave to report.

That, pursuant to their several appointments, they met,
at Annapolis in the State of Maryland, on the eleventh day
of September Instant, and having proceeded to a Com-
munication of their powers; they found that the States of
New York, Pennsylvania, and Virginia, had, in substance,
and nearly in the same terms, authorised their respective
Commissioners "to meet such Commissioners as were, or
might be, appointed by the other States in the Union, at
such time and place, as should be agreed upon by the said
Commissioners to take into consideration the trade and
Commerce of the United States, to consider how far an
uniform system in their commercial intercourse and reg-
ulations might be necessary to their common interest and
permanent harmony, and to report to the several States
such an Act, relative to this great object, as when unani-
mously ratified by them would enable the United States in
Congress assembled effectually to provide for the same."

That the State of Delaware, had given similar powers to
their Commissioners, with this difference only, that the
Act to be framed in virtue of those powers, is required to
be reported "to the United States in Congress assembled,
to be agreed to by them, and confirmed by the Legisla-
tures of every State."

That the State of New Jersey had enlarged the object of
their appointment, empowering their Commissioners, "to
consider how far an uniform system in their commercial
regulations and *other important matters*, might be necessary
to the common interest and permanent harmony of the
several States," and to report such an Act on the subject,
as when ratified by them "would enable the United States

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in Congress assembled, effectually to provide for the exigencies of the Union."

That appointments of Commissioners have also been made by the States of New Hampshire, Massachusetts, Rhode Island, and North Carolina, none of whom however have attended; but that no information has been received by your Commissioners, of any appointment having been made by the States of Connecticut, Maryland, South Carolina or Georgia.

That the express terms of the powers to your Commissioners supposing a deputation from all the States, and having for object the Trade and Commerce of the United States, Your Commissioners did not conceive it advisable to proceed on the business of their mission, under the Circumstance of so partial and defective a representation.

Deeply impressed however with the magnitude and importance of the object confided to them on this occasion, your Commissioners cannot forbear to indulge an expression of their earnest and unanimous wish, that speedy measures may be taken, to effect a general meeting, of the States, in a future Convention, for the same, and such other purposes, as the situation of public affairs, may be found to require.

If in expressing this wish, or in intimating any other sentiment, your Commissioners should seem to exceed the strict bounds of their appointment, they entertain a full confidence, that a conduct, dictated by an anxiety for the welfare, of the United States, will not fail to receive an indulgent construction.

In this persuasion, your Commissioners submit an opinion, that the Idea of extending the powers of their Deputies, to other objects, than those of Commerce, which has been adopted by the State of New Jersey, was an improvement on the original plan, and will deserve to be incorporated into that of a future Convention; they are the more naturally led to this conclusion, as in the course of their reflections on the subject, they have been induced to think, that the power of regulating trade is of such comprehensive extent, and will enter so far into the general System of the foederal government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of the Foederal System.

That there are important defects in the system of the Foederal Government is acknowledged by the Acts of all those States, which have concurred in the present Meeting; That the defects, upon a closer examination, may be found greater and more numerous, than even these acts imply, is at least so far probable, from the embarrassments which characterise the present State of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode, which will unite the Sentiments and Councils of all the States. In the choice of the mode, your Commissioners are of opinion, that a Convention of Deputies from the different States, for the special and sole purpose of entering into this investigation, and digesting a plan for supplying such defects as may be discovered to exist, will be entitled to a preference from considerations, which will occur, without being particularised.

Your Commissioners decline an enumeration of those national circumstances on which their opinion respecting the propriety of a future Convention, with more enlarged powers, is founded; as it would be an useless intrusion of facts and observations, most of which have been frequently the subject of public discussion, and none of which can have escaped the penetration of those to whom they would in this instance be addressed. They are however of a nature so serious, as, in the view of your Commissioners to render the situation of the United States delicate and critical, calling for an exertion of the united virtue and wisdom of all the members of the Confederacy.

Under this impression, Your Commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interests of the union, if the States, by whom they have been respectively delegated, would themselves concur, and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Foederal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in Congress assembled, as when agreed to, by them, and afterwards confirmed by the Legislatures of every State, will effectually provide for the same.

Though your Commissioners could not with propriety address these observations and sentiments to any but the States they have the honor to Represent, they have nevertheless concluded from motives of respect, to transmit Copies of this Report to the United States in Congress assembled, and to the executives of the other States.

By order of the Commissioners.

Dated at Annapolis }
September 14th, 1786 }

Resolved, that the Chairman sign the foregoing Report in behalf of the Commissioners.

Then adjourned without day—

Egbt. Benson	}	New York
Alexander Hamilton		
Abra: Clark	}	New Jersey
Wm Chll. Houston		
Js. Schureman		
Tench Coxe	}	Pennsylvania
Geo: Read		
John Dickinson	}	Delaware
Richard Bassett		
Edmund Randolph	}	Virginia
Js. Madison Jr.		
St. George Tucker		

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LIST OF DELEGATES.¹

NEW HAMPSHIRE	John Langdon (John Pickering) Nicholas Gilman (Benjamin West) ^{1a}
MASSACHUSETTS	(Francis Dana) Elbridge Gerry Nathaniel Gorham Rufus King Caleb Strong
RHODE ISLAND	No appointment
CONNECTICUT	William Samuel Johnson Roger Sherman Oliver Ellsworth [Erastus Wolcott was elected but declined to serve.]
NEW YORK	Robert Yates Alexander Hamilton John Lansing, Junior
NEW JERSEY	David Brearley William Churchill Houston William Paterson (John Neilson) William Livingston (Abraham Clark) Jonathan Dayton
PENNSYLVANIA	Thomas Mifflin Robert Morris

¹ Those whose names are in parentheses did not attend. An alphabetical list of the delegates with the dates of attendance, etc., will be found at the end of this appendix.

^{1a} Philadelphia newspapers of May 19, 1787, in their lists of delegates included the names of John Sparhawk and Pierce Long from New Hampshire.

APPENDIX B

THE DELEGATES TO THE FEDERAL CONVENTION,
THEIR CREDENTIALS, AND ATTENDANCE.

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PENNSYLVANIA
(continued)

George Clymer
Jared Ingersoll
Thomas Fitzsimons
James Wilson
Gouverneur Morris
Benjamin Franklin

DELAWARE

George Read
Gunning Bedford, Junior
John Dickinson
Richard Bassett
Jacob Broom

MARYLAND

James McHenry
Daniel of St. Thomas Jenifer
Daniel Carroll
John Francis Mercer
Luther Martin
[Charles Carroll of Carrollton, Gabriel Duvall, Robert Hanson Harrison, Thomas Sim Lee, and Thomas Stone were elected but declined to serve.]

VIRGINIA

George Washington
Edmund Randolph
John Blair
James Madison, Junior
George Mason
George Wythe
James McClurg
[Patrick Henry,³ Richard Henry Lee, and Thomas Nelson were elected but declined to serve.]

³ "There was a passage at arms between the Rev. John Blair Smith, president of Hampden-Sydney College in Prince Edward county, and Patrick Henry, who represented that county in the Convention. Henry had inveighed with great severity against the Constitution, and was responded to by Dr. Smith, who pressed the question upon Henry, why he had not taken his seat in the Convention and lent his aid in making a good Constitution, instead of staying at home and abusing the work of his patriotic compeers? Henry, with that magical power of acting in which he excelled all his contemporaries, and which before a popular assembly was irresistible, replied: 'I shelt a Rat.'" (H. B. Grigby, *History of the Virginia Federal Convention of 1788*, I, 32.)

NORTH CAROLINA

Alexander Martin
William Richardson Davie
Richard Dobbs Spaight
William Blount
Hugh Williamson
[Richard Caswell and Willic Jones were elected but declined to serve.]

SOUTH CAROLINA

John Rutledge
Charles Pinckney
Charles Cotesworth Pinckney
Pierce Butler
(Henry Laurens)

GEORGIA

William Few
Abraham Baldwin
William Pierce
(George Walton)
William Houstoun
(Nathaniel Pendleton)

CREDENTIALS

[Arranged according to the date of legislative action, — VIRGINIA, NEW JERSEY, PENNSYLVANIA, NORTH CAROLINA, NEW HAMPSHIRE, DELAWARE, GEORGIA, NEW YORK, SOUTH CAROLINA, MASSACHUSETTS, CONNECTICUT, MARYLAND.]

Virginia

VIRGINIA

GENERAL ASSEMBLY begun and held at the Public Buildings in the City of Richmond on Monday the sixteenth day of October in the Year of our Lord one thousand seven hundred and Eighty six

AN ACT for appointing Deputies from this Commonwealth to a Convention proposed to be held in the City of Philadelphia in May next for the purpose of revising the federal Constitution.

WHEREAS the Commissioners who assembled at Annapolis on the fourteenth day of September last for the purpose of devising and reporting the means of enabling Congress to provide effectually for the Commercial Interests of the United States have represented the necessity of extending the revision of the foederal System to all it's defects and have recommended that Deputies for that purpose be appointed by the several Legislatures to meet in Convention in

the City of Philadelphia on the second day of May next a provision which was preferable to a discussion of the subject in Congress where it might be too much interrupted by the ordinary business before them and where it would besides be deprived of the valuable Counsels of sundry Individuals who are disqualified by the Constitution or Laws of particular States or restrained by peculiar circumstances from a Seat in that Assembly: **AND WHEREAS** the General Assembly of this Commonwealth taking into view the actual situation of the Confederacy as well as reflecting on the alarming representations made from time to time by the United States in Congress particularly in their Act of the fifteenth day of February last can no longer doubt that the Crisis is arrived at which the good People of America are to decide the solemn question whether they will by wise and magnanimous Efforts reap the just fruits of that Independence which they have so gloriously acquired and of that Union which they have cemented with so much of their common Blood, or whether by giving way to unmanly Jealousies and Prejudices or to partial and transitory Interests they will renounce the auspicious blessings prepared for them by the Revolution, and furnish to its Enemies an eventual Triumph over those by whose virtue and valor it has been accomplished: **AND WHEREAS** the same noble and extended policy and the same fraternal and affectionate Sentiments which originally determined the Citizens of this Commonwealth to unite with their Bretheren of the other States in establishing a Fœderal Government cannot but be Felt with equal force now as motives to lay aside every inferior consideration and to concur in such farther concessions and Provisions as may be necessary to secure the great Objects for which that Government was instituted and to render the *United States* as happy in peace as they have been glorious in War **BE IT THEREFORE ENACTED** by the General Assembly of the Commonwealth of Virginia that seven Commissioners be appointed by joint Ballot of both Houses of Assembly who or any three of them are hereby authorized as Deputies from this Commonwealth to meet such Deputies as may be appointed and authorized by other States to assemble in Convention at Philadelphia as above recommended and to join with them in devising and discussing all such Alterations and farther Provisions as may be necessary to render the Fœderal Constitution adequate to the Exigencies of the Union and in reporting such an Act for that purpose to the United States in Congress as when agreed to by them and duly confirmed by the several States will effectually provide for the same. **AND BE IT FURTHER ENACTED** that in case of the death of any of the said Deputies or of their declining their appointments the Executive are hereby authorized to supply such

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Va.

Vacancies. **AND** the Governor is requested to transmit forthwith a Copy of this Act to the United States in Congress and to the Executives of each of the States in the Union.

Signed JOHN JONES Speaker of the Senate
JOSEPH PRENTIS, Speaker of the House of Delegates.

A true Copy from the Inrollment

JOHN BECKLEY Clk House Dels.

In the House of Delegates

Monday the 4th of December 1786.

THE HOUSE according to the Order of the Day proceeded by joint Ballot with the Senate to the appointment of Seven Deputies from this Commonwealth to a Convention proposed to be held in the City of Philadelphia in May next for the purpose of revising the Fœderal Constitution, and the Members having prepared Tickets with the names of the Persons to be appointed, and deposited the same in the Ballot-boxes, Mr. Corbin, Mr. Matthews, Mr. David Stuart, Mr. George Nicholas, Mr. Richard Lee, Mr. Wills, Mr. Thomas Smith, Mr. Goodall and Mr. Turberville were nominated a Committee to meet a Committee from the Senate in the Conference-Chamber and jointly with them to examine the Ballot-boxes and report to the House on whom the Majority of Votes should fall. The Committee then withdrew and after some time returned into the House and reported that the Committee had, according to order, met a Committee from the Senate in the Conference-Chamber, and jointly with them examined the Ballot-boxes and found a majority of Votes in favor of George Washington, Patrick Henry, Edmund Randolph, John Blair, James Madison, George Mason and George Wythe Esquires.

Extract from the Journal,

JOHN BECKLEY Clk House Dels.

Attest JOHN BECKLEY
Clk. H. Dels.

In the House of Senators

Monday the 4th of December 1786.

THE SENATE according to the Order of the Day proceeded by joint ballot with the House of Delegates to the Appointment of Seven Deputies from this Commonwealth to a Convention proposed to be held in the City of Philadelphia in May next for the purpose of revising the Fœderal Constitution, and the Members having prepared Tickets with the names of the Persons to be appointed, and deposited

the same in the Ballot-boxes, Mr. Anderson, Mr. Nelson and Mr Lee were nominated a Committee to meet a Committee from the House of Delegates in the Conference-Chamber and jointly with them to examine the Ballot-boxes and report to the House on whom the Majority of Votes should fall. The Committee then withdrew and after some time returned into the House and reported that the Committee had, according to order, met a Committee from the House of Delegates in the Conference-Chamber, and jointly with them examined the Ballot-boxes and found a Majority of Votes in favor of George Washington, Patrick Henry, Edmund Randolph, John Blair, James Madison George Mason and George Wythe Esquires.

Extract from the Journal

JOHN BECKLEY Clk. H. Ds.

Attest,

H. BROOK Clk S.

VIRGINIA TO WIT

I do Certify and make known, to all whom it (Seal) may Concern, that John Beckley Esquire, is Clerk of the House of Delegates for this Commonwealth, and the proper Officer for attesting the proceedings of the General Assembly of the said Commonwealth, And that full Faith and Credit ought to be given to all things attested by the said John Beckley Esquire, by Virtue of his Office aforesaid.

Given under my hand as Governor of the Commonwealth of Virginia and under the Seal thereof, at Richmond this fourth day of May, one thousand seven hundred and Eighty seven.

EDM: RANDOLPH.

VIRGINIA TO WIT

(Seal) I do hereby Certify, that Patrick Henry, Esquire, one of the seven Commissioners appointed by joint ballot of both Houses of Assembly of the Commonwealth of Virginia, authorized as a Deputy therefrom, to meet such Deputies as might be appointed and authorized by other States to assemble in Philadelphia and to join with them in devising and discussing all such Alterations and further provisions, as might be necessary to render the Fœderal Constitution adequate to the exigencies of the Union; and in reporting such an Act for that purpose to the United States in Congress, as when agreed to by them and duly confirmed by the several States, might effectually provide for the same, did decline his appointment aforesaid; and thereupon in pursuance of an Act of the General Assembly of the said Commonwealth intituled "An Act for appointing Deputies from this Commonwealth to a Conven-

tion proposed to be held in the City of Philadelphia in May next, for the purpose of revising the Fœderal Constitution" I do hereby with the advice of the Council of State, supply the said Vacancy by nominating James McClurg, Esquire, a Deputy for the Purposes aforesaid.

Given under my Hand as Governor of the said Commonwealth and under the Seal thereof this second day of May in the Year of our Lord One thousand seven hundred and eighty seven.

EDM: RANDOLPH

NEW JERSEY

The STATE OF NEW JERSEY.

(Seal) To the Honorable David Brearly, William Churchill Houston, William Patterson and John Neilson Esquires. Greeting.

The Council and Assembly reposing especial trust and confidence in your integrity, prudence and ability, have at a joint meeting appointed you the said David Brearley, William Churchill Houston, William Patterson and John Neilson Esquires, or any three of you, Commissioners to meet such Commissioners, as have been or may be appointed by the other States in the Union, at the City of Philadelphia in the Commonwealth of Pennsylvania, on the second Monday in May next for the purpose of taking into Consideration the state of the Union, as to trade and other important objects, and of devising such other Provisions as shall appear to be necessary to render the Constitution of the Federal Government adequate to the exigencies thereof.

In testimony whereof the Great Seal of the State is hereunto affixed. Witness William Livingston Esquire, Governor, Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging Chancellor and Ordinary in the same, at Trenton the Twenty third day of November in the Year of our Lord One thousand seven hundred and Eighty six and of our Sovereignty and Independence the Eleventh.

WIL: LIVINGSTON.

By His Excellency's Command

BOWES REED Secy.

The STATE OF NEW JERSEY.

(Seal) To His Excellency William Livingston and the Honorable Abraham Clark Esquires Greeting.

The Council and Assembly reposing especial trust and Confidence in your integrity, prudence and ability have at a joint Meeting

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appointed You the said William Livingston and Abraham Clark Esquires, in conjunction with the Honorable David Brearley, William Churchill Houston & William Patterson Esquires, or any three of you, Commissioners to meet such Commissioners as have been appointed by the other States in the Union at the City of Philadelphia in the Commonwealth of Pennsylvania on the second Monday of this present month for the purpose of taking into consideration the state of the Union as to trade and other important Objects, and of devising such other Provisions as shall appear to be necessary to render the Constitution of the federal Government adequate to the exigencies thereof.

In Testimony whereof the Great Seal of the State is hereunto affixed. Witness William Livingston Esquire, Governor, Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging Chancellor and Ordinary in the same at Burlington the Eighteenth day of May in the Year of our Lord One thousand seven hundred and Eighty seven and of our Sovereignty and Independence the Eleventh.

WIL: LIVINGSTON

By His Excellency's Command
BOWES REED Secy.

THE STATE OF NEW JERSEY.

To the Honorable Jonathan Dayton Esquire

The Council and Assembly reposing especial trust and confidence in your integrity, prudence and ability have at a joint Meeting appointed You the said Jonathan Dayton Esquire, in conjunction with His Excellency William Livingston, the Honorable David Brearley, William Churchill Houston, William Patterson and Abraham Clark Esquires, or any three of you, Commissioners to meet such Commissioners as have been appointed by the other States in the Union at the City of Philadelphia in the Commonwealth of Pennsylvania, for the purposes of taking into consideration the state of the Union as to trade and other important objects, and of devising such other Provision as shall appear to be necessary to render the Constitution of the federal Government adequate to the exigencies thereof.

In Testimony whereof the Great Seal of the State is hereunto affixed:—Witness Robert Lettis Hooper Esquire, Vice-President, Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging, Chancellor and Ordinary in the same at Burlington the fifth

day of June in the Year of our Lord One thousand seven hundred and Eighty seven and of our Sovereignty and Independence the Eleventh.

ROBT L. HOOPER.

By his Honor's Command

BOWES REED Secy.

PENNSYLVANIA

Pensylvania

An Act appointing Deputies to the Convention intended to be held in the City of Philadelphia for the purpose of revising the federal Constitution.

Section 1st Whereas the General Assembly of this Commonwealth taking into their serious Consideration the Representations heretofore made to the Legislatures of the several States in the Union by the United States in Congress Assembled, and also weighing the difficulties under which the Confederate States now labour, are fully convinced of the necessity of revising the federal Constitution for the purpose of making such Alterations and amendments as the exigencies of our Public Affairs require. And Whereas the Legislature of the State of Virginia have already passed an Act of that Commonwealth empowering certain Commissioners to meet at the City of Philadelphia in May next, a Convention of Commissioners or Deputies from the different States; And the Legislature of this State are fully sensible of the important advantages which may be derived to the United States, and every of them from co-operating with the Commonwealth of Virginia, and the other States of the Confederation in the said Design.

Section 2nd Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pensylvaia in General Assembly met, and by the Authority of the same, That Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimmons, James Wilson and Gouverneur Morris Esquires, are hereby appointed Deputies from this State to meet in the Convention of the Deputies of the respective States of North America to be held at the City of Philadelphia on the second day of the Month of May next; And the said Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimmons, James Wilson and Gouverneur Morris Esquires, or any four of them, are hereby constituted and appointed Deputies from this State, with Powers to meet such Deputies as may be appointed and authorized by the other States, to assemble in the said Convention at the City aforesaid, and to join with them in devising, deliberating on, and discussing, all such alterations and further Provisions, as may be necessary to

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render the federal Constitution fully adequate to the exigencies of the Union, and in reporting such Act or Acts for that purpose to the United States in Congress Assembled, as when agreed to by them and duly confirmed by the several States, will effectually provide for the same.

Section 3d And be it further enacted by the Authority aforesaid, That in case any of the sd Deputies hereby nominated, shall happen to die, or to resign his or their said Appointment or Appointments, the Supreme Executive Council shall be and hereby are empowered and required, to nominate and appoint other Person or Persons in lieu of him or them so deceased, or who has or have so resigned, which Person or Persons, from and after such Nomination and Appointment, shall be and hereby are declared to be vested with the same Powers respectively, as any of the Deputies Nominated and Appointed by this Act, is vested with by the same: Provided Always, that the Council are not hereby authorised, nor shall they make any such Nomination or Appointment, except in Vacation and during the Recess of the General Assembly of this State.

Signed by Order of the House

{ Seal of the Laws
of Pennsylvania }

THOMAS MIFFLIN Speaker

Enacted into a Law at Philadelphia on Saturday December the thirtieth in the Year of our Lord one thousand seven hundred and Eighty six.

PETER ZACHARY LLOYD
Clerk of the General Assembly.

I Mathew Irwin Esquire Master of the Rolls for the State of Pennsylvania Do Certify the Preceding Writing to be a true Copy (or Exemplification) of a certain Act of Assembly lodged in my Office.

(Seal) In Witness whereof I have hereunto set my Hand and Seal of Office the 15 May A. D. 1787.

MATHW. IRWINE
M. R.

(Seal) A Supplement to the Act entitled "An Act appointing Deputies to the Convention intended to be held in the City of Philadelphia for the purpose of revising the Federal Constitution.

Section 1st Whereas by the Act to which this Act is a Supplement, certain Persons were appointed as Deputies from this State to sit in the said Convention: And Whereas it is the desire of the Gen-

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eral Assembly that His Excellency Benjamin Franklin Esquire, President of this State should also sit in the said Convention as a Deputy from this State — therefore

Section 2d Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the Authority of the same, that His Excellency Benjamin Franklin Esquire, be, and he is hereby, appointed and authorised to sit in the said Convention as a Deputy from this State in addition to the Persons heretofore appointed; And that he be, and he hereby is invested with like Powers and authorities as are invested in the said Deputies or any of them.

Signed by Order of the House

THOMAS MIFFLIN Speaker.

Enacted into a Law at Philadelphia on Wednesday the twenty eighth day of March, in the Year of our Lord one thousand seven hundred & eighty seven.

PETER ZACHARY LLOYD
Clerk of the General Assembly.

I Mathew Irwine Esquire, Master of the Rolls for the State of Pennsylvania Do Certify the above to be a true Copy (or Exemplification) of a Supplement to a certain Act of Assembly which Supplement is lodged in my Office

(Seal) In Witness whereof I have hereunto set my Hand and Seal of Office the 15 May Ao D. 1787.

MATHW IRWINE
M. R.

NORTH CAROLINA

The State of NORTH CAROLINA

To the Honorable Alexander Martin Esquire, Greeting.

WHEREAS our General Assembly, in their late session holden at Fayetteville, by adjournment, in the Month of January last, did by joint ballot of the Senate and House of Commons, elect Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight, and Willie Jones, Esquires, Deputies to attend a Convention of Delegates from the several United States of America, proposed to be held at the City of Philadelphia in May next for the purpose of revising the Federal Constitution.

We do therefore by these Presents, nominate, Commissionate and appoint you the said ALEXANDER MARTIN, one of the Deputies for and in our behalf to meet with our other Deputies at Philadelphia on the first day of May next and with them or any two of them to

confer with such Deputies as may have been or shall be appointed by the other States, for the purpose aforesaid: *To hold*, exercise and enjoy the appointment aforesaid, with all Powers, Authorities and Emoluments to the same belonging or in any wise appertaining,⁴ You conforming, in every instance, to the Act of our said Assembly under which you are appointed.

WITNESS Richard Caswell Esquire, our Governor, Captain-General and Commander in Chief, under his Hand and our Great Seal at Kinston the 24th day of February in the XI Year of our Independence

RICD (Seal) CASWELL.

Ao Di 1787.

By His Excellency's
Command.

WINSTON CASWELL P. Secy

The State of NORTH-CAROLINA

To the Honorable WILLIAM RICHARDSON DAVIE Esquire Greeting.

Whereas our General Assembly in their late session holden at Fayette-ville, by adjournment, in the Month of January last, did by joint-ballot of the Senate and House of Commons, elect Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight & Willie Jones Esquires, Deputies to attend a Convention of Delegates from the several United States of America proposed to be held in the City of Philadelphia in May next for the purpose of revising the Federal Constitution.

We do therefore, by these Presents, nominate Commissionate and appoint you the said WILLIAM RICHARDSON DAVIE one of the Deputies for and in our behalf to meet with our other Deputies at Philadelphia on the first day of May next and with them or any two of them to confer with such Deputies as may have been or shall be appointed by the other States for the Purposes aforesaid *To hold*, exercise and enjoy the said appointment with all Powers authorities and emoluments to the same belonging or in any wise appertaining, You conforming, in every instance, to the Act of our said Assembly under which you are appointed.

WITNESS Richard Caswell Esquire, our Governor, Captain-General and Commander in Chief under his Hand and our

⁴ "The Assembly have directed the same allowance to be made the Deputies as is granted to the Delegates to Congress to be paid by the Governor's Warrant on the Collectors of Imports out of the monies now due for Goods Imported." (Governor Caswell to each Delegate, January 7, 1787, *North Carolina State Records*, XX, 600.)

Great Seal at Kinston the 24th day of February in the XI.
Year of our Independence, Anno. Dom. 1787:

Rd (Seal.) CASWELL

By His Excellency's Command
WINSTON CASWELL P. Secy.

The State of NORTH CAROLINA

To the Honorable *Richard Dobbs Spaight* Esquire, Greeting.

WHEREAS our General Assembly in their late session holden at Fayette-ville, by adjournment, in the month of January last, did elect you the said Richard Dobbs Spaight with Richard Caswell, Alexander Martin, William Richardson Davie, and Willie Jones Esquires, Deputies to attend a Convention of Delegates from the several United States of America proposed to be held in the City of Philadelphia in May next, for the purpose of revising the Federal Constitution.

We do therefore by these Presents nominate, Commissionate and appoint you the said RICHARD DOBBS SPAIGHT one of the Deputies for and in behalf of us to meet with our other Deputies at Philadelphia on the first day of May next and with them or any two of them to confer with such Deputies as may have been or shall be appointed by the other States for the purpose aforesaid. *To hold*, exercise and enjoy the said Appointment with all Powers, Authorities and Emoluments to the same incident and belonging or in any wise appertaining. You conforming in every instance, to the Act of our said Assembly under which you are appointed.

WITNESS Richard Caswell Esquire, our Governor Captain-General and Commander in Chief under his Hand and our Great Seal at Kinston the 14th day of April in the XIth Year of our Independence Anno. Dom. 1787.

Rd. (Seal) CASWELL.

By His Excellency's Command
WINSTON CASWELL P. Secy

State of NORTH-CAROLINA

His Excellency Richard Caswell Esquire Governor, Captain General and Commander in Chief in and over the State aforesaid.

To all to whom these Presents shall come
Greeting.

WHEREAS by an Act of the General Assembly of the said State passed the sixth day of January last, entitled "An Act for appointing Deputies from this State, to a Convention proposed to be held

N.C.

in the City of Philadelphia in May next, for the purpose of Revising the Fœderal Constitution" among other things it is Enacted "That five Commissioners be appointed by joint-ballot of both Houses of Assembly who, or any three of them, are hereby authorized as Deputies from this State to meet at Philadelphia on the first day of May next, then and there to meet and confer with such Deputies as may be appointed by the other States for similar purposes, and with them to discuss and decide upon the most effectual means to remove the defects of our Fœderal Union, and to procure the enlarged Purposes which it was intended to effect, and that they report such an Act to the General Assembly of this State as when agreed to by them, will effectually provide for the same." And it is by the said Act, further Enacted, "That in case of the death or resignation of any of the Deputies or of their declining their Appointments, His Excellency the Governor for the Time being, is hereby authorized to supply such Vacancies." And Whereas, in consequence of the said Act, Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight and Willie Jones Esquires, were by joint-ballot of the two Houses of Assembly, elected Deputies for the purposes aforesaid: And Whereas the said Richard Caswell hath resigned his said Appointment as one of the Deputies aforesaid.

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Now KNOW YE that I have appointed and by these Presents do appoint the Honorable WILLIAM BLOUNT Esquire, one of the Deputies to represent this State in the Convention aforesaid, in the room and stead of the aforesaid Richard Caswell, hereby giving and granting to the said WILLIAM BLOUNT the same Powers, Privileges and Emoluments which the said Richard Caswell would have been vested with or entitled to, had he continued in the Appointment aforesaid.

Given under my Hand and the Great Seal of the State, at Kinston, the 23d day of April Anno Dom 1787. And in the Eleventh Year of American Independence.

RID. (Seal) CASWELL.

By His Excellency's Command
WINSTON CASWELL P. Secy

State of NORTH-CAROLINA

His Excellency Richard Caswell Esquire, Governor, Captain-General and Commander in Chief, in and over the State aforesaid.

To all to whom these Presents shall come
Greeting.

Whereas by an Act of the General Assembly of the said State,

passed the sixth day of January last, entitled "An Act for appointing Deputies from this State, to a Convention proposed to be held in the City of Philadelphia in May next for the purpose of revising the Fœderal Constitution" among other things it is enacted "That five Commissioners be appointed by joint-ballot of both Houses of Assembly, who, or any three of whom, are hereby authorized as Deputies from this State, to meet at Philadelphia on the first day of May next, then and there to meet and confer with such Deputies as may be appointed by the other States for similar purposes and with them to discuss and decide upon the most effectual means to remove the defects of our Fœderal Union, and to procure the enlarged purposes, which it was intended to effect, and that they report such an Act to the General Assembly of this State, as when agreed to by them, will effectually provide for the same." And it is by the said Act, further enacted "That in case of the death or resignation of any of the Deputies, or their declining their Appointments His Excellency the Governor for the Time being is hereby authorized to supply such Vacancies."

AND WHEREAS in consequence of the said Act Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight and Willie Jones Esquires, were by joint-ballot of ye two Houses of Assembly elected Deputies for the purposes aforesaid. And Whereas the said Willie Jones hath declined his Appointment as one of the Deputies aforesaid

Now KNOW YE that I have appointed and by these Presents do appoint the Honorable HUGH WILLIAMSON Esquire, one of the Deputies to represent this State in the Convention aforesaid in the room and stead of the aforesaid Willie Jones, hereby giving and granting to the said HUGH WILLIAMSON the same Powers, Privileges and emoluments which the said Willie Jones would have been vested with and entitled to had he acted under the Appointment aforesaid.

Given under my Hand and the Great Seal of the State at Kinston the third day of April Anno Dom. 1787. and in the Eleventh Year of American Independence

By His Excellency's Command
DALLAM CASWELL Pro
Secretary

RID (Seal) CASWELL

NEW HAMPSHIRE

State of New }
Hampshire }

In the House of Representatives
Jany 17th 1787—

Resolved, that any two of the Delegates of this State to the Congress of the United States, be & hereby are appointed and author-

N.H.
 ized as Deputies from this State, to meet such Deputies as may be appointed & authorized by other States in the Union, to assemble in Convention at Philadelphia on the second day of May next, and to join with them in devising & discussing all such alterations & further provisions as to render the federal Constitution adequate to the Exigencies of the Union & in reporting such an Act to the United States in Congress, as when agreed to by them, & duly confirmed by the several States, will effectually provide for the same, But in case of the Death of any of said Deputies, or their declining their Appointments, the Executive is hereby authorized to supply such vacancies, and the President is requested to transmit forthwith a copy of this Resolve to the United States in Congress and to the Executive of each of the States in the Union. —

Sent up for Concurrence

JOHN LANGDON Speaker

In Senate the same day read & concurred with this Amendment that the said Delegates shall proceed to join the Convention aforesaid, in case Congress shall signify to them, that they approve of the Convention, as advantageous to the Union and not an infringement of the Powers granted to Congress by the Confederation.

JNO SULLIVAN President

In the House of Representatives the same day read & concurred

JOHN LANGDON Speaker

A true Copy

Attest JOSEPH PEARSON Secy

STATE OF NEW HAMPSHIRE⁶

In the Year of our Lord One thousand seven hundred and Eighty seven.

An Act for appointing Deputies from this State to the Convention, proposed to be holden in the City of Philadelphia in May 1787 for the purpose of revising the federal Constitution

Whereas in the formation of the federal Compact, which frames the bond of Union of the American States, it was not possible in

⁶ No action was taken under the previous resolution, and a further act became necessary.

"The representations of this State, even at that late day, were secured only by urgent efforts from abroad and extraordinary efforts at home. The finances of the State were in a deplorable condition and it is impossible to realize at the present time what the undertaking was to provide cash for any considerable public enterprise. It was currently reported in the newspapers of the day that the expenses of Mr. Gillman and himself were defrayed out of Mr. Langdon's private purse." *New Hampshire State Papers*, XX, 842, citing a *New Hampshire Historical Society Proceedings*, 28.

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 the infant state of our Republic to devise a system which in the course of time and experience, would not manifest imperfections that it would be necessary to reform.

And Whereas the limited powers, which by the Articles of Confederation, are vested in the Congress of the United States, have been found far inadequate, to the enlarged purposes which they were intended to produce. And Whereas Congress hath, by repeated and most urgent representations, endeavoured to awaken this, and other States of the Union, to a sense of the truly critical and alarming situation in which they may inevitably be involved, unless timely measures be taken to enlarge the powers of Congress, that they may be thereby enabled to avert the dangers which threaten our existence as a free and independent People. And Whereas this State hath been ever desirous to act upon the liberal system of the general good of the United States, without circumscribing its views, to the narrow and selfish objects of partial convenience; and has been at all times ready to make every concession to the safety and happiness of the whole, which justice and sound policy could vindicate.

BE IT THEREFORE ENACTED, by the Senate and House of Representatives in General Court convened that JOHN LANGDON, JOHN PICKERING, NICHOLAS GILMAN & BENJAMIN WEST ESQUIRES be and hereby are appointed Commissioners, they or any two of them, are hereby authorized, and empowered, as Deputies from this State to meet at Philadelphia said Convention or any other place, to which the Convention may be adjourned, for the purposes aforesaid, there to confer with such Deputies, as are, or may be appointed by the other States for similar purposes; and with them to discuss and decide upon the most effectual means to remedy the defects of our federal Union; and to procure, and secure, the enlarged purposes which it was intended to effect, and to report such an Act, to the United States in Congress, as when agreed to by them, and duly confirmed by the several States, will effectually provide for the same. State of New Hampshire } In the House of Representatives June 27th 1787.

The foregoing Bill having been read a third time, Voted that it pass to be enacted.

Sent up for Concurrence

JOHN SPARHAWK Speaker

In Senate, the same day — This Bill having been read a third time, — Voted that the same be enacted.

JNO SULLIVAN President.

Copy Examined

Pr JOSEPH PEARSON Secy. (Seal append.)

DELAWARE

DELAWARE

His Excellency Thomas Collins, Esquire, President, Captain General, and Commander in Chief of the Delaware State; To all to whom these Presents shall come, Greeting. Know Ye, that among the Laws of the said State, passed by the General Assembly of the same, on the third day of February, (Seal) in the Year of our Lord One thousand seven hundred and Eighty seven, it is thus enrolled.

In the Eleventh Year of the Independence of the Delaware State

An Act appointing Deputies from this State to the Convention proposed to be held in the City of Philadelphia for the Purpose of revising the Federal Constitution.

Whereas the General Assembly of this State are fully convinced of the Necessity of revising the Federal Constitution, and adding thereto such further Provisions, as may render the same more adequate to the Exigencies of the Union; And Whereas the Legislature of Virginia have already passed an Act of that Commonwealth, appointing and authorizing certain Commissioners to meet, at the City of Philadelphia, in May next, a Convention of Commissioners or Deputies from the different States: And this State being willing and desirous of co-operating with the Commonwealth of Virginia, and the other States in the Confederation, in so useful a design.

Be it therefore enacted by the General Assembly of Delaware, that George Read, Gunning Bedford, John Dickinson, Richard Bassett and Jacob Broom, Esquires, are hereby appointed Deputies from this State to meet in the Convention of the Deputies of other States, to be held at the City of Philadelphia on the Second day of May next: And the said George Read, Gunning Bedford, John Dickinson, Richard Bassett and Jacob Broom, Esquires, or any three of them, are hereby constituted and appointed Deputies from this State, with Powers to meet such Deputies as may be appointed and authorized by the other States to assemble in the said Convention at the City aforesaid, and to join with them in devising, deliberating on, and discussing, such Alterations and further Provisions as may be necessary to render the Federal Constitution adequate to the Exigencies of the Union; and in reporting such Act or Acts for that purpose to the United States in Congress Assembled, as when agreed to by them, and duly confirmed by the several States, may effectually provide for the same: So always and Provided, that such Alterations or further Provisions, or any of them, do not extend to that part of the Fifth Article of the Confederation of the said States, finally

ratified on the first day of March, in the Year One thousand seven hundred and eighty one, which declares that "In determining Questions in the United States in Congress Assembled each State shall have one Vote."^a

And be it enacted, that in Case any of the said Deputies hereby nominated, shall happen to die, or to resign his or their Appointment, the President or Commander in Chief with the Advice of the Privy Council, in the Recess of the General Assembly, is hereby authorized to supply such Vacancies

Passed at Dover, } Signed by Order of the House of Assembly
February 3d. 1787. } JOHN COOK, Speaker

Signed by Order of the Council

GEO CRAGHEAD, Speaker.

All and singular which Premises by the Tenor of these Presents, I have caused to be Exemplified. In Testimony whereof I have hereunto subscribed my Name, and caused the Great-Seal of the said State to be affixed to these Presents, at New Castle the Second day of April in the Year of our Lord One thousand seven hundred and eighty seven, and in the Eleventh Year of the Independence of the United States of America

THOS COLLINS

Attest

Ja Booth Secy.

^a GEORGE READ TO JOHN DICKINSON.

New Castle, January 17th, 1787.

Dear Sir, — Finding that Virginia hath again taken the lead in the proposed convention at Philadelphia in May, as recommended in our report when at Annapolis, as by an act of their Assembly, passed the 22d of November last, and inserted in Dunlap's paper of the 15th of last month, it occurred to me, as a prudent measure on the part of our State, that its Legislature should, in the act of appointment, so far restrain the powers of the commissioners, whom they shall name on this service, as that they may not extend to any alteration in that part of the fifth article of the present Confederation, which gives each State *one vote* in determining questions in Congress, and the latter part of the thirteenth article, as to future alterations, — that is, that such clause shall be preserved or inserted, for the like purpose, in any revision that shall be made and agreed to in the proposed convention. I conceive our existence as a State will depend upon our preserving such rights, for I consider the acts of Congress hitherto, as to the ungranted lands in most of the larger States, as sacrificing the just claims of the smaller and bounded States to a proportional share therein, for the purpose of discharging the national debt incurred during the war; and such is my jealousy of most of the larger States, that I would trust nothing to their candor, generosity, or ideas of public justice in behalf of this State, from what has heretofore happened, and which, I presume, hath not escaped your notice. But as I am generally distrustful of my own judgment, and particularly in public matters of consequence, I wish your

^a W. T. Read, *Life and Correspondence of George Read*, pp. 438-439.

GEORGIA

GEORGIA

By the Honorable GEORGE MATHEWS Esquire, Captain General, Governor and Commander in Chief, in and over the said State aforesaid.

To all to whom these Presents shall come Greeting.

KNOW YE that JOHN MILTON Esquire, who hath Certified the annexed Copy of an Ordinance intituled "An Ordinance for the appointment of Deputies from this State for the purpose of revising the Fœderal Constitution"—is Secretary of the said State in whose Office the Archives of the same are deposited. Therefore all due faith, Credit and Authority are and ought to be had and given the same.

IN TESTOMONY whereof I have hercunto set my hand and caused the Great Seal of the said State to be put and affixed at *Augusta*, this Twenty fourth day of April in the Year of our Lord One thousand seven hundred and eighty seven and of our Sovereignty and Independence the Eleventh.

GEO: (Seal) MATHEWS

By his Honor's Command
J. MILTON Secy

AN ORDINANCE for the appointment of Deputies from this State for the purpose of revising the Fœderal Constitution.

BE IT ORDAINED by the Representatives of the Freemen of the State of Georgia in General Assembly met and by the Authority of the same, that WILLIAM FEW, ABRAHAM BALDWIN, WILLIAM PIERCE, GEORGE WALTON WILLIAM HOUSTOUN AND NATHANIEL PENDLETON ESQUIRES, Be, and they are hereby appointed Com-

consideration of the prudence or propriety of the Legislature's adopting such a measure, and more particularly for that I do suppose you will be one of its commissioners. Persuaded I am, from what I have seen occasionally in the public prints and heard in private conversations, that the voice of the States will be one of the subjects of revision, and in a meeting where there will be so great an interested majority, I suspect the argument or oratory of the smaller State commissioners will avail little. In such circumstances I conceive it will relieve the commissioners of the State from disagreeable argumentation, as well as prevent the downfall of the State, which would at once become a cypher in the union, and have no chance of an accession of district, or even citizens; for, as we presently stand, our quota is increased upon us, in the requisition of this year, more than thirteen-eightieths since 1775, without any other reason that I can suggest than a promptness in the Legislature of this State to comply with all the Congress requisitions from time to time. This increase alone, without addition, would in the course of a few years banish many of its citizens and impoverish the remainder; therefore, clear I am that every guard that can be devised for this State's protection against future encroachment should be preserved or made. I wish your opinion on the subject as soon as convenient.

missioners, who, or any two or more of them are hereby authorized as Deputies from this State to meet such deputies as may be appointed and authorized by other States to assemble in *Convention* at *Philadelphia* and to join with them in devising and discussing all such Alterations and farther Provisions as may be necessary to render the *Federal Constitution* adequate to the exigencies of the Union, and in reporting such an Act for that purpose to the United States in Congress Assembled as when agreed to by them, and duly confirmed by the several States, will effectually provide for the same. In case of the death of any of the said Deputies, or of their declining their appointments, the Executive are hereby authorized to supply such Vacancies.

By Order of the House
(signed) WM GIBBONS Speaker.

Augusta the 10 February 1787.

Georgia.

Secretary's Office

The above is a true Copy from the Original Ordinance deposited in my Office.

Augusta }
24 April 1787 }

J: MILTON Secy.

The State of Georgia by the grace of God, free, Sovereign and Independent.

To the Honorable WILLIAM PIERCE Esquire.

WHEREAS you the said William Pierce, are in and by an Ordinance of the General Assembly of our said State Nominated and Appointed a Deputy to represent the same in a Convention of the United States to be assembled at Philadelphia, for the Purposes of devising and discussing all such Alterations and farther Provisions as may be necessary to render the Fœderal Constitution adequate to the Exigencies of the Union.

You are therefore hereby Commissioned to proceed on the duties required of you in virtue of the said Ordinance

WITNESS our trusty and well beloved *George Mathews* Esquire, our Captain General, Governor and Commander in Chief, under his hand and our Great Seal at *Augusta* this Seventeenth day of April in the Year of our Lord one thousand seven hundred and eighty seven and of our Sovereignty and Independence the Eleventh.

GEO: MATHEWS (Seal.)

By His Honor's Command.
J. MILTON. Secy.

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The State of Georgia by the grace of God free, Sovereign and Independent.

To the Honorable WILLIAM FEW Esquire.

WHEREAS you the said William Few, are in and by an Ordinance of the General Assembly of our said State Nominated and appointed a Deputy to represent the same in a Convention of the United States to be assembled at Philadelphia, for the Purposes of devising and discussing all such Alterations and farther Provisions as may be necessary to render the Federal Constitution adequate to the Exigencies of the Union.

You are therefore hereby Commissioned to proceed on the duties required of you in virtue of the said Ordinance.

WITNESS our trusty and well-beloved GEORGE MATHEWS Esquire our Captain-General, Governor and Commander in Chief, under his hand and our Great Seal at Augusta, this seventeenth day of April in the Year of our Lord One thousand seven hundred and eighty Seven, and of our Sovereignty and Independence the Eleventh.

GEO: (Seal.) MATHEWS.

By His Honor's Command
J. MILTON Secy

The State of Georgia by the grace of God, free, Sovereign and Independent.

To the Honorable WILLIAM HOUSTOUN Esquire

WHEREAS you the said William Houstoun, are in and by an Ordinance of the General Assembly of our said State nominated and appointed a Deputy to represent the same in a Convention of the United States to be assembled at Philadelphia, for the purposes of devising and discussing all such Alterations and farther Provisions as may be necessary to render the Federal Constitution adequate to the Exigencies of the Union.

You are therefore hereby Commissioned to proceed on the Duties required of you in virtue of the said Ordinance.

WITNESS our trusty and well-beloved GEORGE MATHEWS Esquire, our Captain-General, Governor and Commander in Chief, under his hand and our Great Seal at Augusta, this seventeenth day of April in the Year of our Lord one thousand seven hundred and eighty seven, and of our Sovereignty and Independence the Eleventh.

GEO: (Seal.) MATHEWS

By his Honor's Command
J. MILTON Secy

New-York.

NEW YORK¹

(Seal)

By His Excellency George Clinton Esquire Governor of the State of New York General and Commander in Chief of all the Militia and Admiral of the Navy of the same.

To all to whom these Presents shall come

It is by these Presents certified that John McKesson who has subscribed the annexed Copies of Resolutions is Clerk of the Assembly of this State.

In Testimony whereof I have caused the Privy Seal of the said State to be hereunto affixed this Ninth day of May in the Eleventh Year of the Independence of the said State.

GEO: CLINTON.

State of New York

In Assembly February 28th 1787.

A Copy of a Resolution of the honorable the Senate, delivered by Mr Williams, was read, and is in the Words following, vizt.

Resolved, if the honorable the Assembly concur herein, that three Delegates be appointed on the part of this State, to meet such Delegates as may be appointed on the part of the other States respectively, on the second Monday in may next, at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and to the several Legislatures, such

¹ Before New York took action, Congress formally authorized the convention in Philadelphia. As subsequent credentials were to some extent influenced by the Resolution of Congress, it seems best to insert it here, although it is given in Appendix A, I.

By

The United States in Congress Assembled

February 21st 1787.

Whereas there is provision in the Articles of Confederation and perpetual Union, for making alterations therein, by the assent of a Congress of the United States, and of the legislatures of the several States; and whereas experience hath evinced, that there are defects in the present confederation, as a mean to remedy which, several of the States, and particularly the State of New-York, by express instructions to their Delegates in Congress, have suggested a Convention for the purposes expressed in the following Resolution; and such Convention appearing to be the most probable means of establishing in these States a firm national Government.

Resolved, That in the opinion of Congress, it is expedient, that on the second Monday in May next, a Convention of Delegates, who shall have been appointed by the several States, be held at Philadelphia, 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.

alterations and Provisions therein, as shall, when agreed to in Congress, and confirmed by the several States, render the federal Constitution adequate to the Exigencies of Government, and the preservation of the Union; and that in case of such concurrence, the two Houses of the Legislature, will, on Tuesday next, proceed to nominate and appoint the said Delegates, in like manner as is directed by the Constitution of this State, for nominating and appointing Delegates to Congress.

Resolved, that this House do concur with the honorable the Senate, in the said Resolution.

In Assembly March 6th 1787.

Resolved, that the Honorable Robert Yates Esquire, and Alexander Hamilton and John Lansing, Junior Esquires, be, and they are hereby nominated by this House, Delegates on the part of this State, to meet such Delegates as may be appointed on the part of the other States respectively, on the second Monday in May next, at Philadelphia, pursuant to concurrent Resolutions of both Houses of the Legislature, on the 28th Ultimo.

Resolved, that this House will meet the Honorable the Senate, immediately, at such place as they shall appoint, to compare the Lists of Persons nominated by the Senate and Assembly respectively, as Delegates on the part of this State, to meet such Delegates as may be appointed on the part of the other States respectively, on the second Monday in May next, at Philadelphia, pursuant to concurrent Resolutions, of both Houses of the Legislature, on the 28th Ultimo.

Ordered That Mr. N. Smith deliver a Copy of the last preceding Resolution, to the Honorable the Senate.

A Copy of a Resolution of the Honorable the Senate, was delivered by Mr. Vanderbilt, that the Senate will immediately meet this House in the Assembly Chamber, to compare the Lists of Persons nominated by the Senate and Assembly respectively, as Delegates, pursuant to the Resolutions before mentioned.

The Honorable the Senate accordingly attended in the Assembly Chamber, to compare the Lists of Persons nominated for Delegates, as above mentioned.

The list of Persons nominated by the Honorable the Senate, were the Honorable Robert Yates Esquire, and John Lansing Junior, and Alexander Hamilton Esquires; and on comparing the Lists of the Persons nominated by the Senate and Assembly respectively, it appeared that the same Persons were nominated in both Lists. Thereupon, Resolved that the Honorable Robert Yates, John Lansing Junior and Alexander Hamilton Esquires, be, and they are hereby declared duly nominated and appointed Delegates, on the part of

this State, to meet such Delegates as may be appointed on the part of the other States respectively, on the second Monday in May next, at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and to the several Legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the several States, render the federal Constitution adequate to the exigencies of Government, and the preservation of the Union.

True Extracts from the Journals of the Assembly
JOHN MCKESSON Clk.

SOUTH CAROLINA

State of SOUTH CAROLINA.

By His Excellency Thomas Pinckney Esquire, Governor and Commander in Chief in and over the State aforesaid.

To the Honorable John Rutledge Esquire

Greeting.

By Virtue of the Power and Authority in me vested by the Legislature of this State in their Act passed the eighth day of March last I do hereby Commission You the said John Rutledge as one of the Deputies appointed from this State to meet such Deputies or Commissioners as may be appointed and authorized by other of the United States to assemble in Convention at the City of Philadelphia in the Month of May next, or as soon thereafter as may be, and to join with such Deputies or Commissioners (they being duly authorized and empowered) in devising and discussing all such Alterations, Clauses, Articles and Provisions, as may be thought necessary to render the Federal Constitution entirely adequate to the actual Situation and future good Government of the confederated States, and that you together with the said Deputies or Commissioners or a Majority of them who shall be present (provided the State be not represented by less than two) do join in reporting such an Act, to the United States in Congress Assembled as when approved and agreed to by them, and duly ratified and confirmed by the several States will effectually provide for the Exigencies of the Union.

Given under my hand and the Great Seal of the State in the City of Charleston, this tenth day of April in the Year of our Lord, One thousand seven hundred and eighty seven and of the Sovereignty and Independence of the United States of America the Eleventh.

THOMAS (Seal.) PINCKNEY.

By his Excellency's Command
PETER FRENEAU Secretary

State of SOUTH CAROLINA

By His Excellency Thomas Pinckney Esquire, Governor
and Commander in Chief in and over the State aforesaid.

To the Honorable Charles Pinckney Esquire.

Greeting.

By Virtue of the Power and Authority in me vested by the Legislature of this State in their Act passed the eighth day of March last, I do hereby Commission you the said Charles Pinckney, as one of the Deputies appointed from this State to meet such Deputies or Commissioners as may be appointed and authorized by other of the United States to assemble in Convention at the City of Philadelphia in the Month of May next, or as soon thereafter as may be, and to join with such Deputies or Commissioners (they being duly authorized and empowered) in devising and discussing all such Alterations, Clauses, Articles and Provisions, as may be thought necessary to render the Federal Constitution entirely adequate to the actual Situation and future good Government of the confederated States, and that you together with the said Deputies or Commissioners or a Majority of them who shall be present (provided the State be not represented by less than two) do join in reporting such an Act, to the United States in Congress Assembled as when approved and agreed to by them and duly ratified and confirmed by the several States will effectually provide for the Exigencies of the Union.

Given under my hand and the Great Seal of the State in the City of Charleston this Tenth day of April in the Year of our Lord One thousand seven hundred and Eighty Seven and of the Sovereignty and Independence of the United States of America the Eleventh.

THOMAS (Seal.) PINCKNEY

By His Excellency's Command

PETER FRENEAU Secretary.

State of South-Carolina.

By His Excellency Thomas Pinckney Esquire, Governor
and Commander in Chief in and over the State aforesaid.

To the Honorable Charles Cotesworth Pinckney Esquire,

Greeting.

By Virtue of the Power and Authority in me vested by the Legislature of this State in their Act passed the eighth day of March last, I do hereby Commission you the said Charles Cotesworth Pinckney as one of the Deputies appointed from this State to meet such Deputies or Commissioners as may be appointed and authorized by other

of the United States to assemble in Convention at the City of Philadelphia in the Month of May next or as soon thereafter as may be, and to join with such Deputies or Commissioners (they being duly authorized and empowered) in devising and discussing all such Alterations, Clauses, Articles and Provisions as may be thought necessary to render the Federal Constitution entirely adequate to the actual Situation and future good Government of the Confederated States, and that you together with the said Deputies or Commissioners, or a Majority of them, who shall be present (provided the State be not represented by less than two) do join in reporting such an Act to the United States in Congress Assembled as when approved and agreed to by them and duly ratified and confirmed by the several States will effectually provide for the Exigencies of the Union.

Given under my hand and the Great Seal of the State in the City of Charleston this tenth day of April in the Year of our Lord one thousand seven hundred and eighty seven and of the Sovereignty and Independence of the United States of America the Eleventh.

THOMAS (Seal.) PINCKNEY.

By His Excellency's Command

PETER FRENEAU Secretary.

State of South Carolina

By His Excellency Thomas Pinckney Esquire, Governor and
Commander in Chief in and over the State aforesaid.

To the Honorable Pierce Butler Esquire

Greeting.

By Virtue of the Power and authority in me vested by the Legislature of this State in their Act passed the eighth day of March last, I do hereby Commission you the said Pierce Butler, as one of the Deputies appointed from this State to meet such Deputies or Commissioners as may be appointed and authorized by other of the United States to assemble in Convention at the City of Philadelphia in the Month of May next, or as soon thereafter as may be and to join with with such Deputies or Commissioners (they being duly authorised and empowered) in devising and discussing, all such Alterations, Clauses, Articles and Provisions as may be thought necessary to render the Federal Constitution entirely adequate to the actual Situation and future good government of the confederated States, and that you together with the said Deputies or Commissioners or a Majority of them who shall be present (provided the State be not represented by less than two) do join in reporting such an Act, to the United States in Congress Assembled as when

approved and agreed to by them and duly ratified and confirmed by the several States will effectually provide for the Exigencies of the Union.

Given under my hand and the Great Seal of the State in the City of Charleston this Tenth day of April in the Year of our Lord one thousand seven hundred and Eighty seven, and of the Sovereignty and Independence of the United States of America the Eleventh.

THOMAS (Seal.) PINCKNEY.

By His Excellency's Command
PETER FRENEAU Secretary.

MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS.

(Seal Appndt.) By His Excellency James Bowdoin Esquire Governor of the Commonwealth of Massachusetts.

To the Honorable Francis Dana, Elbridge Gerry, Nathaniel Gorham, Rufus King and Caleb Strong Esquires. Greeting.

Whereas Congress did on the twenty first day of February Ao Di 1787, Resolve "that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of Delegates who shall have been appointed by the several States to be held at Philadelphia 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." And Whereas the General Court have constituted and appointed you their Delegates to attend and represent this Commonwealth in the said proposed Convention; and have by a Resolution of theirs of the tenth of March last, requested me to Commission you for that purpose.

Now therefore Know Ye, that in pursuance of the resolutions aforesaid, I do by these presents, commission you the said Francis Dana, Elbridge Gerry Nathaniel Gorham, Rufus King & Caleb Strong Esquires or any three of you to meet such Delegates as may be appointed by the other or any of the other States in the Union to meet in Convention at Philadelphia at the time and for the purposes aforesaid.

In Testimony whereof I have caused the Public Seal of the Commonwealth aforesaid to be hereunto affixed.

Given at the Council Chamber in Boston the Ninth day of

April Ao Dom. 1787 and in the Eleventh Year of the Independence of the United States of America.

By His Excellency's Command
JOHN AVERY Junr., Secretary

JAMES BOWDOIN.

CONNECTICUT

STATE OF CONNECTICUT.

(Seal.) At a General Assembly of the State of Connecticut in America, holden at Hartford on the second Thursday of May, Anno Domini 1787.

An Act for appointing Delegates to meet in a Convention of the States to be held at the City of Philadelphia on the second Monday of May instant.

Whereas the Congress of the United States by their Act of the twenty first of February 1787 have recommended that on the second Monday of May instant, a Convention of Delegates, who shall have been appointed by the several States, be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation.

Be it enacted by the Governor, Council and Representatives in General Court Assembled and by the Authority of the same.

That the Honorable William Samuel Johnson, Roger Sherman, and Oliver Ellsworth Esquires, be and they hereby are appointed Delegates to attend the said Convention, and are requested to proceed to the City of Philadelphia for that purpose without delay; And the said Delegates, and in case of sickness or accident, such one or more of them as shall actually attend the said Convention, is and are hereby authorized and empowered to Represent this State therein, and to confer with such Delegates appointed by the several States, for the purposes mentioned in the said Act of Congress that may be present and duly empowered to act in said Convention, and to discuss upon such Alterations and Provisions agreeable to the general principles of Republican Government as they shall think proper to render the federal Constitution adequate to the exigencies of Government and, the preservation of the Union; And they are further directed, pursuant to the said Act of Congress to report such alterations and provisions as may be agreed to by a majority of the United States represented in Convention to the Congress of the United States, and to the General Assembly of this State.

A true Copy of Record

Examd

By GEORGE WYLLYS Secy.

III-15

X69E

MARYLAND

Maryland.

An Act for the Appointment of, and conferring Powers in Deputies from this State to the foederal Convention.

Be it enacted by the General Assembly of Maryland, That the Honorable James McHenry, Daniel of Saint Thomas Jenifer, Daniel Carroll, John Francis Mercer and Luther Martin Esquires, be appointed and authorised on behalf of this State, to meet such Deputies as may be appointed and authorised by any other of the United States to assemble in Convention at Philadelphia for the purpose of revising the Foederal System, and to join with them in considering such Alterations and further Provisions as may be necessary to render the Foederal Constitution adequate to the Exigencies of the Union and in reporting such an Act for that purpose to the United States in Congress Assembled as when agreed to by them, and duly confirmed by the several States will effectually provide for the same, and the said Deputies or such of them as shall attend the said Convention shall have full Power to represent this State for the Purposes aforesaid, and the said Deputies are hereby directed to report the Proceedings of the said Convention, and any Act agreed to therein, to the next session of the General Assembly of this State.

By the Senate May 26. 1787.¹

By the House of Delegates

Read and Assented to

May 26d 1787.

By Order J. Dorsey Clk.

Read and Assented to

True Copy from the Original

By Order Wm Harwood Clk.

J. DORSEY Clk. Senate.

True Copy from the Original

WM HARWOOD Clk Ho Del.

W. SMALLWOOD.

ATTENDANCE OF DELEGATES.

The following list of delegates to the Federal Convention, with the available data of their attendance, has been compiled from the *Records*.² The sources of information are so readily found that

¹ The delegates had been previously elected by the legislature, April 23-May 22. "The assembly had voted to pay the delegates as delegates in congress were paid." (Steiner, *Life and Correspondence of James McHenry*, 98 note 1.)

² Although the number of delegates who were at any time present in Philadelphia amounts to fifty-five, the average attendance at the sessions was decidedly smaller. The editor estimates the average attendance at forty or less. In his *History of the Virginia Federal Convention of 1788* (Vol. I, p. 34) H. B. Grigsby states that that body consisted of one hundred and seventy members. He adds: "It was more than four times greater than the Convention which formed the Federal Constitution when that body was full, and it exceeded it, as it ordinarily was, more than six times."

references have been omitted, but in a footnote attached to each name have been given references to those items in the *Records* which may throw some light upon the character of the delegate in question, or upon the part taken by him in the Convention.¹ The names of those who signed the Constitution are prefixed with numbers.

1. BALDWIN, ABRAHAM,² of Georgia. Attended on June 11, and probably regularly thereafter.
2. BASSETT, RICHARD,³ of Delaware. Attended as early as May 21.
3. BEDFORD, GUNNING,³ of Delaware. First attendance, May 28.
4. BLAIR, JOHN,³ of Virginia. Attended as early as May 15.
5. BLOUNT, WILLIAM,³ of North Carolina. Attended June 20—July 2; August 7 and thereafter. He was present in Congress in New York, July 4—August 3.
6. BREARLEY, DAVID,⁴ of New Jersey. Attended as early as May 25.
7. BROOM, JACOB, of Delaware. Attended as early as May 21.
8. BUTLER, PIERCE,³ of South Carolina. Attended as early as May 25.
9. CARROLL, DANIEL,³ of Maryland. First attended on July 9.
10. CLYMER, GEORGE, of Pennsylvania: Attended May 28, but probably before, although absent on May 25.
DAVIE, WILLIAM RICHARDSON, of North Carolina. Attended on May 22 or May 23; left on August 13. Approved the Constitution.
11. DAYTON, JONATHAN,⁵ of New Jersey. Appointed, June 5; first attended on June 21.
12. DICKINSON, JOHN,² of Delaware. Attended on May 29. His remarks on July 25 imply previous absence. Absent on September 15. Read signed Dickinson's name to the Constitution.
ELLSWORTH, OLIVER,⁶ of Connecticut. First attended on May 28. Was present in Convention August 23. Was in New Haven August 27. Approved the Constitution.
13. FEW, WILLIAM,² of Georgia. Attended as early as May 19. Present in Congress in New York July 4—August 3. Probably returned to Convention after August 6.

¹ The following items deal with the delegates in general rather than with individuals: Appendix A, III, XXXII, XXXIV, XXXVII, XL, XLVIII, XLIX, LIX, LXXVI, XCVIII, CXIX, CCXXXIII, CCXLIII, CCCI.

² Appendix A, CXIX, CLIX.

³ Appendix A, CXIX.

⁴ Appendix A, CXIX, CCCLXXVII.

⁵ Appendix A, CXIX, CLIX, CCCLXXVI.

⁶ Appendix A, CXIX, CLIX, CCCXCIX.

14. FITZSIMONS, THOMAS,¹ of Pennsylvania. Attended on May 25, and probably earlier.
15. FRANKLIN, BENJAMIN,² of Pennsylvania. Attended on May 28, and probably earlier, although absent on May 25.
GERRY, ELBRIDGE,³ of Massachusetts. First attended on May 29. Absent on August 6. Refused to sign Constitution.
16. GILMAN, NICHOLAS,⁴ of New Hampshire. Appointed June 27; first attended on July 23.
17. GORHAM, NATHANIEL,¹ of Massachusetts. Attended on May 28.
18. HAMILTON, ALEXANDER,⁵ of New York. Attended on May 18; left Convention June 29; was in New York after July 2; appears to have been in Philadelphia on July 13; attended Convention August 13; was in New York August 20—September 2.
HOUSTON, WILLIAM CHURCHILL,⁶ of New Jersey. Attended as early as May 25; was absent on June 6.
HOUSTOUN, WILLIAM,¹ of Georgia. Attended first on June 1, and probably thereafter until July 23. He probably left on July 26 or after Few's return.
19. INGERSOLL, JARED,¹ of Pennsylvania. Attended on May 28, and probably earlier, although absent on May 25.
20. JENIFER, DANIEL OF ST. THOMAS,¹ of Maryland. Commissioned on May 26; first attended on June 2.
21. JOHNSON, WILLIAM SAMUEL,⁷ of Connecticut. Attended on June 2, and thereafter.
22. KING, RUFUS,¹ of Massachusetts. Attended as early as May 21.
23. LANGDON, JOHN,⁴ of New Hampshire. Appointed June 27; first attended on July 23.
LANSING, JOHN,⁸ of New York. First attended on June 2, though he may have been present before May 25; left on July 10. Opposed to the Constitution.
24. LIVINGSTON, WILLIAM,⁹ of New Jersey. First attended on June 5; absent on June 28, and July 3-19.

¹ Appendix A, CXIX.

² *Records* of September 17 (McHenry's note), and Appendix A, XXXIV, CXIX, CLVIII (8), CLIX, CCCLXXX.

³ Appendix A, CXIX, CXXVIII, CLVII, CLVIII (16), CLIX, CCCLXXXIX.

⁴ Appendix A, CXIX, CLIX.

⁵ Appendix A, CXIX, CLIX, CCCXIII, CCCXXV, CCCLXVII.

⁶ Appendix A, CCCLXXVI.

⁷ Appendix A, CCCII.

⁸ Appendix A, CXIX, CCCXXXIX, CCCXCII.

⁹ Appendix A, CXIX, CLIX, CCCLXXVI.

- McCLURG, JAMES,¹ of Virginia. Attended as early as May 15; was present July 20; and absent after August 5. Favored the Constitution.
25. McHENRY, JAMES,² of Maryland. Commissioned May 26; attended May 28-31; left on June 1; present August 6 and thereafter.
26. MADISON, JAMES, Jr.,³ of Virginia. Attended on May 14 and thereafter.
- MARTIN, ALEXANDER,⁴ of North Carolina. Attended as early as May 25; left in the latter part of August.
- MARTIN, LUTHER,⁴ of Maryland. Commissioned May 26; first attended June 9; absent August 7-12; left Convention September 4. Opposed to the Constitution.
- MASON, GEORGE,⁵ of Virginia. Attended on May 17 and thereafter. Refused to sign the Constitution.
- MERCER, JOHN FRANCIS, of Maryland. First attended August 6; last recorded attendance August 17. Opposed to the Constitution.
27. MIFFLIN, THOMAS,⁶ of Pennsylvania. Attended on May 28, and probably before, although absent on May 25.
28. MORRIS, GOUVERNEUR,⁷ of Pennsylvania. Attended on May 25, and probably before; he left the Convention a few days after and was absent until July 2.
29. MORRIS, ROBERT,⁸ of Pennsylvania. Attended May 25, and probably before.
30. PATERSON, WILLIAM,⁹ of New Jersey. Attended as early as May 25, and thereafter until July 23. There is no evidence of his attendance after that date. August 21, Brearley wrote urging him to return. He probably returned to sign the Constitution.
- PIERCE, WILLIAM,² of Georgia. Attended May 31; absent after July 1. He favored the Constitution.
31. PINCKNEY, CHARLES,⁹ of South Carolina. Attended May 17 and thereafter.

¹ Records of July 17 (Madison's note) and Appendix A, CXIX.
² Appendix A, CXIX.
³ Appendix A, CXIX, CLIX, CCCXXV.
⁴ Appendix A, CXIX, CLIX, CLXXXIX, CCCLXXVII, CCCXCII.
⁵ Appendix A, CXIX, CXXXVII, CLI, CLVII, CLVIII (16), CXCIV, CCCXVII.
⁶ Appendix A, CXIX, CLIX.
⁷ Appendix A, CXVII, CXIX, CLIX, CCCLXXVIII, CCCLXXIX, CCCXCV.
⁸ Appendix A, CXIX, CCCLXXVI.
⁹ Appendix A, CXIX, CXXXV, CCCLXXXIII.

590 RECORDS OF THE FEDERAL CONVENTION

- 32. PINCKNEY, CHARLES COTESWORTH,² of South Carolina. Attended at least as early as May 25, and thereafter.
 RANDOLPH, EDMUND,¹ of Virginia. Attended May 15 and thereafter. He refused to sign the Constitution.
- 33. READ, GEORGE,² of Delaware. Attended at least as early as May 19.
- 34. RUTLEDGE, JOHN,¹ of South Carolina. Attended on May 17, and thereafter.
- 35. SHERMAN, ROGER,² of Connecticut. Appointed May 17; attended May 30 and thereafter.
- 36. SPAIGHT, RICHARD DOBBS,² of North Carolina. Attended as early as May 19, and thereafter.
 STRONG, CALEB,² of Massachusetts. Attended on May 28; was present on August 15, but left before August 27. He favored the Constitution.
- 37. WASHINGTON, GEORGE,⁴ of Virginia. Attended on May 14 and thereafter.
- 38. WILLIAMSON, HUGH,⁵ of North Carolina. Attended as early as May 25, and thereafter.
- 39. WILSON, JAMES,¹ of Pennsylvania. Attended as early as May 25 (probably before) and thereafter.
 WYTHE, GEORGE,² of Virginia. Attended as early as May 15; left Convention June 4; resigned June 16. He approved the Constitution.
 YATES, ROBERT,⁶ of New York. Attended May 18; left Convention July 10. Opposed to the Constitution.

¹ Appendix A, CXIX, CLIX.
² Appendix A, CXIX.
³ Appendix A, XXXV, CXIX.
⁴ Appendix A, XVII, CXIX, CLVIII (8), CCLXXXV, CCXCIII, CCCLIX.
⁵ Appendix A, CLIX.
⁶ Appendix A, CXIX, CCCXXXIX, CCCLVII, CCCLXV, CCCLXXVII, CCCLXXXVIII, CCCXCII.

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"WE THE PEOPLE..."

Massachusetts
(617) 266-3841

New Jersey
(201) 804-4781

Federal Constitutional Convention Legislation
Position - OPPOSED

Dear Members of the New Jersey State Senate:

A Constitutional Convention call would open up the entire U.S. Constitution. It would most likely be run by and for various powerful vested interests. Legally, it could not be limited to one amendment as fraudulently claimed by its proponents. The ratification process and the agenda would be put forth by Congress as it is not currently known as it changed. Both the ratification processes and agendas could be changed by members of the convention itself.

The only precedent to a Constitutional Convention is the 1787 Convention. Attached is information about how this Convention was called for one purpose - commerce and trade; how Congress extended its parameters to revise the Articles of Confederation; how the Convention went beyond a revision to fully replacing the Articles of Confederation with our current Constitution; and how the ratification process was changed during the Convention. The Convention broke the current law of ratification, approval by Congress and acceptance of 100% of the legislatures of each state, changing the requirement to 3/4ths of the "delegates" selected from each state.

This is the legal precedent. It went from one issue to a brand new Constitution. Ratification went from 100% of the state's legislatures to 3/4ths of the state's selected "delegates."

Recent history:

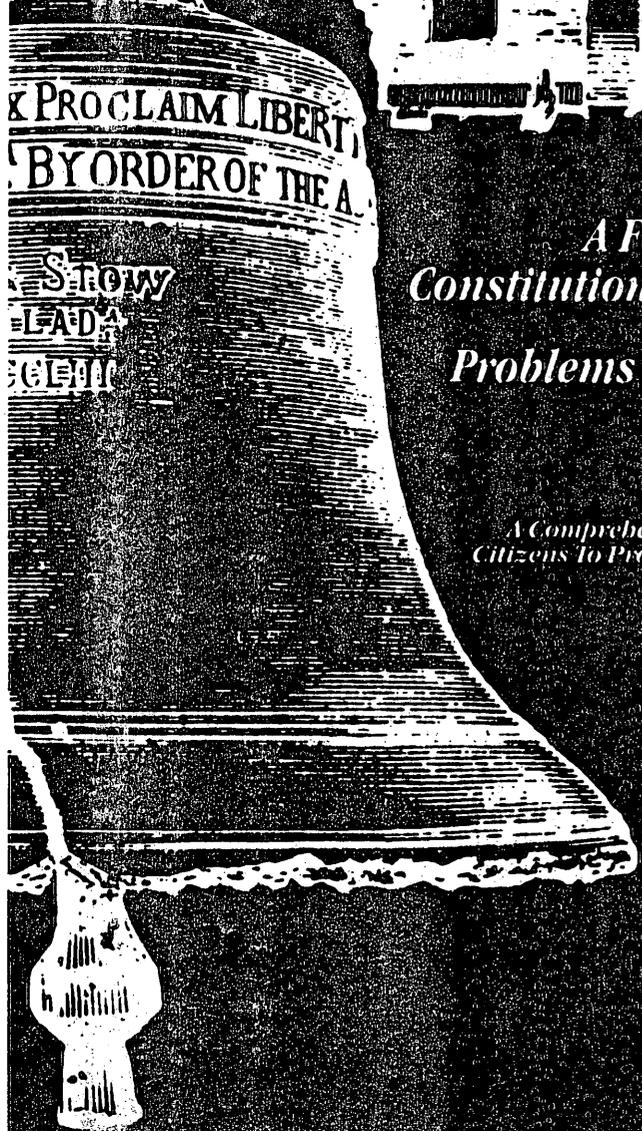
1974 - With the help of approximately \$25 million in funding, the Constitution of the Newstates of America was published. It limited the rights of speech, religion, jury trial and the bearing of arms as part of its many controversial aspects.

1975-1976 - HCR 28 was introduced and heavily defeated by Congress in 1976. This was a resolution calling for an unlimited Constitutional Convention. This followed the introduction of several single-item state calls for a Convention in 1975.

1977 and beyond - Understanding that an unlimited Convention call had no chance of passage in Congress, single-item Convention proposals such as the call for a balanced budget amendment greatly increased. This is now the current strategy of calling for a Constitutional Convention solely for the purpose of a balanced budget amendment and doing a "bait and switch" to get an unlimited Convention. It is one of this nation's largest threats.

Sincerely,
Kevin Hall
"We the People..."

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A Federal Constitutional Convention: Problems & Precedents

*A Comprehensive Study By The
Citizens To Protect The Constitution*

*"... having witnessed the difficulties and dangers experienced by the first Convention, which assembled under every propitious circumstance, I would tremble for the result of a Second."
—James Madison*

THE FIRST CONSTITUTIONAL CONVENTION

Some years after our new Nation had won its independence from Great Britain, the form of government then existing under the Articles of Confederation came under increasing criticism. It was evident to many that the Articles of Confederation was proving to be inadequate to meet the requirements of a growing nation. Suggestions were made that the confederation form of government was altogether too loose to serve the proper aims of government. Perhaps the most pervasive concern was the demonstrated incapacity of the Continental Congress to properly manage the commercial affairs of the thirteen states.¹

For some time, two of the States, Maryland and Virginia, had been engaged in a strenuous quarrel over navigation rights on the Potomac River. In the early spring of 1785, their respective legislatures sent commissioners to Alexandria, Virginia, for a discussion of the subject. After eight days of meetings, some agreements were reached on the complicated matters involved in the common use of the Potomac waters.² However, the most important outcome of what has become known as the "Mount Vernon Conference" was the decision that the delegates from Virginia and Maryland should meet annually "for keeping up harmony in the commercial relations between the two states."³

While ratifying the commissioners' report from the Mount Vernon Conference, the Maryland Legislature voted to also invite to the annual meeting representatives from Delaware and Pennsylvania. Virginia thereupon proposed a conference of all the states "to consider how far a uniform system in their commercial regulations may be

necessary to their common interest and their permanent harmony." This call led to the Annapolis Convention in September, 1786.⁴

Although all thirteen states had been invited to the Annapolis Convention, only five states attended - too few to take any decisive action. The principal accomplishment of this convention was that it recommended to the Continental Congress that all thirteen states appoint delegates to a convention to be held in Philadelphia "on the second of May next, to take into consideration the trade and commerce of the United States."⁵ Thus by 1786 concern over the commercial relationships among the States under the Articles of Confederation had resulted in specific calls by several states for some modification of that document as it pertained to matters of commerce and trade.

The Annapolis Convention's recommendation was laid before Congress on September 20, 1786, and referred to committee for further study. Five months later the committee adopted a report, by a majority of one vote, which stated that the Congress should call a Convention in Philadelphia in May for the purpose of devising "such further provisions" as shall render the federal government "adequate to the exigencies of the Union."

The committee's report was debated in Congress on February 21, 1787. One of the main contentions of the debate centered around the issue of limiting the authority of the upcoming Convention. Indeed, concern in Congress that the Philadelphia Convention might become a runaway convention led to the adoption of specific limiting language in the Congressional resolution calling for the Convention. That resolu-

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House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

To establish an uniform rule of naturalization, and uniform rules on the subject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions:

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: And,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION 9. *The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty*

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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.

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- 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 | |

Issue Analysis is published by the American Legislative Exchange Council for informational purposes only. This edition was written by Duane Parde, Director of ALEC's National Education Project for a Balanced Budget Amendment.

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ADDENDUM

Excerpts of John Armor lobbying the state legislatures

"...REVOLUTIONARY..."

AMERICAN BAR ASSOCIATION REPORT 1973. PG. 78.

"... 'ALTER OR ABOLISH...' " JOHN ARMOR ON ART. V

JOHN ARMOR: "THE BEST AND SIMPLEST STATEMENT OF THE IMPORTANCE OF ARTICLE V IS THIS ONE BY THOMAS JEFFERSON.. 'WHENEVER ANY FORM OF GOVERNMENT BECOMES DESTRUCTIVE TO THESE ENDS, IT IS THE RIGHT OF THE PEOPLE TO ALTER OR ABOLISH IT, AND TO INSTITUTE NEW GOVERNMENT,..' " PG.3, ALEC VOL 17, NO 6, MAY 1991.

JOHN QUOTES THE "RIGHT OF THE PEOPLE TO ALTER OR ABOLISH IT..", AS HIS BEST AND SIMPLEST STATEMENT OF THE IMPORTANCE OF ARTICLE V CHANGING OUR GOVERNMENT CONSTITUTION. THE ABA REPORT SPEAKS OF FEAR OF "REVOLUTIONARY CHANGE." ALL LEGISLATURES FOR 206 YEARS HAVE BEEN NOTING THIS CONCEPT. SOME LEGISLATORS ARE UNCERTAIN OF JOHN'S CLAIM OF SAFEGUARDS, WHILE OTHERS AGREE WITH THE LEGISLATURES IN THE ABA REPORT, AND SEE THE "POTENTIAL FOR REVOLUTIONARY CHANGE" AS THE CONCEPT OF RISKING MORE THAN JOHN ARMOR HAS IMPLIED IN OTHER REMARKS. THE PREVAILING VIEW FOR 206 YEARS IS THAT REVEALED IN THE ABA REPORT AS POTENTIAL FOR REVOLUTIONARY CHANGE.

JOHN ARMOR FAILED TO REVEAL THE ABA REPORT REASON THE STATES HAVE REFUSED TO MAKE THE FINAL APPLICATIONS FOR A FEDERAL CONVENTION.

TRANSCRIPT 9/21/92 TRENTON, NJ., PG.11: MR. ARMOR: "YES. I SPECIALIZE, MR. CHAIRMAN, IN CONSTITUTIONAL LAW,..."

ALEC VOL. 17, NO. 6, MAY, 1991, PG. 2: MR. ARMOR: "MORE THAN 10,000 INDIVIDUAL PROPOSALS FOR CONSTITUTIONAL AMENDMENTS HAVE BEEN MADE SINCE 1787, EITHER BY INDIVIDUAL STATES, OR BY INDIVIDUAL MEMBERS OF CONGRESS."

ALEC.VOL. 17, NO. 6, MAY 1991, PG. 10: MR. ARMOR: "STATE LEGISLATORS HAVE FREQUENTLY ISSUED CONDITIONAL CALLS FOR A CONSTITUTIONAL CONVENTION, ON MORE THAN 400 OCCASIONS."

THE AMERICAN BAR ASSOCIATION REPORT OF 1973 ON PG 60, LISTS 356 OCCASIONS AS OF TWENTY YEARS AGO. THE REASON GIVEN BY THE ABA REPORT FOR THE FAILURE OF ALL CONVENTION ATTEMPTS IS ON PG 76.

THE ABA REPORT STATES ON PG. 76 THE REASON WHY OVER THE 206 YEAR PERIOD, THE STATES HAVE REFUSED TO TRIGGER A CONVENTION:

"... ALL STATES WERE ASKED TO SIGN UP FOR A CONSTITUTIONAL CONVENTION AND ITS POTENTIAL FOR REVOLUTIONARY CHANGE."

ABA REPORT: "POTENTIAL FOR REVOLUTIONARY CHANGE" OF THE CONSTITUTION IS THE REASON A CONVENTION HAS ALWAYS FAILED SINCE 1787. IN DESCRIBING HIMSELF IN MAY 1991, ALEC VOL 17, NO. 6 PG. 16, MR. ARMOR STATES THAT HE: "TESTIFIED AS AN EXPERT WITNESS BEFORE COMMITTEES OF 15 STATE LEGISLATURES AND COMMITTEES OF BOTH THE HOUSE AND THE SENATE."

IN 1992 AND 1993 MR. ARMOR HAS LOBBIED BEFORE AN ADDITIONAL NUMBER OF LEGISLATURES. NO RECORDS HAVE BEEN FOUND WHERE HE QUOTES THE MOST IMPORTANT PART OF THE ABA REPORT: THE REASON THE STATES REFUSED TO COMPLETE AN APPLICATION.

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"BUDGET" CON GAME TARGETS YOU AND YOURS

LIFE, LIBERTY, AND PROPERTY ARE THREATENED BY POLITICIANS

Congress is voting more and more of your money for SOCIALIST SPENDING while some of these same Big Spenders are demanding TWO BLANK CHECKS from you:

1. LOTS MORE OF YOUR MONEY

Thirty to fifty percent MORE TAXES to "balance the budget" and to raise your taxes from one trillion each year to one and one-half trillions to pay for UNCONSTITUTIONAL SPENDING for socialism.

2. A NEW CONSTITUTION TO LEGALIZE SOCIALIST SPENDING

STATE LEGISLATORS ARE SPONSORING APPLICATIONS FOR THIS "new" Constitution to make all the UNCONSTITUTIONAL SOCIALIST SPENDING funded with this unconstitutional SOCIALIST BUDGET "BALANCED". These state legislators claim this is their only reason and sole purpose and their application can not be used for any other purpose because they say so and therefore you will be safe!

BAD GUYS BLAME CONSTITUTION WITH THEIR UNCONSTITUTIONAL SPENDING

That is how you are being tricked into the above double checkmate: The theater stage is managed with MOST congressmen leading the Big Spending, while OTHERS ARE SELECTED to oppose them by demanding THIS SOCIALIST Big Spending be paid with a "BALANCED BUDGET CONVENTION" ON THE FEDERAL CONSTITUTION!

STATE AND FEDERAL LEGISLATORS WHO BLAME THE CONSTITUTION ARE LIARS

To assure you do not elect anyone who will oppose their TAX and CONVENTION checkmate, lobbyists and powerful Congressmen already in the scam come to the State Legislatures to CON the future Congress potentials to support these higher taxes funding SOCIALISM with a "BUDGET CONVENTION". The SIMPLE BUT SHREWD SCHEME IS TO ASSURE THE SOCIALIST CAN ONLY BE REPLACED WITH A "SOCIALIST BUDGET CONVENTION" ADVOCATE!

TELL THEM YOU KNOW

WARN YOUR LEGISLATORS TO KILL THE SOCIALIST CONVENTION SCHEME.

KILL CON-CON CONVENTION APPLICATIONS IN YOUR STATE HOUSE RECORDS

STOP THE "BUDGET" CON GAME OR YOU LOSE BIG.

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(16)

....." THE STATES EXPRESSED FEAR OF THE POWER OF A CONSTITUTIONAL CONVENTION AND ITS POTENTIAL FOR REVOLUTIONARY CHANGE ." PG.76, AMERICAN BAR ASSOCIATION REPORT, 1973

"POTENTIAL FOR REVOLUTIONARY CHANGE"

ARMOR AXES JAMES MADISON AS NEW JERSEY SENATE IS DEPENDING ON YOUR COMMENTS FOR VOTE

MR. JOHN ARMOR MISQUOTES JAMES MADISON, FATHER OF THE CONSTITUTION, IN OFFICIAL TESTIMONY BEFORE THE LEGISLATORS IN BOTH HIS WRITTEN AND ORAL TESTIMONY.

ERRORS BY ARMOR ALSO INVOLVE THE ABA REPORT OF 1973 IN ADDITION TO THESE THREE MISQUOTES FROM THE FEDERALIST ON ARTICLE V.

JOHN ARMOR "WALKS ON JAMES MADISON'S GRAVE" IN CONVENTION ATTEMPT AS LAWMAKERS AWAKEN TO CONVENTION POLITICAL NIGHTMARE.

JOHN ARMOR'S TESTIMONY EXPOSED AS HE MISQUOTES JAMES MADISON THREE TIMES IN CON-CON ATTEMPT.

"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." ...JOHN ARMOR, TRENTON, NJ ON SEPT. 21, 1992, PG. 12* JUST AFTER PASSING OUT HIS TWO WRITTEN MISQUOTES OF JAMES MADISON, AND JUST PRIOR TO HIS THIRD, AN ORAL MISQUOTE OF JAMES MADISON:

"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." *OFFICIAL TRANSCRIPT, PG 13 PUBLIC HEARING ACR 30 STATE OF NEW JERSEY TAKEN TO INFLUENCE THE VOTES OF ELECTED OFFICIALS.

JOHN ARMOR STATES HE IS THE AUTHOR OF VOLUME 17, NUMBER 6 WHEREIN HE MISQUOTES MADISON ON BOTH PAGE FIVE AND PAGE THIRTEEN, AND MAKES OTHER ERRORS. THESE ERRORS HAVE BEEN DISTRIBUTED TO THE ELECTED OFFICIALS IN STATES TO ATTEMPT TO GET THE LEGISLATURES TO COMPLETE APPLICATIONS FOR A FEDERAL CONSTITUTIONAL CONVENTION. JOHN ARMOR HAS CIRCULATED HIS WRITTEN MISQUOTES FOR THE ALMOST TWO YEAR PERIOD FROM MAY 1991 TO MAY 1993 AS AN ALEC OFFICIAL PUBLICATION IN THE STATE FACTOR. THE TWO WRITTEN MISQUOTES ARE UNIQUE AND DISTINCT FROM THE THIRD MISQUOTE IN SPOKEN TESTIMONY TRANSCRIPTS. AN ANALYSIS OF MR. ARMOR'S ORAL MISQUOTE FOLLOWS: COMPARED TO THE ORIGINAL SOURCE CITED, MR. ARMOR HAS TAKEN HIS OWN WORDS AND SUBSTITUTED FOR THOSE OF MR. JAMES MADISON. WHILE ANOTHER WORD HAS SIMPLY BEEN ADDED AS MR. ARMOR HAS CHOSEN. MR. ARMOR AXES NINE OF MR. JAMES MADISON'S ORIGINAL WORDS AND TWO COMMAS, WHILE ADDING FOUR WORDS OF HIS OWN CREATION.

ERRORS BY ARMOR MAY DESTROY CONSTITUTION
JOHN ARMOR'S THREE MISQUOTES OF MADISON
MAY BE USED TO INFLUENCE THE VOTES IN N.J.
AND OTHER STATES. ARMOR'S TESTIMONY FALSE.

JOHN ARMOR IMPEACHES HIS OWN TESTIMONY

THE AMERICAN BAR ASSOCIATION REPORT ACTUALLY SAYS ON PAGE 10: "ONE MEMBER OF THE COMMITTEE, HOWEVER, DOES NOT BELIEVE THAT THE ONE-PERSON, ONE-VOTE RULE IS APPLICABLE TO A CONSTITUTIONAL CONVENTION." (EMPHASIS ADDED).

MR. ARMOR IN HIS OWN VERSION: "ONE MEMBER FELT THAT NEW DISTRICTS WOULD HAVE TO BE ESTABLISHED, SO THAT DELEGATES WOULD BE CHOSEN STRICTLY ON THE BASIS OF POPULATION." PG 12 ALEC VOL.17,NO. 6 MAY 1991.

"ANY WOULD-BE EXPERT WHO ISN'T FAMILIAR WITH THIS REPORT, SIMPLY HASN'T DONE HIS..HOMEWORK,.. ." ..JOHN ARMOR, MAY 1991.

MR. ARMOR COUNTS THE VOTES OF THE NINE COMMITTEE MEMBERS AND REPORTS THAT ELEVEN OF THE NINE VOTE! HE REWRITES ABA RESULTS!

A FIFTH GRADE STUDENT POINTS OUT THAT MR. ARMOR REFERS TO THE ABA COMMITTEE ON PAGE 8 AS "THE NINE MEMBERS OF THE COMMITTEE" , BUT ON PAGE TWELVE MR. ARMOR DETERMINES THAT THE COMMITTEE HAS INCREASED BY TWO,: "TEN MEMBERS OF THE COMMITTEE FELT THAT ELECTING DELEGATES FROM CONGRESSIONAL DISTRICTS WOULD BE SATISFACTORY. ONE MEMBER FELT..."

STATEMENT OF WILL PETERS, AGE 11 TO THE NATIONAL VETERAN'S COMMITTEE ON THE U. S. CONSTITUTION:

ON MARCH 31, 1993 I WAS PAID TWO-BITS TO GIVE MY OPINION OF THE TESTIMONY PREPARED BY MR. JOHN ARMOR FOR ALEC, ENTITLED "THE NATIONAL BIRTHRIGHT OF STATE LEGISLATORS" VOL 17, NUMBER 6. ON PAGE EIGHT MR. ARMOR SAYS "THE NINE MEMBERS OF THE COMMITTEE" WHILE THIS SAME COMMITTEE IS REFERRED TO ON PAGE TWELVE AS HAVING ELEVEN MEMBERS! I HAVE CONCLUDED THAT MR. ARMOR DOES NOT KNOW WHAT HE IS TALKING ABOUT. HIS OPINION IS NOT WORTH ANYMORE THAN THE TWO-BITS I WAS PAID FOR MINE.

**"THERE IS NO CONSTITUTIONAL CONVENTION PROCEDURES ACT..."
.....JOHN ARMOR**

**JOHN ARMOR UNCERTAIN ABOUT QUESTIONS ON A CONVENTION
"AS NOTED, THERE IS NO CONSTITUTIONAL CONVENTION PROCEDURES ACT IN
PLACE IN THE FEDERAL LAW."...PG.12.....JOHN ARMOR, MAY 1991.**

**A BLACK HOLE IN SPACE IS ALL THAT IS KNOWN ABOUT ANY ACT THE
MAJORITY OF CONGRESS (DEMOCRATS) MAY PASS.**

**MR. ARMOR ADDRESSES HIS REMARKS TO MORE THAN A DOZEN QUESTIONS
WHICH HE RAISES ABOUT THE POLITICS OF UNCERTAINTY.**

**MR. ARMOR ADDRESSES QUESTIONS OF UNCERTAINTY WITH MORE POLITICAL
UNCERTAINTY AS HE WRITES:**

1. "TEN MEMBERS OF THE COMMITTEE FELT.."(TWO OF THESE ARE PHANTOMS)
- 2 "ONE MEMBER FELT...."
3. "CONGRESSIONAL DISTRICTS WOULD LIKELY...."
4. "IN THE FEDERAL PROCEDURES BILLS TO SUGGEST..." (PROPOSED ONLY)
5. "IT IS MOST LIKELY..."
6. "GOVERNMENT WILL PROBABLY..."
7. "CONVENTION WILL PROBABLY...."
8. "PROBABLY SIX MONTHS..."
9. "THE CONVENTION WILL PROBABLY ACT..."
- 10."THOUGH PROBABLY USING..."
- 11."YOU CAN PROBABLY..."
- 12."A CONVENTION COULD BE...."
- 13."IF THE SUBJECT IS..."
- 14."THERE MAY BE NO MORE THAN..."
- 15."DELEGATES SUGGESTS STRONGLY..."
- 16."STATE CONVENTIONS SUGGESTS..."

**NOTES: THE "ONLY ONE QUESTION" IS HOW CAN ANYONE PROCEED TO VOTE
FOR A CONVENTION KNOWING EVERYTHING IS YET TO BE DETERMINED?
AS MR. ARMOR STATED ABOVE "...THERE IS NO.....FEDERAL LAW."
(THERE IS NO LAW WHICH PROVIDES ANY CONDITION OR LIMITATION, ANY
SUBJECT ASSIGNED FOR AMENDMENTS, ANY MANDATE THAT THE STRUCTURE NOT
BE CHANGED IN THE FORM OF GOVERNMENT ITSELF.)**

HOWEVER,MR. ARMOR CONTINUES IN THIS MANNER:

**17."ONLY ONE QUESTION, THEREFORE, REMAINS TO BE ADDRESSED. WHAT IF
THE CONVENTION MEETS, ADDRESSES ITS ASSIGNED SUBJECT, BUT THEN ALSO
GOES INTO AREAS THAT ARE BEYOND THE MANDATE SET BY CONGRESS?"**

**WE NOW GATHER IN JOHN ARMOR'S CRYSTAL BALL, WHERE EACH LEGISLATOR
OR CITIZEN MAY PERMIT HIM TO HAVE TRANSPORTED YOU TO JOIN WITH
ALICE IN SOME WONDERLAND WHERE THE DEMOCRAT MAJORITY IN CONGRESS
HAS NOT SEIZED THE DAY! IF YOU CAN BE LED BY THIS QUESTION TO A
PLACE IN YOUR MIND WHERE THE FANTASY THAT A FEDERAL CONVENTION IS
NOW MEETING UNDER ARTICLE V CONVENED BY A DEMOCRAT CONTROLLED
CONGRESS, AND THIS DEMOCRAT MAJORITY HAS AN AGENDA ON AN ASSIGNED
SUBJECT, AND THIS "MANDATE" OF THE DEMOCRAT MAJORITY HAS BEEN SET!**

**JOHN ARMOR POINTS OUT THE DEMOCRAT MAJORITY OF CONGRESS UNDER
ARTICLE FIVE CAN CHOOSE STATE RATIFYING CONVENTIONS.**

ARMOR BOMBS CON-CON

WRITING IN MAY OF 1991 JOHN ARMOR REVERSES THE POSITION OF ALEC'S CONCLUSION GIVEN ON PAGE 9 OF VOLUME 17, NO.2 : "THE SAFEGUARDS ARE IN PLACE TO LIMIT THE TOPIC OF THE CONVENTION EXCLUSIVELY TO THE SUBJECT MATTER OF THE STATE APPLICATIONS." (THIS JAN. 1991 ISSUE WAS IDENTICAL IN THIS REGARD TO VOL. 13, NO.1 OF APRIL 1987).

JOHN ARMOR WHO HAS A B.A. (YALE) 1964, AND A UNIV. OF MD. LAW DEGREE, HAS BEEN PAID TO BE AN "EXPERT WITNESS" AND IN REVERSING THIS LONG HELD FALSE CONCLUSION OF THE ALEC PUBLICATIONS DOES SO WITH HIS OWN AUTHORSHIP OF THE VOLUME 17, NUMBER 6, OF MAY 1991, ON PAGE 10 WHERE HE ACKNOWLEDGES "CONVENTION PROCEDURES BILLS WHICH HAVE BEEN INTRODUCED IN CONGRESS REGULARLY FOR MORE THAN A QUARTER CENTURY."... "DID NOT PASS EITHER HOUSE".... "IT DID NOT PASS".

CONVENTION APPLICATIONS HAVE SINCE TAKEN CIRCULAR PATHS IN MICHIGAN, MONTANA, AND NOW NEW JERSEY. THE BISMARCK HAD IT'S RUDDER BLOWN OFF BY AN ORDINARY TORPEDO, AFTER WHICH IT WENT IN CIRCLES UNTIL IT SANK. NOW JOHN ARMOR TELLS LEGISLATORS AT LAST THAT FOR "A QUARTER CENTURY" THIS PRETENSE OF A RUDDER THAT WOULD TAKE THE "FANTASY" SHIP INTO A SAFE PORT NEVER EXISTED.

LIKE THE BOY WHO KNEW THE EMPEROR IS NAKED JOHN ARMOR BLURTS OUT THE OBVIOUS AND IN FUTURE ARTICLES JOHN MAY BE EXPECTED TO ACKNOWLEDGE THAT ORANGES CAN NOT BE COMPARED WITH APPLES; WHILE ALEC MATERIALS HOPEFULLY WILL STOP QUOTING CHARLES MERRIAM'S ADVOCACY OF PARLIAMENTARY GOVERNMENT, THE WRITTEN CONSTITUTION AND THE UNWRITTEN ATTITUDE (1931) AS THE JAMES CUTLER FOUNDATION LECTURES, WHICH IS SEEN IN THE ALEC PUBLICATIONS OF BOTH VOL. 17, NO.2 JAN. 1991 AND VOL. 13, NO.1 APRIL 1987. THE LLOYD CUTLER FAMILY SEEMS JUST A RECENT BRANCH ON THE OLD TREE OF STRUCTURAL CHANGES.

WHILE THIS TIME JOHN'S TORPEDO STRUCK THE ALARM BELL IN LEGISLATOR'S EARS; ARMOR'S LAUNCH CANNON REMAINS ON DECK WHERE NEXT TIME THESE ATTACK AND DESTROY MISSILES COULD HIT THE U. S. CONSTITUTION OR PERHAPS THOSE ADVOCATES OF STRUCTURAL CHANGE WHO COMPOSE SOME OF THOSE WHO SEEK TO COMPLETE CHARLES HARDIN'S WORK BEGUN THAT 1964 WHEN JOHN ARMOR GRADUATED YALE. THAT SAME YEAR AS N.Y. STATE CHAIR OF RIPON, RICHARD ZIMMER WORKED TO DEFEAT THE REPUBLICAN CANDIDATE FOR PRESIDENT. RICHARD ZIMMER MOVED TO NJ AND BECAME STATE CHAIR OF COMMON CAUSE, LATER WHEN ELECTED TO ASSEMBLYMAN, HE SPONSORED ACR 54 TO TRIGGER A FEDERAL CONVENTION IN 1986. WITHOUT ANY CHANGES, RICHARD KAMIN INTRODUCED OLD ACR 54 AND WAS KNOWN AS THE ORIGINAL ACR 30. MEANWHILE, LLOYD CUTLER REPRESENTS COMMON CAUSE AS ATTORNEY; WHILE RICHARD ZIMMER IS FEDERAL CONGRESSMAN RETURNING TO TRENTON WITH JOHN ARMOR TO TESTIFY FOR ACR 30 (ACS) LAST JULY 16TH 1992 BEFORE HIS OLD COMMITTEE. OHIO COMMON CAUSE FORMER CHAIRMAN ERIC FINGERHUT ALSO HAS BECOME A FEDERAL CONGRESSMAN AFTER BEING ONE OF THE CON-CON SPONSORS IN HIS STATE LEGISLATURE. WARREN CHRISTOPHER WHO WROTE THE ABA OPINIONS TWENTY YEARS AGO, IS THE TRILATERAL SURROGATE WITH CLINTON IN 1993.

(21)

THE AMERICAN BAR ASSOCIATION REPORT (1973) CORRECTLY POINTED TO THE "FEAR OF THE POWER OF A CONSTITUTIONAL CONVENTION AND ITS POTENTIAL FOR REVOLUTIONARY CHANGE." CONSIDER THIS SAMPLE OF ACCUMULATING EVIDENCE:

THE FOLLOWING SHOWS THE CONTINUATION OF THE FOUNDATIONS FINANCED "NEW" CONSTITUTION SCHEME FROM 1964 WITH THE EFFORTS OF REX TUGWELL AND COLLEAGUES SUCH AS CHARLES HARDIN. PUBLICATION OF THE PROPOSAL IN THE CENTER MAGAZINE IN 1970 IS FOLLOWED BY HARDIN'S PROPOSAL IN 1974, ENTITLED PRESIDENTIAL POWER & ACCOUNTABILITY TOWARD A NEW CONSTITUTION. CHARLES HARDIN IS ACKNOWLEDGED AS A 1982 FOUNDER OF CCS AND THE CURRENT EFFORT BY HIS ORGANIZATION TO BRING ABOUT PROPOSED AMENDMENTS LISTED IN THE PUBLICATION REFORMING AMERICAN GOVERNMENT. (1985) THIS ORGANIZATION MET MOST RECENTLY ON FEB. 24, 1993.

EXHIBITS:

- A-1 POLITICAL SCIENTIST CHARLES HARDIN DOCUMENTS HIS COLLEAGUES AT THE CENTER FOR THE STUDY OF DEMOCRATIC INSTITUTIONS.
- A-2 CHARLES HARDIN IS IDENTIFIED AS A FOUNDER OF THE COMMITTEE ON THE CONSTITUTIONAL SYSTEM (CCS) IN HIS PUBLICATION.
- B PUBLICATION IDENTIFIES ALSO THE FOUNDING CO-CHAIRS LLOYD CUTLER AND DOUGLAS DILLON.
- C TWELVE PROPOSALS FOR CONSTITUTIONAL AMENDMENTS (1985) ARE PUBLISHED BY HARDIN'S CCS "PARLIAMENTARY GOVERNMENT GROUP".
- D HARDIN'S GROUP MEETS ON FEB. 24, 1993 WITH SOME HIGHLIGHTS BY AN OBSERVER. NOTE SIGNIFICANTLY THAT THE AUTHOR OF CCS WORKING PAPER #23, DICK THORNBURGH IS NOW STRICKEN FROM THE BOARD OF DIRECTORS LIST OF THIS ORGANIZATION.
- E-1 TEXT OF NEW CONSTITUTION PROPOSED BY THE "CENTER" IN A-1.
- E-2 COMMENTS AT THE TIME CONCERNING "WHAT IS BEHIND THE FRANTIC DRIVE FOR A NEW CONSTITUTION".
- F-1 SEVERAL REPRESENTATIONS BY POLITICAL SCIENTIST JOHN ARMOR AS PRESENTED IN HIS OWN AND OTHER ALEC PUBLICATIONS AND STATE TRANSCRIPTS. ALEC MATERIALS WRITTEN BY MR. ARMOR WHICH REFLECT HIS ABA REPORT SELECTIVE OMISSIONS, MR. ARMOR'S ERRORS, WITH MR. ARMOR'S MISQUOTES OF JAMES MADISON, FATHER OF THE U.S. CONSTITUTION IN BOTH HIS ALEC WRITTEN AND ORAL TESTIMONY AS RECORDS PROVE.
- G COMPARISON GRAPHS OF THE CONVENTION APPLICATIONS IN 1911, 1963, 1970, AND 1993. (NOTE THE CONTRAST BETWEEN THE TEN YEARS PRIOR TO 1912, WITH 31 STATE APPLICATIONS, AND THE TEN YEARS FROM JUNE, 1983 TO THE PRESENT WHEN STATES HAVE MADE NONE. SEE MR. ARMOR'S SELECTIVE OMISSION OF THIS ABA REPORT REASON : "THE STATES EXPRESSED FEAR OF THE POWER OF A CONSTITUTIONAL CONVENTION AND ITS POTENTIAL FOR REVOLUTIONARY CHANGE." PG.76, ABA REPORT.)
- H IN 1986 FORMER CCS DIRECTOR DICK THORNBURGH TESTIFIED BEFORE FORMER NJ COMMON CAUSE CHAIRMAN, RICHARD ZIMMER, WHEN RICHARD ZIMMER WAS CHAIRMAN OF THE ASSEMBLY STATE GOVERNMENT COMMITTEE.
 - 1. THIS CCS DIRECTOR IDENTIFIED BBA AS THE "KEY" TO A CONVENTION TO OBTAIN "STRUCTURAL" CHANGES.
 - 2. NTU LOBBY COCHAIRMAN WAS THIS SAME DICK THORNBURGH.

**TESTIMONY
OF
CHERYL DUNCAN LEMONS,
CONCERNED RESIDENT OF NEW JERSEY**

**PUBLIC HEARING
ON
SCS ON SCR-39,SCR-68,ACR-30**

**THE NJ SENATE STATE GOVERNMENT COMMITTEE
THURSDAY, MAY 27, 1993
10:00 A.M.**

POSITION - OPPOSED

Senators,

Over the course of the committee meetings and hearings on the subject of the Constitutional Convention, many, many reasons why you should oppose a call for a Constitutional Convention have been stated. Very briefly, just three main reasons why a Convention is completely unwanted are:

1. most Constitutional experts, including retired Chief Justice Warren Burger, agree that such a Convention could not be limited to the issue of the budget but would be a general convention taking up many other issues. Given the wording of Article V of the Constitution it is clear that a Constitutional Convention would discuss several issues and, thus, put our basic rights as Americans at risk.

2. There is also the issue of how a Constitutional Convention would be executed. The Constitution is so vague about this that Senator Orin Hatch proposed S-214, entitled "Constitutional Convention Implementation Act of 1991." This measure died in committee on December 31, 1992. If a Convention had the very safeguards you have been promised by proponents, why would Senator Hatch have had to write a bill to specify how one would be implemented? And as S-214 died, we can be assured that no safeguards exist at all on a Constitutional Convention.

3. Congress can pass the amendment itself as our other amendments have been passed and none of us need worry about our Bill of Rights. Last year Congress was just short of passing a balanced budget amendment itself. Our budget certainly does need to be balanced, but we do not need have a convention and open a whole can of worms to get that result.

Now very important in this are the people and what they want. First of all I would like to acknowledge the people gathered here today to stand up about this issue. As acclaimed author L. Ron Hubbard wrote, the price of freedom is "constant alertness, constant willingness to fight back, there is no other price," and I think that those who are gathered here today to fight for what they believe in, those who have come again and again and again to Trenton, those who have written, who have visited their legislators, this group of people present should acknowledge themselves with a round of applause and, if one is not allowed, by big, silent smiles.

I say this because this turnout and these faces should say something. This turnout and that of earlier hearings should send a message. And that message is: that the people of the state of New Jersey do not want a Constitutional Convention.

And I ask myself, "if the people do not want a convention, why is a convention being pushed so hard in New Jersey?" Connecticut, Montana, Michigan, Hawaii, and Illinois have all killed calls for Constitutional Conventions in recent months but New Jersey continues. But there is the issue of partisan politics and its pressure.

Last year Rich Bond, then the head of the Republican National Committee and Bob Grady, the Executive Director of the Office of Management and Budget felt that this issue was so important that they flew in to rally Republican forces on the Assembly floor, turning the vote to their side. Had these special interests not come this issue would have been dead and you would have been discussing other matters today.

Any pressures that you are receiving to vote in a certain way are merely a hint of the pressures that would be on delegates to any convention. In fact, Dick Allen, legislator from Michigan testified in the assembly that lawmakers in his state received death threats over this issue. In this political climate with so many vested interests, delegates to a convention would be getting even more pressure that you are today about SCR-39 and the other Constitutional Convention measures.

Why put yourselves through any more of this? Why put another through it in a Convention?

This legislation needs to die. You are the Senators most informed of the issues. Today, I not only ask that you vote "no," I'm asking you to speak out against this legislation. I'm asking you to get your fellow Senators to vote against it. I'm even asking you to personally lobby the sponsors to withdraw.

It's very simple why: The people of the state of New Jersey do not want this legislation. They do not want anything that would jeopardize their rights. They, the people sitting in this room today, who you represent, say, "No."

Now its time for you to listen. Now it's time for you to act.

Thank you.

Cheryl Duncan Lemons

The Threat of a Constitutional Convention

A Fact Sheet

The Threat of a Constitutional Convention

- A Fact Sheet -

We call your attention to an increasing nationwide alarm over potential radical changes in the United States Constitution, a threat which has caused liberal and conservative organizations to band together to oppose the push to call for a U.S. constitutional convention.

Thirty-two (32) states have passed resolutions calling for the U.S. Congress to call for a constitutional convention ("con con"). If thirty-four (34) states make such a plea, Congress must call a constitutional convention. The stated purpose of these resolutions is for the convention to propose a balanced-budget amendment to the U.S. Constitution. Constitutional experts however insist that any convention could not be limited to just one topic.

Due to the possibility that this could be a "runaway" convention, three states of these thirty-two — Florida, Louisiana and Alabama — subsequently passed legislation cancelling their call for a convention.

And recently, Hawaii Michigan, Connecticut and Montana voted to defeat new resolutions calling for a convention, following loud public opposition to it.

There is no federal law which exists, or which could exist, which could limit a constitutional convention to only one topic, as some state legislators have been told. Documentation of this is included in this packet.

Writing in the *Washington Post*, national columnist George F. Will opposed a convention, stating, "The danger is of a 'runaway' convention, not content to stick to the specific proposal that brought it into being, and convinced that it has supreme power to act on whatever it pleases."

Groups opposing a convention include the American Legion, AFL-CIO, Eagle Forum, Veterans of Foreign Wars, People for the American Way, Common Cause, Concerned Women of America, the Church of Scientology, the 7th Day Adventists, and a number of other organizations.

A balanced-budget amendment could be passed through normal channels. The current 26 amendments to the Constitution were passed this way, where each was individually proposed by Congress and then ratified by 3/4ths of the States.

An entire convention is not needed, and in fact could be disastrous because it could open the door to having key portions of the Constitution altered.

Please read the attached materials. We urge your support to oppose the push for a Constitutional convention.

For more information, you can call Brian Anderson, Research Director for FREEDOM Magazine, (213) 663-2058.

Attachments:

1) Memo from Michigan State Senator Dick Allen showing there is NO federal legislation that would limit a constitutional convention, as he says legislators were told by lobbyists for a constitutional convention.

2) U.S. Senate Judiciary Committee confirming that there is no such legislation.

3) List of prominent legal experts who say a constitutional convention cannot be limited (also includes statement by Yale professor, Walter Dellinger.)

4) Statement of Laurence Tribe, constitutional expert, on the problems of a constitutional convention.

5) FREEDOM magazine article on the constitutional convention.

6) Reprint of Congressional Hearing testimony against the constitutional convention by expert, Professor Charles Black.

7) "Risky business of conventions," editorial against the constitutional convention by former U.S. Supreme Court Justice, Arthur J. Goldberg.

8) A list of constitutional questions which DO NOT HAVE clearcut answers, posed by the authoritative Congressional Research Service, an investigative arm of Congress. Also a summary of which states have passed constitutional convention resolutions, and which have later rescinded them.

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HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN

DICK ALLEN
STATE CAPITOL
LANSING, MICHIGAN 48913
(517) 878 6478

APPROPRIATIONS
SUBCOMMITTEES
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NATURAL RESOURCES AND
ENVIRONMENT
STATE POLICE

February 11, 1993

MEMORANDUM

To: All Interested State Legislators

From: Representative Dick Allen
84th House District
Michigan House of Representatives

Re: Balanced Budget Amendment - Constitutional Convention

On February 3, 1993, the Michigan Senate State Affairs Committee passed Senate Joint Resolution (SJR) "G", petitioning Congress to call a constitutional convention for the limited purpose of drafting a U.S. constitutional amendment mandating a balanced federal budget.

After receiving documentation from the U.S. Senate Judiciary Committee that S-214, The Constitutional Convention Implementation Act of 1991, died in that committee in December and had not be enacted, as Michigan State Senators had been told by lobbyists, enough support was withdrawn, on the Senate floor, from SJR "G" that the sponsor withdrew it and is expected to offer a substitute resolution without a constitutional convention provision. X

If you would care to verify that neither S-214 nor any other bill prohibiting an unlimited constitutional convention has been enacted, Congressional Legislative Services, at telephone number (202) 224-1772, will provide this information as well as a copy of S-214.

DA:kls

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 AND STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY
 WASHINGTON, DC 20510-8278

February 8, 1993

Vera Roche
 NJ State Chairperson, Eagle Forum
 Box 137
 Brookside, NJ 07920

Dear Ms. Roche:

I am writing to confirm that S. 214, the Constitutional Convention Implementation Act of 1991, was introduced on January 15, 1991. No subsequent action was taken during the Congress.

My best wishes.

cordially,



Syrena T. Case
 Staff Assistant

**THESE PROMINENT LEGAL AUTHORITIES DO NOT BELIEVE
A CONSTITUTIONAL CONVENTION CAN BE LIMITED
TO A SINGLE SUBJECT**

Rex P. Lee, President, Brigham Young University; Former U.S. Solicitor General & Founding Dean of BYU Law School

T. Alexander Aleinkoff, University of Michigan Law School

Florian Bartosic, University of California at Davis, School of Law

Charles L. Black, Sterling Professor, Yale Law School

C. Christopher Brown, University of Maryland School of Law

Neil Cogan, Southern Methodist University, School of Law

Walter E. Dellinger, Duke University School of Law

Thomas I. Emerson, Yale Law School

Jefferson B. Fordham, University of Utah, College of Law

Gerald Gunther, Stanford Law School

Betsy Levin, Dean, University of Colorado, School of Law

Arval A. Morris, University of Washington, School of Law

Willard Overgaard, Professor of Public Law, Boise State University

Charles E. Rice, Notre Dame Law School

Terrance Sandalow, Dean, University of Michigan Law School

Robert L. Schwartz, University of New Mexico, School of Law

Lawrence H. Tribe, Harvard University Law School

HARVARD UNIVERSITY
LAW SCHOOL

LAURENCE H. TRIBE
Tyler Professor of Constitutional Law



GRISWOLD HALL 307
CAMBRIDGE, MASSACHUSETTS 02138
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The primary threat posed by an Article V Convention is that of a confrontation between Congress and such a Convention. Upon Congress devolves the duty of calling a Convention on application of the legislatures of two-thirds of the states, and approving and transmitting to the states for ratification the text of any amendment or amendments agreed upon by the convention. The discretion with which Congress may discharge this duty is pregnant with danger even under the most salutary conditions.

In the event of a dispute between Congress and the Convention over the congressional role in permitting the Convention to proceed, the Supreme Court would almost certainly be asked to serve as referee. Because the Court might feel obliged to protect the interests of the states in the amendment process, it cannot be assumed that the Court would automatically decline to become involved on the ground that the dispute raised a nonjusticiable political question, even if Congress sought to delegate resolution of such a dispute to itself. Depending upon the political strength of the parties to the dispute, a decision to abstain would amount to a judgment for one side or the other. Like an official judgment on the merits, such a practical resolution of the controversy would leave the Court an enemy either of Congress or of the Convention and the states that brought it into being.

A decision upholding against challenge by one or more states an action taken by Congress under Article V would be poorly received by the states involved. Truly disastrous, however, would be any result of a confrontation between the Supreme Court and the states over the validity of an amendment proposed by their Convention. Yet the convention process could, quite imaginably, give rise to judicial challenges that would cast the states into just such a conflict with the Supreme Court -- despite congressional attempts to exclude such disputes from the Court's purview.

At a minimum, therefore, the federal judiciary, including the Supreme Court, will have to resolve the inevitable disputes over which branch and level of government may be entrusted to decide each of the many questions left open by Article V.

The only possible way to circumvent the problematic prospect of such judicial resolution is to avoid use of the Convention device altogether until its reach has been authoritatively clarified in the only manner that could yield definitive answers without embroiling the federal judiciary in the quest: through an amendment to Article V itself.

CONSTITUTIONAL CONVENTION PROCEDURES

HEARING
BEFORE THE
SUBCOMMITTEE ON THE CONSTITUTION
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-SIXTH CONGRESS
FIRST SESSION

ON

S. 3, S. 520, and S. 1710

BILLS TO PROVIDE PROCEDURES FOR CALLING CONSTITUTIONAL CONVENTIONS FOR PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES, ON APPLICATION OF THE LEGISLATURES OF TWO-THIRDS OF THE STATES, PURSUANT TO ARTICLE V OF THE CONSTITUTION

NOVEMBER 29, 1979

Serial No. 96-77



Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1980

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TESTIMONY OF PROF. CHARLES L. BLACK, JR., YALE LAW SCHOOL,
NEW HAVEN, CONN.

Mr. BLACK. Now, we all know what we are talking about, so I will not go through the preliminaries again, but I do want to talk to one point which I think is important; that is that, as far as I or anyone else has been able to discover, all of the few applications, pursuant to this provision we are talking about, that were submitted by State legislatures, for more than 100 years after the adoption of the Constitution, were drawn on the assumption that the provisions in article V authorized the legislatures to apply only for a general convention. At least that is all they applied for.

It was apparently not until 1893 that any legislature sent in an application based on the assumption that such applications were valid, when they sought to dictate the agenda, or perhaps I should say the agendum, in the singular, of the "convention for proposing amendments."

Mr. Chairman, think what this means. Through the controversies over the alien and sedition laws in the latter part of the 18th century, over the embargo, the War of 1812, the internal improvements bills, over the Bank of the United States, over the appellate jurisdiction of the Supreme Court, over the early fugitive slave laws—not one single legislature acted as though it had the power to force Congress to call a convention limited to one of those topics.

It did not even occur to Kentucky and Virginia, when they were busying themselves with attempted interposition against what they considered to be unconstitutional acts of Congress, to go after an article V convention. Even in the great nullification and slavery controversies in the 1830's and 1860's; the States that submitted applications made them general.

Just twice, in the 1890's, long after any original understanding, and then with growing frequency, as we know, down to our own times, legislatures have submitted applications so drawn as to reflect the assumption that the article V language authorizes the State legislatures to force the calling of a convention limited to a subject, or even an amendment whose text is dictated by the State legislatures.

I shall soon go into my reasons for believing that this assumption, though obviously convenient for the State legislatures, is a wrong assumption, one that mistakes the meaning of the article V language, "for proposing amendments." But I bring this historical point up front, because, as I have fought tenaciously now for nearly 17 years on this very battlefield, I have found that the very hardest thing to overcome is the tacit—and I am afraid often unconsidered—assumption that applications to a subject-limited, or text-limited, convention would be valid and could so force Congress to call such a convention. This assumption, I wanted to stress at the very beginning, arises from and only from the actions of the State legislatures themselves, as good as entirely in our own century.

There is no precedent anywhere outside of that, no authoritative precedent. The assumption that this power lies in the State legislatures is based altogether on their own implied claims, which are obviously in the nature of self-serving declarations, and which began to be put forward 105 years after the going into effect of the Constitution—on these and nothing else.

My hope is that this will clear the way for our seeing this question for what it is, a new question, coming before us in 1979, without any presumption.

Senate bill S. 3, now before you, is drawn on the theory that these limited applications are valid. My own position is that they are not valid, because they are not, in my view, applications for the thing that article V authorizes the States legislatures to apply for, and so they do not place Congress under any legal or moral obligation to do anything.

This view, if right, has two important and obviously connected consequences. First, it compels the judgment that S. 3 and similar bills are not in pursuance of the Constitution because that bill, in its crucial section 2 and throughout its length, rests upon and only upon the assumption that the article V language refers to a convention restricted as to the "the nature of the amendment or amendments to be proposed."

Second, my view means that most, if not all, the convention applications now pending before the Congress are nullities and that Congress, whatever their number, neither need nor constitutionally may act upon them. Thirty-four times zero is zero. That will be just as true in January, 1980, as it is now. The question whether S. 3 is in pursuance of the Constitution is therefore the very same question as the question whether the applications now before the Congress are valid article V applications. The bill and the applications are drawn exactly on the same theory, and stand or fall together.

I have defended this view in a number of published writings which I have placed on the record, but I will try orally, now, to hit the high spots.

Now, the question, first and last, alpha to omega, is "what is meant in Article V by the words, 'a convention for proposing amendments?'"

I suggest to you, Mr. Chairman, and Senators, that the best approach to ascertaining the plain meaning of these words is to ask what they would mean without modification in the very procedural context in which they are intended and anticipated to be used.

Now, as you know, in their pleadings, lawyers sometimes do what we call "track the statute," phrasing allegations or prayers in the exact statutory language, and no more.

Suppose a State legislature, tracking article V in this way, were to transmit to Congress a paper saying, "Application is hereby made, by the legislature of this State that Congress call a convention for proposing amendments," period, end of application, signature of the officer, and stopping right there.

Now two and only two questions could be moved in that situation: First, would such an application be valid? Second, what would it mean?

First, the application so worded would, of course, be valid. Thirty-four such applications would oblige Congress to call a convention for proposing amendments, providing Congress could agree on constituency and so forth, and I think every Member of Congress would be under a duty to try so to agree.

That would be true exactly because article V is tracked. How could it be that an application in the very words of the article would not be valid?

Second, the words used would mean a general, unlimited convention, to propose such amendments as it thinks ought to be proposed. Since I see no possible basis for doubting this, I can't think how to support the contention other than by saying just that.

Observe, Mr. Chairman, how putting the matter this way transforms the plain meaning and textual issues. We are not talking any longer, if one buys my conclusion about this tracking application, we are not talking any longer about which of two plain meanings, among two mutually exclusive alternatives, the article V language has—unless one is prepared to contest these two conclusions regarding the tracking applications, and I don't see how anyone could. Then one must start with and stick with the position that article V language has one plain meaning that is beyond all doubt, that the words "a convention for proposing amendments," whatever else they may mean, plainly do mean a general, unlimited convention.

Let me put into the record the observation that there is here an important legislative fact. The astonishing fact is that S. 3, in its crucial section 2, and throughout, would actually make impermissible and ineffective the filing of the only kind of application that is certainly valid under article V of the Constitution; namely, an application that tracks the article verbatim.

I urge you to consider, Mr. Chairman, and Senators, whether such a glaring and plain constitutional defect in a bill that has been around as long as this one has does not suggest some respectful skepticism about the soundness of the constitutional counseling that went into its drafting?

Establishment of this crucial point, about the tracking application for a general convention, quite changes the focus of inquiry. When we inquire now whether a State application for a limited convention asks for what article V means, we are inquiring whether, in addition to its incontestably plain conferral, on the legislatures, of what is beyond all doubt a most significant power, very nearly an ultimate power, the power to force the call of a general constitutional convention, article V is to be taken to give them, as well, a different power, not at all obviously meant by article V—the power to force the call of a subject- or text-limited convention. In an inquiry concerning correct amendment procedure, where, more than anywhere else, very clear legitimacy is requisite, great clarity of justification should be looked for before one adds, to a fixed plain meaning, another meaning far from plain. There is, I submit, no justification at all for this addition of a second and different meaning, except the very late but now long-continued self-serving assumptions of the legislatures themselves.

I think I might usefully refer here to the 1974 American Bar Association committee report on this subject, for a sampling of some of

the reasons that have been put forward for adding something else to the plain and obvious meaning of the article V words.

The prestigious report, for example, invokes the always appealing concept of equality. The convention method, it says, was intended to stand on an "equal footing" with the congressional method. I don't know why they raise that issue, because so it stands, if and only if article V be taken to refer only to a general convention with full freedom of proposal. Such a convention, as one of the two proposing bodies in article V, would stand exactly on an "equal footing" with Congress, the other proposing body under article V. Is not the equality as to national concerns, an equality between the two national bodies to which the proposing function is given?

This symmetrical equality is exactly what my own view leads to.

The bar report puts forward a "greater includes the lesser" argument, seeing "no sound reason as to why they—the State legislatures—cannot invoke limitations on exercising * * *" their authority to procure a convention call. This argument ignores the fact—which underlies much of the bar report's other reasonings, and which underlies, indeed, the most crucial provisions of S. 3 itself—that a general convention on the one hand, and, on the other, a subject- or text-limited convention, are different not in degree but in kind. They are as different in kind as: (1) The freedom to marry; and (2) the freedom to marry 1 of 2 or 3 or even 100 people designated by somebody else. The power to force the call of a convention, and to dictate its agenda, is, if anything, a greater power than the power to force the call of a convention without dictating its agenda. That is exactly why the State legislatures are so eager to claim it.

Now, I urge upon you that these general considerations do not reach at all to the length of justifying an addition to the uncontestedly plain meaning of article V.

I would turn to another aspect of the bar committee report which has come to be a sort of "law and the prophets" in this field. They go through the records of the Constitutional Convention of 1787, and bring in some material from the State constitutions in the late 18th century. Quite obviously these historical matters are not for oral argument, even to such a patient committee as this. I am a man of mercy. But I do want to draw this committee's attention to my full, but I think not terribly prolix argument in my letter of June 1 to Senator Kennedy, to which I have already referred. This letter has been published in the Oklahoma Law Review, and is one of the documents which I have, with your permission, handed up for the record.

These passages in that letter—and I, of course, invite you to read it—do, I think, succeed in justifying to the hilt my statement, elsewhere in the same letter, that the bar committee report, which now exerts a powerful influence, is "deeply flawed, and entirely fails to make its case." I stand firmly by that statement, and if you doubt its rightness, then I do invite your particular attention to those passages in my Kennedy letter in which I deal with their handling of the 1787 Convention, and particularly of the earlier State constitutions.

I believe you will be surprised. I believe that, after the first surprise is over, you never will feel quite the same about this bar committee report. And I make that statement, of course, with the material

in your hands. I am not simply boasting without having it there. I am simply omitting it through mercy given the time.

Neither "plain meaning," then, nor context nor history—as I have tried to develop it in the material which you have—will permit our reading into these simple words, "a convention for proposing amendments," a power in the State legislature, a power unsuspected for a full century after the Constitution came to light, to propose amendments at which the nominally "proposing" body is merely to ratify.

But I think one thing more needs to be said. It is the genius of American constitutional interpretation to read our Constitution in a sensible way, as responsive to need. The following of this master maxim of interpretation is an expression of fidelity, the deepest possible fidelity, to the overriding and dominated intent of the summer of 1787 in Philadelphia, the intention that the document be so read as to work well.

It is not irrelevant, then, even as a matter of law, to point out how thoroughly all national needs for constitutional amendment are already provided for without our straining words to give the State legislatures the power, in effect, to "propose amendments."

The other House of Congress stands every 2 years for election, and represents the American people in their proportion. The Senate was so designed as to represent the States, one by one; each Senator represents and must answer to the people of a whole State.

These two bodies can set in motion and send out to the States any amendment their constituencies want. There is a strange mythical world—familiar to political cartoonists, for example—in which Congress so carefully built to represent the American people by numbers and by States, is looked on as though it were some kind of alien power.

In fact, the constituencies of Congress and the State legislatures are exactly the same people by Constitutional command, and the difference—and it is a distinct though an intangible one—is in the conception of office. The same people are represented here as in the State legislatures, but it would be utterly impossible for a constitutional amendment to be whooped and hollered through these two Houses as they have been in a great many State legislatures. The State legislator ought not to be expected to form just that blend of constituency concern and national concern which ideally characterizes the Congressman and the Senator, and which is, in my observation and judgment, often approximated in congressional and senatorial reality. But that difference between Congress and the legislatures suggests that by far the better place for the origination of piecemeal amendments is Congress, where the overall interest, as well as the constituency interest, is always in view. In refusing to put the new gloss that S. 3 would put on the words of article V, we would not be shutting off a road in any way demonstrated to be needed, or likely to be needed. The whole history of the country fails to show any serious trouble that resulted from difficulty about amending the Constitution.

The route opened up by S. 3 is one which it is very hard to think of as either symmetrical with the traditional route, and its broad consensus among the whole people—well, the way to talk in these high political questions is in numbers. Let's talk for a moment in numbers. States containing considerably less than 40 percent of the whole

population could force a convention limited to proposing a given amendment, if S. 3 is judged to be pursuant to the Constitution and passed.

Under the electoral college plan in the bill, delegates representing less than a majority of the people could implement these proposals. These delegates could be people who, unlike all of you here, and all those across the Capitol, never have to face another election.

Then States containing as few as 40 percent of the people could ratify—a condition, by the way, which did not obtain in 1789, and which I find sometimes astounds people to whom you state it. Three-quarters of the States can be put together that contain 40 percent of the people.

Of course these extremes would not probably ever be reached, but they mark the end of a continuous range of possibility, within which it could easily happen that amendment after amendment could be passed without anything like that heavy preponderance of affirmative desire that the other method, the always-used method, requires.

Of course, that is exactly why this method of amendment is being pressed so hard.

Now, these last considerations would not suffice to overcome a clearly-expressed constitutional command. But there is no such command.

I mention these things to show the utter fallaciousness of any argument that says that any text limitation must be imported in the words of article V, because the importation of such language is politically desirable.

There is no historical warrant, no warrant in common sense, no warrant at all for our seeing in the article V language, which so plainly refers to a general convention, reference to limited conventions as well.

This conclusion, if you come to accept it, must lead not only to the rejection of S. 3, as not in pursuance of the Constitution, but also to the judgment that most of the pending applications are invalid, for the simple and sufficient reason that they do not ask what article V means.

I have argued here for the conclusion that an article V convention must be entirely general, and that if a State application asks for something other than that, it is void. I fully believe in this view, and I have persevered in it a long time, Mr. Chairman. I think if I am wrong about it, it is what the theologians call "invincible ignorance."

I am prepared to argue from any stump. Tom O'Neill asked me if I would go on the road, and I said I sure would.

But would be quite sufficient now to hold to the more modest, and I should think reasonably self-evident proposition that, at the least, an application for the assembling of a national constitutional convention for the purpose of proposing a textually set out or minutely described amendment is a mere travesty of grown-up constitutionalism. Assembling a national convention from Maine, Alaska, Florida, and Hawaii, and reserving the rooms and getting the requisite three chaplains, one from each of the major faiths, deciding who is going to get the gavel, or which pieces of it, after it is over, people coming in to perform such a ministerial or rigorously channeled function, is a bit of foolish pageantry that no one can think the Constitution calls

It reminds me of Henry VIII's congés d'élire, which gave cathedral chapters leave to elect a bishop, namely, the bishop designated by Henry VIII.

The differences here—since the tactics have changed somewhat—the differences between a directly quoted amendment to be proposed, and a minutely described amendment to be proposed, is utterly trivial. I hope at least that the Congress will not be intimidated by these. They cannot possibly be what article V means, because article V was drawn by serious people, and they should be regarded as without force. I have heard it said that, while these narrowly-drawn applications, for proposing one amendment described in advance may be invalid, in that their attempt at limitation fails, nevertheless, that Congress ought to treat them hospitably and call a convention anyhow. After all, what is constitutional law among friends? I think such thoughts must proceed from people who have not read the applications that are coming in.

As to the applications with the words, "sole and exclusive purpose," and a self-destruct clause in some of them, if that purpose is departed from at all, as to these, the suggested hospitality, Mr. Chairman, is the hospitality which says that we are strong for you and love you, and please come right in, but leave your left leg outside. It is the hospitality of the spider to the fly.

In the main, it is entirely clear that the applying legislatures very much desire not to have any but the severely limited convention applied for. That would be nothing but irony in the concept of deference to the State legislatures, when that deference consists in giving them what they have said they very much don't want.

I have in my statement a number of specific points which are of importance, but not of this dominating overall importance, concerning defects which I first noted in the bill that was one of Senator Ervin's bills, which was antecedent to this, and which still exist in this bill, but I believe I will stop there for time purposes.

I very gladly will answer, or deal with, any questions that anybody wants to ask.

Senator BAYH. Thank you very much, Professor Black, for your well thought out and enthusiastically given testimony.

Are you under a time limitation, so that we should perhaps ask questions now?

Mr. BLACK. I am not under that kind of time line. I have to be in New York at 6:30 for a testimonial dinner for Jack Greenberg of the NAACP defense funds. I will be there in plenty of time.

Senator BAYH. Is it all right to let Professor Dellinger go now, then?

Mr. BLACK. Certainly.

[Mr. Black's prepared statement and additional material follow:]

PREPARED STATEMENT OF PROFESSOR L. BLACK, JR.

Mr. Chairman and Senators, I thank you for the chance to appear before you on this occasion. My remarks will be directed formally at S. 3, but my scanning of the staff analysis of the House bills tells me they differ very little among themselves or from S. 3, and not at all on the principal point I shall try to make.

The Constitution's Article V provides for a method of amendment never yet used. "On Application of the Legislatures of two-thirds of the States * * * Con-

STATEMENT ON CONSTITUTIONAL CONVENTION APPLICATIONS

(By Charles L. Black, Jr.)

(Excerpt from "The Constitution and the Budget", American Enterprise Institute (1980))

INTRODUCTORY

The Constitution's Article V provides for a method of amendment never till now used. "On Application of the Legislatures of two-thirds of the States . . . Congress shall call a Convention for proposing Amendments . . ." These proposals, to become effective, must be ratified by three-fourths of the States, just as is true of proposals passing through Congress, the method of proposing always used up to now.

Recently, many State Legislatures have passed resolutions asking Congress to call a Convention "for the purpose of proposing" some specific amendment, spelled out in detail. It now seems possible that one or more of these proposals will be the subject of convention applications from 34 States, the magic two-thirds.

We must separate our judgment on the merits of any particular amendment from our judgment on the legitimacy of the procedure. If we make a wrong precedent now, as to the meaning of Article V, we will open wide a door probably never to be closed. Before we pack our bags for this Convention, let's stop and ask "Is this trip really necessary?"

I think that the applications now on file are nullities, imposing no obligation on Congress. I think the Article V language means a "general Convention," to propose such amendments as seem good to that Convention. And I think that the state applications, to be effective, have to ask for that, and not for something radically different—a severely limited Convention. Applications asking for something other than what is meant by Article V are nullities, and thirty-four times zero is zero.

At the very least—and this is all that really must be decided now—each pending application for a Convention "for the purpose of proposing" some minutely described amendment is a travesty of anything the Framers of Article V could have conceived. Absolutely nothing faintly supports such an absurd distortion of a provision for a deliberative process. I hope Congress will not be intimidated by such "applications"; they place Congress under no obligation whatever.

The state of the controversy on these matters has been heavily affected by a Report by a Special Constitutional Convention Study Committee of the American Bar Association, "Amending of the Constitution by the Convention Method Under Article V" (1974) [hereinafter cited as Bar Report]. This Report commits itself to the view that applications for a subject-limited convention are valid.

I have reason to believe that this Report now exerts a powerful influence. It is my view that it is deeply flawed, and entirely fails to make its case on this issue. I shall cast this statement partly in the form of answers to some of its points. All the most important issues will thus be raised, and their current status indicated.

"PLAIN MEANING" AND CONTEXT

The question, first and last, is what is meant, in Article V, by the words, ". . . a Convention for proposing Amendments . . ." The best approach to ascertaining the plain meaning of these words is to ask what they would mean, without modification, in the procedural context in which they are intended to be used. Lawyers sometimes "track the statute," phrasing allegations or prayers in the exact statutory language. Suppose a state legislature, "tracking" Article V, were to transmit to Congress a paper saying: "Application is hereby made that Congress call a convention for proposing amendments"—the exact language of Article V. Two and only two questions could arise: First, would such an application be *valid*? Secondly, what would it *mean*?

I am tempted to say that these critical questions answer themselves. But there has been so much confusion on this that I will—though embarrassed by the obviousness of what I shall have to say—go a little further.

CRS Issue Brief

Constitutional Conventions: Political and Legal Questions

Updated December 17, 1990
(Archived)

by

David C. Huckabee
Government Division



Congressional Research Service • The Library of Congress



80062

296X

Constitutional Conventions: Political and Legal Questions

SUMMARY

A drive to convene the first Constitutional Convention since 1787 has been underway since the mid-1970s. Although 32 of the necessary 34 State legislatures have passed resolutions applying to Congress to call a convention to propose a balanced budget amendment, Congress has not established formal procedures for evaluating the applications to see whether they meet constitutional standards. The issue is further complicated by an effort to encourage States to withdraw previously passed applications. Three States have enacted resolutions to rescind their applications for a balanced budget amendment, and rescision resolutions have been introduced in several 1990 State legislative sessions.

This issue brief focuses on the balanced budget amendment convention drive. It also presents an historical overview of the convention process and some of the other convention drives (including proposed right-to-life and anti-busing amendments).

**State Applications for a Constitutional Convention
to Propose a Balanced Budget Amendment**

States	<u>Most recent</u>		<u>Next most recent</u>		<u>Oldest</u>	
	<u>Enacted by State</u>	<u>First in Con.Rec.*</u>	<u>Enacted by State</u>	<u>First in Con.Rec.</u>	<u>Enacted by State</u>	<u>First in Con.Rec.</u>
	*(CONGRESSIONAL RECORD)					
Alabama a/	9/18/76	2/09/79	8/14/75	9/10/75		
Alaska	2/03/82	2/24/82				
Arizona	3/09/79	4/10/79	5/19/77	6/14/77		
Arkansas	1/22/79	3/05/79				
Colorado	3/29/78	4/05/78				
Delaware	6/11/75	2/25/76				
Florida b/	6/10/76	2/08/79	5/13/76	2/27/79		
Georgia	1/19/76	2/06/76				
Idaho	2/21/79	2/28/79				
Indiana	3/28/79	5/01/79	3/07/57	5/08/57		
Iowa	2/22/79	6/18/79				
Kansas	4/26/78	5/17/78				
Louisiana c/	7/09/79	7/18/79	6/29/78	7/14/78	7/12/75	7/23/75
Maryland	4/03/75	1/28/77				
Mississippi	3/20/75	4/29/75				
Missouri	5/26/83	7/11/83				
Nebraska	2/23/76	2/08/79				
Nevada d/	3/12/79	1/28/80				
New Hampshire	4/26/79	5/15/79				
New Mexico	2/16/76	2/26/79				
N. Carolina	1/26/79	2/26/79				
N. Dakota	3/12/75	5/03/79				
Oklahoma	4/15/76	5/01/78				
Oregon	7/11/77	3/15/79				
Pennsylvania	11/09/76	2/08/79				
S. Carolina	5/16/78	5/22/78	2/12/76	2/25/76		
S. Dakota	1/31/79	2/27/79				
Tennessee	3/30/77	4/25/78				
Texas	5/31/77	1/15/79				
Utah	2/01/79	3/07/79				
Virginia	3/10/76	3/25/76	2/20/75	2/27/75	2/23/73	3/12/73
Wyoming	2/17/77	5/11/78	2/21/61	2/27/61		

a/ A resolution to rescind Alabama's 1976 application call was enacted on Apr. 28, 1988; the 1975 application was rescinded on Sept. 22.

b/ Both Florida's 1976 applications were rescinded on May 5, 1988.

c/ A resolution to rescind Louisiana's application was enacted July 5, 1990.

d/ A resolution to expunge the Nevada Assembly's passage of its application was passed on June 21, 1989.

Political and Legal Issues -- Unanswered Questions

The steps required to convene an Article V convention and the rules which would govern it are not set out in the Constitution or statutory law. The questions raised by these unanswered issues are set out below. Further information on these questions is provided in CRS Report 81-135, Constitutional Conventions: Political and Legal Issues. Copies of the report may be obtained through the CRS Inquiry Unit.

1. What is the role of Congress in calling for a convention?
2. What constitutes a valid application for a convention?
3. What is the life-span of an application?
4. May a legislature withdraw application for a convention?
5. The Constitution refers to the receipt of applications for a convention from two-thirds of the States. If over 400 applications have been received since 1789, why have we not had a convention?
6. May applications be conditional?
7. Must they be identical?
8. What kind of scenario would show the likely steps which will be taken if applications are received from 34 States?
9. Does Congress fulfill its constitutional duty under Article V, after receipt of valid applications from two-thirds of the States, by proposing its own substitute amendment?
10. Can a constitutional convention be limited to the consideration of a single issue?
11. If a convention is limitable, who may do the limiting? Congress? The States? Or both?
12. If Congress can limit the subject of a convention, how strict may that limitation be?
13. If a convention should go beyond a limitation imposed by Congress or the States, are there remedies available?
14. Is the Supreme Court the ultimate arbiter of disputes over the proper implementation of Article V?
15. Who would have standing in a court of law to litigate any of these issues?
16. What method of convention representation should be adopted?
17. Can a Member of Congress be a delegate to a convention?
18. Can the Congress set the vote required by the convention to propose an amendment?
19. Is a convention the creature of Congress, the States, or the "people"?

New Jersey
Citizens for a
Sound Economy
204 West State Street
Trenton, NJ 08608

(609) 392-6445
FAX: (609) 392-6425

**TESTIMONY
of
NEW JERSEY CITIZENS FOR A SOUND ECONOMY**

**before
NEW JERSEY SENATE GOVERNMENT OPERATIONS COMMITTEE**

May 27, 1993

Good morning Mr. Chairman and members of the committee. I'm Suzanne Savage, with New Jersey Citizens for a Sound Economy (New Jersey CSE). I am here today to present testimony for Michele Davis, Director of New Jersey CSE, restating New Jersey CSE's support for the call for a constitutional convention to add a balanced budget amendment to the U.S. Constitution. New Jersey CSE's 10,000 members throughout the state strongly believe that the balanced budget amendment is the only way to rein in federal taxes and spending, and we know that Congressmen will not limit their own spending power until the states pressure them into doing so.

To many minds, the notion of having a constitutional convention conjures up a fear of the unknown. And because we have never held a constitutional convention, those fears can't simply be dismissed. But the odds are overwhelmingly against a constitutional convention's venturing into any exotic topics, even if that were allowed. 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 because 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.

We do not live in a risk-free society. The burden of nearly \$20,000 in debt carried by every American citizen more than justifies the remote risks involved in calling for a constitutional convention for a balanced budget amendment. The national debt, which gets higher with each deficit, leaves a terrible burden for our children and grandchildren. Yet today, members of Congress make a show of supporting the balanced budget amendment and then fail to pass it, as happened last year, because they have little incentive to reform their spending habits. Only pressure from the states will change that dynamic - it will then be in the Congress's self-interest to pass its own balanced budget amendment rather than subject itself to rules established by state delegations over which it has no control.



TESTIMONY BEFORE THE
SENATE STATE GOVERNMENT COMMITTEE

By Dottie Dunfee
League of Women Voters of New Jersey
May 27, 1993

Thank you for this opportunity to speak to you today in opposition to Senate Concurrent Resolution Nos. 39, 68 and Assembly Concurrent Resolution No. 30 (ACS) which calls for a constitutional convention for the purpose of proposing an amendment to balance the federal budget.

I am Dottie Dunfee, Program-Advocacy Vice President of the League of Women Voters of New Jersey. I represent the members of 66 local Leagues in municipalities and counties throughout the state. Our opposition to this resolution is based on national League positions developed through participation of local members throughout the country, including New Jersey.

All of us are concerned that the federal deficit has grown out of all proportions. However, the League opposes a constitutionally mandated balanced budget for the federal government because we recognize that deficit spending is sometimes economically appropriate and can be vital in a crisis situation. Robbing our President and Congress of the flexibility for crisis decision-making would be foolhardy.

On a more fundamental level, we also oppose this resolution because of our belief that the U.S. Constitution, as it has heretofore been interpreted and implemented, has admirably stood the test of time. All previous amendments to our Constitution were acted upon under the first alternative in Article V--the process of Congress proposing amendments which are then ratified by the states. The second alternative procedure for proposing amendments--a constitutional convention called by Congress on application of two-thirds of the states--has never been used.

There are serious uncertainties surrounding this untried alternative. The wording in the Constitution is vague. Historical guidelines are virtually nonexistent. Implementational questions emerge which provoke differing answers by legal commentators and scholars. For instance,

1. What constitutes a valid application to Congress by a state legislature for an amending convention?
2. If the required two-thirds of the state legislatures do adopt a resolution calling for a constitutional convention, is Congress obliged to call one?

- continued -

In all likelihood, then, no constitutional convention would even be convened. That is, 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. Because New Jersey would be the 33rd state to make this call, New Jersey's legislature is in a position to pressure Congress to do the right thing. Passing the committee substitute for ACR-30 and S-68 may be the last straw that will force Congress's hand.

In light of President Clinton's proposed tax package, the importance of a balanced budget amendment cannot be overstated. This legislation gives New Jersey the opportunity to raise the threat of a constitutional convention and push Congress to put its fiscal house in order.

Thank you.

3. Must all applications for a convention on a given issue be submitted to the same Congress?
4. If an amending convention were called, could it be limited to a single issue?
5. How would delegates be selected and how would votes in convention be allocated?
6. What would be Congress' role in this amending method?
7. Would disputes over calling a convention and over its procedures be reviewable by federal courts?

Our Constitution has functioned admirably for over 200 years, through prosperity and adversity (and other times in which the peoples' faith in their representatives has wavered). We urge you not to tamper with this most remarkable and successful document.

The Senate Government Committee
Legislative Office Building CN-068
Trenton N. J. 08625-0068

Attention Joseph Capalbo

Gentlemen:

We respectfully request that the following be accepted as written testimony in the consideration of SCR 39-68 at the May 27th hearing.

"I Do solemnly swear that I will support the Constitution of the United States and Constitution of the State of New Jersey, and that I will faithfully discharge my duties as a member of the General Assembly/N. J. State Senate according to the best of my ability."

As you know, this is the oath of office taken by State Senators and Assembly representatives upon being elected or reelected to their offices. It mentions both constitutions, federal & state. The federal Constitution grants rights to the people, rights found in no other country! Rights that our men and women have fought and died to protect throughout history!

The state Constitution says that "all political power is inherent in the people. It goes on to say that "Government is instituted for the protection, security, and benefit of the people."

This is just a small sample of rights granted to the people of this nation written in the valuable legal documents that have elevated this country to the best on this planet! A country that people run to and not from.

The very thought that some of those elected to represent the people have seen fit to frame legislation that could cause changes to be made in the above is an abomination. A total abuse of political power granted to them by reason of their office. It does, indeed grant, we, the people rights which the same individuals calling for a constitutional convention have time after time denied, circumvented home rule and served only a "party politics as usual" format. Too often the New Jersey voters are treated with an unprecedented contempt when taking part in their own government!

A recent letter from 2nd District Congressman William J. Hughes explained that the Constitution affords the President and the Congress all the authority necessary to pass a balanced budget and it is not necessary to tamper with the Constitution to achieve a balanced budget amendment. He further explained that the proposed balanced budget amendment is devoid of a mechanism to either bring about a balanced budget or hold someone accountable for failing to balance it. We agree!

It should be pointed out that New Jersey not only has a balanced budget requirement but also has the line item veto. This has not stopped excessive spending. Probably the greatest concern is that the very people who have been responsible for the \$4 Trillion Dollar plus deficit, failing education system, disastrous health care, business failures, bankruptcies, layoffs, taxation without representation - these would be the folks making changes in the most precious document on earth. We vigorously oppose SCR-39-68 or any legislation requiring a Constitutional Convention.

Thanking you for your consideration, I am

Very truly yours,



Betty A. Schroeck, Sec'y Clark Civic & Taxpayers
Committee Inc & Union County Co-Coordinator HANJ Inc.
56 Hutchinson St. Clark, N. J. (908-388-9541)

Dated: May 19, 1993



THE AMERICAN LEGION

DEPARTMENT OF NEW JERSEY

War Memorial Building

TRENTON, NEW JERSEY 08608

Telephone AREA CODE 609 695 - 5418 - 5419



May 27, 1993

OFFICIAL POSITION OF
THE AMERICAN LEGION, DEPARTMENT OF NEW JERSEY
SENATE COMMITTEE SUBSTITUTE FOR SCR. NOS. 39, 68 AND ACR. 30

Following is the position of The American Legion, Department of New Jersey on ACR-30 and SCR-68 which call upon the U.S. Congress to convene a Constitutional Convention ostensibly to amend the Constitution to require a balanced federal budget.

The Constitution has faithfully served the citizens of the United States for over two-hundred years and the fact that it has been amended but twenty-six times is testament to its durability.

A Constitutional Convention would provide certain special interest groups with an opportunity to propose amendments to the Constitution based upon their own particular ideologies. Such amendments could literally change our form of government and seriously limit certain of the rights that we, the people, are presently guaranteed.

As you will see from the enclosed copy of Resolution 535, adopted at our National Convention in Chicago, Illinois, August 25-27, 1992, The American Legion opposes any attempt to convene a Constitutional Convention and we hope you share this position.

The American Legion respectfully suggests that the intent of ACR-30/SCR 68 can best be achieved by amending or substituting the resolution to memorialize the United States Congress to propose a Constitutional Amendment to the people, through their State Legislatures, restricting the issue to the question of a balanced federal budget provision.

In this way special interest groups will not be afforded the opportunity to seek, and perhaps achieve, amendments which could adversely change the Constitution which has served us so very well for more than two-hundred years.

The American Legion urges that the call for a Constitutional Convention be rejected.

Contact: Raymond L. Zawacki
War Memorial Building
Trenton, NJ 08608
(609) 695-5418

304X

5/23/93

Dear Sir -

SCR 39 calling for a Federal Constitutional Convention is a ploy to change the founding fathers' protecting us all — never mind a consensus gang-up for the benefit of the many just then in power.

After 200⁺ years, are we slip-sliding into entrenched ruts of ruin that will keep us boiling in tarmails? Do we need such a terrible shake-up to paralyze us so that anything as sinister as drugs can overpower us as even is happening in Columbia and Peru? Their govts. founder.

Forget about SCR 39!

Instead add human pre-borns to Amend. 14. That is worthy to do.

Sincerely,

Francis Hengewald

55 E. Av.

Hawthorne, NJ 07506

Presiding Senator
Senate State Govt. Committee
State Hill, Trenton, NJ 08648

God given rights are unalienable. Our Bill of Rights is merely an acknowledgment and an embodiment of these timeless truths.

The Founders at first hesitated even to include these enumerated rights in the original draft because their gravity was so universally understood.

It is contradictory to even consider them subject to any human vote--ever!

Allowing a room full of strangers to dispose of our present constitution, our liberty, the security of our families, and our life savings, is the actions of fools. That is what we have been for allowing this farce to persist. More than vote getting and political correctness are at stake here. It is time to stop pretending that the legislature acts for the greater good when it considers any measure which may effectively lead to the dissolution of the U.S. CONSTITUTION. ARE WE MAD?

Joseph Ponczek-Dorchester, NJ



I strongly oppose any proposal
for a constitutional convention
for the purpose of balancing
the budget.

Sharon Cosolate
(New Jersey resident
and taxpayer).

Re: Hearing on proposal to hold a
constitutional convention for the
purpose of balancing the budget.
N. J. State Capital, Room 319, Trenton.
May 27, 1993.

Attn: Lynn Rodgers - per our phone conversation yesterday. Thank you
(609) 292-6510
BETH ANN PERADOTTI - 1715 CALHOUN STREET - PERU, IL 61354
PHONE - (815) 223-3800 / FAX - (815) 223-3815
Beth Ann

STATEMENT TO THE SENATE STATE GOVERNMENT COMMITTEE
OF THE NEW JERSEY STATE LEGISLATURE
RE: PROPOSED RESOLUTION REFERENCING A CONSTITUTIONAL CONVENTION

PRESENTED BY: BETH ANN PERADOTTI
RESIDENT OF ILLINOIS

8 PAGES OF TESTIMONY PRESENTED MAY 27, 1993

*7 ADDITIONAL PAGES FAXED JUNE 3, 1993

TO BE INCLUDED WITH MAY 27TH TESTIMONY INFORMATION

- *1 NEW COVER PAGE
- *3 PAGE LETTER FROM MICHIGAN SENATOR JACK WELBORN
- *1 PAGE LETTER FROM MICHIGAN REPRESENTATIVE DICK ALLEN
- *1 PAGE LETTER FROM DICK KAMIN
- *1 ~~PAGE LETTER FROM CHIEF JUSTICE BURGER~~ *included earlier in transcript.*



THE SENATE
LANSING, MICHIGAN



CHAIRMAN:
FAMILY LAW, CRIMINAL LAW,
AND CORRECTIONS COMMITTEE
CHAIRMAN:
SENATE SELECT COMMITTEE
ON EXPORT AND TRADE

JACK WELBORN
THIRTEENTH DISTRICT
P.O. BOX 30038
LANSING, MI 48909-7538
(517) 373 0793

To: Editors
From: Senator Jack Welborn
Date: February 11, 1993
Re: RIGHT TO THE POINT "Switch and Be Right"

In the time it took me to write the first 15 words of this sentence, the United States sunk \$400,000 further into debt. The national debt is now over \$4 trillion, growing at the rate of \$20,000 a second. A baby born today instantly inherits a \$16,000 share of the federal debt. Sixty-two cents out of every personal income tax dollar paid goes just to pay the interest on the debt.

The stewardship our leaders in Washington have shown over the years in spending other people's money gives a ring of truth to the observation made by Mark Twain many years ago --

"There is no distinctly native American criminal class except Congress."

Awareness of the deficit problem reached new heights during last year's Presidential campaign, but the question still remains: What are we going to do about it? Although this problem was brought about by reckless, I would say criminal, federal spending, a proposed solution to it has been a hot topic in the Michigan Legislature. The proposed solution itself -- a balanced budget amendment to the U.S. Constitution forbidding Congress to spend money it does not have -- is not controversial. Polls indicate that 70 percent of the American people, all of whom would be in prison if they spent as recklessly as Congress, support a balanced budget. The controversy lies in the proposed means of imposing the people's will on their elected representatives in Washington.

A proposal recently under consideration in the State

Legislature would have added Michigan to the growing number of states which are demanding a Constitutional Convention for the purpose of adding a balanced budget amendment. Article V of the Constitution gives states the authority, but only through a convention, to amend the U.S. Constitution. According to the Constitution, Congress must call a Constitutional convention for the purpose of proposing amendments if two-thirds, 34, of the State Legislatures demand it. So far 29 State Legislatures have demanded a convention to act on the balanced budget amendment proposal.

This issue has surfaced and resurfaced many times during my tenure in the Michigan Legislature. In the past I have always supported a Constitutional convention because I felt something had to be done to force Congress to live within a budget. This has always been a controversial issue because of the concern that there is no way to limit the convention to the balanced budget amendment. On one side of the debate is the fear of a runaway convention driven by radicals who have no more respect for our freedom than the British did in 1776. I have argued on the other side, which believes that a Constitutional convention can be limited to one topic and that, if something is not done, our country will be driven into bankruptcy by a Congress that is in itself the equivalent of a runaway convention.

Throughout the debate, I remained on the side of the Constitutional convention because of what I thought was a safeguard -- a requirement that anything produced by the convention would be subject to approval by three fourths of the State Legislatures. If the convention lived up to the worst fears of its critics and passed an amendment rescinding the Bill of Rights, for example, I was confident that it would never get the 38 State Legislatures necessary to ratify such a radical move. However, on Sunday night two days before a scheduled Senate vote on the issue, I got a phone call from former State Senator Harmon Cropsey. He, like myself, had always been a champion of the amendment, but he told me that

in his retirement he had done some more research and felt that the safeguard was not as safe as he and I had always believed.

Senator Cropsey's call alarmed me, and sent me back to the Constitution for a thorough review. While Article V of the U.S. Constitution does state that any amendments produced by the Constitutional convention would have to be ratified by three fourths of the states, I found a clause that allows Congress to bypass State Legislatures and put the ratification process into the hands of state conventions. Congress chooses the ratification method -- State Legislatures or state conventions -- and there is nothing to stop Congress from choosing the convention option and then writing a law allowing Congress to determine who the convention delegates would be.

For example, Congress could say that conventions will consist of the Mayors of all cities with populations of 200,000 or more or congressmen could even empower themselves to be the convention delegates in their respective states -- my concern is that Congress could manipulate the convention to promote its own agenda. The bottom line is that I have absolutely no confidence that Congress would do the right thing. In giving us the budget deficit, Congress has given itself a trust deficit just as big.

I announced my withdrawal of support for the Constitutional convention resolution on Tuesday morning to the Senate Republican Caucus. Shortly afterwards, before a vote could be taken, the proposal was sent from the Senate floor back to committee.

During my tenure in the Legislature, it has been extremely, extremely rare that I have switched my position, but in this case it was clearly documented through research that I had been on the wrong side of a vitally important issue. There was an old cigarette commercial which featured smokers saying, "I'd rather fight than switch." In this case, I would rather switch and be right than risk harm to the United States Constitution.

HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN

DICK ALLEN
STATE CAPITOL
LANSING, MICHIGAN 48313
(817) 371 0478

APPROPRIATIONS
SUBCOMMITTEES:
AGRICULTURE
COMPUTER OVERSIGHT
FEDERAL/STATE/LOCAL
GOVERNMENT
MENTAL HEALTH
NATURAL RESOURCES AND
ENVIRONMENT
STATE POLICE

February 11, 1993

MEMORANDUM

To: All Interested State Legislators
From: Representative Dick Allen
84th House District
Michigan House of Representatives
Re: Balanced Budget Amendment - Constitutional Convention

On February 3, 1993, the Michigan Senate State Affairs Committee passed Senate Joint Resolution (SJR) "G", petitioning Congress to call a constitutional convention for the limited purpose of drafting a U.S. constitutional amendment mandating a balanced federal budget.

After receiving documentation from the U.S. Senate Judiciary Committee that S-214, The Constitutional Convention Implementation Act of 1991, died in that committee in December and had not be enacted, as Michigan State Senators had been told by lobbyists, enough support was withdrawn, on the Senate floor, from SJR "G" that the sponsor withdrew it and is expected to offer a substitute resolution without a constitutional convention provision.

If you would care to verify that neither S-214 nor any other bill prohibiting an unlimited constitutional convention has been enacted, Congressional Legislative Services, at telephone number (202) 224-1772, will provide this information as well as a copy of S-214.

DA:kls

This is a wonderful letter for other state legislators to see.

322X



NEW JERSEY GENERAL ASSEMBLY

DICK KAMIN
ASSEMBLYMAN 21TH DISTRICT
115 SUPER HIGHWAY 208 COUNTRY
63 BASTY SQUARE
SUITE B4
FLORHAM, NJ 07636
109-864-5422
109-864-2977 FAX

COMMITTEE
VICE-CHAIRMAN,
APPROPRIATIONS COMMITTEE
CHAIRMAN, WAYS AND MEANS
SUBCOMMITTEE

November 20, 1992

Dear Lew:

My deepest gratitude to you and NTLC.

Your NTLC supporters need to know that what we are doing here in New Jersey will help everyone, everywhere in the Nation in our mutual pursuit of a Tax Limitation/Balanced Budget Amendment to the United States Constitution.

Lew, could you write to some of your very best, most loyal supporters and ask them to help now? We need letters, and I know you need the financial resources that will enable NTLC to play a decisive role in our campaign.

Now that we've won in the State Assembly -- with your help -- the State Senate is the battleground for all Americans who want to stop runaway federal deficits.

But, frankly, I'm worried about the Senate. We face every liberal group from around the Nation. They will use fear, distortion, innuendo. The AFL-CIO, ACLU, public employee unions -- every one of our traditional enemies -- will try to stop us.

Please, ask your supporters to sign letters to Senate President Donald T. DiFrancesco, urging him to bring our balanced budget state resolution to the Senate floor and to lead the fight for it.

In addition to letters, we'll need your all-out effort with the media, activating grass roots support and lobbying in Trenton. I know this requires a heavy financial commitment. But I'm sure your supporters will respond because they know how crucial it is that we are victorious in the Senate.

I'm counting on you and your NTLC supporters. Time is short. Please ask your members to act now.

Sincerely,

Dick Kamin, Member
NJ State Assembly
District 24

DK:bc

* PLEASE NOTE A FAILURE TO GIVE INFORMATION ON A CONSTITUTIONAL CONVENTION.

323X

3 June 1993

Senate State Government Committee
Legislative Office Building
CN 068
Trenton, New Jersey 08625-0068

HAND DELIVERED

Ladies and Gentlemen of the Senate:

On 27 May 1993 I presented my opposition to SCR 39 at the Senate Committee Public Hearing in Trenton. Upon completion of my presentation, I left a copy of my prepared statement (additional copy enclosed) with the Committee. Also enclosed herewith are copies of a pamphlet which cites references giving validity to my prepared statement.

The pamphlets also provide further background exposing the Federal Reserve scam and a solution to the problem. These pamphlets contain petitions to Congress to, among other things, repeal the Federal Reserve Act and abolish the Internal Revenue Service (the I.R.S. serves only as a collection branch for the Fed).

As you should know, On 21 January 1982, the Arizona state legislature, both House and Senate, memorialized the President and Congress to enact legislation to repeal the Federal Reserve Act. Since that time, several other states have followed suit. Will any of you find the strength and leadership to sponsor such a memorial? I promise support from your constituents here in New Jersey who already understand the necessity for such an action.

The Fed is the root of all economic problems in America today. Any and all efforts to correct our economic problems that exclude the elimination of the Fed must necessarily be born of either ignorance or fraud. The majority of American people certainly have been ignorant of the truth regarding the Fed, but that is changing rapidly. By my presentation of these facts about the Fed, you, our elected officials and protectors of the Constitution of the United States, can no longer use ignorance as your excuse for allowing the economic demise of America.

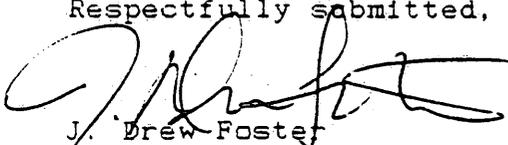
I have recently been appointed Primary State Director of the Council on Domestic Relations (CDR) for New Jersey. We are a national organization of American patriots who understand the foreign forces that are drastically undermining American freedom and rights. We support "Project '93" (enclosed

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pamphlets). We are educating the American people at an encouraging rate. We understand the Constitution. We believe in the Constitution. We are pushing for the return of a constitutional American government.

I once again sincerely invite you to contact me for more information.

Respectfully submitted,



J. Drew Foster
c/o 41 Manners Road
Ringoos, New Jersey
Non-domestic
ph. (609) 466-3888

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Ever wonder why . . .

How come the national debt just keeps going up, and up, and up... ?

We know why!

(and it's not what you've been told)

Did you know that the "Federal" Reserve Bank is a private Corporation? That's right!

- Where does your income tax payment go?
- Can anyone prove that the U.S. Treasury ever gets paid when the IRS deposits your income tax checks in the Fed's private banks?
- Where does the money actually wind up?
- How come your check to the IRS gets cancelled with a stamp that says, "Pay any Federal Reserve Bank, for debts incurred by the US Gov't." ?
- Why is the Federal Reserve Corporation exempt from government audit?
- Why in it's 80 year history has the Fed and it's stockholders never paid a dime in income tax, even though they've raked in countless \$ Trillions?
- Are Federal Reserve Notes really money?
- Are coins made out of copper and nickel really money?

Project '93

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**Exposing the
Fed Scam**

**“Give me control over a nation’s
currency and I care not who makes
its laws.”**

Baron M.A. Rothschild (1744-1812)

**“Whoever controls the volume of
money in any country is master of
all its legislation and commerce.”**

President James Garfield (1831-1881)

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WAYV

*Of The American
Red Cross*

WHY ARE YOU VOLUNTEERING?

2848 BLUFF STREET, SUITE 106, SOULDER, CO 80301
(303) 487-2677 ☆ (303) 481-1140 FAX

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WHY IS AMERICA BANKRUPT?

THE TRUTH, THE SOLUTION

Preface

Dear Concerned American:

You know something is wrong in this country. You wonder why the "national debt" keeps going up instead of down, despite the bushel barrel trillions of dollars spent on this "debt." You wonder why more and more taxation keeps producing more and more unemployment and deficit instead of the other way around. Why?

In reading this booklet, you will discover that the Federal Reserve Bank (Fed) is privately owned and receives no funding from the U.S. Congress [Lewis vs. U.S. 680 Federal Reporter, 2nd Series, pg. 1240]. What exactly does this mean? Chapter One of this booklet describes it in plain language.

By reading this booklet, you will discover that there is no law either by the U.S. Congress or the U.S. Constitution that authorizes a personal income tax. Yet, tens of thousands of Americans have lost their homes, businesses and been thrown in jail for a "law" that doesn't even exist. Do we even need a personal income tax? No. Chapter One of this booklet describes it in plain language.

Chapter Two of this booklet defines three of the mechanisms currently in place, that are directly tied to the Fed and the personal income tax. Every American in this country deserves to know the truth that has been kept from them, and that a solution exists. Chapter Three of this booklet provides an instrument (petition) by which We the People can once and for all bring a sensible solution to our economic woes in America and begin putting our people back to work. We can clean up the corruption in Washington, D.C. (District of Criminals).

This is an American Patriot movement not meant to promote any political party or agenda, only to bring the truth out in the open. You don't have to join any club, organization, or send in money for an annual membership. This isn't just more talk; this booklet brings action and with it some real change. There is no hidden agenda in Project '93. Please read through the booklet. There are references following Chapter Two and the final pages that are our only legal weapon to correct this travesty against We the People— a petition to the U.S. Congress. This is no ordinary petition as you will see.

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CHAPTER 1 The "Fed"—Biggest Fraud in America's History

Exposing The Fraud

Let's begin by exposing this mysterious entity known as the "Federal Reserve Banking System." This entity is **not** part of our government. The "Fed" is privately owned by a select group of powerful individuals and private banking cartels. Its express purpose is to fleece the American people by stealing our money under the pretext of a "central banking system" that calls itself "Federal." Yet it is not more a part of, or controlled by, the Federal Government than is Federal Express!

The U.S. Constitution, Art. 1 § 8 states:

"Congress shall... have the power to coin money, regulate the value thereof."

This authority is granted and vested only in the U.S. Congress. On April 19, 1982, the U.S. Court of Appeals, Ninth Circuit Court ruled the "Federal Reserve Banks are privately owned, locally controlled corporations" [Lewis vs. U.S.].

Chairman Louis T. McFadden of the House Banking and Currency Committee, addressed the House on 6/10/32:

"Some people think the Federal Reserve Banks are U.S. government institutions. They are not government institutions. They are private credit monopolies which prey upon the people of the U.S. for the benefit of themselves and their foreign and domestic swindlers, and rich and predatory money lenders." [75 Congressional Record 12595-12603]

In a speech delivered before the Washington Chamber of Commerce in 1921, William P.G. Harding, Governor of the Federal Reserve Board stated:

"From a legal standpoint these banks are private corporations, organized under a special act of Congress, namely, the Federal Reserve Act. They are not in the strict sense of the word Government banks."

This "special act" by Congress in 1913 is in direct violation of the 16th Corpus Juris Secundum, Section 141, which states that Congress cannot delegate or sign over its authority to any individual, corporation or foreign nation. Yet that's exactly what occurred in December of 1913 by a select group of individuals in the U.S. Congress. That "special act" has become the biggest fraud in the history of this country.

It is mathematically impossible to pay off the "national debt." In examining the origin of money under this central banking system.

According to William H. Ferkler (Manager of Public Affairs, Department of Treasury, Bureau of Engraving & Printing, Washington DC):

"As we have advised, the Federal Reserve is currently paying the Bureau approximately \$23 for each 1,000 notes printed. This does include the cost of printing, paper, ink, labor, etc. Therefore, 10,000 notes of any denomination, including the \$100 note would cost the Federal Reserve \$230. In addition, the Federal Reserve must secure a pledge of collateral equal to the face value of the notes."

In ordering these notes into existence, by sending a purchase order to the Bureau of Engraving for 10,000 notes, at a total cost of \$230 to the Federal Reserve, this private banking cartel, not the government of We the People, thereby obtains a pledge of collateral equal to their face value of \$1 million! This "pledge" is made to the Reserve cartel by Congress and the collateral to which Congress pledges is the land, labor and assets of the American people. What a racket!

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This private entity known as "the Fed," was incorporated in 1914 and has been creating a completely unnecessary "national debt" ever since. Simply stated: The Fed creates money as debt. The Fed creates money out of thin air. This is accomplished at the stroke of a pen with nothing more than a book entry, when the members of the Federal Reserve System make loans to the government, to the banks, to businesses and to individuals. This debt money is the money supply.

The Federal Reserve Systems' banks charge usury on the created debt money. We American citizens are obligated to repay this debt money, plus the usury (interest). However, the money to pay the usury on the debt is never created within the system. Loan repayments to banks reduce the money supply, because the money is removed from circulation when the debt is repaid! To keep the money supply from shrinking, more borrowing is necessary. It is mathematically impossible to pay off the aggregate debt principle plus the aggregate usury.

In a futile attempt to avoid the day of reckoning, borrowers are forced to take on increasing amounts of debt to pay not only the principal of the debt, but the onerous usury as well. Debt escalates at an exponential rate until borrowers are forced into bankruptcy. This phenomena is not unique to government borrowing, but applies as well to individuals and business. The ultimate consequences are: involuntary unemployment, inflation, burdensome usury rates, and the calculated loss of our inherited rights and freedoms, and the confiscation of our property.

We should heed the wise words of Daniel Webster:

"A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system, and encourages propensities destructive to its happiness. It wars against industry, frugality and economy, and it fosters evil spirits of extravagance and speculation. Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money."

[Congressional Record, March 4, 1946]

This is what we now have and if We the People don't force Congress to rectify the matter, the whole house of paper money is going to fall down around our heads in a few short years. The ultimate mathematical equation is complete and total bankruptcy for all but the elite few. Tens of thousands of Americans have been begging Congress after Congress to stop this fraud for over 30 years. All we have received is more and more taxation to feed this monster and the debt it creates.

Lewis T. McFadden, Chairman of the House Banking Commission, U.S. Congressman, speaking about the international financial conspirators, during the very time they were taking over the monetary control of America:

"We have in this country one of the most corrupt institutions the world has ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks, hereinafter called the Fed. They are not government institutions. They are private monopolies which prey upon the People of the United States for the benefit of themselves and their foreign and domestic swindlers: rich and predatory moneylenders." McFadden died mysteriously in 1936 after three attempts on his life.

George W. Malone, U.S. Senator from Nevada speaking before Congress in 1957 alluded to the families that secretly own the Federal Reserve Bank and control the finances of the U.S.:

"I believe that if the people of this nation fully understood what Congress has done to them over the past 49 years, they would move on Washington, they would not wait for an election ...It adds up to a preconceived plan to destroy the economic and social independence of the United States."

By the year 1995, 100% of every federal income tax dollar you are coerced to pay will go just to service the interest on the national debt.

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"The actual deficits are almost twice as large as those admitted by the government. So why hasn't our economy collapsed" Because the American people still have confidence in 'the system.' The heart of the system depends on borrowing to fund the budget deficits each year. The interest on a \$3 trillion debt amounts to \$240 billion annually, or about 40 percent of all personal income taxes paid. When this debt swells to \$20 trillion in nine years or so, the annual interest will be \$1.6 trillion, or about 200 percent of all personal income taxes projected for that year (at a 33 percent rate)."

Larry Burkett, *The Coming Economic Earthquake*, pg. 90

We have yet to pay a dime toward the principal of this alleged debt, and because of the modern banking miracle of compounding interest, the debt continues to rise unabated. Whose debt is it anyway? Is this what you work your fingers to the bone for— to pay usury to a private group of bankers who make up the Fed? Some of those stockholders are identified as: Rothschilds of London and Berlin, Lazard Bros-Paris, Israel Mossesschieff-Italy, Kuhn and Loeb-Germany, Warburg-Hamburg, Lehman Bros- NY, Goldman and Sachs-NY and Rockefeller-NY. Not you or I, not America, not the U.S. government, but a consortium of private international banking families and their stockholders.

The Federal Reserve System takes in about a trillion dollars yearly. Yet a manipulated and cowardly Congress gives them special exemption from paying any taxes on their illegally obtained income. They pay only real estate taxes while we pay to make them rich beyond your wildest imagination, and Americans slide further and further into personal bankruptcy and despair.

The Fed violates your 13th Amendment Constitutional rights by placing We the People into involuntary servitude. By forcing us to use an illegal medium of worthless currency, indebted with interest that can never be paid back, we are placed into involuntary servitude to these private individuals who own the Fed and its branch banks.

"This Act establishes the most gigantic trust on earth. When the President signs this Act the invisible government by the money power, proven to exist by the Money Trust Investigation, will be legalized. The new law will create inflation whenever the trust's want inflation. From now on depressions will be scientifically created."

Charles A. Lindberg, Sr. at the time of the passage of the Federal Reserve Act in 1913

The Federal Reserve System was planned in secrecy.

"Despite my views about the value to society of greater publicity for the affairs of corporations, there was an occasion, near the close of 1910, when I was as secretive, indeed, as furtive, as any conspirator... our secret expedition to Jekyll Island as the occasion of the actual conception of what eventually became the Federal Reserve System."

Frank Vanderlip, *Saturday Evening Post*, February 9, 1935, Pg. 25

Colonel Edward Mandell House, Foreign Affairs Advisor to President Woodrow Wilson, chief architect of the Council on Foreign Relations, and author of the book *Phillip Dru, Administrator: A Story Of Tomorrow*, advocating "socialism as dreamed by Karl Marx," is also characterized as "the unseen guardian angel of the Federal Reserve Act," according to House's biographer, Charles Seymour in *The Intimate Papers of Colonel House*.

As a matter of fact, On November 23, 1933, FDR in a letter to House stated:

"The real truth of the matter is, and you and I know, that a financial element in the large centers has owned the government of the U.S. since the days of Andrew Jackson [which history depicts as the last truly honorable and incorruptible American President]."

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The Federal Reserve Is Independent In Its Operations.

"Neither Presidents, Congressmen, nor Secretaries of the Treasury direct the Federal Reserve. In the matters of money, the Federal Reserve directs them."

Gary Allen, None Dare Call It Conspiracy

"In the United States we have, in effect, two governments... We have the duly constituted Government... Then we have an independent, uncontrolled and uncoordinated government in the Federal Reserve System, operating the money powers which are reserved to Congress by the Constitution."

Congressman Wright Patman

The Federal Reserve Is A Government Granted Private Monopoly.

"By law, the seven members of the Federal Reserve Board are appointed by the President for a term of fourteen years each. In spite of the incredible length of these appointments, nevertheless, they are supposed to create the illusion that the people, acting through their elected leaders, have some voice in the nation's monetary policies. In practice, however, every President since the beginning of the Federal Reserve System has appointed only those men who were congenial to the financial interests of the international banking dynasties. There have been no exceptions."

G. Edward Griffin, The Capitalist Conspiracy, Pg 17

Henry Ford, founder of the Ford Motor Company, commenting on the privately owned "Federal" Reserve scam:

"It is well enough that people of the nation do not understand our banking and monetary system, for if they did, I believe there would be a revolution before tomorrow morning."

The Federal Reserve Has Never Been Audited

"In its 60-year history, the Federal Reserve System has never been subjected to a complete, independent audit, and it is the only important agency that refuses to consent to an audit by the Congress' agency, the General Accounting Office... GAO audits of the Federal Reserve will, moreover, fill the glaring gap that now exists in our information about the Fed's activities and programs. As things now stand, the only information that we get on programs of the Fed is what the Fed itself wants us to have."

Congressman Wright Patman, Congressional Record May 5, 1975

Ask yourself: How can an alleged agency of the federal government of the United States operate for 80 years without ever being audited? Simple. Since the Fed is privately owned, our Congress does not have the power to enforce an audit.

What The Fed Says About Itself

Some of the most informative materials available on the topics of money, inflation, interest, banks and banking, are issued by the twelve Federal Reserve District Banks. Most materials are available free of charge. Many larger metropolitan cities have a local Fed Branch Bank. You are encouraged to walk in and ask to speak to the Public Relations Manager. His job is to answer your questions and furnish you with any materials you may desire, relevant to banks and banking, interest (usury), inflation, money and currency. If you take the time to research, you will be utterly amazed at what you discover!

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Pre-Federal Reserve History

Prior to the "Federal" Reserve Act of 1913, the United States government coined, and issued our currency debt free. The only lawful and Constitutional form of money were gold and silver. The Free Coinage Act of 1792 established a standard weight, purity, and denomination for the nation's money.

The authority for Congress was set forth in Article 1, § 8, and § 10 which state:

"The Congress shall have Power To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures."

"No State shall... coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts."

Precious metals such as gold and silver have been the most highly prized means of monetary exchange for many centuries. They are "honest money." By mining the earth, one exchanges their God-given talents and resources for wealth. That wealth can then in turn be exchanged for the goods and services honestly produced by another individual's talents and resources. The Free Coinage Act of 1792 dramatically simplified the process of issuing a standard coin into circulation. At no cost, the individual could take his silver or gold dust, shavings, or bullion, to the mint, and have it melted down and pressed into coin. Now it was guaranteed to be a standard weight and purity.

What Is Money

Ever wonder just what money is? Let's look at some common definitions:

USC Title 12 § 152:

"Lawful money of the United States shall be construed to mean gold and silver coin..."

Black's Law Dictionary:

"Coins and paper currency used as circulating medium of exchange, and does not embrace notes, bonds, evidence of debt..."

What we readily see from these definitions is that paper cannot be money. What we carry in our pockets— Federal Reserve Notes are disqualified as money, because they are notes. A note is an IOU— an evidence of debt. It is not money! Why then do we call it money? Have we been tricked?

The Free Coinage Act specified money to be gold or silver coin, and the denomination to be based upon a weight— a dollar, and all coins were to be at least 90% pure. The dollar is specified as:

Gold— 25.8 grains

Silver— 412.5 grains

Between revenues generated from loaning to private banks at a set interest rate and revenues generated from excise taxes, military sales, etc., the government of our nation does did not need to charge one penny in personal federal income tax. The personal income tax is Socialistic in design and goes against everything the founding fathers of this nation believed in and created the Constitution for— to allow us taxation with representation and to never allow private or foreign interests to control our money systems.

Recall the words of Thomas Jefferson:

"Single acts of tyranny may be ascribed to the accidental opinion of a day. But a series of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers (administrations), too plainly proves a deliberate systematic plan of reducing us to slavery."

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Is this not exactly the plan implemented with the so-called "Federal Reserve Act of 1913," and the creation of the income tax?

Abraham Lincoln stated,

"The privilege of creating and issuing money is not only the supreme prerogative of Government, but is the Government's greatest creative opportunity. By the adoption of these principles, the taxpayers will be saved immense sums of interest."

Why was a personal, progressive income tax placed upon We the People in 1913; the same year as the Fed came into being? How else could the kingpins of the Fed finance all this usury charged against bogus currency? Simple. Start taxing the people and calling this illegal scam a "national debt."

Contrary to IRS opinion and the propaganda espoused by the Insiders, the 16th Amendment to the U.S. Constitution was never ratified. Bill Benson and Red Beckman, two dedicated patriots, went to 48 states' legislatures and found out something very shocking— only 4 states voted for the 16th Amendment! Their exhaustively researched document, *The Law That Never Was*, Vols. 1 & 2, demonstrates beyond a shadow of a doubt that the 16th Amendment was never properly ratified as a Constitutional Amendment. It was simply declared to be "in effect" by President Taft's Secretary of State!

It is unconstitutional for the U.S. government to directly tax wages and earnings. Even if it was valid, the 16th Amendment does not change the constitution for it is an excise tax on income derived from revenue taxable activities, interest, gains and profits.

"Title 26 of U.S. Code is referred to as the Internal Revenue Code. Even though Americans believe they are law in the 50 states of the Union, they are not. Deceptive statements by IRS spokesmen and other propagandists have created great confusion as to whether these limitations on direct taxes are in still in effect. Some incorrectly claim that the 16th Amendment (the income tax amendment) changed the constitutional limitations on direct taxes and authorized an income tax as a direct tax without apportionment. The U.S. Supreme Court rejected these claims in the case of *Brushaber v. Union Pacific R.R. Co.*, 240 US 1, when they ruled that the 16th Amendment created no new power of taxation and that it did not change the constitutional limitations which forbid any direct taxation of individuals."

NCBA Bulletin, May 1988

The Federal Tax Lien Act of 1966, P.O. 89-719 legislative history, Pg. 3722 states, "The entire taxing and monetary systems are hereby placed under the Uniform Commercial Code."

On page 3 of your 1992 Forms and 1040 Instructions book issued by the Internal Revenue Service, the Commissioner of the IRS states, paragraph 2, sentence 1,

"You are among the millions of Americans who comply with the tax law voluntarily."

The American Heritage Dictionary defines voluntarily as:

"1) Arising from one's own free will; 2) Acting on one's own initiative; 3) Acting or serving in a specified capacity willingly and without constraint."

If the IRS's own Commissioner states that We the People comply with their law voluntarily, why is it that those who don't comply voluntarily are prosecuted, bankrupted and thrown in prison? Why are Americans forced to surrender their rights under the supreme law of the land, the U.S. Constitution by an agency that has no authority under the U.S. Constitution or by any powers granted by the U.S. Congress?

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Being coerced and forced to submit a signed tax return violates your Fifth Amendment rights under the U.S. Constitution. As soon as you sign and submit a tax return, you give the IRS license to use this information against you in a court of law. Unconstitutional. The Fifth Amendment states you cannot be forced to give incriminating evidence against yourself. Why are 110 million "tax-payers" putting up with this from 535 people in the Congress? This is OUR country, We the People.

Do we really need a personal income tax to fund the essential functions of our government? Let's take a look at the numbers provided by the Department of Treasury and the Office of Management & Budget, as a result of a Freedom of Information Act request made in February, 1993:

Income tax collected in 1992	\$476,500,000,000
<i>Let's look at the revenues and expenditures without calculating an income tax into the equation:</i>	
Receipts without the personal income tax	615,227,000
Outlays (including the phony national debt), current spending without cuts, including social security	1,381,895,000
Deficit	477,032,000
Eliminate phony "national debt"	350,000,000
Eliminate Medicare/Medicaid; implement national health care program funded by excise tax	292,000,000
Eliminate NEA, Foreign Aid, Immigration, privatize the FAA, Post Office & others	250,000,000
Surplus	122,968,000

Without significant cost cutting measures, the Income Tax picture is looking bleaker all the time. At present, taking all forms of taxation, licenses, permits, fees, duties, excises, etc., the average American can expect to pay their government some 64% of their earnings! The new euphemism for additional taxation that we hear coming from Washington is "contribution." How much more can they realistically expect us to "contribute." Current OMB projections place 1997 income tax revenues at \$687.9 Billion. That's a 45% increase over present figures!

While this appears to be a simplistic approach, one can see that with just a few changes, things can be turned around. Naturally, a transition period for converting of our monetary system and tax reform will be required, but nothing can happen until the U.S. Congress introduces the specific legislation to begin the process. Let us pursue the consequences of eliminating the personal income tax:

1. **Infusion of some 1/2 trillion dollars into the economy in disposable wages— every year.**
2. **Americans start spending.**
3. **Employers hire.**
4. **A thriving and dynamic job market that would clean out the unemployment lines within a few short months.**

Why has America suffered such massive layoffs (besides the insane immigration and free-for-all trade policies)? As We the People are taxed and taxed and taxed, our disposable earnings for anything other than necessities has continued to shrink. What's the result of this? Employers have less and less demand for their goods and services, so they lay off.

As Americans try to meet these unjust and immoral tax levels, they need more and more earnings to offset. What's the result of this? Higher and higher wages which drive the cost to the consumer farther and farther out of reach.

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What happens if We the People allow this immoral, unconstitutional, progressive personal income tax to continue? More and more unemployment as Americans will continue to see their disposable earnings go towards more and more taxation to fund more and more government. Mr. Clinton wants to tax us to generate \$30 billion to "create" more government jobs. The government should **not** create jobs. This continues to perpetuate government bureaucracy, and provides no tangible return to the "taxpayer." In a socialistic state, the "state" provides jobs, owns the farms, etc. This is what America is heading for unless we put a stop to it.

If \$30 billion will create 550,000 jobs, just think what dumping a 1/2 Trillion into the economy will do! Look at what tax and spend has done to America over the past 40 years. Are you willing to continue down this path?

Numerous studies have shown that from 25 to 55% of women currently in the work force, would rather be homemakers. They want to stay home and raise tomorrow's society. Eliminating the personal income tax would allow moms to stay home and open up that portion of the job market in new jobs for other Americans, and would also help eliminate the horrific child care problems we often hear of in this country.

We the People have been screaming at Congress and past administrations for years to stop programs like foreign aid, immigration, and so on. Our pleas have fallen on deaf ears. Despite all the propoganda about foreign aid, no where in the U.S. Constitution is this justified, nor was it even desired by our founding fathers.

"The great rule of conduct for us, in regard to foreign nations is, in extending our commercial relations to have with them as little political connections as possible. It is our true policy to steer clear of permanent alliances, with any portion of the foreign world."

George Washington

It is unconscionable and morally derelict to force American citizens into having to decide between turning on the heater in the winter, or foregoing groceries for the week, while we dole out \$58 million in foreign aid to King Hussein, or \$4 billion in aid to Yeltsin. Jordan has one of the highest per capita rates of earnings in the world! Russia has tremendous deposits of gold and silver that they aren't even mining, and huge oil reserves that they don't bother to drill for! These foreign nations take care of their people first while the U.S. Congress and the Executive Branch allow Americans to go without so we can give our assets away on a silver platter, to nations that are perfectly capable of taking care of themselves. Enough is enough! We've heard all the political justifications. Now we want our government to govern with our consent.

The question is— Why do 110 million Americans put up with this? Want to force Congress to do something they have been unwilling to do because of their own special interests for the past 40 years? Balance the budget, reduce the deficit? No problem. Take away the income tax and there will be no more pork money, no more foreign aid, immigration, National Endowment for the Arts, and the billions and billions and billions of other wasteful spending.

Congress has been saying for 40 years they will "reduce the budget" by reducing the size of government. Has it happened? Do you really believe it's going to happen unless we force the issue? We the People are the masters. The U.S. Congress are our servants— that's why they're called "public servants." It's time we stopped being "sheeple" and put a stop to the destruction of our great nation. It's time that We The People rise up and assume our role as leaders— "If the people will lead, the leaders will follow." We have the truth and the U.S. Constitution as our legal weapon. If America returned to Constitutional government and currency, we would once again be a free nation instead of slaves to a private group of bankers.

Recall these words from a very wise man named Thomas Jefferson:

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"I believe that banking institutions are more dangerous to our liberties than standing armies. Already they have raised up a monied aristocracy that has set the government at defiance. The issuing power should be taken from the banks and restored to the people to whom it properly belongs."

The personal income tax is the second plank of the Communist Manifesto:

"A heavy progressive or graduated income tax."

Income tax is designed to break the will and the spirit of the people, making it easy for an oppressive government to subjugate the masses. In this nation, one is no longer rewarded for hard work and entrepreneurial drive. Work harder, work smarter, earn more money, and you'll get whacked with a punitive high tax bracket. Ever wonder why it's so hard to get good service anymore? Does it seem like no one cares; like no one's really interested in taking pride in their work anymore? In undermining our motivation, our enthusiasm, our pride, it is the hope of the banking insiders that the income tax will so erode our will that we the American People will simply shuffle into the New World Order without a whimper. This statement leads us into Chapter Two of this booklet, so that all Americans have an understanding of the whole picture.

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CHAPTER 2 The Fed & The NWO

In order for Americans to fully understand the treachery in the plans laid for the death of our Republic, we decided to make this booklet one that truly informs Americans of what is planned. Some of you may or may not have heard of the entities listed on the next few pages. The American Patriot movement has been monitoring and studying these issues for years and we provide the following, factual explanation about said organizations and their principals. In the brief space allowed in this booklet, we examine the United Nations, the Council on Foreign Affairs [CFR] and the Tri-Lateral Commission.

Justice Felix Frankfurter, a U.S. Supreme Court Justice, had this to say:

"The real rulers in Washington are invisible and exercise power from behind the scenes."

John F. Hylan, Mayor of New York [1918-1925]:

"The real menace of our Republic is the invisible government which, like a giant octopus sprawls its slimy legs over our cities, states and nation."

What were these men talking about? They were talking about the formation of the "New World Order." Many of you have heard this term, especially from the lips of George Bush.

On February 1, 1992, Bush stated:

"My vision of a New World Order foresees a UN with a revitalized peacekeeping function. It is the sacred principles enshrined in the UN charter to which we henceforth pledge our allegiance."

The New World Order means global government— one government ruled by the UN. It means one international banking system and one international currency. It means one religion— the New Age Religion, and the banning of Christianity. It means the end of the U.S. Constitution and the Bill of Rights, and their replacement with the One World Constitution. It means Socialism.

John E. Rankin, U.S. Congressman stated:

"The UN is the greatest fraud in history. Its purpose is to destroy the United States."

According to the UN World Constitution:

"The age of nations must end. The government of the nations have decided to order their separate sovereignties into one government to which they will surrender their arms."

In the U.S. Program for General and Complete Disarmament in Peaceful World, the program's "Goals & Objectives" are outlined very clearly. Here are a few of them that should shake the very foundation of every good American:

"The overall goal of the UN is a free, secure, and peaceful world of independent states adhering to common standards of justice and international conduct and subjecting the use of force to the rule of law; a world which has achieved general complete disarmament under effective international control; and a world in which adjustment to change takes place in accordance with the principles of the UN."

To make possible the achievement of that goal, the program sets forth the following specific objectives toward which nations should direct their efforts:

- **The disbanding of all national armed forces and the prohibition of their reestablishment in any form whatsoever other than those required to preserve internal order and for contributions to a UN Peace Force;**

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- The armed forces of the U.S. and Soviet Union would be limited to 2.1 million men each... levels of armaments would be correspondingly reduced and their production would be limited;
- Measures would be taken to develop and strengthen UN arrangements for arbitration, for the development of international law and the establishment of a permanent UN peace force;
- The dismantling or the conversion to peaceful uses of certain military bases and facilities wherever located (look at the many military bases that have recently been recommended for closure);
- States would retain only those forces, non-nuclear armaments, and establishments required for the purpose of maintaining internal order; they would also support and provide agreed manpower for a UN peace force;
- As states relinquish their arms, the UN must be progressively strengthened in order to improve its capacity to assure international security."

Zbigniew Brzezinski (National Security Advisor to Carter and 4 other presidents, Exec. Dir. of the Tri-Lateral Commission) an avowed Marxist speaks of the New World Order (NWO):

"The technetronic era involves the gradual appearance of a more controlled society. Such a society would be dominated by an elite, unrestrained by traditional values."

Peter Hoagland, Nebraska State Senator on radio in 1983:

"Fundamental, Bible-believing people do not have the right to indoctrinate their children in their religious beliefs because we, the state, are preparing them for the year 2000, when America will be part of a one-world order global society and their children will not fit in."

The late Carroll Quigley [Bill Clinton's mentor], Professor of History at Georgetown University, member of the CFR [Council on Foreign Relations], stated in his book, *Hope & Tragedy*:

"The CFR is the American Branch of a society which originated in England and believes national boundaries should be obliterated and one-world rule established."

In other words, the CFR's activities are treasonous to our U.S. Constitution. They mean to put an end to the United States of America and make our nation part of their global government scheme. One only has to read their own publication, *Foreign Affairs Magazine*, to get a first hand lesson in their treachery.

Rowan Gaither, President of the Ford Foundation in 1954:

"We operate here under directives which emulate from the White House... The substance of the directives under which we operate is that we shall use our grant making power to alter life in the U.S. so that we can comfortably be merged with the Soviet Union."

James Paul Warburg, Foreign agent of the Rothschild Dynasty, major player in the "Federal" Reserve Act scam stated on February 17, 1950 before the U.S. Senate boasted confidently:

"We shall have World government, whether or not we like it. The only question is whether World government will be achieved by conquest or consent."

In order to implement these plans financed by revenues stolen from the American people by the IRS and the Fed, there are other organizations besides the CFR that represent a clear and urgent danger to carrying out this one world government, banking and monetary system, and a uniform code of religion.

One would think by listening to all the propaganda about the UN that they are some sort of benevolent, peaceful organization. Never in the history of the UN has it stood for anything but killing and

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violence. They have never kept "peace" anywhere on this globe. Their sole function is to replace the U.S. military— dissolve all four branches of our armed forces. Their allegiance is only to the UN Charter which does not recognize the U.S. Constitution. This body is made up almost exclusively of Communists and leaders of the bloodiest regimes on this globe.

Their history and operating agenda is apparent to anyone who takes the time to sincerely and with an open mind, research the facts of this organization, separating truth from myth. Bilderberger participants (another group committed to one-world domination) in 1992 called for "conditioning the public to accept the idea of a UN army that could, by force, impose its will on the internal affairs of any nation."

Henry Kissinger said at this Bilderberger meeting:

"Today, Americans would be outraged if UN forces entered Los Angeles to restore order. Tomorrow, they will be grateful."

On January 25, 1993, Warren Christopher, the new Secretary of State under Bill Clinton stated on CNN, **"We must get the New World Order on track and bring the UN into its correct role in regards to the United States."**

Mikhail Gorbachev stated to the Politburo in November of 1987:

"Gentlemen, Comrades, do not be concerned about all you hear about glasnost and perestroika and democracy in the coming years. These are primarily for outward consumption. There will be no significant internal change within the Soviet Union, other than for cosmetic purposes. Our purpose is to disarm the Americans and let them fall asleep."

Norman Thomas, for many years the U.S. Socialist Presidential candidate, proclaimed:

"The American people will never knowingly adopt socialism. But, under the name of 'liberalism,' they will adopt every fragment of the socialist program, until one day America will be a socialist nation, without knowing how it happened."

In 1958, Cleon Skoussen, former FBI agent, revealed in his book, "The Naked Communist," the long-term goals of the Communist agenda. This information is also contained not only in the Congressional Record [8.63], but also in the Communist Manifesto itself. For the sake of brevity, only a few of those goals are listed here:

1. **U.S. acceptance of coexistence as the only alternative to atomic war.**
2. **Develop the illusion that total disarmament by the U.S. would be a demonstration of moral strength.**
3. **Permit free trade between all nations regardless of communist affiliation and regardless of whether or not items could be used for war.**
4. **Provide American aid to all nations regardless of Communist domination.**
5. **Set up East and West Germany as separate states in spite of Khrushchev's promise in 1955 to settle the German questions by free elections under supervision of the UN.**
6. **Allow all Soviet satellites individual representation in the United Nations.**
7. **Promote the United Nations as the "only hope for mankind." If its charter is rewritten, demand that it be set as a one-world government with its own independent armed forces.**
8. **Resist any attempt to outlaw the Communist Party.**
9. **Do away with all loyalty oaths.**
10. **Capture one or both of the political parties of the U.S.**
11. **Use technical decisions of the courts to weaken basic American institutions by claiming their activities violate civil rights.**

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12. Get control of the schools. Use them as transmission belts for socialism and current communist propaganda. Get control of the teachers' associations.
13. Gain control of all student newspapers.
14. Infiltrate the press. Get control of book review assignments, editorial writing, policy-making positions.
15. Gain control of key positions in radio, TV & motion pictures.
16. Eliminate all laws governing obscenity by calling them censorship and a violation of free speech and free press.
17. Break down cultural standards of morality by promoting pornography and obscenity in books, magazines, motion pictures and TV.
18. Present homosexuality, degeneracy and promiscuity as normal, natural and healthy.
19. Infiltrate the churches and replace revealed religion with "social" religion. Discredit the Bible and emphasize the need for intellectual maturity which does not need a religious "crutch."
20. Eliminate prayer or any phase of religious expression in the schools on the ground that it violates the principles of "separation of church and state".
21. Discredit the American Constitution by calling it inadequate, old-fashioned, out of step with modern needs, a hindrance to cooperation between nations on a worldwide basis.
22. Belittle all forms of American culture and discourage the teaching of American history on the ground that it was only a minor part in the "big picture".
23. Eliminate all laws or procedures which interfere with the operation of the Communist apparatus.
24. Eliminate the House Committee on Un-American Activities.
25. Discredit the family as an institution. Encourage promiscuity and easy divorce.
26. Emphasize the need to raise children away from the negative influence of parents.
27. Create the impression that violence and insurrection are legitimate aspects of the American tradition; that students and special-interest groups should rise up and use united force to solve economic, political and social problems.

Each American can evaluate for themselves just how far these goals have been achieved since this information was revealed in 1958. As a matter of fact, another mechanism currently being pushed by the NWO people is to convene a Constitutional Convention. At this "Con-Con," the U.S. Constitution is to be nullified, the Republic of the United States abolished and We the People will then go under the authority of the UN Charter and the One World Order. Currently, hundreds of dedicated Americans are making enormous sacrifices to stop this move.

Dr. Kurk E. Koch, professor, lecturer at 100 universities in 65 countries on 5 continents, whose subject of expertise is the New World Order, Occultism, Extreme Movements, his assessment of the NWO is:

"The New World Order under the UN is that it will reduce everything to one common denominator, "The system will be made up of a single currency, single centrally financed government, single tax system, single language, single political system, single world court of justice, single state religion... Each person will have a registered number, without which he will not be allowed to buy or sell; and there will be one universal world church. Anyone who refuses to take part in this universal system will have no right to exist." Walt Rostow, CFR member and UN spokesman stated, "It is in the American interest to put an end

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to Nationhood." That is the goal in global government. America must get out of the United Nations or our sovereign Republic will not survive.

The next entity that represents a clear threat and danger to our freedom is the Council on Foreign Relations. We previously commented on this earlier in this booklet. The CFR has almost total control over the Board of Governors of the "Federal" Reserve Banking System.

Barry Goldwater, in his book *With No Apologies* states on page 231:

"Does it not seem strange to you that these men just happened to be CFR and just happened to be on the Board of Governors of the Federal Reserve, that absolutely controls the money and interest rates of this great country without benefit of Congress? A privately owned organization, the Federal Reserve which has absolutely nothing to do with the United States of America!"

Most Americans have no real understanding of the operation of the international moneylenders. The bankers want it that way. We recognize in a hazy sort of way that the Rothschilds and the Warburgs of Europe and the House of J.P. Morgan, Kuhn, Loeb and Company, Schiff, Lehman, and Rockefeller possess and control vast wealth. How they acquired their vast financial power and employ it is a mystery to most of us. International bankers make money by extending credit to governments. The greater the debt of the political state, the larger the interest returned to the lenders. The national banks of Europe are owned and controlled by these private interests, just as the Fed is owned and controlled by powerful private interests.

The CFR is one of the stepping stones to global government. This organization is the "American" branch of a society that originated in England and believes national boundaries should be obliterated and one-rule established.

Rear Admiral Chester Ward, a former member for 16 years warned the American people of the organization's intentions,

"The most powerful clique in these elitist groups have one objective in common — they want to bring about the surrender of the sovereignty of the national independence of the United States. A second clique of international members in the CFR comprises the Wall Street international bankers and their key agents. Primarily, they want the world banking monopoly from whatever power ends up in the control of global government."

Dan Smoot, a former member of the FBI Headquarters staff in Washington, DC, summarized the organization's purpose as follows:

"The ultimate aim of the CFR is to create a one-world socialist system and make the U.S. an official part of it."

Congressman John R. Rarick warns:

"The CFR dedicated to one-world government, financed by a number of the largest tax-exempt foundations, and wielding such power and influence over our lives in the areas of finance, business, labor, military, education and mass communication-media should be familiar to every American concerned with good government and with preserving and defending the U.S. Constitution and our free-enterprise system. Yet, the nation's right-to-know machinery, the news media, usually so aggressive in exposures to inform our people, remain conspicuously silent when it comes to the CFR, its members and their activities. The CFR is the establishment. Not only does it have influence and power in key decision-making positions at the highest levels of government to apply pressure from above, but it also finances and uses individuals and groups to bring pressure from below, to justify the high level decisions for converting the US from a sovereign Constitutional Republic into a servile member of a one-world dictatorship."

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The House Blueprint

The CFR was incorporated in 1921. It is a private group comprised of 2400 members. The CFR's founder, Edward Mandell House, had been the chief adviser of President Woodrow Wilson. House was not only Wilson's most prominent aide, he actually dominated the President. Wilson referred to House as "my alter ego," and it is totally accurate to say that House, not Wilson, was the most powerful individual in our nation during the Wilson administration from 1913 until 1921. Unfortunately for America, it is also true that Edward Mandell House was a Marxist whose goal was to socialize the United States in 1912. House wrote the book, *Philip Dru: Administrator*. In it he said he was working for "socialism as dreamed of by Karl Marx." The original edition of the book did not name House as its author, but he made it clear in numerous ways that he indeed was the creator.

In *Philip Dru: Administrator*, House laid out a fictionalized plan for the conquest of America. He told of a "conspiracy" (the word is his) which would gain control of both the Democratic and Republican Parties, and use them as instruments in the creation of a socialistic world government. The book called for passage of a graduated income tax and for the establishment of a state-controlled central bank as steps toward the ultimate goal. Both of these proposals are planks in the Communist Manifesto, and both became law in 1913 during the very first year of the House-dominated Wilson Administration.

The House plan called for the United States to give up its sovereignty to the League of Nations at the close of WWI. But when the U.S. Senate refused to ratify America's entry into the League, House's drive toward world government slowed down. Disappointed but not beaten, House and his friends then formed the CFR, whose purpose right from its inception was to destroy the freedom and independence of the U.S. and lead our nation into a world government. If not accomplished through the League of Nations, then it would be through another world organization that would be started after another world war. The control of that world government, of course, was to be in the hands of House and like-minded individuals.

From its beginning in 1921, the CFR began to attract men of power and influence. In the late 1920's, important financing for the CFR came from the Rockefeller and Carnegie Foundation. In 1940, at the invitation of President Roosevelt, members of the CFR gained domination over the State Department, and they have maintained that domination ever since.

The Making Of Presidents

By 1944, House was deceased, but his plan for taking control of our nation's major political parties began to be realized. In 1944 and in 1948, the Republican candidate for President, Thomas Dewey, was a CFR member. In later years, the CFR could boast that Republicans Eisenhower and Nixon were members, as were Democrats Stevenson, Kennedy, Humphrey & McGovern. The American people were told they had a choice when they voted for president. It can readily be observed however, that with precious few exceptions, presidential candidates for decades have been CFR members.

The CFR's influence by 1948 had also spread (and continues to do so today) to other vital areas of American life. Its members have run, or are running, NBC, CBS, ABC, The NY Times, Washington Post, Newsweek, Time and virtually every other mainstream media, electronic or print in the United States. The organization's members dominate the academic world, top corporations, the huge tax-exempt foundations, labor unions, the military and just about every segment of American life.

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Carter & CFR Clout

Few Americans recognized that something was wrong when Jimmy Carter packed his administration with the same crowd that has been running things for decades— more than 284 senators, house members and other government officials. When he won the Democratic Party's nomination, Carter chose CFR member Walter Mondale to be his running mate. After the election, Carter chose CFR members Cyrus Vance, Harold Brown and W. Michael Blumenthal to be the Secretaries of State, Defense and Treasury— the top three cabinet positions.

To put it mildly, the CFR over the years has gained more and more clout within our so-called government. Not every member of the CFR is fully committed to carrying out House's conspiratorial plan. Many don't really understand Constitutional government or they would never belong to such an organization. Others have been flattered to join a "study" group, which is what the CFR calls itself.

Others go along because of personal benefits such as a prestigious job and a new sense of importance that goes with it. Over the years, only a few members have had the courage and awareness to speak out about the CFR. These few are now ex-members who are now persona non-grata with the press.

For a complete chart of current CFR & Tri-Lateral Memberships (Clinton & his Administration), which lists the influence of the CFR seated members on the nations' largest banks, write to: FREE, (Fund to Restore an Educated Electorate), P.O. Box 33339, Kerrville, Texas 78029.

Toward World Government

The CFR publishes a very informative quarterly journal called Foreign Affairs. More often than not, important new shifts in U.S. policy, or highly indicative attitudes of political figures have been telegraphed in its pages. For instance, when he was preparing to run for the Presidency in 1967, Nixon made himself acceptable to the insiders of the establishment with an article in the October 1967 issue of Foreign Affairs. In it, he called for a new policy of openness toward Red China, a policy he himself initiated later in 1972.

The April 1974 issue of Foreign Affairs, carried a very explicit recommendation for carrying out the world-government scheme of CFR founder Edward Mandell House. Authored by State Department veteran and Columbia University Professor Richard N. Gardner (himself a member), "The Hard Road to World Order" admits that a single leap into world government is an organization like the United Nations is unrealistic. Instead Gardner urged the continued piecemeal delivery of our nation's sovereignty to a variety of international organizations. He called for "an end run around national sovereignty, eroding it piece by piece." That means an end to our nation's sovereignty. He named as organizations to accomplish his goal the International Monetary Fund, the World Bank, the General Agreement on Tariffs and Trade, the Law of the Sea Conference, the World Food Conference, the World Population Conference, disarmament programs, and a United Nations military force. This approach, Gardner said, "can produce some remarkable concessions of sovereignty that could not be achieved on an across-the-board basis."

Richard Gardner's preference for destroying the freedom and independence of the United States in favor of the CFR's goal of world government thoroughly dominates top circles in our nation today. The men who would scrap our nation's Constitution are praised as "progressives" and "far-sighted thinkers." The only question that remains among these powerful insiders is which method to use to carry out their treasonous plan.

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The Tri-Lateral Angle

Unfortunately, the Council on Foreign Relations is not the only group proposing an end to the sovereignty of the United States. In 1973, another organization first saw the light of day. This one is called the Tri-Lateral Commission. The Trilateral Commission's roots stem from the book *Between Two Ages*, written by Zbigniew Brzezinski in 1970. The following quotations from that book show how closely Brzezinski's thinking parallels that of CFR founder Edward Mandell House.

On page 72, Brzezinski writes:

"Marxism is simultaneously a victory of the external, active man over the inner, passive man and a victory of reason over belief." On page 83, he states: "Marxism, disseminated on the popular level in the form of Communism, represented a major advance in man's ability to conceptualize his relationship to his world." On page 123, we find: "Marxism supplied the best available insight into contemporary reality."

Nowhere does Mr. Brzezinski tell his readers that Marxism "in the form of Communism," which he praises, has been responsible for the murder of approximately 125 million human beings in the Twentieth Century, has brought about the enslavement of over a billion more, and has caused want, deprivation and despair for all but the few criminals who run the Communist-dominated nations. On page 198, after discussing America's shortcomings, Brzezinski writes: "America is undergoing a new revolution which unmask its obsolescence." We disagree; America is not obsolete. On page 260, he proposes "deliberate management of the American future," with the "planner as the key social legislator and manipulator." The central planning that he wants for our country is a cardinal underpinning of Communism and the very opposite of the way things are done in a free country.

On page 296, Brzezinski suggests piecemeal movement toward a "community of nations... through a variety of indirect ties and already developing limitations on national sovereignty." Here we have the same proposal that has been offered by Richard Gardner in the CFR publication *Foreign Affairs*.

Brzezinski then calls for the forging of community links among the United States, Western Europe, and Japan; and the extension of these links to more advanced Communist countries. Finally, on page 308 of his 309 page book, he lets us know that what he really wants is "the goal of world government."

A Meeting of Minds

Zbigniew Brzezinski's *Between Two Ages*, was published in 1970 while he was a professor in NY City. David Rockefeller read the book and in 1973, and Mr. Rockefeller launched the new Trilateral Commission, whose purposes include North America, Western Europe and Japan "in their economic relations, their political and defense relations, their relations with developing countries, and their relations with Communist countries."

The original literature of the Trilateral Commission also states, exactly as Brzezinski's book had proposed, that the more advanced Communist states could become partners in the alliance leading to world government. In short, David Rockefeller implemented Brzezinski's proposal. The only change was the addition of Canada, so that the Trilateral Commission presently includes members from North America, Western Europe, and Japan, not just the U.S., Western Europe and Japan.

Then David Rockefeller hired Zbigniew Brzezinski away from Columbia University and appointed him to be the Director of the Trilateral Commission. Later in 1973, the little known Governor of Georgia, Jimmy Carter, was invited to become a founding member of the Trilateral Commission. Who are these people trying to promote world government by encouraging economic interdepen-

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dence among the superpowers? The following represents just a fraction of the list but it should drive home the point made in this effort to bring the truth out before it's too late:

TRI denotes abbreviation of Tri-Lateral Commission, CFR denotes Council on Foreign Relations

George Bush, former member of CFR, TRI; Bill Clinton both the CFR & TRI; Sandra Day O'Connor, U.S. Supreme Court Justice and three other federal judges, CFR; Dick Cheney, former Secretary of Defense, CFR; Les Aspin, current Secretary of Defense under Clinton, CFR; Colin Powell, Chairman of the Joint Chiefs of Staff, CFR; Robert Gates, CFR; Brent Scowcroft, CFR/TRI; Jessie Jackson, CFR & TRI, Nicholas Brady, CFR; Mario Cuomo, under consideration for the U.S. Supreme Court, CFR.

Why no coverage in the establishment media? Look at the CFR influence: CBS has Risch (their CEO) on CFR; Dan Rather, CFR and five others. NBC, their CEO on CFR; Tom Brokaw, David Brinkley, John Chancellor, Marvin Kalb, Irving R. Levin and others, all CFR. ABC, their CEO is CFR, Diane Sawyer and most recently, Barbara Walters, CFR.

PBS, Cable News Network, Associated Press, Reuters, Baltimore Sun, Washington Times, Children's TV Workshop (Sesame Street), NY Times, War, Inc., Newsweek, Washington Post, the Denver Post, Dow Jones, National Review with Wm. F. Buckley, Jr., Reader's Digest. Dozens of senators and house members, dozens of college universities and presidents, more than a dozen members of the State Department, cabinet members, the White House staff and every major bank in this country.

Past shapers of our nation: Adlai Stevenson (CFR), Cyrus Vance (CFR), Zbigniew Brzezinski (CFR), Paul Volker (CFR), Henry Kissinger (CFR), George Schultz (CFR), Alan Greenspan (CFR), Jeanne J. Kirkpatrick (CFR).

Our national defense has been dominated by these insiders as well. Every U.S. defense secretary of the past 35 years, with the exception of Clark Clifford, has belonged either to the CFR or the Tri-Lateral Commission. The same groups has supplemented its efforts in the Defense Department with the control of other strategic military posts. For example, every Supreme Allied Commander in Europe (not Norman Schwarzkopf) has been a member of the CFR or Tri-Lateral. The CIA, which is so critical to our national defense, has also been dominated by establishment insiders, with nine of its thirteen directors having been CFR members.

The four executive positions that have most frequently been filled by CFR/Tri-Lateral members are probably the most influential positions in the U.S. government, apart from the presidency itself: Secretaries of Treasury, State, National Security Advisor and Defense.

Barry Goldwater said, "The Tri-Lateral Commission is international and is intended to be the vehicle for multinational consolidation of the commercial and banking interests by seizing control of the political government of the United States. The Tri-Lateral Commission represents a skillful, coordinated effort to seize control and consolidate the four centers of power— political, monetary, intellectual and ecclesiastical."

Adam Weishophf, founder of the Order of Illuminati [the beginning of the quest for world control and fostered down through the centuries by organizations previously listed and including The Cobden Club, the Club of Rome, the Bilderbergers] on May 1, 1776: "Oh mortal man, is there anything you cannot be made to believe?"

The lie is so big, it's difficult to believe it's not a lie because it's so big. Because you didn't hear it on TV or in your newspaper, it must be a lie, right?

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David Rockefeller, Internationalist billionaire, CFR Kingpin, founder of the Tri-Lateral Commission, World Order Godfather, voiced his praise of the controlled U.S. media for keeping their oath not to divulge the Globalist plans to the public.

Speaking to his fellow conspirators at a meeting, June 1991 in Baden Baden, Germany, of yet one more infamous World Order group, the Bilderbergers, Mr. Rockefeller said:

"We are grateful to the Washington Post, the NY Times, Time Magazine and other great publications whose directors have attended our meetings and respected their promise of discretion for almost forty years... It would have been impossible to us to develop our plan for the world if we had been subject to the bright lights of publicity during those years. But, the world is now more sophisticated and prepared to march towards a world government. The super-national sovereignty of an intellectual elite and world bankers is surely preferable to the national auto-determination practiced in past centuries."

Richard M. Cohen, Senior Producer of CBS political news:

"We are going to impose our agenda on the coverage by dealing with issues and subjects that we choose to deal with."

Richard Salant, former President of CBS News:

"Our job is to give people not what they want, but what we decide they ought to have."

John Swinton, the former Chief of Staff of the New York Times, called by his peers,

"The Dean of his profession," was asked in 1953 to give a toast before the NY Press Club. He responded with the following statement: "There is no such thing, at this date, of the world's history, in America, as an independent press. You know it and I know it. There is not one of you who dares to write your honest opinions, and if you did, you know beforehand that it would never appear in print. I am paid weekly for keeping my honest opinions out of the paper I am connected with. Others of you are paid similar salaries for similar things, and any of you who would be so foolish as to write honest opinions would be out on the streets looking for another job. If I allowed my honest opinions to appear in one issue of my paper, before twenty-four hours my occupation would be gone. The business of journalist is to destroy truth; to lie outright; to pervert; to vilify; to fawn at the feet of mammon, and to sell his country and his race for his daily bread. You know it and I know it and what folly is this toasting an independent press? We are the tools and vassals for rich men behind the scenes. We are the jumping jacks, they pull the strings and we dance. Our talents, our possibilities and our lives are all the property of other men. We are intellectual prostitutes."

What It All Means

Let's summarize the situation we have been describing:

1. Starting with Jimmy Carter, all past presidents including the current President, Clinton, have promptly filled their administrations with members of the Council on Foreign Relations and the Trilateral Commission.
2. The Council on Foreign relations was conceived by a Marxist, Edward Mandell House, for the purpose of creating a one-world government by destroying the freedom and independence of all nations, especially including our own. Its Chairman of the Board is David Rockefeller, and its members have immense control over our government and much of American life.
3. The Trilateral Commission was conceived by Zbigniew Brzezinski, who praises Marxism, who thinks the United States is obsolete, and who also wants to create a one-world government. Its founder and driving force is also David Rockefeller. It too, exercises extraordinary control over the government of the United States. The effect of the CFR & the Trilateral Commission on the affairs of our nation is easy to see. Our own government no longer acts in its own interest but is the best money can buy. We constantly tie ourselves to

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international agreement, pacts and conventions. These two organizations are designed to bring an end to our free republic. Our leaders have developed blatant preferences for Communist Russia (AKA the Soviet Union, AKA the Commonwealth) and Communist China, while they continue to work for world government, which has always been the goal of Communism.

4. In order to fund these grandiose global plans, the personal federal income tax, collected by the IRS was created in conjunction with the Federal Reserve Act of 1913 to provide the architects of the NWO with billions and billions of dollars earned by the sweat of Americans' brows.

5. When you hear the Insiders say, "We did this to ourselves, now we have to make all these sacrifices to correct it..." you know this statement is a lie. We the People did not do this to ourselves. We were never told the truth about the Federal Reserve Act of 1913, how it came into being, or the 16th Amendment that was never lawfully ratified. We did not do this to ourselves but We the People have the power to stop it. The domestic policies of administrations over the past fifty years could hardly be worse. But the domestic policies of our government also fit into the scheme to weaken the United States and destroy the freedom of our people. Government caused inflation continues to weaken the "note" and destroy the economy of our nation. Federal controls continue to hamstring America's productive might.

The real goal of our own governments' leaders is to make the United States into a carbon copy of a Communist state, and then to merge all nations into a one-world system run by a powerful few, and funded by the privately owned Federal Reserve Banks. When We the People are fully informed, the pieces fall together and things begin to make sense. How would a one-world global government affect you as an individual in this country? Do you think that such a development will be beneficial to the world or agreeable to yourself? Let us list four certain consequences of world government:

One: Rather than improve the standard of living for other nations, world government will mean a forced redistribution of all wealth and a sharp reduction in the standard of living for Americans. You think it's bad now?

Two: Strict regimentation will become commonplace, and there will be no longer be any freedom of movement, freedom of worship, private property rights, free speech, or the right to publish.

Three: World government will mean that this once glorious land of opportunity will become another socialistic nightmare where no amount of effort will produce just reward.

Four: World order will be enforced by agents of the world government in the same way that agents of the Kremlin used to enforce their rule throughout the "former" Soviet Union.

That is not the kind of a world that anyone should have to tolerate, and it is surely not the kind of an existence that a parent should leave for a child. Yet, that is what is on our near horizon right now, unless enough Americans decide to stop it.

It is expected that the information you have read in this booklet will be very disturbing; so disturbing in fact that some of you will refuse to believe it. We would like to offer up some words from Mr. Al St.Clair, President of Informed Consent:

"How is it then, that most of us are seeing this shocking truth for the first time in 1992? The truth is that those we trusted with positions of leadership, both state and federal, have betrayed our trust. Blinded by ambition and the fear of loss, they have denied the real consequences of their actions even to themselves and at the expense of their own families. It is difficult to acknowledge that all these men and women could individually and collectively be guilty of treason against the Constitution and the people they claim to represent. But the facts tell an irrefutable story. Now, We the American people, must face and deal with this problem before we become 'Feudal Slaves' in their newly constructed New World Order."

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One of the most difficult things any human being can ever be confronted with is handling the fact that someone whom we have placed our trust in has lied to us or betrayed our confidence. Confronted with the stark reality of the facts that the individual, on whom we have placed our trust, values our contribution as less than sacred, we often react in total disbelief. We consciously, without knowing why, reject those thoughts we find too painful to bear. The scientists refer to this reaction as cognizant dissidence.

By whatever name it may be known, this kind of traumatic experience marks us indelibly and alters our ability to enter into trusting relationships in all areas of our lives. When this kind of betrayal is conducted by those we have chosen to be our leaders (elected to public office) and have trusted with our lives and those of our children, the magnitude of the trauma is multiplied exponentially.

This is the condition American citizens find themselves in today. Our government has been permitted to lie to us so often and for so long, that many in government believe their own lies. Some are so brazen as to believe that they were elected to rule rather than serve. Others live in fear of those who hold the reigns of power and just go along to get along. The net result has been the disenfranchising of the Americans from any effective participation in the political processes.

This nationwide effort by American Patriots (Americans whose love and allegiance are to America, our flag and the U.S. Constitution) can bring about the cure and kill the cancer of our economic woes—the Fed and the personal income tax. But only by an overwhelming voice of We the People can we force the U.S. Congress to return to Constitutional government and currency. Those of us involved in this national effort do not work for money, but we desperately need donations you can comfortably make to pay for printing and postage costs.

If you love this country and want to eliminate the cancer of our economic woes, join in this nationwide effort to collect a minimum of 30 million petition signatures by mid-September. These booklets are available at cost plus shipping to anyone who wants them. Every American who wants to save our Republic can distribute them to groups, clubs, organizations or in their neighborhoods, along with joining the picketing of the "Federal" Reserve Banks nationwide. Help us get the truth to all Americans.

"The income tax is unconstitutional and was not part of the original intent of those who drafted our Constitution or government. I am supporting a resolution to repeal the 16th Amendment."

Steve Symms, former member of the U.S. Congress.

"Strictly speaking, it probably is not necessary for the federal government to tax anyone directly; it could simply print the money it needs. However, that would be too bold a stroke, for it would then be obvious to all what kind of counterfeiting operation the government is running. The present system combining taxation and inflation is akin to watering the milk: too much water and the people catch on."

Ron Paul, former member of the U.S. Congress.

The Fed was designed to encroach on our real wealth by the economically stifling repetition of the lending and interest collecting cycles (compounding debt and fueling inflation), until the public, the Government and the nation's economy are totally bankrupt. By calculated debt and inflation, the bankers and financiers have become the owners of the nation's property, businesses, industries and resources.

The prophetic quote attributed to Thomas Jefferson has been fulfilled:

"If the American people allow private banks to control the issuance of their currency, first by inflation and then by deflation, the banks and corporations that

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will grow up around them will deprive the people of all their property until their children will wake up homeless on the continent their fathers conquered."

HELP SPREAD THE WORD. If you belong to AARP, NARFE, The Senior Coalition, UAW, AFL-CIO, United Steel Workers of America or any other groups, send them a copy of this booklet and petition. Urge them to support this effort. They have every reason not to give their support.

Let's make 1993 the last year of the unconstitutional personal federal income tax and the last year of the illegal, unconstitutional "Federal" Reserve Bank. Eighty years of fraud is enough!

Let's make 1993 the year in which caring Americans finally come together and accomplish the first big step towards getting out of this economic demise. The alternative is one you don't want to think about.

We don't expect you to take our word for the information contained in this booklet. It is accurate, it is factual and we provide the following sources of information to confirm it:

Open your phone book and look under the section for Government Agencies. You will not find the Federal Reserve Bank. Flip to the white pages for private business and you will find Federal Reserve Bank, in the same section with other private corporations that have taken the name "Federal," along with the FDIC (Federal Deposit Insurance Corporation).

Numerous books are available on these subjects. We recommend these books but in no way receive any form of compensation for suggesting them. These individual authors have thoroughly researched their topic, and this material provides accurate and thought provoking information for anyone who takes the time:

- **The Secrets of the Federal Reserve, to order call 800-729-4131.**
- **The New World Order, to order call 800-729-4131.**
- **The Coming Economic Earthquake, to order call 303-467-2677.**
- **Bankruptcy 1995, to order call 303-467-2677**
- **The Miracle On Main Street, to order call 303-654-1111**
- **The U.S. Constitution and Bill of Rights, to order call 303-654-1111**
- **En Route to Global Occupation, to order call 800-749-4009.**
- **Behold a Pale Horse, to order call 801-262-4131.**
- **Mind Control in America, to order call 800-729-4131 [cassette]**
- **Global Tyranny...Step by Step. The United Nations and the Emerging New World Order by William F. Jasper. to order call 414-749-3784.**
- **The Socialist/Capitalist Alliance by Harold Pease, Ph.D., to order call 303-719-634-3466**
- **The Communist Manifesto by Karl Marx, to order call 503-824-2050.**
- **The Shadows of Power: The CFR & the American Decline, to order call 503-824-2050**
- **The Federal Reserve Hoax, to order call 503-824-2050**
- **Lighting over the Treasury Building, to order call 503-824-2050**
- **The Solution to the Federal Reserve Fraud, to order call 503-824-2050**
- **Usury: Destroyer of Nations, to order call 503-824-2050**
- **The Law That Never Was, Vols. 1 & 2, the 16th Amendment, to order call 503-824-2050**
- **The Federal Reserve System: A Fatal Parasite on the American Body Politic by Dr. Edwin Viera, Jr., to order call 703-791-6780**
- **The Federal Zone, write to Account for Better Citizenship, P.O. Box 6189, San Rafael, Calif. 94903-0189**

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- Bankers Research Institute. P.O. Box 1105, Staunton, VA 24401, details on the Fed
- Constitutional Research Assoc. P.O. Box 550, South Holland, Ill 60473; details on the 16th Amendment.

Donations, questions, return of petitions, volunteers:

Devy Kidd— Project '93, 14253 West Baltic Avenue, Lakewood, Colorado 80228.

Please give this effort your full support before we lose everything.

Become a patriot for the love of America!

Let us remember words of wisdom from some individuals who have shaped our past:

"Against the insidious wiles of foreign influence, the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful woes of Republican government."

George Washington

"I believe there are more instances of the abridgment of freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations."

James Madison

"Among us today is a concentration of private power without equal in history and is growing. This concentration is seriously impairing the economic effectiveness of private enterprise as a way of providing employment for labor and capital as a way of assuring a more equitable distribution of income and earnings among the people of the nation as a whole. Private enterprise is ceasing to be free enterprise."

FDR

Believe These Words

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Remove the petition pages, sign and mail.

**PETITION TO CONGRESS
FOR REDRESS OF GRIEVANCES**

We the People hereby declare that all beings are created equal, that We the People are protected by our rights under the Supreme Law of the Land, the U.S. Constitution, do hereby exercise our Ninth Amendment Rights; and

We, the People of the States united, hereby petition U.S. Congress assembled, pursuant to the First Amendment of the Constitution for the United States, for redress of the following grievances:

WHEREAS the United States of America is currently suffering the evil effects of a fraudulently imposed, heavy and progressive federal income tax, and an irredeemable fiat money unlawfully issued by an unconstitutional central bank; and,

WHEREAS the Congress of the United States and the legislatures of the several States are either unable or unwilling to forthrightly address these concerns within the limits of the United States Constitution and the Constitutions of the several States; and

WHEREAS We the People of the United States have the duty to our Creator to reform, change or resist the acts of our government when it becomes destructive of the ends for which it was organized; and

WHEREAS We the People require the knowledge needed to effectively deal with the problems at hand and to change or reform our government accordingly, in order to avoid chaos and anarchy; and

NOW THEREFORE:

Be it resolved that the demands of We the People are as follows:

1. The repeal of the income tax in its entirety; The abolition of the agency known as the Internal Revenue Service. The IRS forces Americans to surrender their Fifth Amendment rights and is therefore unconstitutional;
2. The replacement of the federal income tax with a system of taxation within the classes of imposts, excises and duties, while promoting the restoration of State sovereignty;
3. The repeal of the "Federal" Reserve Act and all subsequent legislation authorizing or empowering a central bank. We the People want the "Federal" Reserve Bank audited. Since they conducted theft by operating an entity that is illegal under the U.S. Constitution, we need an accurate accounting of their assets. We the People have a legal claim against the assets of the Federal Reserve and all it's branch operations. We want the stockholders, the Board of Governors and Alan Greenspan, of this illegal entity prosecuted.

We the People demand that House legislation be introduced and passed, then continued over to the Senate for confirmation and eventual approval by the sitting President of the United States:

TO AMEND the Federal Reserve Act in order to secure for the American people their right to Life, Liberty and Property, and to provide for them a Constitutionally accurate, sound, safe and honest medium of exchange, that their endeavors in agriculture, industry and commerce may prosper.

SUPPORTING STATEMENT & REMEDY

Under the present monetary system, our medium of exchange [Federal Reserve Note "Dollars"] is created and loaned into circulation in exchange for a claim on real wealth. These loans require repayment of the face value [principle] plus interest. However, the "Federal" Reserve Note "Dollars" needed to pay the interest are never created. This means that it is mathematically impossible to repay the total indebtedness, resulting in foreclosure on personal property, violating the 13th Amendment rights of all Americans. This is the direct cause of the above listed grievances.

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HEREFORE, we the undersigned who are We the People of America, demand for relief, that you, the Congress assembled, restructure the National monetary system or concepts thereof, as proposed by The Tax & Money Reform Committee and the Coalition for Tax and Money Reform, Monetary Reform Committee; said bill having already been hand delivered to the desk of each Congressman and Senator and abolishing the IRS and eliminating the personal federal income tax and return to generating Constitutional revenue.

WE THE PEOPLE DO NOT consider these petitions a request, but indeed, a demand from We the People to you OUR SERVANTS, sworn to uphold the Constitution of the United States. The Fed and the personal income tax are in direct violation of the U.S. Constitution and We The People will no longer tolerate this violation of our rights.

If the House of Representatives does not, within 30 days after Redress of Congress and presentation of these petitions, announce these demands will be implemented, we will be forced to resort to any and all the resources open to us starting with filing a Complaint in Federal Court against the U.S. Congress, stockholders and Board of Governors of the Fed under the rights retained To the People by the 1st, 5th, 10th and 13th Amendments to the U.S. Constitution & 42 USC 1792, 1983, 1985 and 1986. In addition, we will immediately take available legal remedies against each member of the Congress under certain provisions as provided for in Common Law procedures.

We the People expect this conversion process of the monetary system to begin within the earliest possible time frame. The same shall occur regarding announcement that the IRS shall cease to exist and the personal income will stop. Audit of the "FED" and legal action against the Board of Governors and Alan Greenspan shall begin as soon as the Attorney General of the United States can prepare the paperwork. No gridlock will be acceptable.

Name & Address, American citizen (phone number optional)

Name: _____ Signature: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____

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PETITION TO CONGRESS
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New Jersey State Library

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Name & Address, American citizen (phone number optional)

Name: _____ Signature: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____



JOIN PROJECT '93
THE GRASSROOTS MOVEMENT THAT'S
SWEEPING THE COUNTRY!
Nationwide Picketing of Federal Reserve Banks Has Already Started



We The People are "FED" up!

The "Federal" Reserve Banking System is privately owned. Your tax dollars go to it's stockholders. We do not need an income tax to run the essentials of government. Stopping the un-constitutional, immoral, Marxist personal income tax will force Congress to get rid of foreign aid, immigration, the NEA, and all the other pork spending, because there won't be enough to pay for everyone's pork projects. Enough is enough!

A monetary reform bill has already been hand delivered to the desk of every member of the US Congress. We want the "Fed" abolished. We want their assets audited, because We The People have a claim against them. We want the personal income tax abolished. We must return to generating revenues according to the Constitution. America cannot survive if the "Fed" and the IRS continue robbing the wealth of the people, and the wealth of the nation. Find out the truth— the real truth!

We want 30 million signatures from Americans who are "Fed" up with our country's future being given away on a silver platter to a private cartel of bankers and to other nations via "foreign aid." We will get no help from the establishment media; they have their own reasons for keeping the truth from you.



WE NEED YOUR HELP NOW!

We march on Washington later this year. Help us reclaim America.

Project '93 has real power!



I want to order a starter packet, including the "Petition to Congress for Redress of Grievances," so that people in my area have the opportunity to get involved.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Your generous donations are appreciated to help us get videos made, put out ads, etc.

Send \$5.00 to help with printing and postage costs to:
 Devvy Kidd, Project '93, 14253 W. Baltic Ave, Lakewood, CO 80228

Approved and supported by the Council on Domestic Relations, organized in 47 States.

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WHERE DOES YOUR TAX MONEY GO?

“To sin by silence when they should protest makes cowards of men.”

Abraham Lincoln

“It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error.”

[U.S. Supreme Court in American Communications Association v. Douds, 339 U.S. 382, 442]
