

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By DICK SIMPKINS, CHAIRMAN, on February 12, 1993,  
at 9:00 a.m.

**ROLL CALL**

**Members Present:**

Rep. Dick Simpkins, Chair (R)  
Rep. Wilbur Spring, Vice Chair (R)  
Rep. Ervin Davis, Vice Chair (D)  
Rep. Beverly Barnhart (D)  
Rep. Pat Galvin (D)  
Rep. Bob Gervais (D)  
Rep. Harriet Hayne (R)  
Rep. Gary Mason (R)  
Rep. Brad Molnar (R)  
Rep. Bill Rehbein (R)  
Rep. Sam Rose (R)  
Rep. Dore Schwinden (D)  
Rep. Carolyn Squires (D)  
Rep. Jay Stovall (R)  
Rep. Norm Wallin (R)

**Members Excused:** Rep. Sheila Rice

**Members Absent:** None.

**Members of Senate State Administration Committee Invited:**

Sen. Eleanor Vaughn (D)  
Sen. Jeff Weldon (D)  
Sen. Jim Burnett (R)  
Sen. Harry Fritz (D)  
Sen. John Hertel (R)  
Sen. Bob Hockett (D)  
Sen. Henry McClernan (D)  
Sen. Bob Pipinich (D)  
Sen. Bernie Swift (R)  
Sen. Larry Tveit (R)

**Staff Present:** Sheri Heffelfinger, Legislative Council  
Dorothy Poulsen, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: HB 520; HJR 9  
Executive Action: None.

HEARING ON HB 520Opening Statement by Sponsor:

REP. BOB RANEY, House District 82, Livingston, introduced HB 520 which makes the state electronic bulletin board system a permanent state service, expands the types of information for which the bulletin board is to be used, and requires the Department of Administration to support broader state agency and public use. REP. RANEY reviewed the history of the state electronic bulletin board which originated in 1989 with legislation sponsored by former Rep. Jack Ramirez to create a pilot project. He explained the state electronic bulletin board contains state government information and is accessible to Montana citizens, industries, and state agencies. The bulletin board has been very successful with 5,000 inquiries per month on a system which can only handle 2,000 inquiries per month. REP. RANEY stated by making this pilot project a permanent service, Montana is moving into the twenty-first century.

REP. RANEY noted the bill specifies certain information to be placed on the bulletin board and also directs the Department of Administration to make the bulletin board more accessible and "user-friendly". He contended moving into the electronic age was critical to economic and job development in Montana. He said the fiscal note showed a fiscal impact of \$40,000 per year to implement the bill and would be funded through the department's proprietary funds. REP. RANEY stated the agency needs an additional 0.5 FTE to make the system more accessible to the public and state agencies.

REP. RANEY cited benefits of the electronic bulletin board including improved citizen communication with government and long term savings to the state. He described how citizens would be able to use personal computers to contact state government and acquire information without the involvement of state employees.

Proponents' Testimony:

George Ochenski explained he had drafted the bill and therefore strongly supported it. He showed the committee an example of the information which could be acquired through the bulletin board, a report complete with graphs and charts. He said the cost to him was one phone call, placed late at night, during which the information was electronically transmitted to his computer. He was then able to print out the report with his own printer. He emphasized no envelopes, postage, state employee time were necessary for him to receive the report. He stated the electronic bulletin board reduced the cost of acquiring information from state government and because of great demand needed to be expanded. Mr. Ochenski read a letter from Senator Conrad Burns in support of the bill. EXHIBIT 1

**Wes Krawczyk, Helena Micro-Users Group**, stated the group was a long-term supporter of the bulletin board system, and the bill would make information more accessible to the public. He asked for the committee's support.

**Mike Trevor, Administrator, Information Services Division (ISD), Department of Administration**, stated the department supports HB 520. He said ISD has run the pilot bulletin board since 1989, and he considered it important to move from a pilot project to a permanent system. He contended the bulletin board was a means to make state government more efficient and more accessible. He said the bulletin board benefitted both the private sector, which gains greater access, and state government, which becomes more streamlined through the use of technology. He described the increased use of computer technology by state government including the use of the central mainframe, which had observed a 50-fold increase since 1982, and the 6,000 personal computers now in use in state government. **Mr. Trevor** stated the costs of the bill, \$43,191 in FY 94 and \$41,691 in FY 95, would be due to an additional 0.5 FTE, who would serve as system operator, and a second 1-800 telephone line to provide greater access to the system. He explained heavy use of the system created a demand beyond the capability of a single 1-800 line, and thus a second line was needed.

**Mr. Trevor** explained ISD operated as an internal service center for state government and was funded through fees collected from other agencies for computer services. The fiscal note showed costs for HB 520 would be recovered from state agencies as overhead incorporated into the existing rates charged by ISD. **Mr. Trevor** stated ISD would absorb costs in the coming biennium and would not increase the fees charged to other state agencies. He said ISD would prorate costs for agencies for the following biennium. He urged passage of HB 520.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

**REP. ROSE** asked **Mr. Trevor** how ISD would absorb the additional costs without hardship to the division. **Mr. Trevor** said he was emphasizing not placing hardship on other departments.

**REP. WALLIN** noted other legislation had tried to ensure all state agencies would be in the same computer system and asked **Mr. Trevor** how the bulletin board fit into the state's computer system. **Mr. Trevor** said the bill dovetails with other legislation. He said eventually other electronic bulletin boards in the state, such as at the university system, could be combined into the central bulletin board system.

REP. DAVIS stated the bill was the first one he had seen which made sense/cents. He asked Mr. Ochenski to explain the term "user friendly". Mr. Ochenski said user friendly meant using plain English in a menu format for direct access to the computer system by individual users. He said user friendly really meant the user did not need to be a "computer nerd" to use the system.

REP. SIMPKINS asked Mr. Trevor if ISD had considered using a 1-900 telephone line and charging the user. Mr. Trevor said they had not considered the 1-900 telephone lines specifically, but they had considered whether or not to charge the public for access. He said they had decided it did not make sense to charge taxpayers for public access to public information.

Closing by Sponsor:

REP. RANEY said testimony showed the pilot project worked and it was time to move on and make the system permanent. He contended government needed to be cut, and the bill reduced the need for government far into the future. He said some state agencies were not yet computer literate and did not know how to use the bulletin board; and, therefore, additional staff would be required for the present time. However, he suggested the increased staff would not be needed in two to four years. REP. RANEY declared typewriters were history and the electronic age had begun.

HEARING ON HJR 9

Opening Statement by Sponsor:

REP. RUSSELL FAGG, House District 89, Billings, introduced HJR 9 to urge the United States Congress to adopt a constitutional amendment to balance the federal budget or to call a constitutional convention for the exclusive purpose of proposing a balanced budget amendment. REP. FAGG stated the resolution was the most important national matter faced this session by the legislature. He noted some of his very good friends opposed the resolution. He said these friends were very sincere and courteous in their opposition, but he contended they were wrong. He suggested they were acting out of fear rather than facts. He asked committee members to separate fact from fiction during the hearing.

REP. FAGG asked where the country would be today if the founding fathers had acted out of fear rather than doing what was right. He claimed the founding fathers had written a constitution which has withstood the test of time. He reviewed the procedure for amending the Constitution. He explained amendments could be proposed by two-thirds of the states or by two-thirds of the members of Congress. The amendment must then be ratified by three-fourths of the states. He asserted this procedure

protected the Constitution from the kinds of changes feared by opponents to the resolution.

**REP. FAGG** reviewed the history and provisions of the HJR 9. He reported the resolution was proposed by the American Legislative Exchange Commission and had been written to alleviate the fears of opponents. He said the premise of the resolution was stated in line 22-24, page 1, "that the fiscal irresponsibility at the federal level is one of the greatest economic threats that faces our nation". He referred to lines 12-25, page 2, which petition Congress to adopt a balanced budget amendment or to call a constitutional convention for that purpose. **REP. FAGG** emphasized the protection of line 22, page 2, "for the exclusive purpose of" in limiting actions in a constitutional convention. He referred to lines 4-9, page 3, which provide that Montana's petition for a constitutional convention would be rescinded if Congress were to adopt a balanced budget amendment within 60 days after two-thirds of the states had made application for a constitutional convention. Finally, he referred to lines 10-13, page 3, which rescind the request if the constitutional convention is not limited to the "specific and exclusive purpose" of an amendment to balance the federal budget.

**REP. FAGG** described three issues with regard to the resolution: (1) the need for the amendment; (2) the reason organizations such as the AFL-CIO opposed the amendment; and (3) the fear some organizations, such as the Eagle Forum, had about calling a constitutional convention. He reported the national debt was approaching \$4 trillion which he suggested was unfathomable. He said the deficits keep growing larger and asserted neither Congress nor the President would act without impetus from the states. He reported interest on the national debt was the largest, single expenditure of the federal government and represented 14% of the federal budget. He said \$292 billion would be spent this year to pay interest and urged the committee to think of all the other programs on which this money could be spent. He contended the country was in serious economic trouble and needed a balanced budget amendment.

**REP. FAGG** alleged Don Judge and the AFL-CIO opposed the resolution because of their legitimate concern about the loss of money for the people they represent. **REP. FAGG** agreed a balanced budget amendment would require a reduction in government spending which would affect people represented by the AFL-CIO. He argued, however, budget cuts were necessary because the alternative was bankruptcy of the country.

**REP. FAGG** said the most illogical argument against the resolution was the fear that the constitutional convention could not be limited. He said the American Bar Association had completed an exhaustive study in 1973-74 and concluded unanimously a limited constitutional convention was possible.

**REP. FAGG** reported 29 states have already called for a limited constitutional convention and five more states were needed. He contended Congress would act as the number of states approached the necessary 34. He asked the committee to pass the resolution in order to put additional pressure on Congress. He concluded he would not consider calling for a constitutional convention if he were not absolutely convinced it could be limited; and he said he was equally convinced the amendment was absolutely necessary for the country.

**Proponents' Testimony:**

**SEN. BOB BROWN**, Senate District 2, Whitefish, stated he was a co-sponsor of HJR 9. He said the balanced budget amendment proposal was before Congress in June 1992 and failed to pass by nine votes. He said he had heard the Congressional debate and heard Congressman Andrew Jacobs from Indiana who supported the amendment. **SEN. BROWN** reported the congressman had been successful in acquiring federal projects for his home district. Congressman Jacobs had identified that success as a problem because Congress failed to limit spending and therefore was borrowing against future generations.

**SEN. BROWN** reported he had the opportunity to meet Senator Paul Simon who co-sponsored the balanced budget amendment proposal. He read a letter from Senator Simon in which the Senator discussed the interest on the burgeoning national debt and its affect in regressively redistributing the national wealth.

**SEN. BROWN** emphasized the financial crisis of the country caused by the national debt. He read portions of the foreword written by former Senator Warren Rudman to Bankruptcy 1995, a best seller. Senator Rudman contended the country was at economic war and impending economic collapse because of the national debt. **SEN. BROWN** said, according to the book, in 1995 all of the income from personal income taxes will be insufficient to pay the interest on the debt.

**SEN. BROWN** said he initially opposed the proposed amendment because he had considered it an indictment of representative democracy. He said he thought it was Congress's responsibility to control the nation's purse strings and was uncomfortable with having an amendment in the Constitution which was then open to interpretation by the court system. He said he also had formerly had concern about an uncontrolled constitutional convention. He said, however, Congress had not acted to control the budget deficit; and he had concluded the only way to control Congress was through the Constitution.

**David Stanley**, President, National Taxpayers Union, Iowa, stated the Montana legislature held in their hands the future of America because the country was headed toward a debt disaster which could be averted only by action by state legislatures. He emphasized the economic crisis facing the nation because of the budget

deficit. He contended a constitutional amendment was the only way to force the national government to control the budget debt. He distributed "How to Restore Federal Fiscal Sanity: The State Legislatures Hold the Key" which addresses questions about the balanced budget constitutional amendment and a limited constitutional convention. **EXHIBIT 2**

**John Armor, American Legislative Exchange Council**, said he appeared as an expert on constitutional law. He distributed an article he had written, "The National Birthright of State Legislators: Article V of the U.S. Constitution" printed in The State Factor, May 1991, and published by the American Legislative Exchange Council as part of his testimony. **EXHIBIT 3**

**Mr. Armor** also distributed an "Index of Original Documents" which included all the original, official documents that caused the Philadelphia convention to be called. He said he had prepared the index to counter arguments to be given by Phyllis Schlafly. He explained he had testified at similar hearings in other states and had heard Ms. Schlafly's testimony. He said his intent in distributing the index was to give legislators the original documents so that they could read them and judge the documents' contents for themselves. **Mr. Armor** contended from the standpoint of constitutional law, constitutional history, political history, and common sense, the mechanism for amending the constitution, Article V, could and should be used. **EXHIBIT 4**

**Hays Kirby, Montana resident, representative of United We Stand, America**, presented written testimony in support of HJR 9. **EXHIBIT 5**

**Bob Henkel, United We Stand America, Helena**, provided written testimony in support of HJR 9. **EXHIBIT 6**

**Cliff Christian, National Field Director, National Tax Limitation Committee, American Taxpayers Federation**, provided written testimony in support of HJR 9. **EXHIBIT 7**

**David Owen, Montana Chamber of Commerce**, said when he thinks about the national debt, he is reminded of Pogo who says "you have seen the enemy and it is us". He said the Chamber's membership is concerned about the deficit. He said he has interviewed senate candidates who decry the deficit and yet insist Montana should have a greater share of federal benefits. He said the debate was not about the debt but how to confront it. He stated there were risks in a balanced budget amendment because it would require cutting services and increasing taxes. He said the Chamber supported HJR 9 because of its respect for the sponsor, appreciation for the process, and concern for the problem.

**Riley Johnson, National Federation of Independent Business (NFIB)**, made three points in support of HJR 9: (1) the need is obviously there; (2) the resolution does include a safety feature

to protect against an unlimited constitutional convention; and (3) members of NFIB wanted action to prevent the nation's bankruptcy.

**Opponents' Testimony:**

**Betty Babcock, former Montana legislator and constitutional delegate,** provided written testimony in opposition to HJR 9 in which she warned of the dangers of a constitutional convention. She argued balancing the budget should be a policy decision by Congress and not a part of the Constitution. **EXHIBIT 8**

**Phyllis Schlafly, President, Eagle Forum, Illinois,** stated she was a constitutional lawyer and would address the legal and political arguments against HJR 9. She recounted proponents had said constitutional amendments could be proposed by two-thirds of the states. She claimed that was a false statement. She said states only had the power to trigger the calling of a constitutional convention, which she contended was the issue before the committee. She provided written testimony in which she warned a constitutional convention could not be limited to one issue and would be manipulated by special interest groups and "Big Media". **EXHIBIT 9**

**Ward Shanahan, attorney, Helena,** expressed his concern Montana would lose its representation in the Senate if a constitutional convention were called.

**Don Judge, Executive Secretary, Montana State AFL-CIO,** presented written testimony in opposition to HJR 9. He said he was not surprised the American Bar Association supported the resolution because he considered it a guaranteed employment bill for attorneys. He commended the committee for the public hearing. He said the AFL-CIO's opposition to the calling of a constitutional convention was based on two concerns: (1) the possibility of a "runaway" convention which would revise the U.S. Constitution; and (2) the economic chaos if the amendment passes. He reminded the committee Montana received more federal dollars than it paid and claimed this money would be jeopardized by an amendment to balance the budget. He recommended a book, America, What Went Wrong?, to the committee. **EXHIBIT 10**

**Mark Ahner, concerned citizen,** said within the last two years he had the opportunity to attend the U.S. Army War College and study the economy and the constitution in great depth. He said he shared the concern of others about the fiscal irresponsibility of the federal budget. He referred to the book, Bankruptcy 1995, mentioned by **SEN. BROWN** and noted the authors had recommended not passing a balanced budget amendment to correct the economic problems. **Mr. Ahner** said the authors contended Congress could easily evade any balanced budget amendment by placing expenditures off-budget, classifying proposed spending increases as either emergencies or mandatory, and making unrealistic revenue and expenditure projections.



**Nick Turner, Veterans of Foreign Wars, Helena,** presented Resolution No. 449 in opposition to the call for a constitutional convention. **EXHIBIT 11**

**Steve White, Montana Family Coalition, Helena,** opposed the calling of a constitutional convention and spoke in opposition to the resolution.

**Scott St. Arnauld, International Union Representative of the American Federation of State County and Municipal Employees (AFSCME),** distributed written testimony in opposition to HJR 9. **EXHIBIT 12**

**Mr. Arnauld** also distributed two studies of the effects of a balanced budget amendment on each state's economy and the American economy. He said the studies were based on the assumption the balanced budget amendment would require a zero-deficit by 1995 achieved through equal spending cuts and tax increases. The studies also assumed all federal programs would bear a proportionate burden of the spending cuts. With these assumptions, he said the studies compared an economic forecast with and without a balanced budget amendment and concluded the amendment would result in fewer jobs, increased state and local government debt, and increased personal and corporate taxes. **EXHIBITS 13, 14**

**Mike Kecskes, Citizens for Responsible Government, Helena,** stated the group was very concerned about the reckless and irresponsible spending by Congress and wanted a balanced budget. He asserted calling for a constitutional convention was not the solution because it would put the constitution at risk. He said the group preferred the risk of increasing debt over loss of the constitution. He urged the committee to vote no on the resolution.

**Lorna Frank, Montana Farm Bureau,** stated the Bureau supported a balanced budget without a tax increase and should be accomplished through a constitutional amendment rather than a constitutional convention.

**Roger Koopman, representing the Montana Shooting Sports Association, Citizens' Committee for the Right to Keep and Bear Arms, Gun Owners of America, Big Sky Practical Shooting Club, Northwest Weapons Collectors, Weapons Collectors Society of Montana, and the National Rifle Association,** opposed the resolution on the basis that a constitutional convention could not be limited to a single issue and would jeopardize the right to keep and bear arms. He distributed written testimony and a copy of the National Rifle Association of America's resolution opposing a constitutional convention. **EXHIBITS 15, 16**

**Herman Wittman, National Association of Retired Federal Employees,** said members of the Association were concerned about the national debt but did not agree with calling a constitutional

convention. He pointed out Congress had the authority to solve the budgetary problems without changing the Constitution. He argued the Constitution was created as a guideline for governing with the assumption lawmakers could use judgement and sound decision-making to solve problems. He contended the amendment would reduce Congressional flexibility. He stated the resolution did not adequately consider response to contingencies such as wars, natural disasters, and poverty. He asserted if lawmakers do not demonstrate prudent management practices with respect to the budget, the public has the ability to respond through the voting booth.

**Amy Kelly, Executive Director, Common Cause of Montana,** stated Common Cause supported a balance budget. She said, however, they believed it would be unconstitutional to limit a constitutional convention by statute; and therefore, because the convention could not be limited, they opposed HJR 9.

**Jonathan Martin, citizen,** opposed HJR 9 saying the solution to budgetary problems was to hold Congress responsible and to limit their powers to those delegated by the Constitution. He noted the language of the resolution excluded consideration of issues other than balancing the budget, but argued unforeseen and wide-reaching revision is an ever-present specter. He contended that with the plethora of radical lobbying groups present in the nation, a constitutional convention would be an extremely dangerous step. He claimed the American people had neither the collective knowledge of the republican form of government, nor the collective familiarity with the nation's history, nor the individual or collective wisdom to risk opening the Constitution to revision.

**Patricia Ries, citizen, Helena,** stated she supported a balanced budget but not the calling of a constitutional convention. She quoted former State Senator Joe Mazurek who spoke against the calling of a constitutional convention in 1987.

**Charles Bartelt, American Pistol and Rifle Association, Choteau,** opposed HJR 9 as a threat to the right to bear arms. He claimed the doors to tyranny would be opened and made comparison to the events in Bosnia and China's Tiananmen Square.

**Gloria Roark, Missoula,** voiced her opposition to HJR 9 and provided written testimony from **Dorothy Traxler, Missoula,** opposing the resolution. EXHIBIT 17

**Eleanor Schieffelin, Park County,** provided written testimony and petitions collected in 1987 opposing a constitutional convention. She complained that the legislative operator mislead callers by providing only the part of the resolution's title urging Congress to pass a balanced budget amendment and failing to mention the "dangerous" part calling for a constitutional convention.  
EXHIBITS 18, 19

Laurie Koutnik, Christian Coalition of Montana, Helena, stated their support of a balanced budget and opposition to a constitutional convention and HJR 9.

Suzanne Holton, Bozeman, provided written testimony opposing HJR 9. EXHIBIT 20

George Baker, Constitutionalists United Against Constitutional Convention, opposed HJR 9.

CHAIRMAN SIMPKINS closed the hearing to further public testimony. The following individuals were present and provided written testimony opposing HJR 9: Debie Briscoe, James M. Healy, Vivien A. Mason, James R. Shaffer, Athalie Bolinger, Tony Silver, Dixie J. Harl, George H. Sanborn, Kathleen Ullrich, Bridget Lewis, Norma K. Brown, Laura Vardy, Patrick Murphy, Lois Hollermann, Hildegard Krammer, Alexandra V. Bajen, Elizabeth Collins, Helen Collier, Vivien Mehler, Alfin A. Winniski, John Street, Jerome B. Dirkers, Maydell V. Goulart, Jan K. Mattson, Ruth H. Bohnaker, and Helen Ries. EXHIBITS 21-46

Public response to HJR 9 was extensive. Registers are attached showing names of individuals who telephoned, sent FAX messages, or wrote letters. EXHIBITS 47, 48, 49

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. DAVIS noted Mr. Stanley had said the national debt was headed toward disaster and asked him if it was not already a disaster. Mr. Stanley said he agreed with the representative from United We Stand America that the nation was on the edge of disaster but had not yet fallen over. He said there was still time to force Congress to act, but to prevent disaster quick action was necessary.

REP. DAVIS asked Mr. Stanley whether a balanced budget could be guaranteed. Mr. Stanley said he could offer no absolute guarantees, but he contended the balanced budget amendment proposed in HJR 9 would close the loopholes used to avoid balancing budgets. He asked which was preferable--the present situation with absolutely unlimited, uncontrolled spending and debt, or an amendment which would make it more difficult to have an unbalanced budget.

REP. DAVIS asked SEN. BROWN at what point consensus would be reached that the nation was bankrupt. SEN. BROWN said according to Bankrupt 1995, when the deficit is so large that interest payments exceed income, then the government is bankrupt. The book's authors predict that event occurring toward the end of 1995.

REP. GERVAIS asked REP. FAGG whether the proponents travelled around the nation testifying for the balanced budget amendment. REP. FAGG confirmed the proponents tried to follow the issue as closely as possible.

REP. MOLNAR asked Mr. Armor to respond to Ms. Schlafly's comments. Mr. Armor said one of the key points was that experts quoted, such as former Chief Justice Warren Burger, provided informal letters to her as a courtesy and did not have the competence or legal research to support their positions. He recommended committee members disregard the "experts" and read the original documents for themselves.

REP. STOVALL asked Mr. Stanley to assess how Congress would respond to the defeat of HJR 9. Mr. Stanley said, in his opinion, defeating the resolution would slow down the movement in Congress to pass a balanced budget amendment. He said a majority in Congress already supported a balanced budget amendment, but finding a two-thirds majority was very difficult. He said pressure from states and constituents would be necessary to achieve the two-thirds majority.

REP. SPRING asked REP. FAGG what guarantee existed that a balanced budget amendment would result in a balanced budget. REP. FAGG said the guarantee is the portion of the amendment which states that "the President shall submit and Congress shall adopt a balanced budget" with the two exceptions allowed. He recognized attempts to circumvent the amendment would occur, but argued the President and Congress would have tremendous pressure to submit and to adopt a balanced budget.

REP. WALLIN stated he was an opponent to HJR 9 and presented a written statement from William Costanzo, Toms River, N.J., in opposition to the resolution. EXHIBIT 50

REP. WALLIN asked Ms. Schlafly to comment on the safeguards ensuring a limited constitutional convention. Ms. Schlafly responded she did not think there were any safeguards. She also objected to Mr. Armor's criticism of Warren Burger. She suggested the call for a constitutional convention would lead to lawsuits, and no one could predict what action the courts might take.

REP. ROSE asked SEN. BROWN about the integrity of the authors of Bankrupt 1995 and asked him to describe their expertise. SEN. BROWN read the authors' biographical information from the book jacket: (1) Harry E. Figge, Jr., Chairman, Chief Executive Officer, Figge International Inc., a diversified Fortune 500 operating company with headquarters in Cleveland, an expert on cost reduction and co-chairman of President Reagan's Grace Commission, with a B.S. in metallurgical engineering, M.S. in industrial engineering, M.B.A. from Harvard Business School, a law degree, and is author of Cutting Costs: An Executive's Guide to Increased Profits; and (2) Dr. Gerald J. Swanson, associate

professor of economics, University of Arizona, and President, Academy of Economic Education in Richmond, Virginia, and the author of several books. **SEN. BROWN** said former Senator Warren Rudman, New Hampshire, wrote the foreword to the book.

**SEN. SWIFT** asked **Ms. Schlafly** whether she had a proposal to substitute for the balanced budget amendment. **Ms. Schlafly** responded she had worked very hard to defeat "big-spending" senators and representatives. She said nothing in the amendment would prevent Congress from balancing the budget by increasing taxes and expressed her view that tax increases were worse than deficits. She declared the federal government had too much money, and she was opposed to an increase in taxes.

**REP. MOLNAR** asked **REP. FAGG** whether states who had passed resolutions similar to HJR 9 had attempted to obtain a court judgement on the viability of the exclusive purpose clause. **REP. FAGG** deferred the question to **Mr. Armor** who said he thought Congress would seek accelerated review by the Supreme Court before convening a constitutional convention.

Closing by Sponsor:

**REP. FAGG** complimented opponents in presenting their case. He said they were sincere in their beliefs, but asserted they were wrong. He reviewed the arguments of opponents in order to separate facts from fluff. **REP. FAGG** countered **Ms. Schlafly's** argument that "big media" would be intently observing a constitutional convention by suggesting that the presence of the media was a positive argument in favor of HJR 9. He said the media would be a safeguard by reporting to the public if the convention expanded beyond its limited purpose. **REP. FAGG** disagreed with **Ms. Schlafly's** contention a constitutional convention would consider many other amendments. He pointed out HJR 9 restricted consideration of the convention to a balanced budget amendment. He claimed Congress would define the parameters of a constitutional convention, if one were to be called; and they would limit the convention to the balanced budget amendment. He contended legislators needed to trust in the system, the people, and in members of Congress. He noted his opponents had no alternatives to HJR 9 for solving the budget deficit problem.

**REP. FAGG** responded to **Mr. Shanahan's** fear that Montana would lose its Senate representation through a constitutional convention, quoting Mark Twain who said, "a lot of people talk about the Constitution; very few people actually read it". **REP. FAGG** referred the committee to Article V of the Constitution which says "no state without its consent shall be deprived of its equal suffrage in the Senate".

**REP. FAGG** said **Mr. Judge** had pointed out Montana received more money from the federal government than it contributed and would lose federal benefits with a balanced budget amendment. **REP.**

FAGG said the problem in the nation today was exactly this type of pork barrel politics which, he contended, is leading the nation into its disastrous decline.

REP. FAGG claimed Mr. Turner's statement that "the balanced budget amendment would give the nation's enemies from within and without the opportunity to destroy the country" was fear-mongering at its very worst. He said one of the opponents had described the issue as risking the constitution or risking the debt. REP. FAGG contended if the debt is not addressed, the country will destroy itself. He declared he would not have sponsored the resolution if he thought there was the smallest chance of opening the constitution to major revision. He said he was convinced, as is the American Bar Association, that a limited constitutional convention was possible. He noted SEN. BROWN had opposed the balanced budget amendment in the past, but this year his concern over the nation's debt was so great he had become co-sponsor of the resolution.

REP. FAGG declared courageous people had created the Constitution and said the legislature must now be courageous. He contended 70-80% of constituents supported the amendment. He asserted opponents like the Eagle Forum were well-organized but did not represent the views of the general public.

REP. FAGG clarified the recommendations proposed in Bankruptcy 1995, reading "the rest of the story". The authors suggested a constitutional amendment might provide a safety net for the future but did not address the immediate crisis. REP. FAGG maintained the balanced budget amendment was the only alternative for solving the budget crisis and recommended committee members read the book.

REP. FAGG concluded the nation could face the issue and pass the balanced budget amendment or hide from the problem. He asked committee members to trust themselves, the people of Montana, and Montana's congressional delegation. He asked members to consider the future of today's children if the nation's debt is not addressed. He urged the committee to pass HJR 9.


HOUSE STATE ADMINISTRATION COMMITTEE

February 12, 1993

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ADJOURNMENT

Adjournment: 12:22 p.m.

  
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DICK SIMPKINS, Chair

  
\_\_\_\_\_  
DOROTHY POULSEN, Secretary

DS/DP

CONRAD BURNS  
MONTANA

COMMITTEES:  
COMMERCE, SCIENCE, AND  
TRANSPORTATION  
ENERGY AND NATURAL RESOURCES  
SMALL BUSINESS  
SPECIAL COMMITTEE ON AGING

# United States Senate

WASHINGTON, DC 205 10-2603

February 12, 1993

Montana House of Representatives  
Helena, Montana 59620

Dear Mr. Chairman and Committee Members:

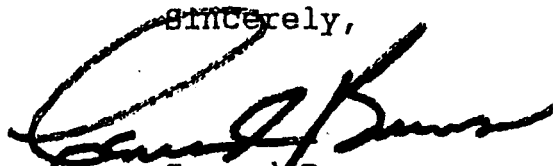
I am pleased to offer my support for House Bill Number 520. As you know, this legislation seeks to upgrade the status of our state's electronic bulletin board system from a pilot program to a permanent state service. In addition, House Bill 520 calls for the Department of Administration to establish uniform and "user friendly" standards to facilitate the sharing of information between and among state agencies, professional associations, and citizens groups.

As a pilot program, the electronic bulletin board system has met with great success. Through the Department of Administration, state agencies have effectively used the bulletin board to reduce costs and improve productivity. Moreover, many of our citizens now have direct access to computerized government information. This bill will build upon these successes and ensure that our state government workers and all Montanans will continue to be able to rely on this technology for the effective transfer of information.

In short, I strongly urge you to support this important piece of legislation, and I thank you for providing me an opportunity to express my views.

With best wishes,

Sincerely,



Conrad Burns  
United States Senator

CRB/snt

EXHIBIT 1  
DATE 2/12/93  
HB 520



**HOW TO RESTORE  
FEDERAL FISCAL  
SANITY**

**THE STATE  
LEGISLATURES HOLD  
THE KEY**

**QUESTIONS AND ANSWERS on  
A U.S. BALANCED BUDGET CONSTITUTIONAL  
AMENDMENT and  
A LIMITED CONSTITUTIONAL CONVENTION TO  
PROPOSE IT**

February 12, 1993

By

**DAVID M. STANLEY**  
**President**  
**NATIONAL TAXPAYERS UNION**

EXHIBIT 2  
DATE 2/12/93  
HB HJR 9

House State Administration

## THE NATIONAL BIRTHRIGHT OF STATE LEGISLATORS: Article V of the U.S. Constitution

As State Legislators, Article V is vitally important because it is the only mechanism that the Founding Fathers provided you on behalf of your constituents to play an essential role in the future directions of the federal government. Some of the subjects which various State Legislatures have addressed through this mechanism are the proposed Repeal of the 16th Amendment, Balanced Budget, Term Limitation, and Apportionment Amendments among others.

The central point is that your role in the constitutional process is the same now as it was over 200 years ago, regardless of the issues in the past or present, or any in the future. It is a role that can be used effectively, abused through misunderstanding, or worst case, can be permanently lost through neglect. You acquired powers under Article V of the Constitution the day you were sworn in the State Legislature. They are your national birthright as a State Legislator. Though you may seldom use them, the fact that you have them is very important on the few occasions where they apply. You are, by the design of James Madison and the others at Philadelphia, the voice of the people on such occasions. If your hands become tied, the people will be silenced. Here is the text of 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...*

There are sound reasons why this mechanism was created in its present form more than 200 years ago. It was used successfully, once, for purposes exactly as intended. And, there is ample precedent for how and why it can be used now, or in the future, whenever the circumstance arises that you in the State Legislatures, express on behalf of the people, strongly different views of the future of America than those held by the members of Congress. All these details, from the initiation of the consideration of proposed amendments by action of the State Legislatures, through to ratification, are discussed below. Please keep in mind that no proposal to change the Constitution is anything more than a mere scrap of paper, until and unless it is ratified by three-fourths of the States.

EXHIBIT 3  
DATE 2/12/93  
HB HJR 9

## INDEX OF ORIGINAL DOCUMENTS

for hearing on HJR 9

Helena, Montana, 12 February 1993

(prepared by John Armor, Esq.

Adjunct Scholar for Constitutional Studies, ALEC)

I. The first document is the Articles of Confederation, the constitution of "The United States in Congress Assembled," from its ratification in 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. 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 second document is 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, written by Alexander Hamilton, 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 are necessary "to the Exigencies of the Union." 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. The third document is the responses of 12 of the 13 States (Rhode Island did not participate in the Philadelphia Convention) both to the Report of the Annapolis Convention and to the acceptance of the Commonwealth of Virginia, which was also sent to all States, and which reinforced the invitation to all States to send Commissioners -- they were not then called Delegates -- to propose "all such Alterations as may be necessary... to the Exigencies of the Union." *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.

These are the Commissions, the official acts of the States which sent the 55 Framers who took part in the Convention, appointed them, paid their salaries and expenses, and most importantly, stated the limits of their powers. Each group of Commissioners, as they arrived in Philadelphia, presented these Commissions to the President of the Convention, George Washington. (For ease in reviewing them, the powers of all Commissioners are underlined.)

Seven States including Virginia were committed to go *before Congress attempted* to restrict the Convention. (Virginia was critical, since it then was the largest State with 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. Also, Delaware restricted its Commissioners to preserving just the one-vote-per-State provision in Congress. So, the argument that the 1787 Convention was a "run-away" rests on the slim facts that five Delaware Commissioners agreed to a House of Representatives, and that two of three Massachusetts Commissioners disregarded their instructions. (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.) So, the terrifying "run-away" argument rests only on the votes of exactly two Framers, Nathaniel Gorham and Rufus King of Massachusetts.

No one who is unfamiliar with, or who is unwilling to address, the contents of these documents, should be accepted and respected as an expert on constitutional law, or on the history of constitution-writing in the United States.

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DATE 2/12/93  
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House State Administration

Hays Kirby, United We Stand

February 12, 1993

In 1950, our country was the strongest in the world with virtually no debt. Forty years later, we stand four trillion dollars in debt, we thought. Upon closer examination into these figures when we discovered that with all of the short-term commitments our government has obligated the American people to plus entitlements, we are, in reality, fifteen point one trillion dollars in debt at this time. That is a considerably greater debt than the Soviet Union had when they collapsed financially a year ago. The fact is, we're bankrupt.

This is not a Democratic problem, it's not a Republican problem, it's an American problem. The American people created the problem and spent the money, the American people are going to fix the problem, if it is to be fixed. Whether it be the Democratic Party under Democratic Administration or the Republican Party under a Republican Administration, we the people have appealed without any measurable success whatsoever to the Congress of the United States to bring our budget under control. Now comes Joint Resolution #9. We have begged, requested and demanded that Congress balance our budget, absolutely without result.

Resolution #9 is not without some risk and we're aware of that. There are people present today that we expect will testify to the fact that, under an Article Five Convention, which is a written and established part of the American Constitution the mechanism provided by our forefathers for this purpose, they are going to tell our people and they're going to tell you that they believe there is potential for grave danger in this Constitutional Convention that we must have to amend our Constitution in order to generate an amendment to our Constitution to balance our budget. I have spoken with, in the last 24 hours, with several of America's respected experts in the field of Constitutional law. I'm assured that there is danger, however remote. The reality and true probability of a Constitution in chaos or collapse is not founded on fact. Irregardless, all Congress can do, worst case scenario is recommend to the states that they adopt certain amendments and resolutions to the Constitution. Those amendments, through this Article Five Convention, must be ratified by three fourths of all the states before they become law so, as a member of the United of We Stand, we are concerned, to some degree about the Article Five Convention aspect of this venture but, one thing about it, we no longer have the luxury of procrastination. We do not have to create or perceive problems or dangers, this thing is potentially dangerous beyond anything the American people can imagine. There is absolutely no question as to what is going to happen here if we don't get this under control and this budget under control.

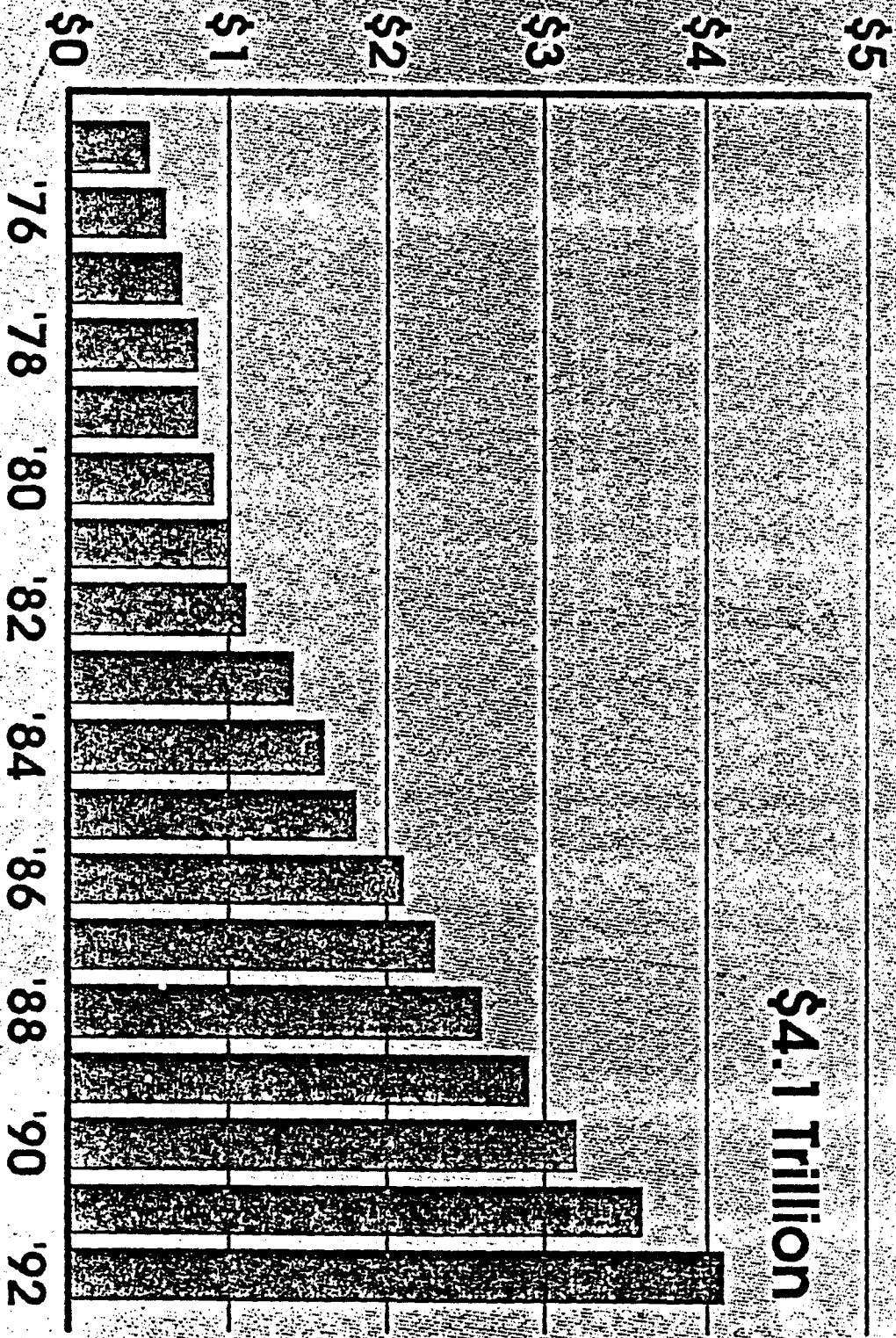
EXHIBIT 5  
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Let us join together , not as Democrats, not as Republicans but, once again, as Americans and demand, if necessary, and it now becomes clearly necessary, that Congress balance our budget, that there's someone here today or you have access to someone that has a better solution, a better avenue, please bring it forth because we'd like to hear about it. We're out of time, we're out of money. It took our forefathers a hundred and fifty years to make this country the greatest the world has ever known. It took our mothers and fathers and it took my generation fifty years to break it. The fact is we're bankrupt. The fact is we're out of time and we're out of money. The fact is the time is now. Let's fix it. This is an achievable but difficult task -- together we will prevail. This is not doom's day, it is a gravely serious situation that must be dealt with at this hour.

Thank you.

# Total Federal Debt

Trillions of Dollars



February 12, 1993

To the Joint State Administration Committee,

I am Bob Henkel, a Helena businessman and a member of the United We Stand American organization. Last fall, I was State Publicity Chairman for the Ross Perot for President Campaign.

I know that Montana produced one of the largest percentage shares of the vote for Ross Perot for President in the County with 26%.

Of the three candidates, Mr. Perot brought to the table the need to reduce the deficit and balance the federal budget.

Last night on the Tonight Show, Ross Perot emphasized that ~~his organization~~ United We Stand America, will continue to focus attention on those important issues.

I strongly support Joint Resolution #9, the Federal Balanced Budget Amendment.

EXHIBIT 6  
DATE 2/12/93  
HB HJR 9

# american taxpayers federation



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151 N. Sunrise Ave.  
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(916) 786-8163 (Fax)

CAPITOL HEADQUARTERS  
(Washington, D.C. Area)  
1600 S. Eads St. 805 N.  
Arlington, VA 22202  
(202) 547-4196

REGIONAL OFFICE  
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Placer Center #200  
Helena, MT 59601  
(406) 449-7676  
(406) 442-1596 (Fax)  
Cliff Christian  
National Field Director

2-12-93

## TESTIMONY IN SUPPORT OF HJR #9 House State Administration Committee

Mr. Chairman, members of the Committee, my name is Cliff Christian. I am the National Field Director for the National Tax Limitation Committee and its grassroots arm, the American Taxpayers Federation. We are one of the largest taxpayer organizations in America.

I have provided you a document in support of HJR # 9, written by our founder and President, Lewis K. Uhler. Article V State Resolutions - Questions & Answers is a comprehensive review on the matter of limiting a constitutional convention. The author, Mr. Uhler, is an attorney and a recognized authority on the Tax Limitation/Balanced Budget Amendment to the Constitution as well as the specifics of limiting a convention.

Today's adult generation has set up an incredible array of social services and government programs, but we have decided not to pay for them. Instead, we are forcing the next generation, our children and grandchildren, to foot the bill. According to the Washington D.C. based Tax Foundation, our children will be forced to pay an additional \$100,000 in taxes, just to pay the interest on our current debt of \$4 trillion dollars.

Unfortunately, our generation has been getting things for nothing for so long, that we have come to think of it as a right - but no generation has the right to burden its children like we have. Considering that the debt is nothing more than a deferred tax, the future of America's youth is being mortgaged to pay for services, we the parents have used up.

It's not surprising that we desired a high standard of living. However, why should the children have to pay for it? For hundreds of years, we have seen parents sacrifice so their children could lead happier lives. Yet, this generation is the first for which this process will probably be reversed. This is neither just or fair.

EXHIBIT 7  
DATE 2/12/93  
HB HJR 9

AMERICAN TAXPAYERS FEDERATION IS THE GRASS ROOTS ARM OF THE NATIONAL TAX LIMITATION COMMITTEE

OFFICERS & DIRECTORS: Lewis K. Uhler, President; Diane Sekafetz, Secretary-Treasurer; Robert B. Carleson; Wm. Craig Stubblebine.  
FOUNDERS & SPONSORS: C. Austin Barker, Robert B. Carleson, George Champion, David Y. Copeland, M. Stanton Evans, Milton Friedman, Allan Grant, James M. Hall, Vern I. McCarthy, William A. Niskanen, Frank Shakespeare, Wm. Craig Stubblebine, Donald L. Totten, Lewis K. Uhler.



Unless our generation finally passes the Tax Limitation/Balanced Budget Amendment to the Constitution, we will be forced to defer this debt burden or deferred tax, to our children. Americans already know that we are overtaxed - how do you think our children will feel when their incomes are taken to pay for the services we have already exhausted?

The consequences could be devastating. Increased taxes on the next generation, as a result of our lack of fiscal responsibility, will decrease America's competitiveness, reducing business investments and jobs. Today, instead of accepting the financial responsibilities for our actions, we are playing Robin Hood - that is we are stealing from the young and giving it to ourselves.

Is the process reversible? Are America's youth destined to a government induced lower standard of living? No, they are not. It can be stopped, but only when we realize that we cannot persist in piling debt upon debt. By passing HJR 9, Montana can add its voice to the 29 other states that have passed similar resolutions telling Congress and the President to spend less money, not more.

Every family realizes it must carefully prioritize its spending needs. Government, on the other hand, spends money on worthy, but unnecessary projects, and when the books don't balance, it just keeps on spending. By the passage of HJR 9, and finally, the Tax Limitation/Balanced Budget Amendment to the Constitution, we Americans will become financially honest with ourselves and start righting the fiscal wrongs that we have perpetrated upon our children. It is very cruel to treat our sons and daughters as everflowing springs of ready cash. We have lived far too long on credit, hoping the debt would somehow disappear. It will not - our children will be responsible for our indiscretions.

Today's family of four already has a deferred tax against their home of \$64,000, or to put it another way - every man, woman and child in America must pay an additional \$16,000 in taxes because of our existing \$4 trillion dollar debt. And it's getting worse. According to the Congressional Budget Office estimates, in 1993, we will add yet another \$300 billion to this debt burden.

The answer is clear. By passing this resolution and the Tax Limitation/Balanced Budget Amendment, we can begin to prioritize our needs and pay for what we want, when we want it. There is no mystery in putting this Nation's fiscal house in order. Getting to a balanced budget is simply a matter of political will.

# the national tax limitation committee



#5 Sierragate Plaza  
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House State Administration

201 Massachusetts Ave. NE  
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B HJR 9

## ARTICLE V STATE RESOLUTIONS

### QUESTIONS & ANSWERS

By Lewis K. Uhler, President

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Page	3	Does use of "amendments" suggest an open convention?
Page	3	Did Madison fear a convention?
Page	3	Was the first convention a "runaway"?
Page	5	Should we fear "runaway ratification"?
Page	6	Is a convention "automatic" when the 34th state resolution is passed?
Page	6	The substance of the state applications controls the convention process.
Page	7	The state applications dictate convention <u>scope</u> .
Page	8	The state applications dictate convention <u>timing</u> .
Page	8	Is a conspiratorial group hoping for a convention and planning to control it so they can convert the United States into a parliamentary-style government?
Page	8	What state resolutions has the conspiracy helped to obtain?
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Page	9	Congress's fear of a "roughshod" convention, not a "runaway".

HONORABLE CHAIRMAN SIMPKINS AND MEMBERS OF THE STATE ADMINISTRATION COMMITTEE, FOR THE RECORD I AM BETTY BABCOCK, FORMER LEGISLATOR, AND MONTANA CONSTITUTIONAL DELEGATE, HERE TO SPEAK IN OPPOSITION TO HJR9.

DURING THE BICENTENNIAL YEAR I HAD THE OPPORTUNITY TO TRAVEL THE STATE SHOWING SLIDES TO THE SCHOOLS, CHURCHES, KIWANIS CLUBS, ROTARY CLUBS AND A VARIETY OF OTHERS TELLING THE STORY OF OUR CONSTITUTION. ARTHUR J. GOLDBERG SAYS THE CONSTITUTION OF THE UNITED STATES IS A DOCUMENT OF INSPIRATION. IT IS OUR LEGEND AND OUR HOPE, THE OPINION OF OUR MINDS AND SPIRIT: IT IS OUR DEFENSE AND PROTECTION, OUR TEACHER AND OUR CONTINUOUS EXAMPLE IN THE QUEST FOR EQUALITY, DIGNITY AND OPPORTUNITY FOR ALL PEOPLE IN THIS NATION. IT IS AN INSTRUMENT OF PRACTICAL AND VIABLE GOVERNMENT AND A DECLARATION OF FAITH--FAITH IN THE SPIRIT OF LIBERTY AND FREEDOM. I AGREE WITH HIM. OUR NATION IS IN A "CRISIS OF CHANGE". OUR PEOPLE OUR DISSATISFIED SO THEY ARE GRABBING AT STRAWS.

THROUGH THE ELECTION PROCESS GUARANTEED US BY OUR CONSTITUTION WE WERE ABLE TO BRING ABOUT CHANGE. AN ORDERLY CHANGE OF POWER AND PRESIDENTS TOOK PLACE IN THE WHITE HOUSE. A SYSTEM OF GOVERNMENT COVETED BY OTHER NATIONS.

DON'T LET OUR CONSTITUTION BE CAUGHT IN THAT CRISIS BY CALLING FOR A CONVENTION TO BALANCE THE BUDGET. IF THE BUDGET IS TO BE BALANCED IT SHOULD BE DONE NOW. OUR COUNTRY CAN ILL AFFORD TO GO THROUGH THE CHAOS A CONVENTION WOULD CAUSE. THE CONSTITUTION OF 1787 WAS WRITTEN IN SECRECY. DO YOU THINK THAT COULD HAPPEN NOW? WOULD YOU FEEL SECURE WITH SPECIAL INTEREST GROUPS VYING TO BE DELEGATES, LEAKS TO THE PRESS AND THE MEDIA DETERMINING HOW THE DOCUMENT SHOULD BE WRITTEN.

YOU ARE TO BE COMMENDED FOR BEING CONCERNED ABOUT THE DEFICIT AND THE NEED TO BALANCE THE BUDGET. THIS IS A POLICY DECISION THAT SHOULD BE TAKEN CARE OF IN CONGRESS. IT SHOULD NOT BE A PART OF THE BASIC LAW IN OUR CONSTITUTION. WHEN SPENDING CUTS DO NOT OCCUR THEY COULD EASILY SAY, WE HALF TO RAISE YOUR TAXES FOR THE CONSTITUTION REQUIRES IT.

WE HAVE TO BE EXTRAORDINARILY CAREFUL WHAT WE PUT IN OUR

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CONSTITUTION AND BE PREPARED TO LIVE WITH IT FOR GENERATIONS TO COME, AND I DON'T BELIEVE IT IS A WISE THING FOR US TO DO NOW ON THIS SUBJECT.

I RESPECTFULLY REQUEST THAT YOU VOTE NO ON HJR9.  
THANK YOU.

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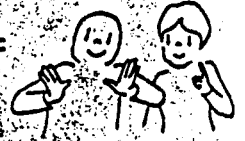


**PREAMBLE**

# We the People

*of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, 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.*

NOTE -- a government of people . . . not states!



"more perfect" than original existing league of states.

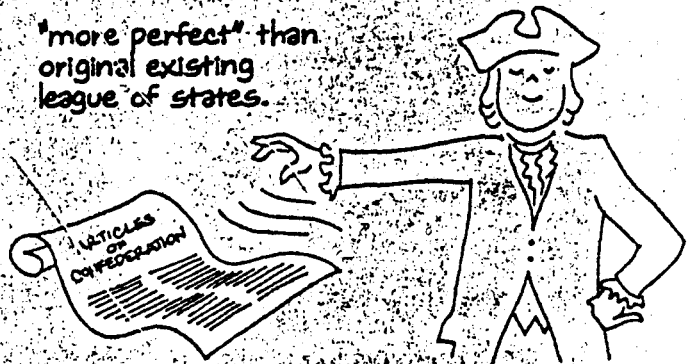


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B. HJR 9

**Statement to the State Administration Committee  
of the Montana State Legislature  
Re: The Proposed Resolution Calling for a Constitutional Convention**

*by Phyllis Schlafly*

Most of us have attended a Republican National Convention or a Democratic National Convention. We've felt the tension when thousands of people are making group decisions in a huge auditorium. We've seen the bedlam of people milling up and down the aisles, and we've felt the emotion of personalities and issues. Sometimes we wonder where the real decisions are made — in the free-for-all of the convention hall, in the smoke-filled rooms behind closed doors, or in the demonstrations outside.

Now imagine holding the Republican and Democratic National Conventions together — at the same time, and in the same hall. Imagine the confrontations of partisan politicians and pressure groups, the clash of liberals and conservatives, and the tirades of the activists — all demanding that their view of constitutional issues prevail. Imagine the gridlock as the Jesse Helms caucus tries to work out a constitutional change with the Jesse Jackson caucus!

That's what it would be like if the United States calls a new Constitutional Convention for the first time in 206 years. It would be a self-inflicted wound that could do permanent damage to our nation and to our process of self-government, and possibly even to our liberty.

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. It would be an irresistible opportunity for Big Media to guide (if not actually dictate) the result.

The original Constitutional Convention of 1787 deliberated in complete secrecy and there were no leaks to the press. That is obviously

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impossible today. At least eight reporters would attend per delegate — that was the ratio at the 1988 and 1992 national nominating conventions of both parties.

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 gun control people, the animal rights extremists, the D.C. Statehood agitators, those who want to relax immigration and those who would restrict it, the homeless, 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 delegates would discuss constitutional issues in a rational way and come to the constructive conclusion that our fiscal situation requires a Balanced Budget Amendment. They are dreaming. Politics is not dignified and rational — it is confrontational, divisive, and ruled by 20-second television sound-bites.

Nobody can predict what the rules or the agenda of a new Constitutional Convention would be. The advocates of a Constitutional Convention have put forth some lawyers to try to assure 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.” \*

The Montana resolution you are considering contains a provision stating that it will be “rescinded” if the Constitutional Convention is not



limited to the "specific and exclusive purpose" of a Balanced Budget Amendment. However, regardless of your resolution and regardless of whatever Congress does, 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.

So, what would Montana do if the Convention doesn't obey your resolution? Your only option is for your Montana delegates to pick up their marbles and go home. Meanwhile, the Constitutional Convention would roll along with its own unstoppable momentum. Our great Constitution should not be exposed to that risk.

Do you realize how irrelevant Montana would be in a national Constitutional Convention? The eleven largest states would have a majority of the delegates, and Montana's three delegates would have no impact at all. Montana has a voice in the U.S. Congress because the genius of our Founding Fathers set up our government with a Senate to protect the interests of the small-population states. But there won't be any Senate in a Constitutional Convention, and the big-population states won't have to pay the slightest attention to your resolution or to your delegates.

Nearly all of those who are promoting a Constitutional Convention for a Balanced Budget Amendment are also promoting other major changes in the Constitution. 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.

Ladies and Gentlemen of the Legislature, you understand politics. It simply is not credible that these politically active groups would pass up the chance to force a Constitutional Convention to vote out their special amendment. It's not credible that the powerful forces working to take away our right to own guns would pass up such a golden opportunity to rescind the Second Amendment.

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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 the selection of convention delegates. The pro-lifers will want a Human Life Amendment and the pro-abortion-choicers will want their version of constitutional "privacy."

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 is not credible that a Constitutional Convention can be the formula to restore fiscal integrity to our government when the first thing a Convention would do is to unsettle our financial markets and make the world wonder if our American system of government will survive.

The advocates of a Constitutional Convention assert that a Convention couldn't do any more mischief than our current mischievous Congress. 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.

The current federal deficit is about \$350 billion. Just suppose we had a Balanced Budget Amendment today. Do you really believe that Congress would cut \$350 billion in federal spending? So, how would Congress balance the budget if the Constitution requires it to do so? **By raising taxes, that's how!** The Balanced Budget Amendment would not require Congress to cut spending, so a Balanced Budget Amendment would be a prescription 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."

A constitutional mandate to balance the federal budget in the face of a \$350 billion federal deficit would give Congress the green light to raise

taxes an awesome 30 percent or more. A Balanced Budget Amendment will give them the excuse they've been waiting for. While there is public support for a balanced budget, there is no public support to accomplish this by raising taxes. Nearly all tax increases presented to the voters in various state referenda during the 1990s suffered smashing defeats.

Regardless of what Con Con resolutions Montana or any other states pass, Congress will still be 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.

The bottom line is that 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.

There is NO public support for a Constitutional Convention. No resolution requesting a Constitutional Convention for a Balanced Budget Amendment has passed any State Legislature since 1983 — **ten years ago!** Con Con resolutions have been voted down in a dozen states from Connecticut to Montana, and three state legislatures have rescinded their earlier Con Con resolutions. The 29 states that passed Con Con resolutions nearly all did so way back during the Carter Administration. There has to be something mighty wrong with an amendment that couldn't pass a single legislature in ten years!

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 just 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!

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 BY HJR a

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 don't see any James Madisons, George Washingtons, Ben Franklins or Alexander Hamiltons around today who could do as good a job as our Founding Fathers did in 1787, and we are not willing to risk making our Constitution the political plaything of those who think they are today's Madisons, Washingtons, Franklins or Hamiltons.

This Con Con resolution puts you State Legislators in a difficult position. If a Constitutional Convention actually comes about, the American people will blame you for opening up this can of worms and exposing our liberties to unnecessary risks. If a Balanced Budget Amendment actually comes about, the American people will blame you for helping the current big-spending Congress to increase taxes without fear of the voters' reaction. 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.

*Notes:*

\* Other distinguished professors of constitutional law, both Republicans and Democrats, who say it is impossible to restrict the agenda of a Constitutional Convention to consideration of one issue, include Charles Alan Wright of the University of Texas, Gerald Gunther of Stanford, Charles Black of Yale, and Walter Dellinger of Duke. All these constitutional authorities say that, even if Congress passes a law ordering the Constitutional Convention to consider only a Balanced Budget Amendment, the Convention delegates can ignore that instruction and set their own agenda.

\*\* as it voted out the 17th Amendment in 1913 after almost two-thirds of the states had passed resolutions for a Constitutional Convention on the direct election of Senators.

\*\*\* as it did in 1967 when it refused to do anything at all about the 32 resolutions demanding a Constitutional Convention to overturn the Supreme Court's "one-man-one-vote" decision.

*Phyllis Schlafly is an attorney, an author who has written widely on constitutional subjects, 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.*

*February 12, 1993*

## Considering Some Arguments from the Other Side

*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 authority as important as former Chief Justice Warren Burger. His letter is the best statement on the subject and they just can't refute it.

*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! That proves there is no public demand for a Con Con.

*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.

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B HJR 9

Supreme Court of the United States  
Washington, D. C. 20543

June 22, 1988

CHAMBERS OF  
CHIEF JUSTICE BURGER  
RETIRED

Dear Phyllis:

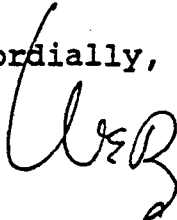
I am glad to respond to your inquiry about a proposed Article V Constitutional Convention. I have been asked questions about this topic many times during my news conferences and at college meetings since I became Chairman of the Commission on the Bicentennial of the U.S. Constitution, and I have repeatedly 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



# Montana State AFL-CIO

Donald R. Judge  
Executive Secretary

110 West 13th Street, P.O. Box 1176, Helena, Montana 59624

406-442-1708

## TESTIMONY OF DON JUDGE ON HJR 9, BEFORE THE HOUSE JUDICIARY COMMITTEE, FEBRUARY 12, 1993

Mr. Chairman, members of the committee, for the record, my name is Don Judge and I'm representing the Montana State AFL-CIO in opposition to HJR 9.

The first thing I want to do, as we have done in past sessions when this issue has come up, is commend the committee for holding a public hearing on this resolution. At least 16 of the states that have passed similar resolutions have done so without public hearings, public testimony or public input of any kind. That's irresponsible and unresponsive government, and I commend you for not running things that way.

There are very few people who don't believe the U.S. government should have a balanced budget, just like we struggle to do here in Montana. We support the idea of balanced budgets -- certainly our members and their families have to balance their meager budgets every month, as do our unions.

But, we oppose the calling of a constitutional convention as a tool to achieve that goal at the federal level. Our opposition is founded on two primary concerns:

- the possibility of a "runaway" convention to open up the whole U.S. Constitution for revision; and
- the potential for economic chaos if the amendment passes and Americans have to suffer huge tax hikes and meat-ax budget cuts.

Those tax hikes and budget cuts could be decimating for Montana's economy, both for individuals and for state government programs highly dependent on federal revenues.

We need to remember that Montana is a net importer, if you will, of federal tax dollars. We get millions of federal dollars in this state for maintenance of highways, public lands management, public housing projects, Medicaid, Medicare, military installations, education, food stamps and a whole host of other vital public services. In addition, tens of thousands of Montanans draw federal retirement checks each month -- checks that might well be jeopardized by this amendment.

All of those services would be put at risk by this kind of meat-ax approach to balancing the budget. That would be harmful to Montanans whose survival depends on those federal dollars, and to the thousands of Main Street merchants into whose tills those federal dollars eventually go.

The AFL-CIO's American Federation of State, County and Municipal Employees Union last year conducted an exhaustive study of how a balanced budget might impact states. For Montana, the results showed that there likely would be:

- nine years of reduced personal income
- nine years of higher unemployment
- three years of overall job loss.

EXHIBIT 10  
DATE 2/12/93  
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## 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.

EXHIBIT 11  
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# **TESTIMONY FOR THE RECORD**

of the

## **American Federation of State County and Municipal Employees (AFSCME)**

before the

### **Montana Legislature**

### **State Administration Committee**

-by-

### **Scott St. Arnauld**

**AFSCME International Union Representative**

EXHIBIT 12  
DATE 2/12/93  
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Mr. Chairman, members of the Committee, for the record my name is Scott St. Arnauld, I am an International Union Representative for the American Federation of State, County and Municipal Employees. On behalf of AFSCME members and their families I wish to unequivocally state our strong opposition to HJ9, SJ18, HR290 and any proposed Balanced Budget Amendment. We oppose this bill for several reasons, however in the interest of brevity let me articulate but a few:

First, the Legislation is misleading. Advocates of the Balanced budget assert that it imposes the same fiscal discipline on the federal government that state and local governments successfully live with all the time. If they can do it, goes the argument, why can't the federal government? The fact of the matter is that State and Local governments do deficit spend, but their accounting procedures differ from those of the federal government. The federal Government combines current operating expenses and long term investment or capital expenses together in one budget. State and local governments maintain separate operating and capital budgets. Requirements that they balance their budgets apply only to their operating budgets. They can and do borrow money to finance capital projects. If state and local accounting practices were applied to the federal government only two of the years between fiscal year 1960 and 1981 would show a deficit. They were the oil-price induced recession years of 1975 and 1976. Otherwise, the federal government maintained "operating surpluses". Large operating deficits did develop in FY '82, because of the Reagan policy of excessive tax cuts for the wealthy and unprecedented peacetime defense spending increases. Those deficits were a result of economic policy choices and not institutional tendencies toward spending. In fact, using the state and local methods of accounting, by FY '87 small annual operating surpluses had

returned. Trickery combined with smoke and mirror policies are not the answer. Sound fiscal policy and a commitment to economic growth will provide the relief to our out-of-control debt.

We should recognize that managed debt plays a crucial role in financing many very important public projects. The Federal, State and Local governments all use it to finance projects just like American families finance their homes or college education. At the federal level, deficit financing also is an important fiscal tool for helping counteract economic downturns -- a responsibility solely of the federal government.

We do, after all elect people to represent our interests and to make decisions that will help provide for the well being of all our citizens. To allow them to abrogate their responsibility is a ridiculous way of running government.

Secondly, a Balanced Budget Amendment is dangerous. Elimination of the deficit rapidly cannot be accomplished without massive economic dislocations. The huge federal cutbacks would lead to double digit unemployment, recession and a decline in tax revenues. The impact on our society would be devastating. Tying the hands of the Federal Government to assist in times of catastrophe or simply to provide an economic stimulus would lead to disaster. Payments for Social Security, and veterans benefits would be threatened as would other vital federal programs. Ultimately the courts would have to decide what we spend our money on. The slow and complex nature of judicial review would destroy our ability to respond quickly to changing economic influences and rapidly changing conditions.

The federal government's ability to react to emergencies would

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be extremely limited. Our ability to wage war as well as peace would be determined by forces outside the control of our elected leaders. Reaction to natural disasters, such as Hurricane Andrew, the San Francisco earthquake etc., would require budget analysis prior to implementation and could result in too little help, too late.

In 1992 my Union commissioned a study on the effects of a Balanced Budget Amendment on American society. The study, conducted by Wharton Econometrics Forecasting Associates, one of the nation's most prestigious economic forecasting firms, found that relatively quick elimination of the deficit would dramatically slow economic growth and send millions of American workers to the unemployment lines.

A second study was commissioned to examine the effects on State and Local Governments. I have included an overview of these studies in the packets I have distributed. I have full copies of the studies for members of the committee and would be happy to provide the members with them, if you would like.

Rather than going into detail here, I would like to take just a moment to explain the basis for the studies, but first let me remind you that previous estimates regarding the size of the deficit were under estimated by at least \$50 Billion annually. The WEFA study was based on several assumptions that were present at the time of the study and, in fact, most of their predictions would be even more dire if being made with present figures. The first assumption was that the Balanced Budget Amendment would require a zero deficit by 1995 and that they would come equally from spending cuts and increased taxes. The second assumes that all federal programs would bear a proportionate share of the burden. In running its simulation,

WEFA compared its regular "baseline" forecast of the national economy to an economic forecast with a balanced budget amendment the results were not pretty.

3.4 million fewer jobs by 1995

State and Local government debt at over \$67 Billion

Increases of 19.3% in personal Tax collection and 15% in corporate tax collections.

Social Security Taxes would rise while payments would fall.

This is just the tip of the iceberg, is it any wonder that many of this Country's leading Economists oppose a Balanced Budget Amendment, including Secretary of Labor and Harvard Economist Robert Reich, and Noble Laureates in Economics- Kenneth Arrow of Stanford; Herbert Simon of Carnegie Melon; Paul Samuelson of MIT; and Lawrence Klien of the University of Pennsylvania to name just a few. The real answer to deficit spending is a National Policy of Economic growth with an eye toward responsible debt reduction.

In closing let me add this thought, in its present form the Balanced Budget Amendment would send us down another slippery slope; if Congress cannot present a Balanced Budget Amendment then a Constitutional Convention would be called. Other speakers will address this aspect of the legislation, but I think it is important to note that should that happen, massive unemployment and a dwindling economy could be the least of our worries.

I thank the committee for the time to bring these issues to light and I will be more than happy to answer any questions.

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B HR 9



# AFSCME®

## American Federation of State, County and Municipal Employees, AFL-CIO

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Joseph M. Bonavita  
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Donald G. McKee  
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Jack Merkel  
Trenton, N.J.

Gary Moore  
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Thomas R. Rapanotti  
Baltimore, Md.

Joseph P. Rugola  
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Kathy J. Sackman  
Pomona, Calif.

Burhman D. Smith  
Philadelphia, Pa.

Linda Chavez-Thompson  
San Antonio, Tex.

Garland W. Webb  
Baton Rouge, La.

### STUDY SHOWS HOW A FEDERAL BALANCED BUDGET AMENDMENT WOULD HURT EACH STATE'S ECONOMY

The second part of a two-part study done by Wharton Econometrics Forecasting Associates for AFSCME details the impact of a federal balanced budget amendment on individual state economies. The first part of the study, which outlined the damaging effects on the national economy, found that with such an amendment, the overall operating deficits of state and local governments would jump to \$67 billion in 1995 and still be at almost \$50 billion in the year 2000.

The second part of the study delineates even further how a federal balanced budget amendment would wreak havoc on each state's economy. As with the first part, the study assumes the federal budget would be balanced by FY 1995 and that the balancing would be achieved by equal measures of spending cuts and tax increases.

- While the exact impact would vary from state to state, all states would suffer severe economic adjustment in 1995. Personal income would be, on average, 8% - 14% below what it otherwise is expected to be in 1995. For many states, that means a loss of between \$10 - \$30 billion in personal income in that one year alone.
- No state would be spared from serious job loss. On average, the number of jobs would drop between 2% - 4% below what WEFA otherwise predicts without a balanced budget amendment in place. With a balanced budget requirement, many states would have 100,000 fewer jobs in 1995 alone, and some states, such as California, would see a loss of over a half million jobs.
- The unemployment rate would also rise in each state. In some states, it would climb by as much as five percentage points above the rate WEFA forecasts the rate would be without a balanced budget amendment.
- Lower interest rates and inflation resulting from reducing the federal deficit would spur some states' construction and housing industries, but even that would not be uniformly true throughout the country. Many states would see even those sectors of their economies depressed throughout the 1990's as a result of the balanced budget amendment.
- Even by the year 2000, 46 states and the District of Columbia would still face unemployment rates above what WEFA would otherwise forecast without a federal balanced budget amendment constraining their economies.

Maps and a table summarizing the study's key findings are attached, in addition to the full report. The first part of the study is available upon request.

**in the public service**

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HB HJR 9



# AFSCME®

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## **Study Finds Balanced Budget Amendment Would Seriously Damage American Economy**

Gerald W. McEntee  
*President*

William Lucy  
*Secretary-Treasurer*

*Vice Presidents*

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*Columbus, Ohio*

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*San Antonio, Tex.*

Garland W. Webb  
*Baton Rouge, La.*

Just as the U.S. economy is showing some signs of recovering from the recession, Congress appears to be seriously considering a balanced budget amendment to the Constitution that would only wreak havoc on the national economy as well as further threaten the precarious fiscal situation of state and local governments around the country.

With the release of this study by the WEFA Group, one of the nation's most prestigious economic forecasting firms, there can be no question that eliminating the federal deficit just two years after ratification would have a devastating effect on the U.S. economy. After a decade in which the working men and women of this country have struggled just to stay even – and too often could not achieve even that modest goal – a relatively quick elimination of the deficit would dramatically lower economic growth and throw millions of workers into unemployment lines.

Proponents of the balanced budget amendment assert that strong medicine is just what it takes to put the economy on its feet. Instead, the amendment would put the nation flat on its back. The despair and anger felt today by millions of Americans, who have seen the promise of prosperity fade, would be magnified many times as they saw their Constitution used to put the American dream ever further out of reach.

The WEFA study is based on the assumptions that a balanced budget amendment passed this year in Congress would require the federal deficit to be reduced to zero by Fiscal Year 1995, and that the budget balancing would come equally from federal spending cuts and tax increases. Since the Congressional measures currently being debated do not explicitly exempt any federal programs from the deficit reduction process, the study assumed all federal programs would bear their proportionate share of the burden in balancing the budget.

In running its simulation, WEFA compared its regular "baseline" forecast of the national economy to an economic forecast with a balanced budget amendment in effect. A second study, showing the specific effects of a balanced budget amendment on the economies of each state in the country, is currently underway and will be issued shortly. Here, then, are some highlights from the national WEFA study:

**in the public service**

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BY HTP 9

- \* The nation's economic output would drop sharply under the balanced budget scenario: real Gross Domestic Product (GDP) would be \$220 billion - or 4.1% - less in 1995 than without the balanced budget requirement.
- \* Achieving a balanced federal budget by 1995 would mean there would be 3.4 million fewer jobs available in 1995 with the balanced budget amendment than there would be without it.
- \* Unemployment rates, instead of coming down slowly from the current recessionary levels, would jump sharply. The unemployment rate would reach 8.4% in 1995, instead of the 5.7% projected in WEFA's baseline forecast.
- \* State and local governments are already in fiscal distress, and, without the surpluses of many pension funds masking the true situation, are facing a deficit of \$27 billion in 1992 even without a federal balanced budget amendment in effect. This level of deficit at the state and local government level would balloon to \$67 billion in 1995 under a federal balanced budget requirement, a result of less federal aid and tax collections that would fall with the national economy. This represents an astounding 280% increase over what WEFA's baseline forecast is for state and local deficits (minus insurance funds) in 1995.
- \* Federal taxes would dig deeper into both individuals' and businesses' pockets. Under a balanced budget requirement, the federal government would have to raise taxes more than would appear necessary at first glance since ever higher taxes would be necessary to offset weak collection levels from the weakened economy. In 1995, personal tax collections would be 19.3% higher under a balanced budget amendment than without, and corporate tax collections would be 15% higher. Indirect taxes would also have to rise 10% above what would otherwise be necessary.
- \* To balance the budget, social security taxes would rise, but payments to individuals would fall. In 1995, the study finds that social security benefits would be cut by at least 8% over baseline levels. Veterans benefits and foreign aid are also estimated to experience significant cuts, running more than 10% less in 1995 with a balanced budget amendment than without one.
- \* At the same time that millions of people would be thrown out of work, the need to reduce federal spending would lower the amount the federal government spends on unemployment compensation by 14%, creating tremendous hardship on those who lose their jobs through no fault of their own.
- \* A federal balanced budget requirement would continue its damage beyond 1995. By the year 2000, after eight years of economic havoc, real Gross Domestic Product would be just returning - and still slightly below - to the level of output WEFA expects without such an amendment. By the year 2000, federal interest payments would be significantly less, but unemployment would still be much higher than necessary. Instead of the 5.3% unemployment rate predicted by WEFA without a balanced budget, the unemployment rate would be 6.5% by the year 2000.

The full WEFA national study is attached.

May 11, 1992



TESTIMONY OF ROGER KOOPMAN ON HJR 9

Representing:

Montana Shooting Sports Association  
Citizens' Committee for the Right to Keep and Bear Arms  
Gun Owners of America  
Big Sky Practical Shooting Club  
Northwest Weapons Collectors  
Weapons Collectors Society of Montana  
Membership of the National Rifle Association

MR. CHAIRMAN: Both personally and in behalf of the organizations I represent, I wish to commend the sponsor and co-signers of this legislation. Federal deficit spending is a problem of gargantuan proportions. Thus, we fully support both the spirit and the intent of ~~this~~ HJR 9, to bind Congress to a balanced budget.

However, we strongly oppose the calling of a constitutional convention as the method of achieving this goal. Not only would a balanced budget amendment be of questionable effectiveness (beyond providing an excuse for raising taxes), but the convention process itself could ultimately jeopardize every freedom we hold dear -- not the least of which is our cherished Bill of Rights and its Second Amendment right to keep and bear arms.

The legal staffs of the various organizations I represent have arrived at the identical conclusion: that limiting a constitutional convention to one narrow issue would be a political and legal impossibility. Eminent constitutional scholars from all across our nation concur in this opinion.

This is not 1787, and I hasten to say, the political activists of our day bear little resemblance to that principled and heroic breed of men who gave us our magnificent -- yet fragile -- Constitution. In 1993, we are a society dominated by powerful pressure groups and well-funded interests of every kind. The specter of throwing open our Constitution to the cynical, envy-driven political process of our day is absolutely bone-chilling. We are convinced that the Second Amendment, as we know it, would not survive the experience.

A constitutional convention to establish a balanced budget is a good sentiment but a very bad idea, that will invite an incredible amount of mischief to our nation's most sacred document. Where the risks are so great and the potential for benefit so slim, we believe the Montana Legislature should vote emphatically no -- no to HJR 9 and no to an ill-conceived constitutional convention.

\*\*\*\*\*

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DATE 2/12/93  
HB HJR 9



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# Montana Shooting Sports Association

P.O. Box 4924 • Missoula, Montana 59806 • (406 549-1252)

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Supporting the Rights of Gun Owners in Montana

## MSSA POSITION STATEMENT - HJR 9

### Officers

Gary S. Marbut

*President*

Roger Koopman

*Vice President*

James M. McDonald

*Secretary*

Ronald E. Preston

*Treasurer*

### Directors

Paul Beckstrom

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Roger Koopman

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*Missoula*

James M. McDonald

*Missoula*

John M. Mercer

*Sidney*

Ronald E. Preston

*Missoula*

Judy Woolley

*Plains*

1. We agree that the growth of the national debt, and the imbalance of public budgets, especially the federal budget, is possibly the most serious threat ever faced by our great nation.

2. We recognize that Congress currently has the power to balance the federal budget, or to send a balanced budget constitutional amendment to the states for ratification, but has not done either.

3. We believe that a supermajority of those serving as delegates to a constitutional convention would be the very people currently serving in Congress, who are primarily responsible for the current federal deficits.

4. Were the federal constitution actually amended to require a balanced budget, we believe that Congress would continue to avoid fiscal responsibility and would invent ways to circumvent the intent and effect of such an amendment.

5. Therefore, we believe that, despite the grave debt problem facing America, there is little to be gained by holding a constitutional convention to amend the Constitution to require a balanced federal budget.

6. We believe the many notable legal scholars who assert that the scope of a constitutional convention could not be limited to the subject of the call -- such is the only history of constitutional conventions.

7. We believe that the entire Bill of Rights, and especially the Second Amendment thereto, would be seriously at risk before a constitutional convention. We do not believe such risk is justified, regardless of the presumed benefits. Furthermore, we believe that no benefit would accrue to the people from having taken such risk.

8. Therefore, we are opposed to Montana joining the call for a constitutional convention to consider an amendment requiring a balanced federal budget; we are opposed to the passage of HJR 9.

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-a-way" 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 in Salt Lake City on the 25th of April, 1992 that we oppose any attempt to call for a Constitutional Convention for any purpose what-so-ever because it cannot be limited to a single issue and that our right to keep and bear arms can be seriously eroded.

Respectfully submitted by:

Elliott Graham, Endowment Life Member  
National Rifle Association of America

Founder and Chairman: Constitutionalists  
United Against a CONstitutional CONvention

EXHIBIT 16  
DATE 2/12/93  
HB. HJR 9

# Member Resolutions Passed In Salt Lake

## National Rifle Assoc

**B**y action of the NRA Board of Directors, the following three resolutions passed by the members during the Annual Meeting of Members in Salt Lake City, Utah, on April 25, 1992 are being printed in the "Official Journal" for your information.

### RESOLUTION OPPOSING A CONSTITUTIONAL CONVENTION

**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" is 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 "runaway" 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 seek 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 in 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.

### RESOLUTION IN SUPPORT OF THE RIGHTS OF JURIES

**WHEREAS**, The Right to Keep and Bear Arms is increasingly threatened by unconstitutional and unjust legislation; and

**WHEREAS**, The jury is the ultimate defense against such legislation; now, therefore, be it

**RESOLVED**, That we, the Meeting of the Members of the National Rifle

#### NRA HEADQUARTERS STAFF

Wayne R. LaPierre, Jr., Executive Vice President  
 Chief of Staff: Robert Clark  
 Warren L. Cheek, Secretary  
 Asst to the Secretary: J. Mongold  
 Wilson H. Phillips, Jr., Treasurer  
 Field Services:  
 J. Smithbaker, Director  
 Human Resources:  
 D. O. Gore, Director  
 International Shooting Sports:  
 G. L. Anderson, Executive Director  
 Legal Affairs:  
 M.K. McCabe, General Counsel  
 Membership:  
 R.W. Marchio, Director  
 Membership Information Processing Services:  
 F. E. Cole, Acting Director  
 Planning & Development:  
 H.W. Sheela, Director  
 Women's Issues & Information:  
 E.J. Swady, Director

#### NRA General Operations

Don W. Rakestraw, Executive Director  
 Competitions: E.D. Andrus, Director;  
 S. Pasquini, Asst to Dir.; D.I. Boyd  
 H. Asst Dir.; P.K. Redd, Tournament  
 Operations; J.W. Davis, Administrative  
 Services; N.S. Conroy, Competitions  
 Volunteers; D.H. Ide, Tournament  
 Reporting; R.J. Piccoli, Pistol;  
 G.B. Harris, Rifle; M.J. Schoop, Con-  
 sulting/Shooting Promotion; R.J.  
 Mueller, Special Programs/Shooting  
 Rif; G. Connor, Silhouette,  
 Education and Training: J. Weaver,  
 Acting Director; M.S. Gilchrist, Asst  
 Dir.; J.L. Clement, Gun Collecting/  
 Museum; B. Dalessandro, Commu-  
 nications; C.H. Mitchell, Instruc-  
 tion/Coach Programs; M.S. Gilchrist,  
 Youth Development Programs;  
 U.S. Shooting Team: L.W. Wiggner,  
 Jr., Director; R.P. Carter, USSF Ad-

ministration; M.D. Edmondson, Natl  
 RGT Coach; D.V. Iuga, Natl Pistol  
 Coach; R.K. Mitchell, Natl Rifle  
 Coach; L.F. Woodhouse, Natl Shotgun  
 Coach  
 Law Enforcement Activities: G.W.  
 Ness, Director; Rhina Ramos, Asst  
 to Dir.; W. K. Hayden, Asst Dir  
 Competitions & Technical Informa-  
 tion; J.E. Deuphrey, Police Fire-  
 arms Training; J.E. Rocknor, Special  
 Firearms Training; P.A. Zollman, Police  
 Competitions  
 Ranges: R.C. Whiting, Acting Direc-  
 tor.

#### NRA Hunter Services

Climf Burgess, Acting Director  
 (Vacant), Asst Dir.; R.J. Dunn,  
 Hunter Skills Education & Develop-  
 ment; R.L. Davis, Jr., Youth Hunting  
 Skills & Schools; B.J. Winner, Ad-  
 vanced Hunter Clinics (Vacant);  
 Hunter/Membership Support Ser-  
 vices; G.S. Kanis, Wildlife Manage-  
 ment; E.W. Howel, Materials Develop-  
 ment & Production.

#### NRA Institute for Legislative Action

James Jay Baker, Executive Director  
 M.M. Corrigan, Deputy Director  
 R.E. Gardiner, ILA Legislative Coun-  
 sel  
 Federal Affairs: D. Gibbons, Direc-  
 tor; Fiscal M.H. Jennison, Fiscal Of-  
 ficer; Research & Information: M.M.  
 Corrigan, Director; P.H. Blackman,  
 Deputy Director; State & Local Af-  
 fairs: M.S. Greenberg, Director; Law  
 Enforcement Relations: J. Hoff, Act-  
 ing Director.

#### NRA Publications

George Marlin, Executive Director  
 L. Fleckenstein, Deputy Director  
 American Rifleman: W.F. Parkinson,  
 Editor; American Hunter: T.W.

Fugham, Editor; NRA Book Service:  
 L. Fleckenstein, Manager; Advertising:  
 D. Saravac, Director.

#### NRA Support Services

Joseph E. Gillen, Director  
 D.C. Duane, Accounting Manager,  
 V.B. Taylor, Asst Accounting Man-  
 ager; T.H. Schwenk, Purchasing; H.  
 McPhail, Building Engineer; C.O.  
 Lee, Caterista; A.V. Madga, Facili-  
 ties; K. C. Riera, Sales; M.A. Mat-  
 thews, Switchboard.

#### NRA National Officers

Robert K. Corbin, President  
 Thomas L. Washington, (Vacant),  
 First Vice President  
 Marlon P. Hammer, Second Vice President  
 Wayne R. LaPierre, Jr., \* Executive Vice President  
 Warren L. Cheek, \* Secretary  
 Wilson H. Phillips, Jr., \* Treasurer  
 Don W. Rakestraw, \* Executive Di-  
 rector, General Operations  
 James Jay Baker, \* Executive Di-  
 rector, Institute for Legislative  
 Action  
 \* Ex Officio, Board of Directors  
 \* Ex Officio, Executive Committee

#### NRA Board of Directors

(Executive Committee in bold)  
 Richard R. Atkinson, Jr., 413 Inde-  
 pendence Ave., S.E., Washing-  
 ton, D.C. 20003  
 Michael J. Barnsky, 2536 Hampton  
 Ave., Allison Park, Pa. 15101  
 Daniel L. Bechtel, P.O. Box 11281,  
 Fort Worth, Tex. 76110  
 Michael J. Bako, 48520 N. Ridge  
 Rd., Amherst, Ohio 41001  
 David E. Bonnett III, P.O. Box  
 5263 Albuquerque, N. Mex.  
 87185

David O. Boehm, 1077 East Ave.,  
 Rochester, N.Y. 14607  
 Barbara J. Bonahoom, 1108 S. 5th  
 St., Baton, N. Mex. 87740  
 Richard M. Bond, 3100 Hammond  
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 Canada  
 Bill Brewster, 1101 Longworth  
 House Office Bldg., Washington,  
 D.C. 20515  
 James T. Brown, 85 Wells Fargo  
 Trail, Big Country, Austin, Tex.  
 78737  
 Robert K. Brown, P.O. Box 693,  
 Boulder, Colo. 80306  
 Edward F. Bruce, 845 O'Callaghan  
 Dr., Sparks, Nev. 89434  
 Douglas L. Buchanan, 3641  
 Sandvik Fairbanks, Alaska 99709  
 Leland L. Bull, Jr., 1100 Shenandoah  
 Dr. E., Seattle, Wash. 98112  
 Ray L. Burden, 23230 S. Hwy. 99E,  
 Canby, Oreg. 97013  
 Raymond W. Calton, 2109  
 Stoneheather Rd., Richmond, Va.  
 23233  
 \* David I. Caplan, 41 Madison Ave.,  
 Apt. 9B, Madison, N.J. 07940  
 Sue W. Caplan, 41 Madison Ave.,  
 Apt. 9B, Madison, N.J. 07940  
 James W. Carlson, Box 191,  
 Crofton, Nebr. 68730  
 Marcia K. Carlson, 2058 South 1191  
 Rd., RD #2, Corland, N.Y. 13045  
 Jim Carmichael, 128 Spring St.,  
 Johnson City, Tenn. 37604  
 Billy B. Chapman, 3913 Keith  
 Place, Annandale, Va. 22003  
 Weldon H. Clark, Jr., 260 Loria Dr.,  
 Landisville, Pa. 17538  
 Jeff Cooper, Gunsite Ranch,  
 Paulden, Ariz. 86334  
 Robert K. Corbin, 1600 Rhode Is-  
 land Ave., N.W., Washington,  
 D.C. 20036  
 Larry E. Craig, 302 Senate Hart Of-  
 fice Bldg., Washington, D.C.  
 20510  
 Bill Davis, 6065 Roswell Pk., N.E.,  
 Suite 1411, Atlanta, Ga. 30328

Testimony : Dorothy Traxler - Missoula

Chairman & Members of the Committee :

I am the wife of a military man, who spent 31 years protecting the freedoms of our U.S. Constitution, its structure & special priviledges which make this country the envy of the world.

During the Bi-Centennial celebration of the signing of the Constitution, we showed the official slide program to over 1,000 people; to clubs, organizations & schools. In doing so, we passed out hundreds & hundreds of copies of the U.S. Constitution & talked to many people about our constitution, thereby becoming very familiar with its greatness again.

Using Article 5, in part, though it says 2/3 of several states shall call a convention for amendments, the State Legislatures **think** they will have the final determination on passage of what will actually become law, **BUT** Article 5 allows State Conventions to **by-pass** the State Legislatures.

Our present Montana Constitution was enacted totally through **by- passing** the State Legislature and that is exactly part of our present problems in the State of Montana now.

We **MUST NOT** let this happen to our U.S. Constitution.

I urge you to vote **NO** on **HJR 9** !

I Thank you for your service to our State.

EXHIBIT 17  
DATE 2/12/93  
HB HJR 9

Dorothy Traxler

4403 Charrett St.  
Missoula, Mont. 59803  
251-2763

NAME: Eleanor Schieffelin DATE: 2-11-93

ADDRESS: Box 26, Emigrant, MT 59027

PHONE: 333-4487

EXHIBIT 18  
DATE 2/12/93  
HB HJR 9

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?            AMEND?            OPPOSE? ✓

COMMENT: This resolution has hidden in it

a call for a Constitutional Convention

1/2 If you call the operator at the legislature,

to find out the title of the resolution you

are told only of the first half, "to urge

Congress to pass a balanced budget

amendment;" that part's fine. Everyone wants

that. But the dangerous part of the reso-

lution is the second half, is, to call for a

Convention expressly to consider a <sup>balanced</sup> budget

amendment. legal experts, including ex-Chief

Justice Warren Burger, say you can't limit

the Convention to a single issue Therefore,

I consider this resolution MUCH TOO DANGER-

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

OUS.

I want to let the committee members

who were not here in 1987 when a similar

resolution was considered that the greatest

public interest in the history of the state was

exhibited in that time.

and the Senate hearing ~~was~~ also <sup>had</sup> the largest <sup>attendance</sup> in the state's history. I have almost 1,000 signatures from Park County here, collected in 2 weeks back in 1987. Only 3 people refused to sign. They weren't lawyers. They were bankers. What do you make of that?

[The Committee legislative assistant took the copies of the almost 1,000 signatures from me.]

WE, THE UNDERSIGNED CITIZENS OF THE UNITED STATES AND RESIDENTS OF PARK COUNTY, LOVE AND REVERE OUR CONSTITUTION AND CONSIDER IT OUR SACRED DUTY TO DEFEND IT. WE ALSO CONSIDER IT THE SACRED DUTY OF OUR LEGISLATORS, BOTH FEDERAL AND STATE, TO DEFEND THE UNITED STATES CONSTITUTION.

WE THEREFORE CALL UPON OUR STATE SENATOR, PETE STORY, TO VOTE AGAINST THE RESOLUTION BEFORE HIM WHICH IS CALLING FOR A FEDERAL CONSTITUTIONAL CONVENTION.

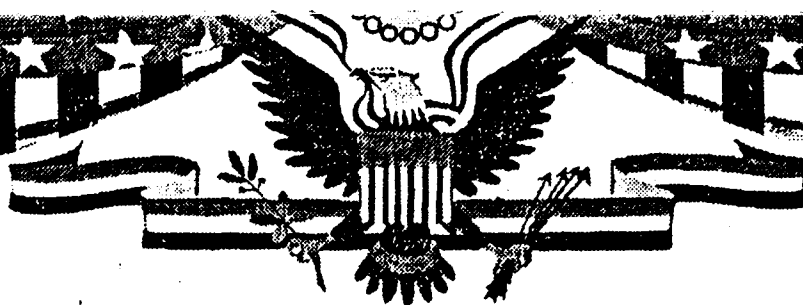
WE CONSIDER THE CALLING OF THIS CONSTITUTIONAL CONVENTION A STRATEGY OF FORCES WISHING TO REWRITE OUR CONSTITUTION WHICH ARE USING THE ARGUMENT THAT ONLY BY CALLING SUCH A CONVENTION WILL A BALANCED BUDGET AMENDMENT BE PASSED. WE CONSIDER THIS A CLASSIC EXAMPLE OF OPENING THE DOOR TO SOMETHING BAD IN THE NAME OF SOMETHING GOOD. ALL PREVIOUS FEDERAL AMENDMENTS HAVE BEEN PASSED WITHOUT CALLING A CONSTITUTIONAL CONVENTION. THERE HASN'T BEEN A CONVENTION CALLED IN 200 YEARS AND THERE SHOULD NOT BE ONE.

NAME ADDRESS

A Dale Grosfield	Big Timber MONT.	Box 368 - 59011
Douglas L. Lehman	Big Timber Mont.	Box 1347 - 59
John Croston	Clyde Park mt.	
Betty G. Heino	Geo. Mt.	Rt 6 Box 3104
Charles Harris	Geo Mt.	Rt 6 Box 3104
Andra Bates	Geo. Mt	223 S Main
Dale Bates	Geo Mt	223 S Main
Cindy Evans	Geo Mt.	
Charley Mitchell	Geo Mt.	
Roger Gardner	Geo Mt.	
Roy L. Zwierman	" "	108 ELM
Ken Parker	" "	P. O. Box 1122
Debra Bell	" "	Rte 35 Box 2072
Marcia K. Bacon	" "	1128 W. Cambridge
Bahar Mahabadi	Turnington	323 S. 2nd

EXHIBIT 19  
DATE 2/12/93  
HB HJR 9





Pd for by Eleanor Schieffelin, Eagle Forum, Emigrant Branch, Emigrant, Mont.

# AN URGENT MESSAGE TO THE CITIZENS OF PARK AND SWEETGRASS COUNTIES

Are you aware that our federal Constitution is in jeopardy, because of a resolution before the Montana Senate?

The facts are these:

- the Montana House has just passed a resolution by two votes calling for a Constitutional Convention (supposedly to get a Balanced Budget Amendment), and the resolution is now before the Montana Senate;
- If the resolution passes the Senate, Montana will be the 33rd state to pass a resolution for a Constitutional Convention, and Connecticut is standing by to be the 34th state;
- if 34 states pass the resolution, Congress is mandated to call a Convention to consider amendments (in the plural);
- in the traditional manner in which all of our previous 26 amendments have been passed, a Balanced Budget Amendment is already close to being passed in the Congress and sent to the states for ratification (In 1986 it missed by one vote in the Senate, and the last House vote was short by a couple of dozen votes.);
- Former Chief Justice Warren Burger recently said: "There's no way to put a muzzle on a Constitutional Convention;"
- a Constitutional Convention, therefore, would be a Pandora's Box, opening the way for special-interest amendments to be introduced, and anything could happen.

If you revere our Constitution and are appalled by this extraordinary situation, please arouse your friends, neighbors and colleagues to sign the petition below and mail it immediately to Senator Pete Story, State Capitol, Helena, MT. 59620. You may also wish to contact Senator Jack Haffey, Chairman, State Administration Committee, at the same address. This Committee is currently studying the resolution and plans to hold a public hearing on it at 10:00 a.m. on Monday, March 16th, at the State Capitol. You may call either Senator at 444-4800. You are encouraged to attend the hearing!

\*\*\*\*\*

WE, THE UNDERSIGNED CITIZENS OF THE UNITED STATES AND RESIDENTS OF PARK AND SWEETGRASS COUNTIES LOVE AND REVERE OUR CONSTITUTION AND CONSIDER IT OUR SACRED DUTY TO DEFEND IT. WE ALSO CONSIDER IT THE SACRED DUTY OF OUR LEGISLATORS, BOTH FEDERAL AND STATE, TO DEFEND THE UNITED STATES CONSTITUTION.

WE THEREFORE OPPOSE THE RESOLUTION BEFORE THE MONTANA SENATE CALLING FOR A CONSTITUTIONAL CONVENTION BECAUSE IT WOULD PLACE OUR CONSTITUTION AT RISK, AND WE STRONGLY URGE OUR STATE SENATOR PETE STORY, TO VOTE AGAINST THAT RESOLUTION (HJR 10)!

*(Note: All residents are eligible to sign, regardless of age or voting status.)*

NAME	ADDRESS
Donald Malvoin	Box A Crown Springs MT 59021

2. 11. 93

To Ladies and Gentlemen of the legislature

I am a businesswoman and concerned citizen from Bozeman.

I believe putting our constitution at risk to balance the budget is a grave mistake.

There are other avenues to balance the budget.

Sincerely,

Suzanne Horton  
5378 Fairway Dr.  
Bozeman, MT 59715

EXHIBIT 20  
DATE 2/12/93  
HB HJR 9

I am an American who cherishes the Constitution of the United States of America. I am also the mother of 5 children who I hope will be able and worthy to live in a country as dedicated to preserving our inalienable rights today as it was in 1776.

I have read and studied the writings of many of the Great men who framed our constitution which has given us unexcelled inner-peace and prosperity. Men such as Jefferson and Madison whose depth and breadth of learning was of a caliber seldom seen today. These men studied volumes of writings on government and history -- many writings were even studied in their original tongue. As a result of this intensive study they knew well the consequences of political power: which systems of government fostered tyranny, poverty and revolution and which systems of government fostered peace, prosperity and liberty. The Constitution of the United States is the product of years of intensive study and genius. History has proven our system of government does indeed foster prosperity.

Let us not put this document into the hands of those of inferior learning and ability and of questionable (at best unproven) motives.

Their may be some who in viewing the problems besetting this country claim that these problems are rooted in the constitution. How unlearned these people are! A look into history reveals that the problems (such as the national debt) developed when we allowed special interests to lay aside the constitution and the limited federal spending therein allowed.

I submit that the constitution is not failing but that we are failing the Constitution. As John Adams said, "Our ~~new~~ constitution was ment for a moral and religious people. It is wholly inadequate to the government of any other." It is a time of critical choice for you and all Americans. We must either choose to live and encourage honest, moral behavior and thus preserve the liberty so many sacrificed so much for, or we will be choosing to condone and encourage all manner of wrong doing that necessitates heavy-handed government.

I believe that the majority of Americans are good and with encouragement capable of the self-government provided in our constitution. I challenge the legislators to have the courage to cast aside the pressures of special interests (no matter how good the cause) seeking funds to further their own causes and spend and legislate in accordance with the strict limits of power and spending provided by and understood by our founding fathers. It is not time to rewrite the Constitution but to restore it.

Debie Briscoe

EXHIBIT 21  
DATE 2/12/93  
HB HJR9

(THIS sheet to be used by those testifying on a bill.)

NAME: JAMES M. HEALY DATE: 2/11/93

ADDRESS: Box 156, EMIGRANT, MONTANA 59027

PHONE: 406-333-4914

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT: I do not want a constitutional convention.  
It is to opened ended - very dangerous - You can  
balance the budget without a constitutional convention  
Thank you for your time

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 22  
DATE 2/12/93  
HB HJR 9

(FORMS sheet to be used by those testifying on a bill.)

NAME: Vivian A. Mason DATE: 2-11-93

ADDRESS: P.O. Box 372, Emigrant, MT 59027

PHONE: (406) 333-4298

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENT: The first part of resolution HJR 9  
is lines (to urge Congress to a balanced  
budget amendment). However the 2<sup>nd</sup>  
part, to call a Constitutional convention  
is very dangerous because — how can  
we be guaranteed that only one issue will  
be discussed? As explained in the  
resolution, article 5 of our Constitution says  
that congress can call a convention for the  
purpose of proposing amendments  
in the plural. It seems to me  
that we're asking for big trouble!!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 23  
DATE 2/12/93  
HB HJR 9

(THIS sheet to be used by those testifying on a bill.)

NAME: James R. Shaffer DATE: 2-11-93

ADDRESS: P.O. Box 1004, Emigrant, MT. 5902

PHONE: 406-333-4053

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT: I urge this committee  
to oppose and defeat HJR 9  
enlisting Montana as a state  
desiring a constitutional convention.  
This is not in the best  
interests of our country!  
Thank you for defeating this  
bill!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 24  
DATE 2/12/93  
HB HJR 9

(FORMS sheet to be used by those testifying on a bill.)

NAME: Athalie Bolinger DATE: 2-11-93

ADDRESS: #6AV Emigrant Montana

PHONE: 40

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?            AMEND?            OPPOSE? ✓

COMMENT: I strongly oppose a Constitutional Convention.

A balanced budget is certainly needed and necessary,  
but not by this means. The constitution must be  
protected in it's original form and should not be  
tampered with by special factions. There are other ways  
that changes could be made, so I oppose bill HJR 9

Athalie Bolinger

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 25

DATE 2/12/93

HB HJR 9

(INRS sheet to be used by those testifying on a bill.)

NAME: Tony Silver DATE: 2-11/93

ADDRESS: Po Box 1663 Emigrant, MT. 59027

PHONE: 406 333-4213

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR-9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT: I strongly oppose a constitutional  
convention. Though a balanced budget is desirable,  
the means of using a con-con to attain this end  
is not. By allowing our current leaders to  
make any amendment to our constitution they  
may see fit during a convention, other than  
the Balanced Budget Amendment, we are at risk  
of ending up with a completely different govern-  
ment system. This is not acceptable and I urge  
you to vote so on HJR-9 for this very reason.

Thank you,

Tony Silver

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 26  
DATE 2/12/93  
HB HJR 9



(This sheet to be used by those testifying on a bill.)

NAME: Rexie J. Nash DATE: 2-11-93

ADDRESS: P.O. Box 554 Emigrant Mch 59027

PHONE: 406-333-4293

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENT: I am in favor of a balanced budget amendment but for not calling a convention, article 5 in our constitution is limited to one issue.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 27  
DATE 2/12/93  
HB HJR 9

(This sheet to be used by those testifying on a bill.)

NAME: George H. Sanborn DATE: 2/11/93

ADDRESS: Box 432

PHONE: 333-4227

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HJR-9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT: NOTHING good can come of a constitutional convention, mainly because there ~~is~~ is a group of American-Quakers who want to throw out the constitution. Lloyd Cutler and many others have agendas which do NOT include the welfare of the American people; whereas George Washington and Thomas Jefferson were men of great vision and had real love for the little people of this country. Balanced budget amendment - YES! Constitutional Convention NO

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 28  
DATE 2/12/93  
HB HJR 9

(THIS sheet to be used by those testifying on a bill.)

NAME: Rathleen Ullrich DATE: \_\_\_\_\_

ADDRESS: Box 104 Emigrant, mt 59029

PHONE: 333-4519

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENT: Our constitution is fine as is. We must follow it more closely. Any change to it could upset our country & harm it. Please Vote against this bad idea & preserve our USA & its Constitution. God Bless you!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 29  
DATE 2/12/93  
HB HJR 9

(THIS sheet to be used by those testifying on a bill.)

NAME: BRIDGET LEWIS DATE: 2-11-93

ADDRESS: P.O. Box 934, Emigrant P.O. MT 59027

PHONE: 333-4215

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT:

I accept the Constitution as it is, and do not want it changed.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 30  
DATE 2/12/93  
HB HJR 9

(THIS sheet to be used by those testifying on a bill.)

NAME: Norman K Bacon DATE: 2-10-93

ADDRESS: PO BOX 209, EMIGRANT, MT 59027

PHONE: 333-4442

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: HJR-9

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENT: \_\_\_\_\_

I do not want the constitution changed - there is extreme danger in destroying the basic precepts our Republic was founded on. The constitution allows changes within its existing framework -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 31  
DATE 2/12/93  
HB HJR 9

(This sheet to be used by those testifying on a bill.)

NAME: Laura Vandy DATE: 2/11/93

ADDRESS: PO Box 1006, Amnigrant Mt. 59027

PHONE: 406 333-4154

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT: I do not want the Constitution  
changed. Our forefathers had a higher vision  
for this great country and lets not  
temper with it. The Constitution allows  
changes within its original framework.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 32  
DATE 2/12/93  
HB HJR 9

(THIS sheet to be used by those testifying on a bill.)

NAME: Patrick Murphy DATE: 2/10/93

ADDRESS: Box 245 E. Newport

PHONE: 333 4792

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: HJR 9 balanced budget  
amendment

DO YOU: SUPPORT?            AMEND?            OPPOSE?   X  

COMMENT:  
I don't want the constitution changed  
- I want to support it & enforce it.  
P. Murphy

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 33  
DATE 2/12/93  
HB HJR 9

(THIS sheet to be used by those testifying on a bill.)

NAME: Lois Hollermann DATE: 2-11-93

ADDRESS: Box 483

PHONE: 406 333-4224

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9  
U.S. Constitutional Amendment

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT: Our constitution should not be tampered  
with! It would open a Pandora's box of  
mischiefs + harm our country. Keep the  
lawyers hands off!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 34  
DATE 2/12/93  
HB HJR 9



(Forms sheet to be used by those testifying on a bill.)

NAME: Hildegarde Kramer DATE: 2-11-93

ADDRESS: P.O. Box 1615 Emigrant, Mont. 59027

PHONE: 406-333-4407

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT: The Constitution should not be tampered with. There is no way to limit a Convention to consider only a Balanced Budget Amendment. The Constitution as it is protects our freedoms & I don't want any changes. There are radical plans to change the entire structure of our government.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 35  
DATE 2/12/93  
HB HJR 9

(This sheet to be used by those testifying on a bill.)

NAME: ALEXANDRA V BAJEW . DATE: 2/10/93

ADDRESS: Box 1087, Emigrant, MT 59027

PHONE: 406 333-4280

REPRESENTING WHOM? MYSELF

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENT: \_\_\_\_\_

I AM FEARFUL OF WHATEVER CHANGE  
THEY MIGHT MAKE.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 36  
DATE 2/12/93  
HB HJR 9

(This sheet to be used by those testifying on a bill.)

NAME: Elizabeth Collins DATE: 2/11/93

ADDRESS: PO Box 472 Cringwood Mt.

PHONE: 333-4636

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENT: I am in favor of a balanced budget  
but ~~not~~ <sup>not</sup> in favor of having a constitution  
convention ~~that would~~ change our constitution.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 37  
DATE 2/12/93  
HB HJR 9

(THIS sheet to be used by those testifying on a bill.)

NAME: Helen Collier DATE: 2/11/93

ADDRESS: P.O. Box 558, Emigrant, MT-59027

PHONE: 406-333-4575

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HJR #9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT:

Please leave our Constitution as it is!  
We do not need any changes -  
It is perfect as it stands -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 38  
DATE 2/12/93  
HB HJR 9

(THIS sheet to be used by those testifying on a bill.)

NAME: Vivien Mehler DATE: 2-11-93

ADDRESS: P.O. Box 435 Emigrant, MT

PHONE: (406) 333-4985

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HJR9

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENT: Changing our constitution would be very dangerous and could change our form of government. Our Founding Fathers were very careful in writing our constitution to protect our rights - no corrections are needed!

Vivien Mehler

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 39  
DATE 2/12/93  
HB HJR 9

(FORMS sheet to be used by those testifying on a bill.)

NAME: Alvin A. Winniski DATE: Feb 11/93

ADDRESS: 303 N-9th Bozeman, MT 59715

PHONE: 752-3880

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?            AMEND?            OPPOSE?   ✓  

COMMENT: Balanced Budget Amendment - YES!

Constitutional Convention - NO!  
Because! It couldn't be limited  
to one issue!

Let's Pass the Amendment the way  
we have passed the other 26.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 40  
DATE 2/12/93  
HB HJR 9

(This sheet to be used by those testifying on a bill.)

NAME: John Street DATE: 2/11/93

ADDRESS: 322 So. 9th St Livingston MT 59047

PHONE: 222-1819

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HJR-9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT:

*I oppose the calling of a constitutional convention. I believe a convention to amend the constitution would be dangerous to the future of our nation. I do not see any leaders of the caliber necessary to make significant changes in the constitution. I believe ~~that~~ that a convention would open the door for significant changes regardless of the initial intent.*

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 41  
DATE 2/12/93  
HB HJR 9

(FORMS sheet to be used by those testifying on a bill.)

NAME: JEROME B. DIRKERS DATE: FEB. 10, 1993

ADDRESS: Box 25, EMIGRANT, MT. 59027

PHONE: 333-4732

REPRESENTING WHOM? MYSELF

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT: There is a good reason and a real reason for every proposal. The good reason - to balance the budget - is unnecessary as our US Congress has all the authority to limit spending and balance the national budget. The real reason is that the proponents seek to change our system of government into a parliamentary system or otherwise. It is in line with the NEW WORLD ORDER and I am strongly opposed to this whole agenda. We can still be friends with everyone without being unified into a single NEW WORLD ORDER. This is why I oppose HJR 9 and the subterfuge it represents.

Jerome B. Dirkers

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 42  
DATE 2/12/93  
HB HJR 9



(THIS sheet to be used by those testifying on a bill.)

NAME: Maydell V. Goulart DATE: 2/11/93

ADDRESS: P.O. Box 1082, EMIGRANT, MT 59027.

PHONE: (406) 333-4649

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENT: HJR 9 WOULD BE JUST FINE IF  
THE LINE "OR TO CALL A CONVENTION FOR  
THE EXCLUSIVE PURPOSE OF PROPOSING A  
BALANCED BUDGET AMENDMENT" WAS ELIMINATED  
ENTIRELY. THIS IS A PANDORAS BOX WHICH  
WOULD NOT, <sup>BE</sup> THE LEAST EXCLUSIVE BUT WOULD  
ALLOW OTHER INTERESTS TO JUMP IN, <sup>&</sup> MAKE  
CHANGES TO THE DETRIMENT OF THE AMERICAN  
PEOPLE.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 43  
DATE 2/12/93  
HB HJR 9

(FORMS sheet to be used by those testifying on a bill.)

NAME: Jan K. Matton DATE: 2-11-93

ADDRESS: P.O. Box 1624 Emigrant, MT, 59027

PHONE: 406-333-4564

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT: I want to express my opposition to this proposal from the standpoint of its passing which would make it so much easier for those who want a Constitutional Convention to change our Constitution to meet their goals. The balanced budget can be addressed in another way and needs to be addressed best coming from this standpoint is critical to preserving the Constitution and our freedoms.

Please, vote No!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 44  
DATE 2/12/93  
HB HJR 9

(THIS sheet to be used by those testifying on a bill.)

NAME: Ruth H. Bohnaker DATE: 2/11/93

ADDRESS: P.O. Box 402-Emigrant, Mt. 59027.

PHONE: (406) 333-4766

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT: We are all for a balanced-  
budget amendment, but not by  
calling a convention because  
article 5 in our constitution says  
it couldn't be limited to one issue.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 45  
DATE 2/12/93  
#5 HJR 9

(This sheet to be used by those testifying on a bill.)

NAME: Helen Ries DATE: Feb. 11, 93

ADDRESS: P.O. Box 1162 - Emigrant, Ind - 59027

PHONE: 333-4986

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: HJR 9

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENT:

The constitution must not be changed. Such an act is illegal and very dangerous. Our republic was founded on the highest principles and we must maintain them.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 46  
DATE 2/12/93  
HB HJR 9

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER - LETTERS

STATE ADMINISTRATION COMMITTEE

HJR #9

FEBRUARY 12, 1993

<u>NAME AND ADDRESS</u>	<u>REPRESENTING</u>	<u>POSITION</u>
Edna Huntington Box 417 Trego, MT 59934		Oppose
Judith Kaye Heit Livingston, MT 59047		Oppose
Patricia Ries 6850 Green Meadow Drive Helena, MT 59601		Oppose
Stanford Helgerson 510 North Broadway Belgrade, MT 59714		Oppose
Phil Baerlocher Box 208 Frenchtown, MT 59834		Oppose
Florence Wilson 3049 Sourdough Road Bozeman, MT 59715		Oppose
Leonard and Denise Koziol 1109 18th Street West Billings, MT 59102		Oppose
Jan Foust 3767 Blackwood Road Bozeman, MT 59715		Oppose
Patricia Evans 214C South 16th Avenue Bozeman, MT 59715		Oppose
Paul L. Lochridge 4713 Itana Circle Bozeman, MT 59715		Oppose
Kate Stackhouse P.O. Box 231 Fortine, MT 59918		Oppose
Suzanne Horton 2813 Fairway Drive Bozeman, MT 59715		Oppose

EXHIBIT 47  
DATE 2/12/93  
HB HJR 9

Jennifer Lightner  
2406 8th Avenue North  
Great Falls, MT 59401

Oppose

Betty Babcock  
720 Madison  
Helena, MT 59601

Oppose

Mr. and Mrs. R.N. Bertren  
1145 North 26 Street  
Billings, MT 59101

Oppose

Keith Alan and Terry Ann Rae  
1607 Pinyon Drive  
Laurel, MT 59044

Oppose

Kevin Hall  
WTP Massachusetts Director  
"We the People"  
Boston, MA  
(617) 266-7827

Oppose

Charles Hunn, Jr.  
3335 Timber Edge Drive  
Clinton, MT 59825

Oppose

HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEE  
REGISTER -LETTERS - HJR9

February 17, 1993

<u>NAME AND ADDRESS</u>	<u>REPRESENTING</u>	<u>POSITION</u>
Roberta Willman	self	oppose
Monte Rene Willman	self	oppose
J.R. Willman	self	oppose
Plevna, MT 59344		
Gordon Helgerson		
P.O. Box 569	self	oppose
Manhattan, MT 59741		
Vito A. Ciliberti, Jr., Ph.D.	self	oppose
11150 Horseback Ridge		
Missoula, MT 59801		
Irene Schmidt		
607 Bluebird Lane	self	oppose
Livingston, MT 59047		
Janet Seagraves		
120 Apple House Lane	self	oppose
Missoula, MT 59802		
Aubyn Curtiss	self	oppose
Former Legislator		
Fortine, MT 59918		
Ruth C.L. Nelson		
1205 N. 26th St.	self	oppose
Billings, MT 591		
Carol Kinneburger		
845 Bitterroot	self	oppose
Marion, MT 59925		

607 Bluebird Lane  
Livingston, MT 59047  
2-10-93

Chairman Richard Simpkins  
Capitol Station,  
Helena, MT 59620

Dear Chairman Simpkins:

Please, I urge you to vote  
NO on HJR 9. Our founding  
fathers knew what they were doing  
when they wrote our constitution.  
Don't let special interest groups  
pick it to pieces.

If there needs to be  
amendments, let them be one  
at a time.

Sincerely,  
Irene Schmidt



Fortine, Montana  
February 12, 1992

The Honorable Richard Simpkins  
Chairman, State Administrations Committee  
Capitol Station  
Helena, MT 59620

Dear Legislator:

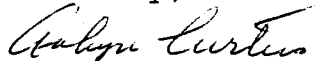
Please use your influence to kill HJR 9. Defeat of this proposal is not in the best interests of Montana and surely poses a threat to the freedoms we enjoy under a document which has guarded those freedoms well for over 200 years.

Three states which formerly ratified measures to call a constitutional convention, have since rescinded their actions. Those states are Louisiana, Florida, and Alabama. Even so, those who wish to re-write our constitution need only a few more states' approval to achieve their goals. No matter how worthy a cause (human life, balanced budget, or term limitations) the risk of losing all is too great, Even so, calling a convention would not necessarily assure approval of the issue for which that convention was convened.

The best legal authorities nation-wide agree that a convention can not be limited to one issue. Former Chief Justice Warren Burger said: "The Convention could make its own rules and set its own agenda." There are those in our country who are seeking sweeping change in our constitution. Please don't place all our citizens in jeopardy by offering political activists this opportunity to further their own hidden agendas.

Thank you for your consideration.

Sincerely,



Aubyn Curtiss  
former legislator

Dear Mr. Simkins

I sir ask that you veto  
No on HJR 9! Putting our Constitution (that  
has been and will continue to be  
great) at risk will not solve our  
problems. If what you people want  
is term limits then that can  
be ratified by the State. A  
balanced budget can be done  
by Congress, with pressure from  
the states. I sir would not  
trust most of our politicians to  
rewrite a coloring book let  
alone our great Constitution that  
has prevailed for 217 year. I  
strongly erg you to veto No  
on HJR 9.

Sincerely

Lordon Helgeson  
P.O. Box 569  
Manhattan Mt  
59741

11150 Horseback Ridge  
Missoula, Mt. 59801  
February 8, 1993

Representative Richard Simpkins  
Capitol Station  
Helena, Mt. 59620

Dear Representative Simpkins:

Please do not support HJR-9, the call for a constitutional convention.

The U.S. Constitution is a remarkable document, written by persons of extra-ordinary accomplishment and ability and has served our nation well. It is the envy of the world.

As a student of Thomas Jefferson's philosophy, and with a background in public administration, it is apparent that a constitutional convention is not warranted.

If this effort is being driven by the questionable need for a balanced-budget amendment, this can be handled without a constitutional convention.

Sincerely,

*Vito A. Ciliberti, Jr.*

Vito A. Ciliberti, Jr., Ph.D.

6850 Green Meadow Drive  
Helena, MT 59601  
February 10, 1993

Dear Representative Simpkins,

It was with concern in 1987 that I wrote State Legislators about a "Con Con for BBA" and it is with great concern that I'm writing you regards HJR9 requesting a Constitutional Convention for a Balanced Budget.

Some people are preaching the virtues of a balanced budget and the political desirability of mandating one. It appears they haven't done their homework! The enclosed news sheet, although printed a few years back holds information just as true today.

The former Chief Justice Warren Burger said, "There's no way to put a muzzle on a Constitutional Convention." It's very obvious to anyone that this could be risky business!

Congress has the power to get a Balanced Budget Amendment -- by passing one and then sending to the States for ratification.

Please consider well the many possible effects -- and vote NO to HJR9.

Respectfully,

*Mrs. Patricia Reis*

Suzanne Horton  
2813 Fairway Dr.  
Bozeman, MT 59715  
(406)585-7420

State Administration Committee  
Montana State Capitol  
Helena, Montana

February 11, 1993

Dear Administration Committee Member:

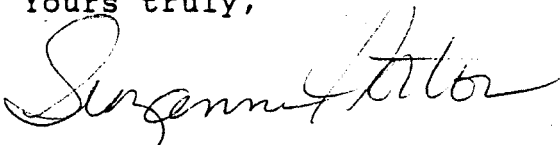
I am concerned about HJR9. I hope you will vote against the resolution. I believe a constitutional convention is completely unnecessary to pass an amendment to balance the budget. I believe this solution is one that will create a much bigger problem than it is trying to solve.

I believe this resolution, though providing for a "limited" convention will, in the end, allow for a "runaway" convention.

I believe our Constitution is a valuable document and should remain as it is. I feel this call for a constitutional convention threatens the integrity of our present Constitution.

If the tenth Amendment were adhered to, wouldn't that provide for a balanced budget?

Yours truly,



Suzanne Horton

**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**.

## 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.
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.

102D CONGRESS  
1ST SESSION

# S. 214

To provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the United States Constitution.

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 15 (legislative day, JANUARY 8), 1991

Mr. HATCH (for himself and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the United States Constitution.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Constitutional Convention  
4       Implementation Act of 1991".

### 5       APPLICATIONS FOR CONSTITUTIONAL CONVENTION

6       Sec. 2. (a) The legislature of a State, in making appli-  
7       cation to the Congress for a constitutional convention under  
8       article V of the Constitution of the United States, for the  
9       purpose of proposing one or more specific amendments, shall  
10      adopt a resolution pursuant to this Act stating, in substance,



FEB-12-93 15:54:10  
Monday, February 8, 1993 14:22:32

TEL NO: 202-328-1607

#297 P04

SENT BY:

2-8-93 11:31AM : KINKO'S HYDE PARK-fghijklmnopqrstuvwxyz: # 1/  
P. 02  
5:21PM FROM SEN. PAUL SIMON D.C. TO 31201 46658 3002

JOSEPH R. BIDEN, JR. DELAWARE, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS	STROM THURMOND, SOUTH CAROLINA
EDWARD M. BREWSTER, OHIO	GARRN E. HATCH, UTAH
ROMANUCO, ARIZONA	ALAN K. BUMPSON, WYOMING
PATRICK J. LEAHY, VERMONT	CHARLES E. GRASSLEY, IOWA
HOWELL HIFLYN, ALABAMA	ARLEN SPECTER, PENNSYLVANIA
PAUL SIMON, ILLINOIS	HANK BROWN, COLORADO
HERBERT GOLD, WISCONSIN	

# United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

RONALD A. HAN, CHIEF CLERK  
SYRENA T. CASO, STAFF DIRECTOR  
THOMAS A. STOK, SENIORITY STAFF COUNSEL  
JIM STAN, DIRECTOR

February 8, 1993

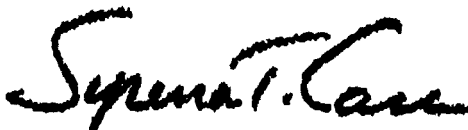
Vera Roche  
NJ State Chairperson, Eagle Forum  
Box 137  
Brookside, NJ 07926

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.

sincerely,



Syrena T. Caso  
Staff Assistant

2406 8th Ave. N.  
Great Falls, Mt. 5940  
February 10, 1993

Rep. Richard Dimpkins  
Capitol Station  
Helena, Mt. 59620

Dear Mr. Dimpkins:

Please vote no on HJR-9. We do not need a Constitutional Convention to balance the budget. The Congress can balance the budget merely by reducing their spending. A Con Con could be an extremely dangerous thing. I entreat you to do what is best to protect and defend our great Constitution.

Sincerely,

Pennifer Lightner

# Oppose Federal Constitutional Convention

## Balanced Budget? YES! Con Con? NO!

PUBLISHED BY HELENA EAGLE FORUM—PIONEERS' CHAPTER BOX 4944, HELENA, MONTANA 59604

The fact that we've never used the convention route doesn't make it illegitimate. But it is an uncertain route because it hasn't been tried, because it raises a lot of questions, and because those questions haven't begun to be resolved. If 34 state legislatures deliberately and thoughtfully want to take this uncertain course, with adequate awareness of the risks ahead, so be it. But the ongoing campaign has largely been an exercise in constitutional irresponsibility—constitutional roulette, or brinkmanship if you will, a stumbling toward a constitutional convention that more resembles blindman's bluff than serious attention to deliberate revision of our basic law.

There is a precedence for that happening! True? There is only one precedent for a Federal Con Con, and that is the Constitutional Convention of 1787 and it was indeed a runaway convention. It violated its orders to merely amend the old Articles of Confederation, and then wrote the U.S. Constitution.

### The Framers of the Constitution Constitutional Convention

Called for May 14, 1787 found that not a quorum of delegates representing seven states had arrived, and it was not until the 25th that the Convention got underway. George Washington, a delegate from Virginia, was chosen as President of the Convention. On May 29th, Edmund Randolph introduced a resolution to set aside the Articles of Confederation and adopt a new Constitution. A committee was appointed to revise the Articles. June 2nd found four more state delegations had arrived and on July 23rd, the New Hampshire delegates reached the Convention. All but Rhode Island were now represented. After days and days of debate on July 26th, the conclusions of the Convention were referred to a Committee of Detail which Committee made its report August 6th. After days and days of more debate a new committee of Style was created September 8th. It made its report September 12th. After some revisions the Convention came to an end September 17th, 1787 framing in less than a hundred working days.

Though the history of the 1787 convention and the wording of the Article V suggest that a convention could either be limited or general in scope, legal scholars agree there can be no positive assurance that a convention could be limited to a particular amendment once the convention had convened. Thus there is no assurance that all facets of American law, government, and the civil rights of the U.S. citizens could not be opened to debate and possible revision by a runaway convention.

The situation is unlike state constitutional conventions, more than 200 of which have been held. In the states, there is a literature of constitutional reform, numerous precedents, enabling acts and other traditions that throw a cloak of procedural certainty and order around the call of state constitutional conventions, most of which have been general and unlimited.

### The SOLUTION is EDUCATION

If enough Americans understood Americanist principles, no force on earth would be able to trick them into surrendering their birthright. Not during the Constitutional Bicentennial—not ever.

Gary Benoit  
The New American, 2-10-87

We people don't always trust government, so we must separate government into competing branches with each functioning as a restraint on the others. The functioning of our American Government doesn't and should not, depend on the integrity of those who hold power, but depends on the institutional restraints imposed on their exercise of power.

The founding fathers established the Separation of Powers as the fundamental basis of our structure of government. Our Constitution separated the powers of government so that each branch can serve as a check on the other two; and so that no one branch can become powerful enough to gobble up the others. This principle is what preserved our freedom.

People usually pay little attention to the things which serve them best. Almost every American born takes the Constitution as a matter of course. What the absence of Constitutional guarantee means, most Americans may not know, but their European ancestors did.

Key to the Constitution  
by Francis Harley

Our American Separation of Powers differs from Parliamentary Systems, such as the British where the executive and legislative branches are combined.

James Madison argued that the accumulation of legislative, executive, and judicial powers in the same hands is "the very definition of tyranny."

All the power granted to the Federal Government by the Constitution was divided into three branches: The Legislative, The Executive, and The Judicial; each with its prescribed list of enumerated powers.

James Madison said "the preservation of liberty requires that the three great departments of power should be separate and distinct."

All tax bills must originate in the House of Representatives, the body where every member must run for reelection every two years. The founding Fathers knew that oppressive taxes, imposed by an unrestrained British Parliament were the main cause of the American Revolution. The two year terms of all our Congressmen (Representatives) is one of our greatest guarantees of freedom.

James Madison said "frequency of elections is the cornerstone ... of free government."

The President may not dissolve Congress, nor call a new election. Congress may not fire the President. Members of the Congress may not serve in Executive Branch Offices such as the Cabinet. That would violate the Separation of Powers principle.

### BEWARE!!

The Committee on the Constitutional system (C.C.S.) aims to change the structure of the U.S. Government by eliminating the Separations of Powers and replacing it with a European Parliamentary System.

### BEWARE!

The World Affairs Council of Philadelphia published a "Declaration of Interdependence" on United Nations Day, October 25, 1975. This travesty on the Declaration of Independence was a blueprint for submerging U.S. Independence in a World government and redistributing the U.S. wealth around the world. This document details "we must join with others to bring forth a new world order." ...and...all people are part of one global community."

The proponents of reform, reacting to Congress' failure to submit to the states for ratification an amendment mandating a balanced budget, have chosen a "shotgun" approach instead of seeking to elect a Congress that would pass such an amendment. They are demanding a constitutional convention to achieve their budgetary objective, and therein lies the potential for a grave constitutional crisis of unprecedented dimensions.

### The British Parliament

The British Prime Minister can dissolve Parliament and call a new election. The British Parliament can fire the Prime Minister.

### What Con Con Supporters Say

In talking with people who support Con Con as a device to get a Balanced Budget Amendment, several curious factors emerge.

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

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

(3) They usually pigeon-hole everyone who opposes Con Con as "anti-Balanced Budget Amendment," which is false. Many of us who do support a Balanced Budget Amendment do NOT support Con Con. The intemperate language and the ad hominem attacks against anyone who opposes Con Con are offensive to fair-minded persons.

(4) Most remarkable, many advocates of Con Con, when pressed about the dangers of Con Con say they really don't want Con Con and that it won't happen anyway, they just want a Balanced Budget Amendment. It is amazing—and peculiar—to see people supporting a political goal that they do NOT want to happen, and engaging in fundraising for a goal that they do not believe is desirable or attainable.

Changing our entire structure of government has been a longtime project of the Center for the Study of Democratic Institutions at Santa Barbara, California, which was established by the Fund for the Republic, which in turn was financed by the Ford Foundation. Over a ten-year period, the Center produced 40 successive drafts of an entirely new and different constitution. The project was headed by Rexford Guy Tugwell, one of the academic liberals from Franklin D. Roosevelt's New Deal "brain trust" of the 1930's.

In 1974, the Center released its final draft in the book *The Emerging Constitution* by the then 83-year old Tugwell (published by Harper & Row). It was called a "Constitution for the Newstates of America." It is radically different from our present Constitution in ideology, concept of rights, structure of government, and power over individuals.

The Newstates Constitution would pitch out our 50 states and replace them with 10 (or a maximum of 20) regional "Newstates," which would not be states at all, but rather subservient departments of the national government. The government would be empowered to abridge freedom of expression, communication, movement and assembly in a "declared emergency." The practice of religion would be considered a "privilege."

Calling for a Constitutional Convention would result in endless litigation.

### BEWARE!

The Committee on the Constitutional System (C.C.S.) published its own book (334 pages) called *Reforming American Government*. The apparent message of this book is dissatisfaction with our Constitution. Discussion of the Constitution includes words like "problem", "crisis", "reform", and "defects."

# "Stumbling toward a Convention"

## PLANS TO REWRITE THE CONSTITUTION

An amazing group of prominent and powerful persons is waiting in the wings to bring about a radical restructuring of our U.S. Constitution. Just to call the roll of the big names is enough to reveal what enormous power in business, finance, the media, politics, and academia is behind this plan.

The co-chairmen of this group are C. Douglas Dillon, former Secretary of the Treasury and a powerful Wall Street figure, Lloyd N. Cutler, former counsel to then President Jimmy Carter. Others participating in working panels include former Defense Secretary Robert McNamara, former Sen. J. William Fulbright, Congressman Henry Reuss, and representatives from the Brookings Institution, the Rockefeller Foundation, the Woodrow Wilson Center, the Sloan Foundation, and the University of Chicago Law School.

It would be premature to say that the following are final recommendations, but the "Summary" of the "Report of Third Meeting, September 9-10, 1983," held at the Woodrow Wilson Center in Washington D. C., and only recently released, shows that a consensus of this elite group is building for the following objectives:

(1) Allow or require the President to appoint members of Congress to some or all Cabinet positions.

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

(3) Force the American people to cast a single vote for a package slate consisting of the president, vice-president, and the voter's own House and perhaps Senate candidates.

(4) Eliminate the present prohibition against members of Congress serving as Presidential Electors.

(5) Change a large number of U.S. House seats from election by district to election "at large" in order to increase the possibility that the political party that wins the White House will also control Congress, and that the at-large members would be more likely to take a "nation-wide view" of the issues.

(6) Devise a "more realistic, feasible" method of Presidential removal by an extraordinary majority in both houses of Congress.

(7) Permit the President to dissolve Congress (when he thinks Congress is "intractable") and call for new congressional elections.

(8) Reduce the two-thirds requirement for Senate ratification of treaties to a simple majority only.

(9) Give the President an item veto over the budget.

(10) Give the President the power of the legislative veto.

(11) Eliminate the 22nd Amendment that limits Presidents to two terms.

(12) Eliminate the Electoral College and allocate each State's electoral votes directly.

(13) If no candidate receives a majority of the electoral college vote, then elect the President and Vice-president at a joint session of both houses of Congress, with each member having one vote (instead of the present system of one vote per state).

(14) Eliminate the requirement that appropriation bills must originate in the U.S. House of Representatives.

(15) Overturn the Buckley vs. Valeo Supreme Court decision that upheld the right of individuals to contribute to political campaigns.

(16) Force the taxpayers to finance Congressional election campaigns so that political expenditures by the candidate and by political action committees can be limited or prohibited.

(17) Reduce the cost of Presidential and Congressional elections by holding them at irregular intervals so that the date would not be known very far in advance.

(18) Give the federal government—the power to regulate and supervise cities. And there is much, much more.

Meanwhile, other groups of people who want a balanced budget amendment have gotten 32 state legislatures to ask Congress to call a Constitutional Convention. Our present Constitution provides that if 34 states pass such a resolution, Congress "shall call" such a convention.

And all ready to take advantage of this unique opportunity to achieve its goals is the small elite group of powerful men who want to junk the U.S. Constitutional Republic with our traditional separation of powers in favor of a European system that they can more easily control.

Copley News Service

We must guard the People's right to keep and bear arms.

## A CONSTITUTIONAL CONVENTION IS POPULARLY KNOWN AS A "CON CON."

State legislatures are calling for a Constitutional Convention without comprehending the full dimensions of the risk.

### BEWARE!

A new movement sprung up in the mid-70's in various state Legislatures to call for a Constitutional Convention. Some of these resolutions called for a Con Con in order to consider a Human Life Amendment, and others called for a Con Con to pass a Balanced Budget Amendment. Some 20 state legislatures passed Con Con resolutions in behalf of a Human Life Amendment.

Then suddenly the Con Con "movement" dropped the Human Life Amendment resolution and was taken over by the anti-tax groups, the organizations demanding Tax-Limitation. A Federal Balanced Budget is a goal desired by a majority of Americans, BUT a Con Con is not the way to do it.

A Con Con provides an opportunity for those who want to rewrite our Constitution.

BEWARE!

### BEWARE!

Proponents for calling for a Con Con claim it can be limited to one Amendment. Who knows what a Con Con would do? Chairman of the National Commission on the Bicentennial of the United States Constitution, Warren Burger—former Chief Justice of the Supreme Court, speaking at Wayne State University said, "There is no way to put a muzzle on a Constitutional Convention." (Detroit Free Press)

### DON'T TAKE RISKS WITHOUT KNOWING THE GENUINE HAZARDS

### A SOLUTION

Legislatures should send an Amendment or Resolution petitioning Congress to adopt an Amendment to Balance the Budget. BUT strike out any words that refer to "Con Con" (Constitutional Convention) — DELETE "Con Con!"

## HAVE YOU HEARD ABOUT CON CON? ON RADIO? TV? READ IT? OR IS THIS NEWS TO YOU?

"The 1979 California drive (for a Con Con) failed—mainly I believe because the California Legislature was the first to hold serious hearings on the risks as well as the benefits of the convention."

Gerald Gunther - William Nelson Cromwell Professor of Law at Stanford Law School

Thirty-two state have passed resolutions requesting Congress to call a Constitutional Convention for the purpose of submitting a Constitutional Amendment to require a Federal Balanced Budget. Article V of the U.S. Constitution makes it mandatory that if 34 states pass such resolutions Congress "shall" call a Convention for proposing Amendments.

### HOW MUCH \$\$ WOULD A CON CON COST THE TAXPAYERS? UGH! OUCH!

Once 34 proper applications for a convention are before Congress, Congress is under a duty to call a convention and does not have a legitimate discretion to ignore the applications.

A convention for which there are no guidelines as to what its scope shall be, as to how the delegates are to be selected, and as to how long it shall meet, are among many questions.

A Constitutional Amendment or Amendments could bypass State Legislatures and be ratified by State Conventions. Read for yourself—Article V of the Federal Constitution.

OR

Suppose that a Federal Con Con would rewrite our Constitution as the Founding Fathers did! Who knows what would happen?

## Electing delegates to Con Con.

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

The Convention delegates could legitimately speak as representatives of the people that elected at the most recent election.

The delegates would have a plausible constitutional basis for considering issues beyond the budget, in view of the historical data and legal commentaries indicating that a convention is entitled to set its own agenda, as did the "runaway" Constitutional Convention of 1787.

Professor Gerald Gunther  
Law Professor, Stanford Law School

Scholars warn that even if Congress passed limiting legislation, a Convention, once assembled, could reject any or all restrictions on its activity and assert its supreme authority by virtue of its direct authority from the "people."

Citizens to Protect the Constitution

Professor Lawrence H. Tribe of the Harvard Law School sees the primary threat imposed by an Article V convention as that of "a confrontation between Congress and such a convention," noting also that the dispute would inevitably draw into the confrontation the Supreme Court itself. The outcome would be constitutional upheaval at all levels.

## ARTICLE V CONSTITUTION, HOW AMENDED

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 interests 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 of the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first four clauses in the Ninth Section of the First Article and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Amendments may be added to the Constitution in two ways. If two-thirds of the Representatives and two-thirds of the Senators in Congress agree to an amendment, it is sent to the state legislatures. If the amendment is approved by the state legislatures or by conventions called for this purpose in three-fourths of the states, the amendment is added to the Constitution.

If two-thirds of the state legislatures ask for an amendment, Congress shall call a meeting to propose the amendment. If three-fourths of the states, through their legislatures or conventions, agree to the amendment, it is added to the Constitution.

Article V of the Constitution lists two exceptions for adding amendments. No amendment could prohibit the importation of slaves until 1808. No amendment shall take away from any state, without its consent, equal number of Senators in Congress.

Elson in his History of the United States, says: Never before in the history of man, had a government struck so fine a balance between liberty and union, between state rights and national sovereignty yet there is little in our Constitution that was created by its framers...they gleaned from history, from the mother-land, and especially from the various State Constitutions.

The delegates who framed the Constitution were gloomy about its prospects and many people to whom it was submitted were not enthusiastic. When the Convention ended, the important question was whether the states would ratify its work.

Two objections were widespread: The document contained no Bill of Rights (afterward adopted); and the Central Government would usurp State power. The question of State rights has marched down the pages of American history. It is still an issue today.

Delaware was the first State to ratify the Constitution unanimously, and Rhode Island the last State, May 29, 1790.

The Constitution, as ratified, consisted of a Preamble, and seven articles. The very first Congress proposed the Bill of Rights, the first ten amendments.

# QUESTIONS and ANSWERS

- Q. Where and when was the term first used, "United States of America?"  
A. 1776-Philadelphia upon the birth of the "Declaration of Independence."
- Q. In what city was the Constitutional Convention called to meet and when?  
A. Philadelphia, May 14, 1787.
- Q. What was the purpose of the Convention?  
A. To form a more perfect Union of the Thirteen States.
- Q. Why was it necessary to frame a Constitution?  
A. To make that Union more binding and effective than the confederation formed in 1778.
- Q. By whom was the Constitution of the Constitution of the United States framed?  
A. By 55 delegates from twelve of the thirteen original states.
- Q. Whom did the delegates represent?  
A. We, the people.
- Q. How long did it take the delegates to frame the Constitution?  
A. Less than one hundred working days.
- Q. On what day and year was the Constitution adopted and signed?  
A. September 17, 1787.
- Q. How many of the delegates signed the Constitution?  
A. Thirty-nine.
- Q. By what mention did the people ratify the Constitution, and when?  
A. By ballot-electing delegates to special State conventions-in force 1789.
- Q. What are the three branches of government?  
A. Legislative, Executive, Judicial.
- Q. What are the duties of the Legislative branch?  
A. To make the laws.
- Q. By whom are the laws made?  
A. By the Congress of the United States.
- Q. What is the composition of the Congress of the United States?  
A. 100 Senators and 435 Representatives (Congressmen).
- Q. What are the requirements to be a Senator or Congressman?  
A. A Congressman must be 25 years old, 7 years a citizen, Senator, 30 years old, 9 years a citizen, and both residents of the state.
- Q. What are the salaries of Senators and Congressmen?  
A. \$42,500.
- Q. What are the duties of the Executive branch?  
A. To enforce the laws.
- Q. What are the requirements to become President of the United States?  
A. Must be 35 years old and born in the United State, and 14 years a resident within the United States.

- Q. Salary of the President?  
A. \$200,000.
- Q. Does the Constitution prohibit members of certain religious denominations from becoming President of the United States?  
A. No.
- Q. What are the duties of the Judicial branch. "The Supreme Court of the United States?"  
A. To interpret the laws.
- Q. Can the Supreme Court of the United States nullify an Act of Congress?  
A. It can examine a law when a suit is brought before it, and only then can render a decision as to its constitutionality.
- Q. Where in the Constitution do the states secure their rights?  
A. Article 4 of the Constitution.
- Q. Can the Constitution be changed?  
A. Yes.
- Q. Has the President of Congress the power to change the Constitution?  
A. No.
- Q. Who has the power to change the Constitution?  
A. We, the people.
- Q. By what procedure can the people change the Constitution?  
A. By using or exercising the Rights given to them in Article 5 of the Constitution.
- Q. Since adoption how many amendments to the Constitution have been proposed to Congress?  
A. Over three thousand.
- Q. How many amendments were adopted?  
A. Twenty-six.
- Q. Does the President have the power to declare war?  
A. No.
- Q. Who does have the power to declare war?  
A. Congress.
- Q. Can the President or Vice-President be removed from office?  
A. Yes.
- Q. Are the President, Vice-President, Senators, Congressmen, Executive, and Judicial officers required to take the oath to uphold the Constitution?  
A. Yes.
- Q. On what day and hour does the term of office of President and Vice-President of the United States expire?  
A. January 20-at noon.
- Q. On what day and hour does the term of office of U.S. Senators and Congressmen expire?  
A. One-third of the Senators and all Congressmen's terms end January 3, at Noon, every odd-numbered year.  
From "The Key of the Constitution of the United States" By Harley

## IDEAS TO HELP

Enclosed is a buck \$ (or more) to "Buck" Con Con. Write to Helena Eagle Forum—Pioneers' Chapter. (Montana Citizens to Oppose a Con Con) Box 4944 Helena, MT 59604

Montana Citizens check your present and incumbent legislators on their Con Con sentiments. Do they want to help you? or themselves?

Request a roster (names of legislators) at: Secretary of State Office, Capitol Building, Helena, Montana 59620

Write to the legislators (Senators and Representatives) telling them why you oppose a "Con Con."

Do we want a Balanced Budget? YES! Do we want a "Con Con"? NO!

Helena Eagle Forum Pioneers' Chapter wants to thank the Senators and Representatives of our Montana Legislature who vote for a Federal Balanced Budget (and oppose a Con Con).

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

## REMEMBER

Delegates do not have to run for re-election.



Do We Want The Practice Of Religion To Be Considered A "Privilege"?

Don't have confidence in these so called eight checks.

## NONE OF THESE ARE CHECKS

- Supporters of Con Con: "Congress could avoid the convention by acting itself."  
Opponents of Con Con: "Congress does not have the option. If 34 states request Con Con, Congress is obligated to call it."
- Supporters of Con Con: "Congress establishes the convention procedures."  
Opponents of Con Con: "No one knows what would happen. Re: Agenda, procedures, or method of election Former Chief Justice of the Supreme Court Warren Burger says "There is no way to put a muzzle on a Constitutional Convention."
- Supporters of Con Con: "The delegates would have both a moral and legal obligation to stay on the topic."  
Opponents of Con Con: "Other people have different ideas of what their moral obligations are. There is no legal obligation whatsoever. The idea of delegates swearing an oath to limit to one topic is probably unconstitutional & would be challenged."
- Supporters of Con Con: "Voters themselves would demand that a convention be limited."  
Opponents of Con Con: "Oh? 20 states passed a Con Con for a Human Life Amendment. What about abortion funding, school prayer, forced busing, etc.? Voters would demand more issues."
- Supporters of Con Con: "Even if delegates did favor opening the convention to another issue, it is unlikely that they would all favor opening it to the same issue."  
Opponents of Con Con: "Perhaps, but bargaining would probably occur! You look at my issue, I'll look at yours."
- Supporters of Con Con: "Congress would have the power to refuse to send a nonconforming amendment to ratification."  
Opponents of Con Con: "By that time Con Con could produce a cluster of amendments or an entirely new constitution which might be agreeable to the N.Y. Times, The Washington Post, and the TV Networks."
- Supporters of Con Con: "Proposals which stray beyond the convention call would be subject to court challenge."  
Opponents of Con Con: "Anything & everything to do with Con Con would end up in court. Con Con will inject the Supreme Court into the amendment process."
- Supporters of Con Con: "Thirty Eight states must ratify."  
Opponents of Con Con: "But it does not have to be 38 state legislatures. See Article V. Congress could specify state ratifications by conventions thus by-passing state legislatures altogether!"

## BAIT & HOOK

The bait is the balanced budget amendment. The hook is calling for a Federal Constitutional Convention (Con Con).

Do not play "Blind Man's Bluff" with our Constitution. Don't call for a Con Con. Don't even mention the words "Con Con" in any legislative Bills or Resolutions, or you may be counted as wanting one!

Certain states which have not passed Con Con resolutions are: Hawaii, Washington, California, Montana, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Kentucky, West Virginia, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, and Maine.

## BEWARE!

These states are targets for organizations promoting a Con Con. Only 2 more are needed.

DON'T LET YOUR STATE FALL FOR THE BAIT WITH A HOOK IN IT. THE HOOK IS THE CON CON.

## BUT

To use a good end (a Balanced Budget) by a bad means (a Con Con) would endanger our freedoms. People who want to change our kind of government, see a Con Con as a perfect opportunity to accomplish such a deed. Do we want a "New World Order" to replace the American Republic?

NO! NO! NO! NO! NO! NO! NO! NO! NO! NO! NO! NO! NO! NO!

Rose Enterprises  
Typesetting Specialists

## BEWARE!

"Let us face reality. The Framers have simply been too shrewd for us. They have out-witted 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 MacGregor Burns,  
Committee on the Constitutional System  
The Power to Lead

## THE CONSTITUTION OF THE UNITED STATES

"The most wonderful work ever struck off at a given time by the brain and purpose of man." (Gladstone)

1987 is the bicentennial year of the constitution. We must tell lawmakers that they shouldn't take steps that could radically transform the document that has served our country so well.

Legislative Report, #4-1/30/87  
Montana State AFL CIO

We will celebrate the Bicentennial of its writing in 1987, and of its adoption in 1989. Could it survive a Con Con?

Since 1987 is the bicentennial year of the writing of the U.S. Constitution, we should strongly encourage all appropriate celebrations and educational activities. Under no circumstances should the bicentennial be allowed to be used as a platform by those who are trying to plunge us into a new constitutional convention (known as Con Con) to rewrite our constitution.

Phyllis Schlafly  
Washington Times, 12/31/86

## BEWARE!

"The Committee on the Constitutional System while praising 'the Framers brilliant work' two centuries ago, stresses that 'the best way to honor the Framers of the Constitution during the bicentennial era is to follow their example' by changing the structure of government to meet new challenges as they did."

New York Times, January 11, 1987

Our United States Constitution is an inspired document which has guaranteed our political and spiritual freedom, economic opportunity, states' rights, and national growth for 200 years.

Let us observe our Bicentennial Year by celebrating our Constitution's success, not by throwing it into a crisis.

The delegates could legitimately speak as representatives of the people and could make a plausible case that a convention is entitled to set its own agenda.

Gerald Gunther is William Nelson  
Cromwell Professor of Law at  
Stanford Law School.

## Could Congress stop a "runaway" convention?

## "Don't take risks without knowing the genuine hazards"

Gerald Gunther  
Professor of Law  
Stanford Law School

There is a beautiful Montana rainbow trout swimming around in the cool fresh water. It sees a plump juicy worm dangling close by. The trout quickly swims to it, opens its mouth, and in one gulp swallows it, only too late to find there was a hook in it.

The balanced budget is the bait, the Con Con is the hook.

The name of this game is bait & switch. Legislatures go for the bait, the Balanced Budget & find the contents changed.

Go for the Balanced Budget—but "Can the Con Con."

## SOLUTION

Legislatures should send an Amendment or Resolution petitioning Congress to adopt an Amendment to Balance the Budget.

## BUT

Strike out any words that refer to "Con Con". DELETE "CON CON!"

We may be tossed upon an ocean where we can see no land nor perhaps, the sun or stars. But there is a chart and a compass for us to study, to consult, and to obey. That chart is the Constitution.

-Daniel Webster  
-Conservative Digest, Jan. 1987

## Ratification?

The balanced budget amendment or any amendment does not have to be ratified by 38 state legislatures—the legislative process can be passed up entirely. Article V says "or by convention" and who knows how that convention would be chosen. In fact this very point is made by the proponents of the Con Con as one of the Eight Checks on a Con Con. It is no check at all.

## DOES YOUR REPRESENTATIVE OR SENATOR SPEAK FOR YOU?

Ask him/her.

A Balanced Budget can be achieved by other routes, but a call for a constitutional convention is like getting on a roller-coaster. Once the ride starts, you might wish you hadn't climbed aboard, but there is no way to get off.

## THE MAJORITY IS NOT ALWAYS REPRESENTED

Our Federal Constitution is the plan under which we live, unless a Majority of the people decide to make a new plan.

## SPEAK UP!!

## Many Unanswered questions about a Con Con:

1. Who will the delegates to the convention be and how will they be chosen?
2. Will the states control their delegates?
3. Are convention issues reviewable by the courts?
4. How will the convention be financed?
5. How long are state petitions valid?
6. What determines the validity of a petition?

Are you opposed to calling for a Con Con?  
(A Federal Constitutional Convention)

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."

Professor Walter Dellinger  
Duke University Law School

## REMEMBER

A call for a convention whether for 30 days or 60 days or 90 days...or whatever...is still a call for a Con Con. A call is a call...is a call; don't fall for it. Don't call!

## 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 defence, 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.

## Bicentennial Celebration

Americans everywhere are developing ways to celebrate the 200th Anniversary of the Constitution. To receive information about events or projects throughout the United States, or to have your event or project included in the Bicentennial Clearinghouse, please call (202) USA-1787; or write the Commission on the Bicentennial of the U.S. Constitution, 736 Jackson Place, N.W., Washington, D.C. 20503.

"I dread the more the consequences of new attempts because I know that Powerful Individuals, in this and other states, are enemies to a general national government in every possible shape."

No. 85 Alexander Hamilton, To The People of New York, The Federalist Papers

## BEWARE!

Trying to change our Federal Constitution during our Bicentennial celebration is like getting a divorce on your anniversary!

In three years our nation will celebrate the 200th anniversary of the adoption of its Constitution. Let us hope that meanwhile that historic event will not be marred by an imprudently called convention of unknowable authority and uncertain constraints.

In this year of the Bicentennial, we should all follow the advice of George Washington to his troops: "Put none but Americans on guard tonight."

If ever there was a time when Americans need to be on guard to protect our Constitution, that time is NOW!

The framers of our government in 1789 made it clear to the Congress that they created that its business was not to be the legislative manufacturing of economics or any other kind of strait-jackets: they made it clear to the Chief Executive that he was not the master but the first servant to the State. The Constitution like the Ten Commandments includes numerous and emphatic "Thou shalt nots" and places far beyond the reach of any government, rights essential to human life, human liberty, and the pursuit of happiness.

From "The Key to the Constitution of the United States" By Francis Harley

When people in the states that have petitioned Congress for a Federal Con Con find out how dangerous a Con Con could be for our country, then it is their moral obligation to Rescind and to go on record that they oppose a Con Con.

Do you want a Federal Balanced Budget? Of course you do!

A Balanced Budget Amendment written by Congress and submitted to the states for approval is a prudent course to adoption of such an Amendment.

## OF COURSE, WE WANT A BALANCED BUDGET AMENDMENT

Warren Burger, former Chief Justice of the U.S. Supreme Court said, "There's no way to put a muzzle on a Constitutional Convention" to narrow its work to force Congress to balance the federal budget, as some have suggested. "I would not favor...a Constitutional Convention to review the whole thing," said Burger, and called the plan "a grand waste of time."

1-31-87 • Detroit Free Press

For one thing, there is general satisfaction with the existing Constitution as a document that has served our nation well. It is a document of principle, inspiration, equity, and opportunity for all people. As needs for change became manifest, one of the two amendment methods provided in Article V—changes initiated by Congress—has proven responsive and effective on 26 occasions. So it is understandable that many citizens and legal scholars who hold the Constitution in high regard are becoming worried about the dangers of a second constitutional convention and the uncharted course upon which this nation would embark if such a convention were called for the ostensible purpose of mandating a balanced budget.

Betty L. Babcock  
720 Madison,  
Helena, MT 59601

February 10, 1993

The Honorable Richard Simpkins  
Chairman, State Administration  
Capitol Station,  
Helena, MT 59620

Dear Representative Simpkins,

Russell Fagg, the author of HJR9 is a fine young legislator.

All of you, like me, are concerned about the rising national deficit.

Many are of the opinion that by asking Congress to pass a Balanced Budget Amendment, even it means calling a Constitutional Convention that our problems will be solved.

I respectfully suggest that passing JHR9 would be a terrible mistake. The author, with the help of Alex, designed the resolution believing that it is "different" from those submitted in the past, and that there would be no RISK to the Constitution.

The same RISKS are there, the same people our still trying to replace our Constitution with a new document.

Please vote no on HJR9.

Thank you very much.

Most sincerely,



Betty L. Babcock

### COVERT AND QUIET

For nearly twenty years the con-con movement in the state legislatures has been promoted at a dangerously quiet level. This movement must be exposed. Advocates of a convention offer false assurances that a convention can be limited to a single subject. Some state legislators feel perfectly safe with their state's call for a con-con because they have added to it a "null and void" clause similar to the following taken from the Idaho resolution:

"....Be it further resolved that this application and request be deemed null and void, rescinded, and of no effect in the event such convention not be limited to the specific and exclusive purpose of proposing an amendment to balance the budget....."

Unfortunately, this clause leads to a false sense of security. Article V of the U.S. Constitution authorizes the states only to apply for a convention. Once underway, a convention makes its own rules, and once fully assembled, it could reject any or all restrictions on its activity and assert its supreme power by virtue of its direct authority from "we the people".

### STATE RATIFICATION NOT FOOLPROOF

Those who insist there is nothing to fear from a con-con maintain that even if it were to get out of control and draft a dangerous amendment (or a new constitution), it would take three-fourths (38) of the states to ratify it. They ask, "Would 38 states ratify a bad amendment?" At first glance, it seems unlikely that the states would allow any such mischief. But two historical facts are never mentioned by con-con advocates, and these are crucially important points:

1. The convention could abolish or alter the rules of ratification as was done in 1787.
2. Article V authorizes Congress to decide on the mode of ratification: either by the state legislatures, or by special ratifying conventions set up in the states. In 1933, when many state legislatures were opposed to legal liquor sales, the 21st Amendment was ratified in special state conventions, thus circumventing the legislatures of the states.

To recap the above information, simply put...WE CAN ADD THE BALANCED BUDGET AMENDMENT WITHOUT A CON-CON. REGARDLESS THE RESTRICTIONS STATE LEGISLATURES PLACE ON THEIR RESOLUTION FOR A CON-CON CALL, ARTICLE V ALLOWS A CONVENTION UNLIMITED CONTROL. A DANGEROUS AMENDMENT OR A COMPLETELY RE-WRITTEN CONSTITUTION DOES NOT HAVE TO BE RATIFIED THROUGH STATE LEGISLATURES. They can empanel special conventions within each state to ratify their new constitution.

### WHY PROTECT THE CONSTITUTION?

Informed Americans realize that many officials in all branches of our government pay little attention to the Constitution. It is known that they do just about what they want giving only lip service to "the constitutionality" of their actions. In view of such disregard for the Constitution, why then is it so important that we work to keep it out of the clutches of a con-con? What difference could it make?

**THE ANSWER...** Truth will ultimately prevail. Many Americans are working diligently to get government back to its limited role. The time will come when enough people have been awakened so they will have the ability to force that runaway government genie back into its bottle. However, this can only be accomplished if a leakproof Constitution is maintained. **OUR CONSTITUTION MUST BE KEPT INTACT** for that day when Americans return to God, and statesmen return to government. It is imperative that we maintain those carefully drafted separations, those brilliantly conceived checks and balances, those sparingly enumerated powers, and **OUR GOD GIVEN RIGHTS SECURED BY THIS DIVINELY INSPIRED DOCUMENT DURING THESE TIMES OF DECEIT AND CONTROVERSY.**



Supreme Court of the United States  
Washington, D. C. 20543

June 22, 1988

CHAMBERS OF  
CHIEF JUSTICE BURGER  
RETIRED

Dear Phyllis:

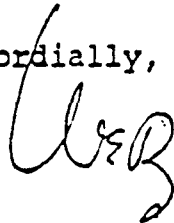
I am glad to respond to your inquiry about a proposed Article V Constitutional Convention. I have been asked questions about this topic many times during my news conferences and at college meetings since I became Chairman of the Commission on the Bicentennial of the U.S. Constitution, and I have repeatedly 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

1145 North 26 Street  
Billings, MT 59101  
February 11, 1993

State Administration Committee  
Room 312, Montana State Capitol  
House - Constitution Comm.  
Helena, Montana 59101

Dear Richard Simpkins and Wilbur Spring,  
Chairman Vice Chairman

Regarding HJR 9, please inform the following, listed  
below that we would like you to vote NO:--

Representatives Beverly Barnhart,  
Ervin Davis  
Patrick Galvin  
Bob Gervais  
Harriet Hayne  
Gary Mason  
Brad Molnar  
Bill Rehbein  
Sheila Rice  
Sam Rose  
Dore Schwinden  
Carolyn Squires  
Jay Stovall  
Norm Wallin

We were told that if we called the Legislature we could  
leave a message for three different Representatives  
which we did, and perhaps would have made more long-distance  
calls but so much time was lost after the telephone was  
answered and before we could get through to the proper  
extension that we are taking this means of expressing our  
choice. Hopefully, this letter will be read before HJR 9  
is voted on. We weren't given this information about  
Friday's meeting with Phyllis Schlafly in time to do  
much more.

Thank you for your kind consideration.

Very truly yours,  
*Mr. & Mrs. R. N. Bertren*  
Mr. and Mrs. R. N. Bertren

1607 Pinyon Drive  
Laurel, Montana 59044

February 9, 1993

Representative Richard Simpkins  
Capitol Station  
Helena, Montana 59620

Dear Representative Simpkins:

We are writing you in regards to House Bill HJR 9 which will call for a constitutional convention. We are vehemently opposed to this bill or any bill that provides for any Constitutional Convention.

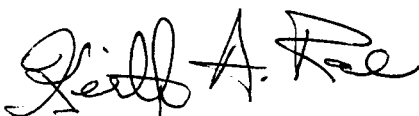
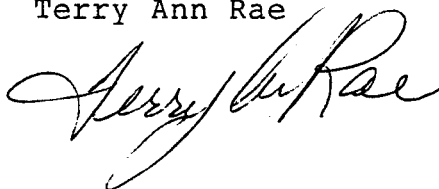
This bill is unnecessary.

It is imperative as citizens and registered voters of Montana that we make you aware of our position on key issues. Therefore, we are registering our opposition with you to House Bill HJR 9 and urge you to VOTE NO on it! We will be closely monitoring the progress of this and any related bill.

Respectfully Yours,

Keith Alan Rae

Terry Ann Rae

Handwritten signature of Keith A. Rae in cursive script.Handwritten signature of Terry Ann Rae in cursive script.

# How Con Con Changed Color


Back in the 1970s, some people started campaigning for a Balanced Budget Amendment (BBA) to the U.S. Constitution. When BBA failed to get the support of enough Americans, its sponsors went around to State Legislatures and introduced resolutions calling for a new national Constitutional Convention (known as a Con Con) to consider a BBA.

At first, some Legislatures passed a resolution demanding a BBA without realizing that a Con Con was in the fine print. The Con Con/BBA people claimed that a Con Con would never really happen, or if it did happen it would be limited to considering only a BBA, or that there was only "one chance in a hundred million" that a "runaway Con Con" would consider other issues.

Under Article V of the Constitution, Congress "shall call" a Constitutional Convention to propose "Amendments" if two-thirds (34) of the states request one. When we got close to that number and Con Con became a real possibility, the tide turned. Not a single state passed a Con Con/BBA resolution after 1983, despite heated battles in many legislatures. Since then, three states rescinded their Con Con/BBA resolutions: Alabama, Florida and Louisiana.

Then, like a chameleon, the groups promoting a Con Con/BBA changed color and grabbed another issue to "ride" to a Con Con: the Limitation of Congressional Terms. The American people like the Term Limitation idea, but they don't like it tied to a Constitutional Convention. Only two states passed Term Limitation tied to a Con Con.

Now the Con Con advocates are pushing a Balanced Budget Con Con again, hoping that just two more state resolutions will trigger a Convention.



The best 20th-century example of a national bipartisan convention run by the Federal Government is the International Women's Year Convention in Houston in 1977. It was a tug-of-war between special-interest groups — plagued by election frauds, dictatorial tactics, disorderly demonstrations, and media manipulation. Fortunately, it had no legal effect.

# What's Wrong With Con Con?

- It would throw confusion, uncertainty, and court cases around our governmental process by opening up our entire Constitution to be picked apart by special-interest groups that want various changes. This would endanger our American form of government, make us look foolish in the eyes of the world, unsettle our financial markets, and force all of us to refight the same battles that the Founding Fathers so brilliantly won in the Constitutional Convention of 1787.

- The most influential players in a Con Con drama today 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. Television would show daily pictures of radical demonstrators demanding constitutional changes. The original Constitutional Convention of 1787 deliberated in complete secrecy and there were no leaks to the press. That is impossible today.

A Constitutional Convention in the 1990s would be like holding a Republican and Democratic National Convention in the same hall! Can you imagine the confusion and the frustration as the Jesse Helms caucus tries to work out a constitutional change with the Jesse Jackson caucus?

<b>32 States Passed Con Con/BBA Resolutions</b>
1975 Alabama, Louisiana, Mississippi
1976 Delaware, Georgia, South Carolina, Virginia
1977 Maryland, Tennessee
1978 Colorado, Kansas, Louisiana, Oklahoma, South Carolina, Tennessee, Wyoming
1979 Alabama, Arizona, Arkansas, Florida, Idaho, Indiana, Iowa, Louisiana, Maryland, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Pennsylvania, South Dakota*, Texas, Utah*
1982 Alaska 1983 Missouri
*Also passed a Con Con/Limitation of Terms Resolution
<b>Three States Rescinded Their Con Con Resolutions</b>
1988 Alabama, Florida 1990 Louisiana
<b>18 States Never Passed Con Con/BBA Resolutions</b>
California, Connecticut, Hawaii, Illinois, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Montana, New Jersey, New York, Ohio, Rhode Island, Vermont, Washington, West Virginia, Wisconsin

# America's Challenge

The miracle of our great United States Constitution is that it has lasted two centuries, accommodating our great geographic, population and economic expansion, while preserving individual liberties. Many different groups — both from the left and the right — are supporting major constitutional changes. Some even want to change our entire form of government. A new national Constitutional Convention would open up a Pandora's Box of unnecessary troubles.

Among the patriotic groups solidly opposed to calling a new Constitutional Convention are the American Legion and the Veterans of Foreign Wars. Those who have fought for America realize how precious our Constitution is. Changes should be made in the traditional way that 26 amendments were added to our Constitution — one amendment at a time.

No James Madisons, George Washingtons, Ben Franklins, or Alexander Hamiltons are evident in America today. We should not risk making our Constitution the political plaything of those who want to rewrite our great Constitution. They have a hidden agenda and — like a chameleon — they change the color of their fundraising goals in order to mask their purposes.

George Washington and James Madison both called our Constitution a "miracle." It's unlikely that a similar miracle could happen again.



"We the People..."

Boston MA

(617) 266-7827

12 Feb 1993

To: Representative Richard Simpkins  
 Chairman Montana State Administration Committee

From: Kevin Hall  
 "We the People..." Mass. Director

Pages - 2

Dear Representative Simpkins:

Please defeat HJR 9, Montana's Constitutional Convention resolution. The resolution has nothing to do with a balanced budget. See the attached Con Con Fact Sheet 1991.

When HCR 28, calling for an unlimited convention, was killed in Congress in 1976, its backers started pushing for single-item state resolutions such as a balanced budget amendment knowing that a convention cannot be limited.

Please protect the document that established our nation by killing HJR 9.

Thank you in advance,

Kevin Hall

WTP Massachusetts Director

- A

1 THRU 9

**1991 CONSTITUTIONAL CONVENTION FACT SHEET**

**LIMITATION OF CONGRESSIONAL TERMS** by Constitutional Amendment is the 1991 theme of the campaign being waged by Jim Davidson's National Taxpayer's Union and the National Tax Limitation Committee to promote a Constitutional Convention on any pretext that will catch on.

**THREE STATES HAVE RESCINDED**

1. **FLORIDA, ALABAMA AND LOUISIANA** have rescinded their calls for a Constitutional Convention to balance the Federal budget. This leaves the U.S. 3 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 promoting a limited convention which we are facing now.

**THE NEWSTATES CONSTITUTION'S ASSAULT ON THE BILL OF RIGHTS**

3. **GUNS** - Article I - B Sec. 8 states "bearing of arms shall be confined to the police, members of the armed forces, and those licensed under law."
4. **RELIGION** - Article I - A Sec. 8 states "The practice of religion shall be privileged" Religious freedom would no longer be a right.
5. **JURY TRAIL** - Article VIII states that the judge decides if there is to be a jury.
6. **SPEECH** - Article I - A Sec. 1 states "Freedom of expression shall not be abridged except in declared emergency."

**OTHER DANGERS**

7. **FARMS** - Rexford Tugwell, the lead author of the Newstates Constitution said that private ownership of farms had not proved good for society.
8. **DEPRESSION** - Sen. Nancy Kassebaum's Committee on the Constitutional System says they want to wait until the U.S. is in a 1929 type depression to call a convention because only then would the public accept the radical changes they want, so by passing another convention call or by not rescinding and moving them another state away from their goal we are encouraging them to force a depression on us.
9. **SCHOOLS** - Article I - A Sec. 11 says that free education would only be for those that 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.**

FROM: Charles Hunn, Jr.  
3335 Timber Edge Dr.  
Clinton, MT 59825

TO: MONTANA STATE ADMINISTRATION COMMITTEE MEMBERS

Attn: Chairman, Richard Simpkins

PLEASE VOTE "NO" FOR HJR9 CALL FOR A CONSTITUTIONAL  
CONVENTION.

Thank you.

Charles Hunn, Jr.

Chairman, Richard Simpson

PROTECT OUR CONSTITUTION OF THE UNITED STATES  
OF AMERICA

Voice of the "I AM," July 1936, Page 22.

Blessed people of America! the Constitution of These United States is the Instrument in the outer world, by which the "Mighty I AM Presence" guards you, your families, your homes, and your Liberty! It is the Guardian Presence for our Beloved United States of America; and that is the same to you as the house in which you live.

I plead with you to use everything in your Life and your world, to defend the Constitution of the United States - to the utmost - against all attacks and changes; for as surely as you live, there would be no Peace, Protection, Supply nor Happiness for you and yours, unless That Constitution remains as the Plan and Power, for governing those who live within the borders of the United States of America!

Our Constitution is Perfect Enough and Powerful Enough to govern the people of the United States and the Whole Earth forever; if government officials and the people themselves will obey the Principles contained within It! The Finest Array of Principles in the Universe, compiled into any document will not produce Perfection, if no one obeys them! The trouble is not with the Principles nor the Document, but with the intent in the feeling of individuals to give obedience to them, and thus be blest by them.

Where there is the Will to Obey the Constructive Law of Life, Perfection is always experienced; and the DESIRE to obey the Constitution must be generated and aroused within the Hearts of the people themselves. Remember! the operating of a government is but the reflection of men's minds, and the obedience or disobedience to Law, is the reflection of men's feelings. When the people themselves demand that government officials obey the Principles in the Constitution, only those who will obey, will be placed in positions of authority, to run the machinery of the government.



Viciousness, selfishness, dishonesty and violence will destroy themselves; if the people will insist on Obedience to the Principles in the Constitution and give that Obedience also, in their own individual activities!

Our Constitution was designed to cover all possible changes in the advance of civilization and will *never* be out of date! Its Principles are Eternal Enough to govern all mankind forever; if individuals and government officials will give obedience to those Principles!

**THERE IS NOTHING WRONG WITH THE CONSTITUTION!** The trouble lies in the feeling and the lack of willingness in the individuals themselves, to abide by the Principles, which are recorded within the Constitution, so order may be maintained in all outer activities!

It is a Divine Instrument and a Marvel of Wisdom—Great Enough to fulfill the needs of our people up to this time—and the Means by which we have attained Our Present Successful Achievement, before the crime of national debt was imposed upon Our Nation! For national distress has only come in our Country, when those Principles in the Constitution have been disregarded! Distress will remain, until they are obeyed—by both government officials and every individual—in his own private as well as public activities!

The Constitution will take us on forever, no matter how Great Our Activities become; if the people will accept It and see that Its mandates are fulfilled!

As surely as you breathe, Life for human beings born in the United States, will contain no happiness, if they are compelled to live under a dictatorship or autocracy—no matter whether that arrangement be openly acknowledged or subtly disguised!

The Constitution of the United States is a SUN OF LIGHT AND FREEDOM to *all* mankind; and was established through terrific struggle, suffering and sacrifice, that we of today might enjoy the Blessings of this Country in Peace.

The people of the whole world, who really want the Constructive Way of Life, love and admire the Constitution of the United States; and we, who are the Beneficiaries of Its Light and Protection, should surely value It most!

Therefore, it becomes the sacred obligation of every individual who wants Security, Peace and the Blessings of Life to defend It with all he is and has, even with his Life, if need be; for existence without It would be worse than death, under the regime of anything else but That Constitution! It is the Wonder and Admiration of the Whole Earth, and the people of the United States—from the cradle up—should be taught to appreciate and value the Blessings, which It secures to individuals, privileged to live in Our Glorious Country of God!

The hour is at hand, when those who want the Constructive Way of Life must stand together as a Solid Wall of Light, to defend our Constitution of the United States of America with all we have! We, who live in America are today the Beneficiaries of That which the early patriots and pioneers gave their Lives to preserve for us! It is now our duty to preserve for our children, the Priceless Gifts of Freedom and Happiness which others won for us!

There are plenty of people in America who know this, as we do, and who see clearly enough to know, that we must *now* give our all to protect America for posterity!

**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER - FAX**

State Administration Committee

HJR 9

February 12, 1993

<u>Name and Address</u>	<u>Representing</u>	<u>Position</u>
William Reichenbach California (619) 443-5687		Oppose
Gregory E. Hanford, D.D.S. 3130 Union Avenue Bakersfield, CA 93305		Oppose
M.J. "Mike" Kearns San Antonio, TX (210) 337-6431 (W) (210) 337-1074 (Fax)		Oppose
Bernadine Smith - P.O. Box 1776 Hanford, CA 93232	Second Amendment Committee	Oppose
Delbert E. Wagner 4654 Calle De Retiro Oceanside, CA 92057-5215		Oppose
Robert G. Wheaton 16015 White Fawn Drive San Antonio, TX 78255-1042		Oppose
W.G. Toland - California P.R. Director	American Pistol & Rifle Assc.	Oppose
William Costanzo 432 Jamaica Blvd. Toms River, NJ 08757		Oppose
Ard Avakian 19160 Grandview Detroit, MI 48219		Oppose
Duane C. Hostetler 732 Rierson Road Bronson, MI 49028		Oppose
Susan Grant 370 L'Enfant Promenade S.W. Suite 800 Washington, DC 20024	Concerned Women for America	Oppose

Dick Allen  
State Capitol  
Lansing, MI 48913

House of Representatives-MI Oppose

EXHIBIT 48

DATE 2/12/93

<u>Name and Address</u>	<u>Representing</u>	<u>Position</u>
John H. Mellor Broadus, MT		Oppose
Joe A. Schell Box 555 Broadus, MT		Oppose
San W. Van der Weide Box 700283 San Antonio, TX 78270		Oppose
S.J. Score (Western Union message from Reno, NV)		Oppose
Senator Jack Welborn Thirteenth District P.O. Box 30038 Lansing, MI 48908-7836		

For Release  
June 9, 1992

For Further Information Contact:  
David Keating (202) 543-1300  
Al Cors, Jr. (202) 543-1300

### POLL SHOWS 72 PERCENT OF AMERICANS SUPPORT BALANCED BUDGET AMENDMENT

(Washington, D.C.) -- Nearly three-quarters of the American people favor a constitutional amendment to balance the budget, and most voters would be less likely to vote for an incumbent who voted against it, according to opinion poll results released today by the National Taxpayers Union (NTU). The indication of overwhelming popular support comes just days before an expected vote in the U.S. House of Representatives on June 11.

The nationwide poll, conducted by Mathew Greenwald & Associates between March 27 and April 9, 1992, interviewed 800 individuals, and has a sampling error margin of plus or minus four percentage points.

Seventy-two percent of those surveyed said they would favor an amendment "that would require a balanced budget, except during wartime or when authorized by a three-fifths vote of Congress." The poll also found that 55 percent of Americans would be less likely to reelect their legislator if he or she voted against the Balanced Budget Amendment. Only 9% said they would be more likely to vote to reelect their legislator, while 30% said it made no difference.

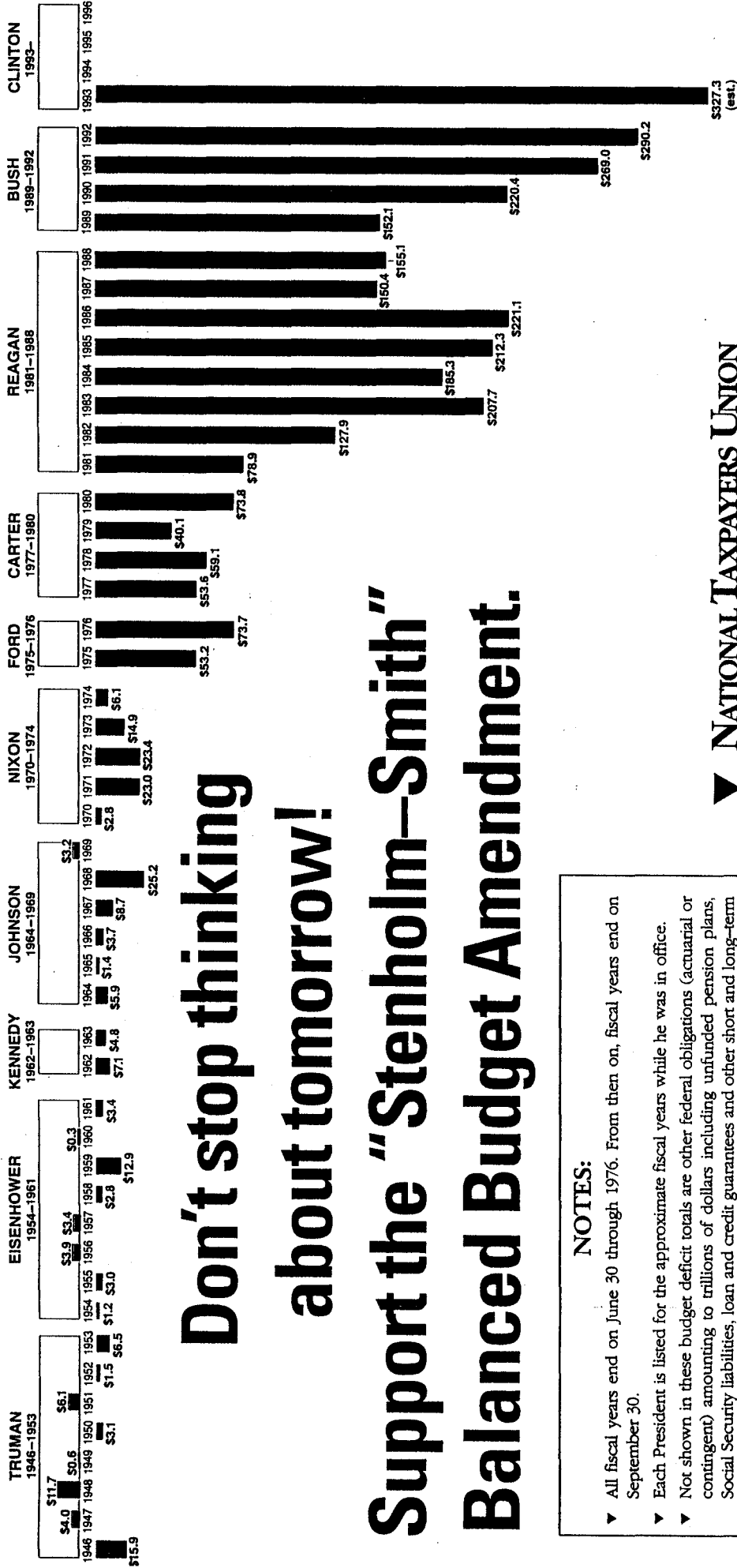
Jim Davidson, NTU Chairman, said "This poll proves Americans from all walks of life think government should live within its means. The people are demanding that Congress and the President end runaway deficits that threaten our nation's finances and economic health."

Davidson observed that "over the past decade, polls have consistently shown that 70-75 percent of the public wants constitutional protection against unlimited debt. Politicians who think half-hearted budget reform will satisfy voters had better think again -- before the electorate hands them pink slips in November."

The Balanced Budget Amendment, H.J. Res. 290, would require that federal spending not exceed estimated revenues except during declared war or if three-fifths of each House votes for a specific deficit. Constitutional amendments must be approved by two-thirds of each of House of Congress, and ratified by three-fourths, or 38, of the states. H.J. Res. 290, which has 278 cosponsors, needs 290 votes to pass the House.

The National Taxpayers Union, a non-profit, non-partisan organization representing 200,000 members, has led the national effort for a Balanced Budget Amendment since 1975.

# FEDERAL BUDGET: Surpluses vs. Deficits (in billions by fiscal years)



**Don't stop thinking  
about tomorrow!**

**Support the "Stenholm-Smith"  
Balanced Budget Amendment.**

### 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.

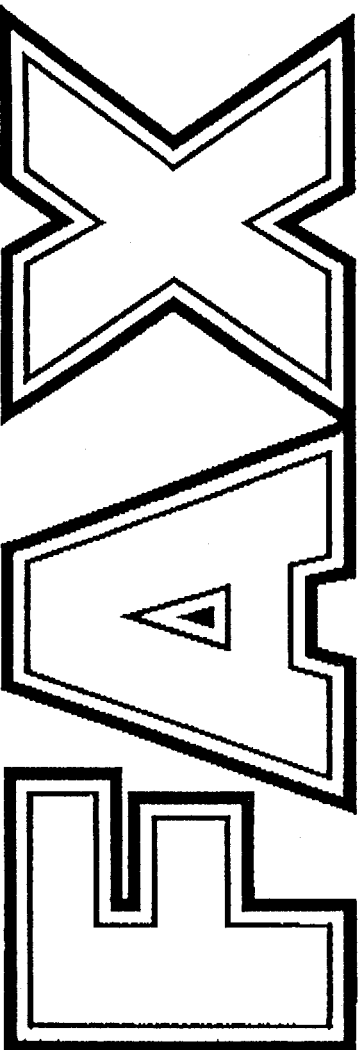
*Sid Taylor, Research Director, February, 1993*



**NATIONAL TAXPAYERS UNION**

325 PENNSYLVANIA AVENUE, SOUTHEAST • WASHINGTON, DC 20003

(202) 543-1300 telephone • (202) 546-2086 fax



**T R A N S M I T T A L**

**To: The Free State of Montana**  
**Fax: 406-444-4802**

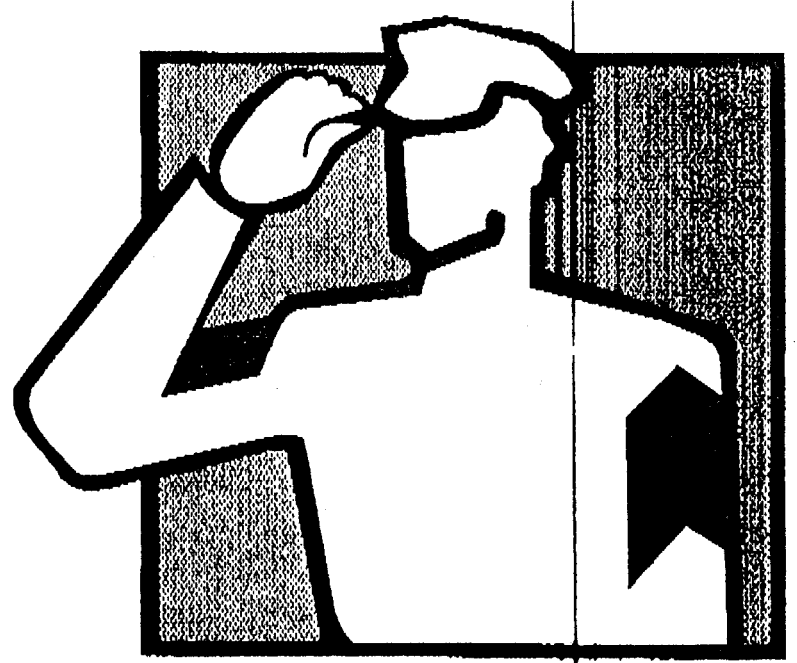
**From: William Reichenbach**  
**619-443-5687**  
**California (Occupied territory)**

**Date: 2-12-93**  
**Pages: 1 of 1**

**Their oath? "...To defend and uphold the Constitution of the United States against all enemies foreign and domestic".**

**Now you decide where you stand and if they sacrificed in vain.**

**Vote No on Constitutional Convention?**



*Gregory E. Hanford, D.D.S.*

*3130 Union Avenue*

*Bakersfield, Ca. 93305*

*(805) 327-8173*

FEBRUARY 12, 1993

URGENT MESSAGE TO THE MEMBERS OF THE MONTANA STATE HOUSE OF REPRESENTATIVES, THE HONORABLE:

RICHARD SIMPKINS, CHAIRMAN, STATE ADMINISTRATION COMMITTEE  
WILBUR SPRING, VICE CHAIRMAN  
BEVERLY BARNHART  
PATRICK GALVIN  
HARRIET HAYNE  
ERVIN DAVIS  
GARY MASON  
DORE SCHWINDEN  
NORM WALLIN  
JAY STOVALL  
CAROLYN SQUIRES  
SAM ROSE  
SHEILA RICE  
BILL REHBEIN  
BRAD MOLNAR

PLEASE VOTE "NO" ON HOUSE JOINT RESOLUTION #9

YOUR "NO" VOTE IS REQUIRED BY YOUR OATH OF ALLEGIANCE..." TO SUPPORT AND DEFEND THE CONSTITUTION OF THE UNITED STATES AGAINST ALL ENEMIES FOREIGN OR DOMESTIC..."

YOUR VOTE IS CRITICAL TO THE PRESERVATION OF A FREE, SOVEREIGN UNITED STATES.

A "YES" VOTE IN YOUR STATE LEGISLATURE AND IN THAT OF ONE MORE STATE WILL SET THE WHEELS IN MOTION, COMMITTING THE UNITED STATES TO REWRITE IT'S 1789 CONSTITUTION TO ONE THAT REFLECTS THE POLICIES OF GLOBAL INTERDEPENDENCE, AKA NEW WORLD ORDER.

AGAIN, PLEASE VOTE NO ON HJR#9!

SINCERELY,

  
GREGORY E. HANFORD, D.D.S.

**FAX TRANSMISSION**

DATE: February 12, 1993  
TO: Honorable Members  
COMPANY: Montana Legislature and Senate  
FAX: 406-444-4802  
FROM: M. J. "Mike" Kearns 210-337-6431 (office)  
210-337-1074 (fax)  
PAGES: 1 including this cover page  
MESSAGE: Sir; RE: H.J.R. 9


Before you vote on H.J.R. 9, would you please check with the U.S. Congress at 202-225-1770 to see whether or not S-214 of 1991 (the alleged con-con "safeguard" bill) ever passed and then ask anyone who would tell you that this bill did pass, why they would lie to you?

The action above recommended would prevent from happening in Montana what happened in Nevada, namely, the "inducement by fraud" for the Nevada legislature to call for a Constitutional Convention.

Please vote **NO** on H.J.R. 9, I know you want to do what is right for America and here is your chance.

I think I have finally figured out why "they" call it "con-con." Someone is trying very hard to "con" us out of our "Con"stitution. Thanks for your help.

Best Regards



Mike Kearns  
San Antonio, Texas





Constitutional  
Amendment  
Committee  
Post Office Box 1776  
Hayward, California 94522

# TIME DATED - READ IMMEDIATELY

February 12, 1993

OPPOSITION TO H.J.R. NO. 9 A CALL FOR A CONSTITUTIONAL CONVENTION.

**ATTENTION:** Richard Simpkins, Beverly Barnhart, Patrick Galvin, Harriet Hayne, Wilbur Spring, Ervin Davis, Bob Gervais, Gary Mason, Dore Schwinden, Norm Wallin, Jay Stovall, Carolyn Squires, Sam Rose, Sheila Rice, Bill Rehbein, and Brad Molnar, Russell Fagg, the individual Members of the Senate State Administration Committee and all others who have taken an oath to support and defend our 1789 Constitution.

## MESSAGE:

Evidence exists in the United States Senate Document No. 87 (as well as in the working papers of California Senator Alan Cranston) that the real goal and intention of the federal government, together with certain members of state legislators, is to achieve the opening up of a Constitutional Convention is -- in their own words -- "The Congress will bring in a new constitution for the United States, using the 1787 Constitutional Convention as the precedent for doing so". In this shocking federal Senate produced document, they specify the name of the radical constitution they wish to install. Please do not play a part in the attempt to set aside our lawful 1789 Constitution. We, in other states, are looking to Montana legislators to save our nation from those who seek to destroy the future of our children, our states, our nation, and our sovereignty. Urge you to vote against this effort to call for a constitutional convention. This week the state of Michigan overwhelmingly voted to kill the effort to enlist that state's legislators in a plan to call for a Constitutional Convention!

Ex-Chief Justice Warren Burger has stated that there is no way to put a muzzle on a constitutional convention nor to limit it to any given subject. You may call the U.S. Congress to verify that Bill S-214 (the alleged "safeguard" bill of 1991), never passed.

**NO** ON H.J.R. NO. 9 ON FRIDAY, FEBRUARY 9, 1993

There is no substitute for our own United States Constitution. Let's keep it!

## MEMORANDUM

TO: ALL MEMBERS OF THE STATE ADMINISTRATION COMMITTEE,  
MONTANA STATE LEGISLATURE  
FROM: DELBERT E. WAGNER  
DATE: FEBRUARY 9, 1993  
SUBJECT: RE: CONSTITUTIONAL CONVENTION PROPOSAL

---

THE U.S. CONSTITUTION MUST BE PRESERVED AT ALL COSTS!

FORCES INIMICAL TO THE PRESERVATION OF THIS INDEPENDENT REPUBLIC ARE PRESSING HARD FOR A CONSTITUTIONAL CONVENTION WHERE THEY HOPE TO RE-WRITE OR REPLACE OUR UNITED STATES CONSTITUTION.

THE INTENTION OF THE INTERNATIONALIST "INSIDERS" IS THAT THE NATIONAL SOVEREIGNTY AND ARMS OF THE UNITED STATES BE SURRENDERED TO A "NEW WORLD ORDER" UNDER THE UNITED NATIONS! THERE WOULD BE NOTHING, REPEAT--NOTHING--LEFT TO RESTRAIN THE UN FROM THEN BECOMING THE WORLD'S TYRANT!

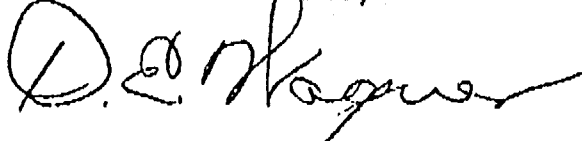
LET NO ONE TAMPER WITH OUR U.S. CONSTITUTION IN THESE PERILOUS TIMES.

THE ALLEGED CON-CON "SAFEGUARD" BILL OF 1991, S-214 NEVER WAS PASSED. THIS CAN BE VERIFIED BY CALLING THE U. S. CONGRESS AT (202) 225-1770.

MEMBERS OF THE NEVADA ASSEMBLY SAID THEY WERE "INDUCED BY FRAUD" INTO CALLING FOR A CONSTITUTIONAL CONVENTION.

PLEASE VOTE "NO" ON HOUSE JOINT RESOLUTION #9.

RESPECTFULLY YOURS,



DELBERT E. WAGNER  
4654 CALLE DE RETIRO  
OCEANSIDE, CA 92057-5215

(619) 721-6061

Fax Transmittal Memo 7672

No. of Pages

1

Today's Date

2-11-93

Time

1030PM

To

MR RICHARD SIMPKINS, CHMN.

From

ROBERT G. WHEATON, US NAVY RET B.C.

Company

STATE ADMINISTRATION COMMITTEE

Company

Location

MONTANA HOUSE OF REPRESENTATIVES

Location

Dept. Charge

Fax #

406-444-4802

Telephone #

Fax #

210-695-2936

Telephone #

Comments

DEAR CHMN. SIMPKINS:

Original  
Disposition: Destroy Return. Call for pickup

PLEASE RUSH A COPY OF THE ATTACHED TO EACH HOUSE COMMITTEE MEMBER BEFORE  
THEY ARE ASKED TO CONSIDER 8JR-9 ON FRIDAY A.M. THANK YOU.

**TOP  
PRIORITY**

*Robert G. Wheaton*

16015 WHITE FAWN DRIVE  
SAN ANTONIO, TEXAS 78255-1042

11 FEBRUARY, 1993

MONTANA SENATE & HOUSE OF REPRESENTATIVES  
STATE ADMINISTRATION COMMITTEES

RE: HJR-9

DEAR MONTANA LEGISLATOR:

I HAVE BEEN INFORMED THE COMMITTEES OF BOTH HOUSES  
MEET FRIDAY A.M. TO CONSIDER A CONSTITUTIONAL CONVENTION.

I URGE YOU TO VOTE NOY ON HJR-9.

SEVERAL YEARS AGO WHEN THIS HORRENDOUS IDEA WAS  
PRESENTED TO THE TEXAS LEGISLATURE, AND FEW AMERICANS HAD  
ANY IDEA OF THE HIDDEN DANGERS IT POSED FOR OUR CONSTITU-  
TIONAL REPUBLIC, NOR WHO THE SINISTER PEOPLE BEHIND IT  
ARE, THE TEXAS LEGISLATURE WAS AMONG THOSE VOTING TO CALL  
FOR A CONSTITUTIONAL CONVENTION. THIS HAS APTLY BEEN  
ABBREVIATED "CON-CON," FOR ITS SUPPORTERS AND SPONSORS  
INTEND TO USE IT TO CON US RIGHT OUT OF OUR CONSTITUTIONY  
SINCE THE TEXAS LEGISLATURE BETRAYED THE CITIZENRY MORE  
AMERICANS HAVE FIGURED IT ALL OUT AND NOW OPPOSE IT. IT  
IS DOUBTFUL IT WOULD PASS TODAY IN THE TEXAS LEGISLATURE,  
AND AN EFFORT WILL PROBABLY BE MADE TO RESCIND IT—AND  
LET COURTS DECIDE IF THAT REPUDIATION WILL BE HELD VALID.

REGARDLESS OF WHAT THE PROPONENTS HAVE BEEN TELLING  
YOU ABOUT GUARANTEES WHICH WOULD LIMIT THE SCOPE AND POWER  
OF A CONSTITUTIONAL CONVENTION, DON'T YOU BELIEVE IT? IT  
IS FALSELY CLAIMED THAT CONGRESS PASSED A BILL IN 1991 TO  
SO LIMIT, S-214. THAT IS A BALD-FACED LIE.

I BESEECH YOU NOT TO IN ANY WAY ASSIST IN THIS SIN-  
ISTER PLOT TO DESTROY OUR CONSTITUTION AND ALL THE PROTEC-  
TIONS IT HAS AFFORDED OUR NATION FOR 200+ YEARS.

VOTE NOY ON HJR-9. HAVE YOUR CHILDREN AND GRAND-  
CHILDREN REMEMBER YOU AS A TRUE PATRIOT—NOT SPIT ON YOUR  
GRAVE. THE MICHIGAN SENATE VOTED "NO!!" ON FEBRUARY 9, 1993!

SINCERELY,



ROBERT G. WHEATON, U.S. NAVY (RET.) B.C.

PS: TO CONFIRM THAT CONGRESS NEVER PASSED S-214 (1991) TO  
LIMIT WHAT CAN HAPPEN AT A CONSTITUTIONAL CONVENTION DURING  
A RE-WRITE, CALL THE U.S. CONGRESS BEFORE YOU VOTE AT:  
(202) 225-1770.

**FAX MESSAGE**

=====

! !  
!Date: FEBRUARY 11, 1993 !

!To:MEMBERS OF THE HOUSE OF REPRESENTATIVES, STATE ADMINISTRATION COMMITTEE !

!From: W.G. Toland, California Public Relations Director, American Pistol & !  
!Rifle Association. !

! # of pages including this cover sheet ( 1 ) !

**Message:**

!SUBJECT:Opposition to Montana's participation in a call for a Constitutional !  
!Convention, HJR9. Read before Senate and House floor vote!!! !

!Evidence exists in the United States Senate Document # 87 which reveals the !  
!real goal & intention of the Federal Government to achieve a Constitutional !  
!Convention which will bring in a new Constitution for the United States using !  
!the 1787 Constitutional Convention as their precedent for doing so. Further !  
!they specify in this document the name of the radical Constitution they !  
!wish to install. Do not play a part in the attempt to set aside our lawful !  
!1789 Constitution. Your vote could destroy the future of our state and the !  
!Nation! Please do not support the call for a constitutional convention and !  
!cause the Nation to be put into jeopardy. !

!  
!  
!**!VOPE NO AGAINST MONTANA'S CALL FOR A CONSTITUTIONAL CONVENTION!** !

!You may call the U.S. Congress at (202) 225-1770 and verify for yourself !  
!that Bill SB-214 (the alledged con-con "safeguard" bill) of 1991 NEVER PASS- !  
!ED. Any lobbyist saying that it did pass is FALSE. !

!Please deliver copies to: R. Simpkins, B. Barnhart, P. Galvin, H. Hayne, W. !  
!Spring, E. Davis, B. Gervats G. Mason, D. Schwinden, N. Wallin, C. Squires, !  
!S. Rose, S. Rice, B. Rehvein and B. Molnar. !

! If you did not receive all pages, please call back immediately. !

! (916) 726-9394 voice/FAX !

From: William Costanzo, 432 Jamaica Blvd., Toms River, N.J. 08757 Tel. (908) 505-1521  
February 15, 1993

# URGENT !

To: The Honorable Richard Simpkins

Sheet 1 of 2, Ref: HJR 9 (The balanced budget - constitutional convention )

Dear Committee Chairman Simpkins:

Please vote NO in committee on HJR 9. The American Legislative Exchange Council's, (ALEC's), strategy is to get it onto the floor for a vote. Once it's gotten out onto the floor, then a dis-information campaign follows, sometimes, as in Michigan last week, this campaign is coupled with a call for an emergency vote.

Please lobby your colleagues, in committee, to:

protect our freedom, by voting NO on HJR 9 in committee .

Sincerely,  
William Costanzo

I have testified against this in my state, New Jersey and have spent the last six months studying this issue.

Sunday, February 14, 1993 16:48:37

From: William Costanzo, 432 Jamaica Blvd., Toms River, N.J. 08757 Tel. (908) 505-1521

February 15, 1993

To: The Honorable Norm Wallin

Sheet 1 of 2, Ref: HJR 9 (The balanced budget -constitutional convention )

Dear Representative Wallin:

Please distribute to the members of the State Administration Committee: both a copy of the letter below and also a copy of the memo from Dick Allen Rep. of Michigan House.

---

Ref: HJR 9 (The balanced budget -constitutional convention)

Dear State Administration Committee Representative:

Please vote NO on HR 9 - In Committee. The strategy of sending it to the floor for discussion is the strategy the American Legislative Exchange Council, (ALEC), who recruited Rep. Fagg to sponsor HJR 9, used in my state of New Jersey.

John Armor of ALEC, who testified, Friday is the lobbyist that Rep. Dick Allen of Michigan is referring to in his attached memo.

Our freedom is too important to play Russian Roulette with the Constitution.

**Vote NO on HJR 9 in Committee.**

Sincerely,  
William Costanzo

I have testified against this in my state, New Jersey and have spent the last six months studying this issue.

HOUSE OF REPRESENTATIVES  
LANSING, MICHIGAN



DICK ALLEN  
STATE CAPITOL  
LANSING, MICHIGAN 48913  
(517) 373 0476

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:cls

# People's Forum

## There's a conspiracy to form a world government

Rolland E. Welbley is a resident of Port Charlotte.

### QUEST COLUMN

Rolland E. Welbley

Three organized groups of the elite are planning to scuttle our Constitution and take away our guaranteed American rights by changing our form of government to a parliamentary United Nations world government. They wish to do away with all boundaries. They intend to supersede our rights by new articles, under the auspices of the United Nations, which are already written and in place.

The members of these groups are wealthy and powerful people who intend to make our decisions for us. They meet secretly. NBC, CBS, ABC and the Associated Press attend these meetings but never report what goes on to the public in order to camouflage every act until the whole objective is quietly in place.

The three groups are:

■ The Council on Foreign Relations, an American branch of the society originating in England that believes national boundaries should be obliterated and a world government should be established.

Who are the members of this group? There are many; most are prominent people in our own government. Former presidents, senators, congressmen, military leaders, college presidents, heads of industry, ambassadors, etc.

■ The Trilateral Commission, a group with approximately 300 members and guests who also meet secretly in a plush environment. Along with the guests are representatives of all the news media. Nothing that goes on at their meetings is reported. This international organization is intended to be the vehicle for multinational consolidation of commercial and banking interests by seizing control of the political government of the United States "with no apologies."

■ The Bilderberg Organization, the most powerful of the three. It is conspiring to have a world government in place by the year 2000. They also meet secretly. Many Trilateralists belong to this group. Well-known personalities like German Chancellor Kohl, Britain's Lord Carrington, Henry Kissinger, David Rockefeller, President Bush, President-elect Clinton, former President Carter, the Rothschilds, Paul Volker and many others attend these meetings — along with the news media. It is the largest of the three groups.

The agenda is to divide the world into regions, beginning with Europe and the Western Hemisphere, for administration by the United Nations (which is to evolve into a fully recognized world government by the year 2000 and be controlled by international banking interests. Sen. Bentsen, Clinton's choice for treasury secretary, has attended. Clinton probably was tapped as a presidential candidate at Baden-Baden, Germany, putting the world shadow govern-

ment in its usual position of owning both horses in a two-horse race.

The Bilderbergs also propose harmonizing working hours and salaries in the U.S., Europe and Japan as a means of further meshing societies to increase the ease of governing for a global political entity.

It is also expected the world government will have its own army within a year or two. This means we will furnish men and equipment to the United Nations to use as it sees fit, and probably forever. They will gradually slip this in on us.

The world government will have authority to tax resources such as oil.

Do not believe these organizations are not working for a world government. They have already written the laws that will control all people and completely supersede our Constitution, our military and our money.

It is being done gradually so we are not aware of what they do. Remember this: When it is done there will be no retreat.

If you were born free you are lucky. It is your responsibility to live free. It is your bonded duty to die free.

Happy holidays.

BUDGET  
CAN BE  
BALANCED  
WITHOUT  
A  
CONVENTION

JUST  
STOP  
THE  
SPENDING

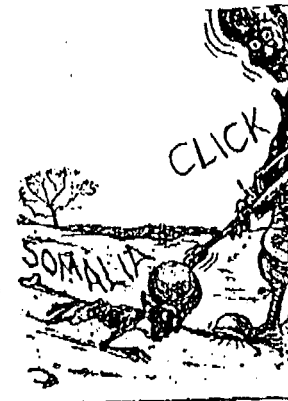


Ard Avakian  
19160 Grandview  
Detroit, MI 48219

ATT:

RICHARD

SIMPKINS





# FAX TRANSMITTAL

## FROM:

DUANE C. HOSTETLER  
732 RJEKSON ROAD  
BRONSON, MI 49028  
(517) 369-7223 & (517) 369-2134 fax

## TO:

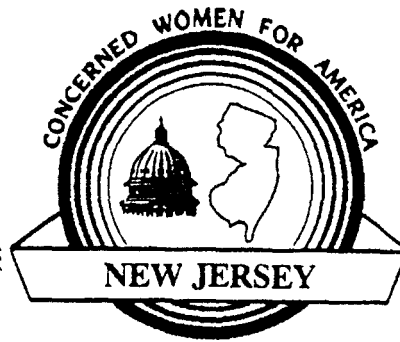
Montana State Administration Committee  
Attn: Rep. Richard Simpkins, Chairman  
Capitol Station  
Helena, Montana

This fax is sent to you to express my opposition to the "Montana call for the Balanced Budget Constitutional Convention Resolution". This proposal before the Montana Legislators is known as "House Joint Resolution - 9". Please vote **NO** on this **Balanced Budget Constitutional Resolution**.

The 2nd Amendment of the Constitution is at risk if you pass the above resolution. This is also true for all the "Bill of Rights". The Constitution of the United States makes several references to "the Militia", thus you should familiarize yourself with the meaning and the reason for this wording! The specific wording of the "Oath of Office" which you took upon entering office, however, I do know that you swore or affirmed to "Preserve, protect, and defend the Constitution of the United States". Support of "HJR-9" does not appear to fulfill this affirmation or promise.

Admittedly, I am a citizen of the State of Michigan, however your decision on this issue also effects me. The Constitution was written to guarantee the rights of all citizens of "the Several States" conformity and continuity. Thank you for your consideration.

CONCERNED WOMEN FOR AMERICA  
370 L'Entant Promenade, S.W.  
Suite 800  
Washington, D.C. 20024  
(202) 488-7000



CONCERNED WOMEN FOR AMERICA  
OF NEW JERSEY  
Legislative Division  
P.O. Box 126  
Califon, NJ 07830  
(908) 832-7727

NEW JERSEY

FAX MEMO

DATE: February 15, 1993

TO: Rep. Harriet Hayne

FROM: Susan Grant, Legislative Liaison  
(908) 832-7727  
Fax: (908) 832-6160

RE: SJR-9 Call for a Constitutional Convention

Following: 1 page

Dear Rep. Hayne --

When John Armour of ALEC lobbied the New Jersey Legislature for passage of a call for a federal Constitutional Convention, he indicated that Congress had written legislation containing safeguards for the holding of such a convention. When we investigated we found that S-214, the so-called Con-con safeguard legislation, died in Committee in December and was never passed (See the attached response from the Senate Judiciary Committee), and therefore there are no safeguards as of this date.

In addition, Mr. Armour indicated that Supreme Court decisions had ruled that whatever rules for ratification are in place under the old constitution would be used to ratify any new one. He neglected to say that these court cases were only heard at the state level regarding state constitutions, and are not binding on a national scale. A ruling on this matter has never been made by US Supreme Court.

Please read this memo to the Committee before the vote on SJR 9 and pass around the attached memo. Please urge all to vote no on SJR 9 in committee and therefore be spared the intense and unpleasant pressures that were exerted on the New Jersey Assembly before their floor vote on the matter last October.

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS	STROM THURMOND, SOUTH CAROLINA
HOWARD M. METZENBAUM, OHIO	ORRIN G. MATCH, UTAH
BENNY DI CONCI, ARIZONA	ALAN A. SIMPSON, WYOMING
PATRICK J. LEAHY, VERMONT	CHARLES C. CRABBEY, IOWA
HOWELL HEPBURN, ALABAMA	ARLEN SPECTER, PENNSYLVANIA
PAUL SIMON, ILLINOIS	HANK BROWN, COLORADO
HERBERT KOHL, WISCONSIN	

BERNARD A. ALAM, CHIEF COUNSEL  
 OTTOMAR C. HOOGAN, STAFF DIRECTOR  
 THADDEUS E. STROM, MINORITY CHIEF COUNSEL  
 AND STAFF DIRECTOR

# United States Senate

COMMITTEE ON THE JUDICIARY  
 WASHINGTON, DC 20510-8276

February 5, 1993

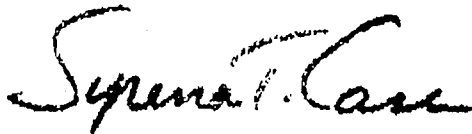
Vera Roche  
 NJ State Chairperson, Eagle Forum  
 Box 137  
 Brookside, NJ 07926

Dear Ms. Roche:

I am writing to confirm that S. 216, The Constitutional Convention Implementation Act of 1991, was introduced on January 15, 1991. No subsequent action was taken during the Congress.

My best wishes.

Sincerely,



Syrena T. Case  
 Staff Assistant

Sunday, February 14, 1993 13:16:51

HOUSE OF REPRESENTATIVES  
LANSING, MICHIGAN

DICK ALLEN  
STATE CAPITOL  
LANSING, MICHIGAN 48913  
(517) 373 0476

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:kl

*Rep. Simpkins*

THIS LETTER IS TO OPPOSE HR 9 CURRENTLY BEING CONSIDERED BY THE HOUSE.

I AM OPPOSED TO THIS LEGISLATION CALLING FOR THE CONSTITUTIONAL CONVENTION. THE ONE WE HAVE HAS SERVED US WELL AND I WANT NO TAMPERING WITH IT.

*John W. Melton - Broadus W.*

40

*Rep Simpkins*

THIS LETTER IS TO OPPOSE HR 9 CURRENTLY BEING CONSIDERED BY THE HOUSE.

I AM OPPOSED TO THIS LEGISLATION CALLING FOR THE CONSTITUTIONAL CONVENTION. THE ONE WE HAVE HAS SERVED US WELL AND I WANT NO TAMPERING WITH IT.

*Joe A Shurt Box 555 Broadb mt.*

TO: HONORABLE RICHARD SIMPKINS  
HOUSE OF REPRESENTATIVES  
STATE OF MONTANA

FAX# 4064444802

#410

FROM: COLONEL SAM W. VAN DER WEIDE, USAF, RET.  
C.E.O., HOLLAND OIL COMPANY  
BOX 700283  
SAN ANTONIO, TEXAS 78270

TELEPHONE: (210) 494-2901

FEBRUARY 12, 1993 - 9:59 AM CST

DEAR REPRESENTATIVE SIMPKINS,

ALL AMERICANS WANT YOU TO VOTE "NO" ON HOUSE JOINT RESOLUTION # 9.

ALL AMERICANS ARE YOUR CONSTITUENTS, BECAUSE YOUR VOTE WILL AFFECT ALL OF THEM!

A "YES" VOTE WILL ESSENTIALLY BE A VOTE FOR ONE WORLD GOVERNMENT (COMMUNISM) BECAUSE AMERICA WILL NO LONGER HAVE A CONSTITUTION AS WE KNOW IT!

THE U.S. CONGRESS DID NOT PASS A BILL IN 1991 TO LIMIT THE SCOPE AND POWER OF A CONSTITUTIONAL CONVENTION. IF PROPONENTS OF YOUR BILL SAY U.S. SENATE BILL S-214 (1991) PASSED, THEY ARE TOTALLY INCORRECT!

VOTE NO ON HJR # 9. HAVE YOUR CHILDREN AND GRAND-CHILDREN REMEMBER YOU AS A TRUE PATRIOT - NOT SPIT ON YOUR GRAVE!

SINCERELY.



SAM W. VAN DER WEIDE  
SAN ANTONIO, TEXAS

WESTERN UNION FSI  
RENO, NEVADA 89502-2375

**WESTERN  
UNION** | **MAILGRAM**<sup>®</sup>



005498000881 02/11/93

BLIA

▶ RICHARD SIMPKIN  
CHAIRMAN CONSTITUTION CONVENTION HEARING  
HELENA MT 59601

THIS IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

4064428210 TDRN HELENA MT 3 02-11 1147A EST  
9304209990788215-1

RICHARD SIMPKIN RPT DLY MGM COPY MESSAGE  
CHAIRMAN CONSTITUTION CONVENTION HEARING  
HELENA MT 59601

HJR-9. VOTE NO.

S J SCORE

15067

16:02 EST

MGMCOMP



Diplomate, American Board of  
Psychiatry and Neurology, Inc.,  
Psychiatry

FRANKLIN H. ERNST, JR., M.D.

Fellow,  
American Psychiatric Association

P.O. Box 3009  
Vallejo, California 94590  
(707) 643-6611

Representative Richard Simpkins  
Chm House State Administration Committee  
State Capitol  
FAX # 406/444-4802  
Helena, Montana 59620

re: Request for your NO vote on Call for a Constitutional Convention

February 13, 1993

Dear Representative Simpkins,

I am writing to urge you to vote NO on the Montana State House Joint Resolution #9 when it comes up for vote. As I am informed this is a call for a United States Constitution Convention. Despite arguments that the subject matter could be controlled and limited, it is highly unlikely this would be true once such a convention was called. I have read the material by National Taxpayers Union and by others on the subject and am unconvinced by a long way. As you well know, even with our present Constitution, our Bill of Rights then, 200 years ago, did not get written into that document initially.

Please vote NO on this matter when it comes to your committee for vote.

Respectfully,

Franklin H Ernst Jr

2. 16. 93 09:15AM

#40

PO1

FAX Mail To: Representative Richard Simpkins

Pg. 1 of 7 Pages

THE SENATE  
LANSING, MICHIGAN

JACK WELBORN  
THIRTEENTH DISTRICT  
P.O. BOX 48908  
LANSING, MI 48908-7836  
(517) 373-0703

CHAIRMAN:  
FAMILY LAW, CRIMINAL LAW,  
AND CORRECTIONS COMMITTEE  
CHAIRMAN  
SENATE SELECT COMMITTEE  
ON EXPORT AND TRADE

February 10, 1993

Mr. Duane C. Hostetler  
732 Rierson Road  
Bronson, MI 49028

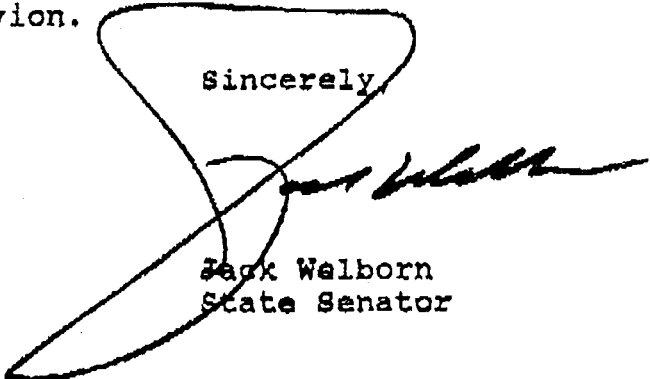
Dear Mr. Hostetler:

I am writing to let you know that I have changed my position on the proposed resolution to add Michigan to the list of states which are calling for a constitutional convention. I received a call from former Senator Harmon Cropsey two days before a scheduled Senate vote on the issue. His call caused me to reexamine the Constitution.

Yesterday the resolution was scheduled to go to the Senate floor for a vote. However, after I voiced my opposition to it in the Senate Republican Caucus, the bill was referred back to Committee. Enclosed is a column that I wrote which further explains my position on this issue.

Thank you for contacting me and making your voice heard on this important issue. I believe we have effectively stopped the Constitutional Convention Resolution in Michigan. I hope now you will focus your attention on the congressmen and the President, who are spending us into oblivion.

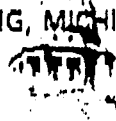
Sincerely,

  
Jack Welborn  
State Senator

JW/sgt.  
BJR G

Enclosure: "Switch and Be Right"

THE SENATE  
LANSING, MICHIGAN



JACK WELBORN  
THIRTEENTH DISTRICT  
P.O. BOX 30038  
LANSING, MI 48909-7538  
(313) 373-0100

CHAIRMAN:  
FAMILY LAW, CRIMINAL LAW,  
AND CORRECTIONS COMMITTEE  
CHAIRMAN:  
SENATE SELECT COMMITTEE  
ON EXPORT AND TRADE

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.

# Balanced-Budget Amendment Drive Falters

## Concern Rises in 2 State Legislatures About Constitutional Convention

The move to call a constitutional convention to pass a balanced-budget amendment hit a big bump in Michigan yesterday and encountered further delay in New Jersey.

Backers of the move had been looking to the two states to help force action—either by mandating a constitutional convention or putting more pressure on Congress—on the amendment to require a balanced budget.

But after a Republican caucus in the Michigan Senate showed a sharp erosion of support for the measure, the prime sponsor, state Sen. Gilbert Dinello (R), decided to return the bill to committee rather

than risk a floor vote. Dinello said eight of the original 18 sponsors had had second thoughts, leaving him with only 10 of the 19 votes

***“There’s no point bringing it up if you don’t have the votes.”***

—Michigan state Sen. Gilbert Dinello

needed for passage. “There’s no point bringing it up if you don’t have the votes,” he said.

Dinello said he would offer a substitute simply calling on Congress

to initiate a balanced-budget amendment; something the federal lawmakers declined narrowly to do last year.

In New Jersey, Republican senators reaffirmed an earlier decision to delay any vote on the measure, which has passed the state Assembly.

In both states, vehement opposition has been stirred by an alliance of liberal and conservative groups, notably Phyllis Schlafly’s Eagle Forum. Schlafly contends any convention could become a “run-away” and rewrite the whole Constitution.

—David S. Broder

2/10/93  
WASH. Post

## HOUSE OF REPRESENTATIVE TELEPHONE CALLS

State Administration Committee

HJR

February 12, 1993

<u>NAME AND ADDRESS</u>	<u>REPRESENTING</u>	<u>POSITION</u>
Nina Ballatore 1110 34th St. S. Great Falls, MT 59405	self	oppose
George McCanney 1917 Milligan Rd. Great Falls, MT 59405	self	oppose
Fred Hammel 505 7th Ave. W. Kalispell, MT 59901	self	oppose
Mary Whimbley Box 544 Trego, MT 59934	self	oppose
Claude & Mona Stasne 513 S. Tracy Bozeman, MT 59715	self	oppose
Opal Marvel 175 Tobacco Siding Eureka, MT 59917	self	oppose
Bob Larson 409 E. Lamme Bozeman, MT 59715	self	oppose
John & Linda Super P.O. Box 187 Colstrip, MT 59323	self	oppose
Anna Hanna 2503 38th St. W. Billings, MT 59102	self	oppose
Harley & Jean Remington 635 N. Junniper Somers, MT 59932	self	oppose
Helen Wike 1200 32nd St. S. #29 Great Falls, MT 59406	self	oppose

EXHIBIT 49  
DATE 2/12/93  
HB HJR 9



Dick & Carol DeBoo Rt. 3, Box 909 Valier, MT 59486	self	oppose
Alta Bingen 606 5th St. S.E. Sidney, MT 59270	self	oppose
James Toavs 4543 Crumble Creek Columbia Falls, MT 59912	self	oppose
Eleanor Schieffelin Box 26 Immigrant, MT 59027	self	oppose
Matt J. Dassinger 208 7th St. S.E. Sidney, MT 59270	self	oppose
John Skillman MC66 Box 49 Frazer, MT 59225	self	oppose
Pam Wiles 6104 West Shadow Drive Bozeman, MT 59715	self	oppose
Kenneth Richards Candace L. Miller 23 Willow Bend Dr. N. Billings, MT 59105	self	oppose
Mrs. John Skierka Route 78, Box 14 Chester, MT 59522	self	oppose
Carla Graves 635 N. Juniper Bay Somers, MT 59932	self	oppose
Ann Ellen Great Falls, MT 59401	self	oppose
Barbara Kalafat Rt. 78, Box 14 Chester, MT 59522	self	oppose
Herb White 25 Harvest Lane Kalispell, MT 59901	self	oppose

Sandra Morris Route 1 Power, MT 59468	self	oppose
Margret Copenhaver Ovando, MT 59854	self	oppose
Evelyn Schroeder Box 95 Trego, MT 59934	self	oppose
Elwin Hackbarth 227 S. 12th Livingston, MT 59047	self	oppose
Ben Gardiner 1737 Park Ave. N.E. Salem, Oregon 97303	self	oppose
Keith & Terry Rae 1607 Pinyon Laurel, MT 59044	self	oppose
Margie Grainey Great Falls, MT 59401	self	oppose
Laverne Erdman 219 W. Calendar Livingston, MT 59047	self	
Beverly Graf Rt. 1 Box 91 Fairfield, MT 59436	self	oppose
Carol Korman Box 385 Lincoln, MT 59639	self	oppose
John Jensen 6th South Park #C-16 Helena, MT 59601	self	oppose
Mr. & Mrs. Alfroed Dymersky 144 Birchwood Dr. Billings, MT 59102	self	oppose
Vernon & Dorothy Fredericks Box 51 Kila, MT 59920	self	oppose
Sylvia Johnson Box 155 Lincoln, MT 59634	self	oppose

Robert & Margaret Bergren 1145 N. 26th Billings, MT 59105	self	oppose
Paul Shelt 265 Foys Canyon Rd. Kalispell, MT 59901	self	oppose
Mark & Tammy Peterson 1323 1st Ave. N.W. Great Falls, MT 59401	self	oppose
Lois Locke 401 Washington Billings, MT 59105	self	oppose
David Evans 214 C S. 16th Ave Bozeman, MT 59715	self	oppose
Barb Olson 307 10th St. #5 S.E. Sidney, MT 59270	self	oppose
Betty Clare Swanson 6104 W. Shadow Dr. Bozeman, MT 59715	self	oppose
Ruby Nickel 833 Ave. D. #217 Billings, MT 59105	self	oppose
Tracy Hawkins 7050 Saddle Mtn. Rd. Bozeman, MT 59715	self	oppose
Hildegard Doten Box 267 Somers, MT 59932	self	oppose
Mary Cornilivs Billings, MT 59105	self	oppose
Charles Love 2508 Silver Blvd. Billings, MT 59105	self	oppose
Ernie & Myrna Hammer 1808 Mount Ellis Lane Bozeman, MT 59715	self	oppose
Marcia Fauque Box 1395 East Helena, MT 59635	self	oppose

Sharon Larkin Box 506 Noxon, MT 59835	self	oppose
Helen Mears 30 Dick Rd Great Falls, MT 59401	self	oppose
Bonnie Eitolli 604 Allison Lewistown, MT 59457	self	oppose
Anita Koschel 1807 Yellowstone Billings, MT 59102	self	oppose
Dana Webber 4680 Johnson Rd Bozeman, MT 59715	self	oppose
Dean Anderson 103 Carroll Trail Lewistown, MT 59457	self	oppose
Dee King 1499 Beaverhead Rd Helena, MT 59601	self	oppose
Ann Marie Carter 4316 S. Ave. W. Missoula, MT 59801	self	oppose
Michael Stevenson 7344 Priest Pass Rd. Helena, MT 59601	self	oppose
Joyce Evanson 4322 Stone Billings, MT 59105	self	oppose
Blanche Steppin Cardwell, MT 59721	self	oppose
Jack & Sandy Anderson 23 Faculty Court Bozeman, MT 59715	self	oppose
Elaine Wilbert 222-2958	self	oppose
Viola Mitchell P.O. Box 1099 Baker, MT 59313	self	oppose

Debbie Briese 101 1st St. N.E. Cutbank, MT 59427	self	oppose
Dane Peterson 1110 Lendel Lane Billings, MT 59105	self	oppose
Hal Curtiss 634½ Scenic Drive Kalispell, MT 59901	self	oppose
Betty Harris 2611 Watson Billings, MT 59105	self	oppose
Blanche Helgerson 510 N. Broadway Belgrade, MT 59714	self	oppose
Kyla Presnell Box 1437 Cutbank, MT 59427	self	oppose
Lila Gravos 2625 Miles Ave. Billings, MT 59105	self	oppose
Will Weaver 1115 1st Ave South Great Falls, MT 59401	self	oppose
Marvelle Johnson Clinton, MT 59825	self	oppose
Keith Simmons Box 4012 Missoula, MT 59806	self	oppose
Mrs. Richard Langford 416 5th Ave S. Lewistown, MT 59457	self	oppose
Alex Reichardt P. O. Box 321 Livingston, MT 59047	self	oppose
Terry Connelly 1301 Othorpe Rd. Rexford, MT 59930	self	oppose
Barbara Peterson 1595 Barnaby Lake Eureka, MT 59917	self	oppose

Judy Johnston 808 Sacajawea Dr. Great Falls, MT 59404	self	oppose
Mrs. Fred Johnson 2240 Fattig Creek Rd. Roundup, MT 59072	self	oppose
Craig & Linda Madsen 1401 5th Ave. S. Great Falls, MT 59405	self	oppose
Diane Baker 30 Reinig St. Belgrade, MT 59714	self	oppose
John & Debbie Briscoe 410 Quan Belgrade, MT 59714	self	oppose
Paul McKibben Box 155 Fortine, MT 59918	self	oppose
Mr. & Mrs. Wayne Timm 4036 Riverside Billings, MT 59101	self	oppose
Harriet Curtiss Box 143 Fortine, MT 59918	self	oppose
Linda Parker Box 32 Thompson Falls, MT 59873	self	oppose
Evelyn Whitesitt 2226 6th Ave. Helena, MT 59601	self	oppose
George Stapleton Route 62 Box 3110-C Livingston, MT 59047	self	oppose
Linda Madsen 1401 5th Ave S. Great Falls, MT 59405	self	oppose
Albert Wall HCR 266, Box 45 Frazier, MT 59225	self	oppose

Joan Ferrin Rt 1, Box 182 A Fairfield, MT 59436	self	oppose
Gwen Meierding 520 Woodford Missoula, MT 59801	self	oppose
LaVonne Larson Box 448 Lakeside, MT 59922	self	oppose
Cynthia Aplin 2230 S. 6th W. Missoula, MT 59801	self	oppose
Ray Lightner Route 2 Choteau, MT 59422	self	oppose
Garnet Wagner 150 Laretta Dr. Billings, MT 59101	self	oppose
Suzanne Horton 2318 Fairway Bozeman, MT 59715	self	oppose
Treisa Pierce 7037 Saddle Mtn. Rd. Bozeman, MT 59715	self	oppose
Martha Haggett Star Route Rollins, MT 59931	self	oppose
Suzanne Horton 2318 Fairway Drive Bozeman, MT 59715	self	oppose
Vern Locke 401 Washington Billings, MT 59101	self	oppose
Jim Lightner Choteau, MT 59422	self	oppose
Bea Kaasch 311 6th Ave. Laurel, MT 59044	self	oppose
Victoria Osborne Box 454 Emmigrant, MT 59027	self	oppose

Tammy Carroll 1429 Bench Blvd. Billings, MT 59105	self	oppose
Milton and Pauline Shirley Rt 1, Box 297 Joliet, MT 59041	self	oppose
Kevin Lightner Rt. 1, Box 9 Bynum, MT 59419	self	oppose
Terri & Barbi Knowles Box 483 Terry, MT 59349	self	oppose
Tom Hisler 257 Grandale Kalispell, MT 59901	self	oppose
Nancy Rademacher Box 26 Musselshell, MT 59059	self	oppose
Mary Carroll 5105 3rd Ave. S. Great Falls, MT 59405	self	oppose
Tom Lightner Rt 2, Box 247 Choteau, MT 59422	self	oppose
Rita Robinson 1322 4th Ave. N.W. Great Falls, MT 59404	self	oppose
Cindy Bright 902 23rd St. S. Great Falls, MT 59405	self	oppose
Carolyn Miller 4501 B. Hickory Great Falls, MT 59405	self	oppose
Elaine Unrau Box 2139 Wolf Point, MT 59201	self	oppose
Rod Emmert 4709 Smokey Bear Columbia Falls, MT 59912	self	oppose



David Unrau Box 2142 Wolf Point, MT 59648	self	oppose
Bob Henkel 1101 Floweree Helena, MT 59601	self	oppose
Barth Lyons 2212 Emory Rd. Ronan, MT 59864	self	support
Lillis Waylett 5311 Skyview Dr. Missoula, MT 59803	self	support
Pat Muir 1215 Ave. C. Apt. 7 Billings, MT 59102	self	support
Danny Lindsay, Sr Rt. 3046 B. Wolf Point, MT 59201	self	oppose
Karen Bender Rt. 1, Box 4550 Glasgow, MT 59230	self	oppose
Charlotte Jones Box 271 Ulm, MT 59485	self	oppose
Larry and Wendy Bickel 200 7th St. Belgrade, MT 59714	self	oppose
Lynn Bunch 3226 Fair Meadow Dr. Billings, MT 59102	self	oppose
Dorothy Skelton Rt. 1, Box 81 Conrad, MT 59425	self	oppose
Barbara Asperig Box 316 Santa Rita, MT 59473	self	oppose
Jeanette Christiansen 2329 2nd Ave. S.W. Great Falls, MT 59405	self	oppose

Wallace, Ashley, Lance, Philomena & Autumn Shalz 1371 Country Homes Lane Great Falls, MT 59401	self	oppose
Vernon Conway 115 Buckingham Way San Francisco, CA	self	oppose
Burl and Verna Neill Box 502 Hardin, MT 59034	self	oppose
Wm. and Shirley Talbott, Sr 410 E. Storey Bozeman, MT 59715	self	oppose
Kathleen Gibson Box 912 Whitehall, MT 59759	self	oppose
Lila Gravos 2625 Miles Ave. Billings, MT 59102	self	oppose
Joan Gordon Box 1151 Cut Bank, MT 59427	self	oppose
George & Margaret Goyette 1204 10th Ave. N. Great Falls, MT 59401	self	oppose
Ruth Benevides 2408 Haystack Dr. Helena, MT 59601	self	oppose
Ron Staley 801 3rd Ave. S.W. Great Falls, MT 59405	self	
John Torstveit 3115 3rd Ave. S. Great Falls, MT 59405	self	oppose
Don McKamey 1919 Milligan Rd. Great Falls, MT 59405	self	oppose
Marion Lightner 2406 8th Ave. N. Great Falls, MT 59401	self	oppose

Nelson Rolando 618 Ridge Rd. Lead, SD 57754	self	oppose
Helen Yaw 2569 Old U.S. Hwy. 91 Cascade, MT 59421	self	oppose
Ernie & Anne Rohloff Donovan Pk. Great Falls, MT 59401	self	oppose
Craig & Linda Madsen 1401 5th Ave. S. Great Falls, MT 59405	self	oppose
Marshall Peters 410-343-2373	self	
Curt Meeds Box 78	self	support
George Chancellor 209 Langohr Bozeman, MT 59715	self	oppose
George Jeffries Hot Springs, MT	self	oppose
Beverly Stone 68 Wagon Lane Great Falls, MT 59404	self	oppose
Robin Schmidt 336 Riverview 6 W. Great Falls, MT 59405	self	oppose
Richard Moore Box 3121 Rapid City, SD 57709	self	oppose
Bertha Brod 2625 4th N. Great Falls, MT 59401	self	oppose
Elizabeth Johnston Webb 6508 Pine St. Great Falls, MT 59401	self	oppose
Walter Teats 2401 8th Ave, N. Great Falls, MT 59401	self	oppose

Richard Johnson Box 183 Emmigrant, MT 59027	self	oppose
Nancy Hunn 3335 Timber Edge Dr. Clinton, MT 59825	self	oppose
Dixie Herbert 1008 Highway 93 N. Victor, MT 59875	self	oppose
Juanita Stobie 6167 Highway 200 Thompson Falls, MT 59873	self	oppose
Dr. S. J. Score 1123 Euclid Helena, MT 59601	self	oppose
Thais Streeter 258 Turning Dr. E. Billings, MT 59105	self	oppose
Dan Lee 1334 St. Johns Billings, MT 59105	self	oppose
Mark and Judy Greydanus Box 586 Pony, MT 59747	self	oppose
Paul Shelt 265 Foys Canyon Rd. Kalispell, MT 59901	self	support
Tracy Hoffmann 2589 Prickly Pear East Helena, MT 59635	self	oppose
Scott McKinnery Illinois St. Springfield, IL	Director, Council on Domestic Relations (217) 839-2635	oppose
Tilly Pierce Billings, MT 59105	self	oppose
Louis A. Bibler Box 1195 Kalispell, MT 59901	self	oppose
Dixie Engelhardt Box 4 Ulm, MT 59485	self	oppose

Marilyn Neuvonen 5680 Eastside Highway Stevensville, MT 59870	self	oppose
Dorce Steffason 42 Garfield Bozeman, MT 59715	self	oppose
Mrs. Connie McConaha 413 Jocko Rd Arlee, MT59821	self	oppose
Lori Donaldson 220 3rd Ave. N. Great Falls, MT 59401	self	oppose
Brian Waula 4759 Lake Harbor Dr. Muskegon, MI 798-4595	self	oppose
William Wells Box 279 Newell, S.D. 57760	self	oppose
David Phillips 3404 5th Ave. N. Great Falls, MT 59401	self	oppose
John Torstveit 3115 3rd. Ave. S. Great Falls, MT 59405	self	oppose
Teresa Keith 4000 6th Ave N. Great Falls, MT 59405	self	oppose
Jeff Lyon 3322 Upper River Rd. Great Falls, MT 59405	self	oppose
Charlotte Jones Box 271 Ulm, MT 59485	self	oppose
Homer and Barbara Shanholz 2107 4th Ave. S.W. Great Falls, MT 59405	self	oppose
Margaret Haymeier 349 Evans Lane Spearfish, S.D. 57783	self	oppose

Gary Bolta 711 10th Ave S.W. Great Falls, MT 59404	self	oppose
Judy Yerger 502 N. Choteau Hardin, MT 59034	self	oppose
Donna Ellis 1007 Cottonwood Billings, MT 59105	self	oppose
Laura Rott 625 Mattson Billings, MT 59105	self	oppose
Timothy Kootenay Polebridge, MT 59928	self	oppose
Ray Gilton Maryland (301) 467-9093	Nat'l Vet. Co on Constitution	oppose
Betty Ard 2929 Hwy 321 E. Billings, MT 59105	self	oppose
Don Beck Rapid City, S.D. (605) 348-1258	self	oppose
Mr. and Mrs. Wayne Timm 4036 Riverside Rd Billings, MT 59105	self	oppose
Fred Doney Lower Lynch Creek Rd. Plains, MT 59859	self	oppose
Francie Albertson 570 River Road W. Plains, MT 59859	self	oppose
Ray Lindseth P.O. Box 183 Dupuyer, MT 59432	self	oppose
Helen Back 601 Lemmon Ave. Rapid City, S.D. 57701	self	oppose
Pauline Rankin 419 Spark Lead, S.D. 57754	self	oppose

Fred Sodamka 2008 11th S.W. Great Falls, MT 59404	self	oppose
Thelma Sallee P.O. Box 54 Ulm, MT 59485	self	oppose
Loretta Marquis Box 187 Ulm, MT 59485	self	oppose
Helen Harper P.O. Box 359 Boulder, MT 59632	self	oppose
Lillian Sunwell 709 2nd Ave. N. Great Falls, MT 59401	self	oppose
Kevin Marquis Box 14 Ulm, MT 59485	self	oppose
Cathy Stevens 1425 13th St. S. #10 Great Falls, MT 59405	self	oppose
Richard H. Williams P.O. Box 464 Troy, Mr 59935	self	oppose
Mrs. H. Tripplehorn 1035 University Helena, MT 59601	self	oppose
Marshall ^Peters 410-343-1273	self	oppose
Rev. Dan and Heidi Conklin 721 N. Cody Ave Hardin, MT 59034	self	oppose
Ward North Box 292 Plains, MT	self	oppose
Judith Landgren 1220 Franklin Ave. Great Falls, MT. 59401	self	oppose

EXHIBIT 50  
DATE 2/12/93  
HB HJR 9

From: William Costanzo, 432 Jamaica Blvd., Toms River, N.J. 08757 Tel. (908) 505-1521  
February 11, 1993

To: The Honorable Norm Wallin

Sheet 1 of 3, Ref: HJR 9 (The balanced budget -constitutional convention bill)

Dear Representative Wallin

I am a private citizen who has devoted the last 6 months to the constitutional convention issue. I have found it to be a non-answer to our national budget problem, yet it has been quietly pushed through the state legislatures with high pressure techniques, even to the point of being voted on as an emergency measure. These methods, in and of themselves, show how safeguards are already being violated. The silence of the mass media is also unsettling.

On Feb. 3, 1993, John Armor the ALEC lobbyist testified at the Michigan senate hearing on SJRG, (the Michigan balanced budget - constitutional convention bill) that, S-214, the safeguard bill which he has been advocating all month, was not enacted by congress, so by his own admission, there are no safeguards. I therefor urge you to observe your oath of office and vote NO on any U.S. constitutional convention for a balanced budget or any other purpose.

It was also testified to in the hearings that a balanced budget amendment would involve massive tax increases and would require at least ten years before three quarters of the states ratified it. We don't have ten years to solve this problem.

The ill-fated Gramm-Rudman Act was designed to balance the budget in 5 years and it is still on the books. It utilizes spending cuts, without tax increases.

The Supreme court ruled that the key feature of the Gramm-Rudman Act - it's automatic spending cut mechanism - is unconstitutional (Bowsher vs Synar, July 7, 1986). The objection was that it violated the separation of powers, as it assigned executive-type responsibilities to the General Accounting Office, which the court found to be an entity under the legislative branch.

The objection was not in the automatic nature of the spending cuts, but in the branch of government that was implementing them. The solution is to reassign the automatic spending cuts to an office in the executive branch, and also to eliminate unconstitutional expenditures in the budget. This could be accomplished very quickly without a constitutional convention.



## 1993 CONSTITUTIONAL CONVENTION FACT SHEET

A

### 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.

## 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.
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

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Mike Trevor	Dept. of Admin	✓	
GEORGE OCITENSKI	SELF	✓	
<del>XXXXXXXXXX</del>			
SEN. COPRAD BURNS	SELF	✓	
Tony Huber	D7A 1SD	✓	
Randy Holm	" "	✓	
Wes Krawczyk	HMUG	✓	
Charles Bartlett			

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BILL NO. HJR 9

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
AMY KEUSEY	Common Cause		X
KAREN BAILEY	EAGLE Forum		X
Maggie Dupplehon	self		X
Betty Z. Babcock	Self.		X
Syd Grosfield	self	X	
John Briscoe	self		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Karen Webb	self		✓
DON FREDRIKSON Don Fredrikson	" self - (signed too)		✓
Elizabeth Hecker	self		✓

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Sandra J. Pennington			✓
Wm. J. Dewey		✓	
Steve Mandeville		X	
Delora J. Murray			✓
John D. Bond			✓
Lynne Knobel Conrad			✓
Sarah Knobel Conrad			✓
Francis D. Albertson			✓
LEONA Woods KIRCHEL			X

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BILL NO. *HJR 9*

DATE *Feb. 13, 1993* SPONSOR (S) *G. J. Fagg*

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Dianne Baker</i> <i>30 Keinigst Belgrade</i>	<i>Constitutionalists United</i> <i>Against a Con-Con</i>		<i>X</i>
<i>The Jm</i> <i>Multipass Family</i> <i>5657 Orchard</i> <i>Glenora</i>	<i>41100000</i> <i>Homechrolusa</i>		<i>X</i>
<i>ROBIN BULLINS</i> <i>BOX 201</i> <i>GARDINER</i>	SELF		<i>X</i>
<i>LINDA COLLINS</i> <i>BOX 201</i> <i>GARDINER</i>	SELF		<i>X</i>

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Tracy Hawkins <sup>7050 Saddle Mt. Rd.</sup> Bozeman	Self		✓
WARD STANAWAN	SELF		✓
David Owen	MT chamber & commerce	✓	
CAROLL SMITH	SELF		✓
Steven Hannah	Self		✓
<i>[Signature]</i>	7 pro-gun groups etc. (NRA, MSK)		✓
<i>[Signature]</i>	VETERANS		✓
GEORGE BAKER 59714 30 REINIG ST. BELGRADE MT	CHAIRMAN CU.ACC.		✓
Riley Johnson	NFIB	✓	
Kristen Webb	Mont PIKA		
Patricia Rios	Self		✓
Lorna Frank	Mt. Farm Bureau		✓
Ann Koopman	self		✓
Pat McCurdy	self		✓

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DATE \_\_\_\_\_

~~SENATE~~ <sup>House</sup> COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: LJR 9

Name Representing Bill No. Check One Support Oppose

Name	Representing	Bill No.	Support	Oppose
Angy Stebleton	—			

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
SUSAN PAWLAK 1801 CALIFORNIA RM 4740 DENVER CO	VSWEST COMMUNICATIONS		
Ken Rosile 815 First St Hebron, MT	School Dist #1		
Thomas L. [unclear] 1420 [unclear] Hebron, MT	School Dist #1		
Gloria [unclear] 9381 Miller Creek	Eagle Forum - Missoula		
KAREN BAILEY	Eagle Forum Missoula		
TED KENDALL	Home Schoolers		X
Cherri Beag	Home School		X
Paula J. Wunderlich	Home school		X
Dusan J. Nelson	Yoursey - Home Schoolers		X
[unclear]	MYSELF		X
DEAN RANDAERT			X
Randy CHAMBERS			X
Patty Smith	Home School		X
Antonia [unclear]	myself		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
KAREN SEMPLE STAR RT 175 CLANCY	Family (6)		✓
L.H. COLVIN Box 580 FOSYTH MT	SELF	✓	
Terri L. Donaldson	family (5)		✓
Tracy M. Donaldson	self		✓
Margaret Coppenhaver	self		✓
Shirley M. Coppenhaver	"		✓
Doris Ann Ricker	"		✓
Bruce J. Beardslee	SELF	✓	
Jack Mehlhose	"		✓
Karen Screener			✓
Marguerite Jacobs			✓
James S. Hamman	self		✓
Jennifer Seymour	self	✓	
Connie Erdahl	self		✓

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Wm Egan</i>	<i>MT Conf of Elect Wks</i>		<input checked="" type="checkbox"/>
<i>Kim Colvin</i>			<input checked="" type="checkbox"/>
<i>Angy Stebleton</i>	<i>PAL</i>		
<i>Lu Pa</i>	<i>Pal</i>		
<i>Jennie Rost</i>	<i>PAL</i>		
<i>Cindy Must</i>	<i>MT Home Schoolers</i>		<input checked="" type="checkbox"/>
<i>David [unclear]</i>	<i>mt Home Schoolers</i>		<input checked="" type="checkbox"/>
<i>Dwaine Leopold</i>	<i>MT Home Sch</i>		
<i>Eotter Kallberg</i>	<i>Home Schoolers</i>		<input checked="" type="checkbox"/>
<i>Amy McCurdy</i>	<i>Family / Home Schoolers</i>		<input checked="" type="checkbox"/>

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<del>Laura Martin</del>	<del>self</del>	<del>✓</del>	
<del>7855 J. St. # 341 Helena, MT</del>	<del>self</del>	<del>✓</del>	
<del>Fay Galvin</del>	<del>self</del>	<del>✓</del>	
<del>910 Winston</del>	<del>self</del>	<del>✓</del>	
<del>Faye B. Barry</del>	<del>self</del>	<del>✓</del>	
<del>7740 CAVEYON FERRY</del>	<del>self</del>	<del>✓</del>	
Josh Palmer 620 Logan	self	✓	
Mary Brown 1530 Peosta	self		✓
Celia Gravens P.O. BOX 385 SHELDON	SELF		✓
Kit Amund Box 582 shelby	self		✓
Jodi Murray Box 5625 Helena	self		✓
Virginia Waller Box 792 Lewistown	Home school		✓
Bruce Waller, Box 792	Homeschool		
Cheryl Rees 1915 Lucky St. Helena 565 Coulee Dr	Self		✓
Debra Reymon Fozeman 59715 410 Quail Belgrade, MT 59714	Homeschool		✓
Debra Briscoe 2044 NEARCHER HELLENA	self		✓
Charles E. ...	...	✓	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Roxie Nistler	7535 Hwy 12 W		X
Lee Vetter	" " "		X
Karl Helvik	3275 Le Grande Canyon		X
Sarah Stevens	886 Sawmill - Clancy		X
Mark Ahren	1470 Boston Road		X
Rebecca Perout	801 Woodland Clancy		X
Judy Bennett			X
Leanne M. Johnson	Bozeman, MT		X
Tanice M. Dewey	Bozeman MT		X
Chris Helvik	Helena MT		X
Maggie Stuart	Family (4)		X
Christy Ferguson	Helena - Self		X
Ann L. Lebe Kesting	Billings - Self		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Van Sreen - Sklare	- just me!		
Sharon R Turner	my family		✓
Mary Blom	my family		X
K. S. Switzer	family		X
Jim Ragan	family		X
Tara Baar	individual		
Nell Baar	family		X
Ron Baar	"		X
Todd Baar	"		X
Mary Henderson	family		X
J.P. [unclear]	[unclear]		X
Ally [unclear]	me		X
Linda Chambers	family		X
Pam Fagg			X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Kathy Rocchio BOX 721 Boulder 2995 <del>Road</del> <sup>Highway</sup>			<input checked="" type="checkbox"/>
Jellon Barbagello Helena, MT			<input checked="" type="checkbox"/>
Jeff Pennington 625 Linden St Helena, MT	Self		<input checked="" type="checkbox"/>
Dan Wahl family	2		<input checked="" type="checkbox"/>
Karen Siefert	self		<input checked="" type="checkbox"/>
John H Barbagello	self		<input checked="" type="checkbox"/>
Joe Thayer	Self		
Bob Welker	self + family		<input checked="" type="checkbox"/>
Russ Wahl	Family		<input checked="" type="checkbox"/>
Gary Guthrie	Self		<input checked="" type="checkbox"/>
Bob Stoker	Self	<input checked="" type="checkbox"/>	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Alana Road 9381 Miller Crest Mesa	Eagle Forum Hessdale Chapter Pres.		X
Elizabeth Dunkel Box G W.S.S. MT 59644	self		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Clyde B. Wallace	Self		✓
Lauretta Shebitka	Self		✓
NICOLE R. MARTIN	Self		X
Ven a Mahan	Self		X
Janice R. Maxwell	Self		X
George Nagerman	A.F.S.C.M.E.		✓
Judy Boyd	Self		✓
Evelyn Whitcomb	Self		✓
Susan Davis	<del>Self</del>		
Terry Minow	MT Ad Teachers		X
Hays C Kirby	United We Stand AWA	X	
Charles R. Brooks	MT Ret. L. Assoc	X	
JOHN RICHARDSON	UNITED WE STAND AMERICA	X	
Bob Kenkel	United We Stand America	X	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Abbevokee, MT. Jeff Benley P.O. Box 584	Self		
Kathleen Marie Ullrich	all God's Peoples		✓
Phyllis Deale	Eagle Forum		✓
Steve White	MT Family Coalition		X
Scott Arnold	AFSCME		X
Steve Kirk Livingston	Self		X
Lris Nalsuy	Eagle Forum		X
Cerith A. Backman			X
Maureen Kucera	Citizens for Responsible Government		X
Hildegard Kramer	Self		X
Eleanor Schieffelin	Self		X
Jill Guthrie	Self		X
Jerry Faler	Self		X
Elizabeth Ato	Self		✓

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Laura Hokey 925 Strawberry Helena MT 59601	Self		✓
John Armon	ALEC	✓	
David Stanley	NTU	✓	
Cliff Christian	NTLC	✓	
Jonathan D. Martin	Self		✓
Jillany Donaldson	Self		✓
Mrs Henry Mellmeyer			✓
Henry Mellmeyer	Self		✓
Don Judge	MT STATE AFL-CIO		X
George Sarban	Self		X
Tony Silva	Self		X
Barbara Hollandsworth	Equal Forum Mont. Mkt. Center		X
Jim Hollandsworth	" "		X
Doreean Steffens	Council on Domestic Relations		X

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SPONSOR(S) Rep Roney  
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
HELENA, MT HERMAN WITTMAN	NARFE		✓
Lannie Kozmik	Christian Coalition of MT		✓
Irene Schmidt	self		✓
LAVERNE ERDMAN	SELF		✓
Jessie Harmon	self		✓
Dillian Johnson	self		✓
Carol Heuer	self		✓
Glen Sauer	SELF		✓
Linda Keasles	self		✓
Chris Bartlett			✓
Jeff Beazley	self		✓
Sally Beazley	self		✓
Jim Ellson	SELF		✓
Pvt Greg Guthrie (USMC)	Self		✓

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Ben F. Knobel Conrad			✓
Rick + Arnette Friesen, Billings			✓
Elizabeth Webb, Helena	self		✓
Cathy Diehl			✓
Dan Diehl			✓
Emily Knobel			✓
Samuel Knobel			✓

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