

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE/FEDERAL RELATIONS

Call to Order: By **CHAIRMAN AUBYN CURTISS**, on March 14, 1995, at 11:00 a.m.

ROLL CALL

Members Present:

Rep. Aubyn A. Curtiss, Chairman (R)
Rep. Roger Somerville, Vice Chairman (Majority) (R)
Rep. George Heavy Runner, Vice Chairman (Minority) (D)
Rep. Matt Brainard (R)
Rep. Bill Carey (D)
Rep. Patrick G. Galvin (D)
Rep. Daniel W. McGee (R)
Rep. Judy Murdock (R)
Rep. Robert J. "Bob" Pavlovich (D)
Rep. Ray Peck (D)
Rep. William R. Wiseman (R)

Members Excused: None

Members Absent: None

Staff Present: Patti Borneman, Committee Secretary

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

Committee Business Summary:

Hearing: SJR 6
Executive Action: None

{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}

HEARING ON SJR 6

Opening Statement by Sponsor:

SEN. BOB BROWN, SD 40, said this resolution would pledge Montana's support for and intent to participate in the Conference of the States (COS). The reason for the resolution is set forth in the whereas clauses which he read, in part, to the committee. He stated that the powers delegated to the federal and state governments have become blurred. The federal government has generated massive deficits and continues to mandate programs that state and local governments are required to administer, sometimes

without funding. He referred to a 1994 Mandate Catalog sent to state agencies from the federal government. (See minutes of 1/19/95 State/Federal Relations meeting.)

SEN. BROWN explained that the growth in unfunded mandates over the past 30 years has distorted state budgets, making it difficult for state leaders to provide services to their constituents. He emphasized that federal priorities have taken over state priorities, to the extent that Montana is less able to "paddle her own canoe." As the federal deficit continues to grow, the federal government is less able to pay for programs and policies they mandate to the states.

SEN. BROWN stressed the need for Montanans to determine the programs that are essential, necessary and which they can pay for on the state level, because the state constitution requires that state budgets be balanced. There have to be major changes in the state and federal relationship, changes that few states are accustomed to or prepared for at the present time.

SEN. BROWN provided a historical perspective on the growth of the federal government. He cited New York v. the United States in which the Supreme Court said the constitution provides no protection to the states, so if they have problems with federal mandates, they need to petition Congress to get them changed, just like a special interest group. He said the status of the states has been eroded away. Resolutions can protest, but are essentially meaningless and ineffective. They can let off some steam and feel better about it. He said the states can demand a constitutional convention to address these concerns, but there are difficulties with this approach. Therefore, this resolution proposes a Conference of the States, which is the middle ground.

Delegations of 4-6 people, the governor and legislators, from each of the states would meet in one location. Each state would have one vote. They would discuss collectively the problems they have worried about individually. Because the states are separate, they don't have the opportunity to come together as they would with a COS. He described the process by which a consensus could be reached to present the states' concerns to Congress. Proposals for constitutional amendments or changes in federal law may be initiated. The COS would enable states to cooperate with one another to preserve what's best about the federal system. He thought it was a good idea and hoped the committee would give it a favorable recommendation. (A copy of "Conference of the States: An Action Plan to Restore Balance in the Federal System" is included for the record. **EXHIBIT 1**)

SEN. BROWN mentioned that special guest, Utah Governor Michael Leavitt, would be introduced by Governor Marc Racicot. He said Governor Leavitt would give the closing statement for this hearing.

{Tape: 1; Side: B; Approx. Counter: 186; Comments: n/a.}

Proponents' Testimony:

Governor Marc Racicot said he was delighted to introduce his close friend and associate, **Governor Mike Leavitt from Utah**, but also to speak about SJR 6. He and **Governor Leavitt** have had several occasions at governmental functions to talk about issues of concern to the states. They have been sharing their thoughts for some time about a Conference of the States, which would "provide an opportunity for a forum within which careful and thoughtful discussion about the return of the balance of power that was originally envisioned to exist between the states and their federal government."

He and **Governor Leavitt** and **SEN. BROWN** never thought this kind of legislation would generate the degree of interest that it has. He said the beauty of an "elastic democracy" is that it allows them to discuss issues with honesty, but in civil tones, and to allow for them to bring a collective judgment to issues such as this.

He mentioned the National Conference of State Legislatures who have discussed the balance of powers of state and federal governments. Every year at every meeting governors discuss this same topic. He believed the COS is merely a bringing together of the representatives of these two groups--state legislators and governors--to discuss these issues together. He said the COS is not intended to be, or could legally be turned into, a federal constitutional convention. The constitution provides only two methods for calling a constitutional convention and the COS uses neither method.

He said those opposing the resolution may be unfamiliar with the "clear and strict steps for amending the constitution." He said there are others who may be opposing it because they know it won't serve as a constitutional convention and suggested the real reason some may be opposed is not because they are fearful of the process, but may be fearful that an open, bipartisan discussion of a number of different issues may result in some "widely hailed suggestion for a shift in this present imbalance of power back to the states." **Governor Racicot** then introduced Governor Mike Leavitt as the second proponent of the hearing. **Governor Racicot** submitted written testimony. **EXHIBIT 9**

{Tape: 1; Side: A; Approx. Counter: 353; Comments: n/a.}

Governor Mike Leavitt said he was representing a steering committee made up of the leadership of the National Governors Association, the National Conference of State Legislatures and the Council of State Governments, all of whom have joined together to make this proposal.

Governor Leavitt said he wished to say what the COS is and what it isn't. It is about whether the citizens of Montana have the opportunity to govern Montana, or whether that will be done in

Washington, D.C. It is about whether the intended balance the forefathers of this democracy intended, or whether it will drift to a "unitary" form of government. It's about whether states will play their intended role in being an offset to federal power, a check and a balance. The Conference of the States is not a constitutional convention, is not intended to become one, legally cannot become one, and he did not know anyone who supported this project who also supported a constitutional convention.

Governor Leavitt provided some historical background and said in 1787 the U.S. engaged in the most important public policy debate in the history of western democracy, the constitutional convention. The country at that time was operating under the Articles of Confederation and it wasn't working. There was no taxation system and they had a \$60 million debt from the Revolutionary War. There was no federal court system. In Philadelphia that summer, they produced the Constitution of the United States.

He said they struggled with two basic problems. The first, the question of small and large states. The second, how to deal with the need for a small national government, but also state government. They essentially formed two governments: the national government which was intended to have very limited, but supreme, roles--national defense, coining of money, interstate commerce; then they created a 10th Amendment, that the states would have all other responsibilities that were not delegated to the national government. The founders knew this would create a check and a balance that would protect the people, called by James Madison, the "compound republic."

{Tape: 1; Side: A; Approx. Counter: 504; Comments: n/a.}

Governor Leavitt told the committee that they suffer every day from the growth of the national government. He said the federal government has become overreaching and too powerful and is dealing in areas that were never intended. He said that "water will run uphill" before Congress would voluntarily send power to the states, even though they are seeing some devolution of power in Congress these days. He said the President of the U.S. can't change things, because Congress is still in control. Federal courts have not been friendly to states or the checks and balances that were intended. He said this is the job of state legislators, the people most closely elected by the people.

He said the states are at a disadvantage and are caught in a "dilemma of extremes." On one extreme, they can continue to do what they've been doing the last 50 years (which he described and said was ineffective), the other extreme the states could take would be a more assertive role, in the form of a constitutional convention. He didn't support that and didn't know anyone in the process who did.

He asked, given these two extremes, "How do we meet this constitutional obligation that we have as states to provide this balance?" He said the COS is a middle-ground proposal. It would not rely on political force for a political mandate from the people of the country from the grassroots. He said it would work as follows: Since January, resolutions of participation have been introduced in every state legislature. Twelve states have currently passed it through both houses, 14 states have passed it through one house, and others are pending.

The resolution calls for delegations to be sent to an historic gathering, where the governor of each state and bipartisan delegations up to six members, will gather for the purpose of discussing potential solutions on how they can bring this balance back. They will debate, refine and vote on proposals to go to the U.S. Congress. This proposal will be called a states' petition. He said this is the highest form of collective communication that the states can make to the Congress, and is taken very seriously.

The states' petition would come back to every state legislature and would be considered and either approved or disapproved. If it included recommendations for a constitutional amendment, it would require 75% of the state legislatures to approve the recommendation to Congress. He said if Congress, then, "doesn't get the picture," it will trigger debate throughout America about "what type of government we want."

Governor Leavitt said this is "an historic moment in time where the opportunity exists for states to step forward" and if they don't, they suffer the potential of becoming irrelevant in the American democracy. He identified two types of opponents to this resolution: there are those who enjoy and need centralized power and those who believe this is part of a conspiracy or has potential to become a constitutional convention. There are three "deadly sins" that could kill this effort: if it becomes partisan, becomes about a specific issue other than the state and federal relationship, or if it becomes about any particular special interest. He asked the committee to forward this resolution to the full body and join with them in this movement.

{Tape: 1; Side: B; Approx. Counter: 48; Comments: n/a.}

CHAIRMAN AUBYN CURTISS said they would need to limit the time they have to about 35 minutes for each side testifying, to leave adequate time for questions from the committee.

Professor Rob Natelson, Missoula, said in assessing this question, they should ask, "What unites us in this discussion?" He said everyone in the room probably has a deep and abiding love for the U.S. Constitution and does not want to see it materially changed. He said everyone in the room was probably also aware that the system is out of balance largely because of 50 years of judicial neglect, and the federal government has gone beyond

constitutional bounds. He said something has to be done to right that balance. He gave examples of specific laws that have been resisted, such as civil rights or environmental laws, but for the first time in his lifetime, there is a broad bipartisan consensus that the constitution has to be restored along with the rights of Americans. So, that is what unites the people and the question then was, "How will we do it?"

He said **Governors Leavitt and Racicot** spoke eloquently of the need for the states to take the lead. The federalist papers were written by Madison, Hamilton and Jay to define what the U.S. Constitution should and shouldn't be. **Professor Natelson** went on to describe the premise of the federalist papers and the interpretation of this early treatise on American democracy. He read from Madison and Hamilton's writings about what would happen should the federal government exert too much power over the authority of state governments. **EXHIBIT 2**

He said the Conference of the States is an effort to unite the common forces to protect the common liberty. It is no more and no less, and is just one of many tools and an important one. He assured his conservative friends that the COS will not become a constitutional convention and if it were, he would be leading the charge against it. He cited Article V which states "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..." He said it's absolutely clear that there is no way this could become a constitutional convention. He said they must not let fear deter them from what he believed was an historic opportunity.

{Tape: 1; Side: B; Approx. Counter: 300; Comments: n/a.}

Lorna Frank, Montana Farm Bureau, stated they strongly support SJR 6 and feel that local control is better than control on the federal level. They feel it is time for the states to reestablish themselves as competitive players. She said they do not feel it is an attempt to destroy the federal government or make the states dominant, but to provide necessary checks and balances, and to level the playing field between the states and the federal government. As negotiations continue, they will be peer to peer, rather than master to servant. She said they do not feel this will lead to a constitutional convention, especially with the new language added on page 4, lines 6 through 12.

{Tape: 1; Side: B; Approx. Counter: 392; Comments: n/a.}

Opponents' Testimony:

Don Fotheringham, Utah, requested the committee's forbearance in establishing what he believed was taking place. He said they heard in testimony the country's history from the college

professor and from the statesmen, in which the founders met 200 years ago with a perspective that no longer exists. It was founded on the basis of the sovereignty of the people of the United States. He said this resolution is similar to the one that was used to send delegates 200 years ago to conduct federal business. He read language from these documents that seem to be similar to what is being attempted today. He said governors and legislators can and do meet anytime they want to, they can pass resolutions, or can threaten and cajole Congress in many ways, to require them to abide by Article 10, and all of the articles of the constitution. He wondered why a resolution?

He stated that in a free society, where sovereignty resides in the people of the states, and where the revolution is peaceful, that process is initiated by the states. They are the legal body nearest to the people, and the people have all sovereign powers. He said the minute this resolution is passed and delegates are appointed to go to a central place to conduct federal business, those delegates no longer represent the states, but represent the sovereign force of the people, and that's why it's so dangerous.

He said 200 years ago they met to work out trade problems and "gave us a whole new government." And while he's glad they did, he wondered if the delegates to the COS will be vested with the same powers as those who attended the 1787 gathering.

Mr. Fotheringham stated they do not object the whereas clauses in the resolution, and the goals and aspirations of the politicians behind the COS are of the highest level. He wasn't challenging the character of the people that would be sent, he just didn't want them sent. He was not willing to consolidate the sovereign powers of American in another meeting on a federal level in which they can do anything they want.

He said the amendment that has been attached has no meaning, because they know they're not calling an Article V convention. He said they know about the limitations to this, but said the simple fact is that the consolidation of power in those individuals is superior to the constitution. He said the people of the U.S. form government, and the same force that forms governments has the power to de-form governments, and Article V doesn't matter. He said Article 13 mandated the process by which the first convention would meet, and they violated the process. When they didn't have enough states to ratify, they changed the rules of ratification from 13 states (100%) to nine states.

{Page 1; Side B; counter: 665}

He discussed the possibility of a convention happening. He described the 18th Amendment that established prohibition. When the 21st Amendment was proposed by Congress to repeal the 18th Amendment, they saw that there were some state legislatures that would not approve it. Then they read the "fine print" in Article V and established ratifying conventions. Even though the state

of Utah begged Congress not to pass the 21st Amendment, they set up a convention in Utah, selecting delegates favorable to the idea of selling liquor, and since they were the 36th state, they had the "ironic honor" of ratifying an amendment to the Constitution which they didn't want.

He said this resolution sailed through the states because the first nine states held no hearings and most were passed on voice votes. He said the only time "the brakes slammed on" is when hearings began. He said the delegates from the states, at a conference such as this one, would possess power over and above Article V, and others. He said the state of North Dakota voted not to participate by a vote of 33-16. It was also turned down in New Hampshire, and tabled in Maryland, Texas. He finished his testimony by saying, "God Bless America, let's retain our sovereign powers here at home."

Ed Regan, Townsend, submitted written testimony. **EXHIBIT 3**

{Tape 2; Side A; counter: 001}

Mr. Regan finished reading his testimony.

Eleanor Schieffelin, Emigrant, Eagle Forum, said she heard about this resolution through Eagle Forum and stated that the 10th Amendment is the vehicle by which states' rights can be asserted and wouldn't jeopardize the constitution. She believed that the COS has the potential to become a constitutional convention. She said **Governor Leavitt's** wrote in his position paper on May 19, 1994: "If Congress refuses to consider or pass the constitutional amendments, the states would have the option themselves of calling a constitution convention to consider the amendments."

She described what happened in Texas where discussion showed that they believed a constitutional convention could result from the COS. She said at the last session, **SEN. BROWN** introduced a con-con resolution, but **Governor Leavitt** said he didn't know anyone who supported a constitutional convention. She responded to **Professor Natelson's** comments and said they are also aware that the national forces who want to rewrite the constitution always use a popular concept. The last time was a balanced budget which was twice voted down by Montana, and now it's reassertion of states' rights. She is against SJR 6 and had with her a petition with 200 signatures of other opponents to this resolution.

EXHIBIT 4

Kathleen Ullrich said she had 1000 signatures of people from her county opposing SJR 6 because the COS could be turned into a constitution convention. Reasserting states' rights could be done with the 10th Amendment movement and would be safer. She thought the committee should vote for this and eliminate the Conference of the States which could lead to the constitution being changed. She urged them to vote against SJR 6.

Dawn O'Keefe, Eagle Forum, read written testimony for **Betty Babcock**, but first commented that it was hard to speak against something she cared about deeply. The proponents have said this COS is necessary because Article V isn't working, but she said it works splendidly. She said the U.S. Constitution has been amended 27 times, and the reason a constitutional convention has not been called is because the American people don't want one.

EXHIBIT 5

{Tape: 2; Side: A; Approx. Counter: 241; Comments: n/a.}

Don Judge, AFL/CIO, opposed SJR 6 and apologized to the Senate for not appearing in opposition when the resolution was heard there. He said they managed to get some amendments incorporated saying that this is not to be a call for a constitutional convention. He asked, if the three organizations that have put together the conference can already meet in one place and have already come up with concepts and proposals to take to Congress, why is it so important that they authorize through a resolution the appointment of the delegation to attend this conference? Why do the governing documents say that if a state fails to adopt such a resolution, that they shall have no voting power in that conference, and will sit there in a non-voting capacity? He wondered why it was so important for **Governor Racicot**, **Governor Leavitt** and **SENATOR BROWN** to be as involved with this as they are.

Mr. Judge likened the current movement for a COS to one that took place in 1786 that did result in a constitutional convention. He mentioned a speech given by **Governor Leavitt** in Arizona in 1984, where he admitted that he was, in fact, considering a plan to call a constitutional convention as reported in the Salt Lake Tribune, April 25, 1994. He said another governor advocating a COS, Governor Nelson, was quoted as saying, "If Congress weren't to react to the petition of the states in any positive manner, a constitutional convention always is an option, and would probably seem less extreme in the absence of any action of the Congress. The threat of calling a convention is there and it may not be so much an implied threat, it may be pretty expressed."

They are concerned that this COS will become a de facto constitutional convention. He said the COS background documents allude to constitutional amendments, one which would amend Article V to allow three-fourths of the states to propose constitutional amendments which would go into effect, unless two-thirds of the Congress rejected the proposal. He said Article V specifically limits the states' amendment initiation options by establishing the more difficult constitutional convention process, leaving to the federal congress, the primary federal constitutional amendment initiation power. He said the final ratification authority was reserved to the states.

Another proposal mentioned in the COS documentation would be to give states, upon a petition of two-thirds or three-fourths of

the state legislatures, the power to sunset any federal law except those dealing with defense and foreign affairs. He said that proposal would radically alter Article 1, Section 1 of the U.S. Constitution which states that all legislative powers herein granted, shall be vested in the Congress of the United States.

They are concerned that in enacting some of those constitutional changes, that there may be some real important social policy decisions that affect everyone throughout the country. One of the proponents mentioned amendments to restrict the constitution's commerce clause, Article 1, Section 8, to inhibit the federal government's power to regulate commerce. OSHA, minimum wage, national labor relations act, environmental food and product safety protections, labor standards and job safety, and other public interest safeguards would be at risk.

Mr. Judge stated that the proponents have claimed that the COS would not identify with any group and that the conference is bipartisan and free from special interest group influence. However, he said the conference coordinators have already met with representatives from the state government affairs council, which is the business roundtable of state government associations, where the issue of private sector funding support for the conference was raised. No other organizations have been met with. He said the steering committee organizing the conference is considering private sector involvement. An attempt was made to inhibit private funding for this conference, but that amendment was struck in the Senate. He said the Conference of the States is too dangerous for the security of the country to allow it to go on, and he urged them to reject SJR 6.

Pat Reese, Helena, said she understood the problem of mandates, but thought 800,000 Montana citizens can stand up for themselves. She suggested they learn from the state of Virginia where a commission examines unfunded mandates and submits a report to the governor and legislature to review. She said SJR 6 is a dangerous path and she urged a more simple remedy, such as the one in Virginia.

Elaine Ingraham, Missoula, wished to make a point about local control. She said they realize there is an imbalance and what they're trying to do is tip the scale more toward the state side. She said she's afraid of the technique that would be used and that instead would give the illusion that a power shift was taking place. In this case, it would be just an illusion that power would be going to the state, when it would actually be going to the federal government.

She said there is always a facilitator navigating the whole conversation to a preplanned goal or outcome. She suggested the state, on an individual basis, reaffirm the 10 Amendment, as other states are doing. Those states can pledge together to turn back federal grants and funding. She said they can gain more control by turning back the money and once there are enough

states who individually reaffirm the 10th Amendment, those states could get together. She said this is a "Trojan horse" and her biggest worry is the technique that would be used.

Leonard L. Alexander, Missoula, said he wrote a letter to members of the committee with additional signatures stating opposition to SJR 6. **EXHIBIT 6** He said he is terrified of government, especially the federal government, and thought they may be biting off more than they can chew. He said the first page of the resolution is beautiful, but the last few pages bother him. He's been watching government operate, and doesn't trust government or any group of elected officials when they get together with the power to change the constitution. Problems always get worse even though government pledges to change things. He said it's important to consider the motivation of those pushing a particular agenda.

He said the Council of State Governments proposed in 1989 that the 10th Amendment be amended as follows: "Whether the power is reserved to the states or to the people shall be decided by the courts." He said if the CSG is willing to do that, "what in God's name are they willing to do now?" He said he heard Senator Duke from Colorado on a radio program stating that SR 82 has been introduced in Congress that would call upon the states to organize a constitution convention for the purpose of balancing the federal budget.

M.C. Heileson, Idaho Falls, Idaho, said Idaho was one of the states that passed their resolution very quickly on a voice vote. They're now talking about how they can rescind the motion. He said they're trying to save face, and after listening to the testimony, he said they're all on the same side, they love the constitution, they all want their freedoms, why don't they join forces and do that, but it seems to be a procedural problem.

{Tape: 2; Side: B; Approx. Counter: 000; Comments: n/a.}

Mr. Heileson suggested they table the resolution until they resolve the questions that exist, "then get the federal government off our backs." He read a line from the Wall Street Journal: "This gathering will be the first formal meeting of the states since 1787 when the original 13 drew up the constitution in Philadelphia." If this is the first time it's been done since then, there's something different than just a meeting about getting together.

CHAIRMAN CURTISS asked the remaining opponents to just state their names, since they were running out of time for the committee members to ask questions.

Kathleen Marquardt, Putting People First, Helena, Montana. She submitted a witness statement

Stan Frazier, Helena, Montana.

Arwood Stickney, Missoula, Montana.

J.V. Bennett, Montana Public Interest Research Group (MontPIRG), opposed this resolution.

Bill Rogers, Great Falls, opposed the resolution.

Christine Kaufman, Montana Human Rights Network, opposed the resolution and said they had different concerns and would be glad to answer questions.

D.W. Engel, Noxon, said he was opposed to SJR 6.

{Tape: 2; Side: B; Approx. Counter: 000; Comments: n/a.}

Questions From Committee Members and Responses:

REP. MATT BRAINARD said he had a question for **Governor Mike Leavitt** and said his experience in public office has shown him that not everyone wants to see federal government reduced. He wondered what he has done in Utah to reject federal money and programs. **Governor Leavitt** said in their last budget they started a process to address the inevitability of less federal money, and they are essentially rejecting any new federal program or any expansion of an existing program.

REP. BRAINARD then asked what specific remedies to federal encroachments has he proposed. **Governor Leavitt** said he currently is not proposing any, but described, again, the two that he believed would be most discussed at the COS. The first would be a "state-initiated constitutional amendment process." He discussed the 17th Amendment and said the states wanted it, while Congress didn't want it. He said the 17th Amendment was the only time in the history of American democracy, when they had enough states call for a constitutional convention that it could have been held, but the federal government wrote an amendment and it was ratified. He asked if they were willing to trust the power of Congress to amend the constitution, why would they not be willing to give the states, by a 75% majority, the capacity to propose an amendment and then allow Congress to essentially veto it by a two-thirds majority. There's a check and balance in that process.

The second proposal that would be discussed is the ability for the sunseting of a federal law by the states. He suggested that if two-thirds of legislatures believe a law is bad, it should be reconsidered. It would provide balance and give the states the capacity to protect themselves from "an out-of-control federal government." He said the federal government could pass the law again, and if two-thirds of the states opposed it, it would set off a political debate and a few congress persons would be elected or not elected based on their views.

REP. BRAINARD asked what powers should be taken away from the federal government in this process or what power should it be given. **Governor Leavitt** replied that the constitution specifies those, and said he's a big supporter of the 10th Amendment, but the courts and "Congress legislate like the 10th Amendment doesn't exist. They continue to roll over states like we're irrelevant in this process." He described the actions and statements of a sponsor of an unfunded mandate legislation and said "they just don't get it."

REP. BRAINARD said it seemed as though the 16th Amendment, which assigns the bulk of their national tax money to the federal government, empowers them to "dangle these monies in front of the states." He wondered if individuals could resist the temptation of those monies and do it collectively. **Governor Leavitt** said if they rejected federal money, it would go a long way. He said as states, they are as guilty as any other party for sending power to Washington. "We frankly gave it up, in exchange for money." He said the question now is, how do they get it back.

REP. BRAINARD asked **Governor Leavitt** that if he didn't support a constitution convention now, but had in the past. He wondered what changed his mind. **Governor Leavitt** said he had never supported a constitutional convention, and was misquoted when he answered a question. He actually said that states shouldn't rule out a con-con, because if they did, they would be without any capacity. He doesn't support it and doesn't think it will happen. It hasn't happened in 210 years and Congress has had the capacity to convene a con-con. He discussed the possibility of a con-con to discuss the balanced budget amendment, but doesn't support it.

{Tape: 2; Side: B; Approx. Counter: 342; Comments: n/a.}

REP. RAY PECK asked the **Governor Leavitt** if he was familiar with the magazine, The New American, that featured an article on him. He read from the article: "Governor Mike Leavitt obviously realizes he made a tactical error in openly calling for a constitution convention last year." He asked him if he would disagree with that statement. **EXHIBIT 7**

Governor Leavitt responded with background on the article and said he went to Arizona on an invitation to what he was told would be a gathering of 300 state legislators. There were only 39 state legislators and 29 were from his state. When he got there, a large collection of these people had radical ideas that were more so than his own. He found himself defending what he believed was a middle-ground proposal, a Conference of the States. When he returned to Utah, the article he read totally mis-characterized him (he teased the committee by saying that probably had never happened to them). He said the people at this gathering were talking about secession from the Union.

REP. PECK asked **Governor Leavitt** if he was a lawyer and he responded that he was not. **REP. PECK** said the author had a very different view of Goals 2000 than he had and references that he had a hand in that, and asked, "Was the governor ignorant of his role in violation of the 10th Amendment when he handed our children over to the feds?" He asked the governor if he handed the children of Utah over to the federal government.

Governor Leavitt said he accepted an assignment from the Governor's Association to serve on the Goals 2000 panel, because he knew it would become law and wanted to be sure that states' interests were protected. He said in Utah, with the Secretary of Education, they applied for a grant, and he told him if there is any indication that they would tell them what to do in their state, they would pull out of the program. He said he has taken a very aggressive position in returning control to local schools and opposing federal control.

REP. PECK requested **Mr. Judge** for questioning and referred to his statement that the 1787 constitutional convention was convened without proper authorization and asked if he saw a difference currently in terms of the restraint of calling a con-con as compared to 200 years ago. **Mr. Judge** said he did see a difference. He said the original convening of the first convention was not to establish a new constitution, there was no adhering to principles in that conference as well. **REP. PECK** asked if there are restraints on that in the current constitution, and **Mr. Judge** agreed.

REP. PECK asked if, in Article V, how this conference of the states could become a constitutional convention. **Mr. Judge** replied that there is nothing in Article V regarding the constitution, but there is the history of the establishment of the first constitutional convention which was derived first by a minority, then a majority of the states convening a conference of the states.

REP. PECK said they are now talking about the present, and Article V deals with laws and government under the constitution, and after extensive research has tried to see how this could become a constitutional convention. A law professor said it couldn't happen, another lawyer said it couldn't happen, then others say that it could, so he's wondered how it could happen.

Mr. Judge said there are two points: one, that it can turn into one by the authority granted by the states to a delegation to gather as a body of states collectively to propose things to the federal government. He suggested that the proponents have advocated amendments to the constitution which, if the federal government fails to act on, it has been suggested that a constitutional convention will be called in response to the Congress' failure to act. He also noted that there is a lot of criticism toward Congress, which is, in fact, the elected body of the people. These people don't just appear in Congress,

Montana's congressional delegation is elected by the people of Montana to represent the interests of Montana, and if they don't, won't be re-elected. Each state has that right to elect their delegates to the Congress. He said if Congress doesn't satisfy the wishes of the states, there is a process for calling a constitutional convention by a two-thirds vote of the states.

{Tape: 2; Side: B; Approx. Counter: 342; Comments: n/a.}

REP. PAT GALVIN asked **SEN. BOB BROWN** if this resolution is an argument between Article 6 and the 10th Amendment. **SEN. BROWN** asked for a reminder of what Article 6 is and was told it is the supremacy clause whereby states cannot make federal laws. **SEN. BROWN** said that court interpretations since the founding of the nation have been dictated by different parts of the constitution. He said some of the expansion of the federal government has taken place under the supremacy clause, commerce clause and 14th Amendment. The federal government is really the result of a compromise and is "rather unique in the world." The states have voluntarily entered into the Union and in doing so, have retained sovereign powers, as spelled out in the constitution.

SEN. BROWN said the federal government has expanded into the domain of what traditionally has been the states' domain, with the willing cooperation with state governments. When they put up \$13 state dollars for every \$87 federal dollars, such as in the highway program, the federal government can determine their priorities and the states become almost an administrative unit of the federal government. Recent decisions of the U.S. Supreme Court have shown they will not enforce the 10 Amendment against the federal government to protect the states, but have to go to Congress instead.

In light of that, it made sense to him to participate in a conference of the states to arrive at proposals that they hoped the federal government might take seriously. He thought it would be useful to have a careful examination of the federal/state relationship to see if they can make it better.

REP. GALVIN said Article 6 is supreme and they have to abide by it. **SEN. BROWN** said he absolutely agreed. **REP. GALVIN** asked for an idea on how much money Montana sends to Washington, D.C. in taxes, and what the percentage of return is. **SEN. BROWN** said they have always been told, and he was sure it was true, that they get more back than they send in, approximately \$1.80 for every dollar they send in taxes. **REP. GALVIN** wasn't sure that was correct and asked if there were some states that sent in more than they got back. **SEN. BROWN** said that the northeastern, big-city states got back more than they send in, and if Montana does as well, that would explain why the federal government spends \$200 billion more a year than it takes in. **REP. GALVIN** asked where the state would get the funds to replace the federal funds they wish to start turning back, as proposed.

SEN. BROWN said it is an interesting question for him, because he believed there's a need for a balanced federal budget. No generation should spend more in its own time than they can take in, and both **REP. GALVIN'S** and his own generation have spent the inheritance of their children and grandchildren, because they've consumed more than they were able to produce. He said that's why, at first, he opposed the balanced budget amendment and explained why, but realized it was important to make both political parties responsible and to stop the hemorrhaging of the federal deficit.

{Tape: 3; Side: A; Approx. Counter: 342; Comments: n/a.}

REP. BILL WISEMAN told **Governor Racicot** that Congress respects power and that's part of their problem, because the states have no power because they're kept divided. Every time they try to get together, they're worried about constitutional conventions. He asked if there is any chance that the states will be able to get together and assume a form of power, and would the states be heard by Congress, if they don't do something like a COS.

Governor Racicot said something like this might happen, but probably not in the near future. He asserted that a conference of the states could not and would not become a constitutional convention. He said this event would provide an opportunity for a forum where there can be these kinds of discussion, and one that has marks of distinction attached to it by virtue of the fact that the people of the various states have said "we want this discussion to take place." And that, until now, they have not been able to find another means to make a lasting point before Congress.

REP. BRAINARD asked **Mr. Fotheringham** about his observations on the conference in Arizona. He responded that all he knew was what he read in the Salt Lake Tribune. **Mr. Fotheringham** said **Governor Leavitt** should take up a case with the editors, because he quoted him very accurately. He read from the Tribune: "Leavitt also said he has rewritten his position paper deleting any reference to a constitutional convention which he said has been misconstrued." He said if that is a misquote, he should challenge the newspaper. In reference to **REP. PECK'S** question on the Goals 2000 quote, **Mr. Fotheringham** suggested the governor take that up with the Utah Education Association, which supported his election with a \$10,000 donation.

{Tape: 3; Side: A; Approx. Counter: 120; Comments: n/a.}

REP. PECK asked **Mr. Natelson** how long he has been a law professor and he responded since 1985. **REP. PECK** assumed he would be familiar with Article V and the language in this amendment. **Mr. Natelson** said he was, in general terms. **REP. PECK** said after much study of this article, he is convinced that there is no concern for a constitutional convention taking place. Given the resolution and the U.S. Constitution, he asked if there was any

way the COS could evolve into a constitution convention. **Mr. Natelson** said that he did not believe there were and explained that in 1876 the word "convention" did not carry the same weight and meaning as it does today, so there has been a misunderstanding of the meaning of the COS.

{Tape: 3; Side: A; Approx. Counter: 196; Comments: n/a.}

REP. BRAINARD cited page 3, lines 21 - 22, where it states that the meeting will convene when 26 states adopt the resolution without amendment, and asked **Professor Natelson** to address the fact that the Senate amended this resolution anyway, how does it hold together? **Professor Natelson** said his recollection is that the COS would come together when there are 26 unamended resolutions. He suspected that if the resolution is passed as amended, that it would not get counted toward the 26. It may be that the other proponents feel differently about that and may wish to express their views.

Governor Leavitt responded to the question that the intention has not been to keep people from amending it, the states were free to do that, they simply wanted as a steering committee, to have some uniformity in the size of the delegations, to be sure they were bipartisan, and to be sure that all the states had one vote. He said the kind of subtleties added to this resolution would not be a barrier to participation. **REP. BRAINARD** asked if states did not pass the resolution, they would have no vote, and wondered if the amendment would cause Montana to not be able to vote.

Governor Leavitt said he didn't think so and said that the only thing that would cause Montana not to, is if they changed substantial aspects of the resolution and gave examples of what would be unacceptable to the steering committee.

REP. BRAINARD asked if all states would be able to vote regardless of passing a resolution. **Governor Leavitt** reiterated that they have to have 26 states pass a resolution to convene, and the other states could send delegations. **REP. BRAINARD** asked again if those states would be able to vote. **Governor Leavitt** said that would be up to the governing board of the conference.

REP. DAN MCGEE asked if Montana chose not to adopt this resolution, and didn't send a delegation to the COS, Montana would then not have any voice in the COS. **Governor Leavitt** said that was correct. **REP. MCGEE** then asked if 26 states chose not to adopt this resolution, there would be no COS. **Governor Leavitt** said that was correct. **REP. MCGEE** asked if 26 states did adopt a resolution similar to this, and the COS occurred, would only 26 states show up. **Governor Leavitt** said that has not been concluded and the steering committee would be addressing that issue when the time came, once they assemble at the close of this process.

REP. MCGEE asked again about the representation that would occur should 26 states pass the resolution. **Governor Leavitt** said the

power of the whole process would be that the states would send a delegation to have some real influence with Congress. He said that's what they're talking about. They have to have enough states participate to make a meaningful statement, and they need 26 states to put together a governing board to put the meeting together.

REP. MCGEE said as he understood it, if Montana didn't adopt this resolution, there would not be a delegation coming from Montana, and they may only end up with as few as 26 states represented. **Governor Leavitt** said the states that make up the governing board could decide that they want the other states there and would then invite them to come. They need to have 26 states agree to form this "more effective unit to be able to communicate this message."

REP. MCGEE said that the resolution is the vehicle that would be allowing a delegation to participate. **Governor Leavitt** said that was correct, and they need states like Montana to be a part of this process.

{Tape: 3; Side: A; Approx. Counter: 382; Comments: n/a.}

REP. MCGEE asked **Governor Racicot**, as chief executive of Montana, if he knew there was going to be a conference of the states, did he feel it would be in the best interest of the state of Montana to attend. **Governor Racicot** said he obviously did, because he believed that Montana is inevitably interwoven into this national fabric and he most certainly feels the heavy hand of Congress on the state of Montana. He said it was in the state's best interest and he would make absolutely certain that the state's voice was heard in that process.

REP. MCGEE then asked about the amendment added to the resolution stating that the COS could not be construed by the delegates of the state of Montana that this could ever turn into a constitutional convention. **Governor Racicot** said that is precisely how he read it and was an added protection that is already found in the constitution itself, which allows only Congress to ultimately call a constitution convention. **REP. MCGEE** asked if there was some validity to the argument that the possibility of a constitutional convention did exist, would he not participate. **Governor Racicot** responded that he would not want to agree with the underlying premise of his question, but it seemed that if the legislature adopted the resolution, they should clearly articulate that there should not be a constitutional convention and should prevent that from occurring.

Rep. J. Reese Hunter, Utah House of Representatives, letter in opposition to SJR 6, dated March 13, 1995. **EXHIBIT 8**

{Tape: 3; Side: A; Approx. Counter: 465; Comments: n/a.}

Closing by Sponsor:

Governor Mike Leavitt said a number of questions were raised by the opponents and he wished to respond. First, why such a formal process? When in Washington to testify and represent his state, he is often treated like a special interest. States are not special interests or lobbyists and shouldn't be treated as such. They are a full partner in the American democracy. Thus, there is a need for such a formal process.

Second, do delegates from the State of Montana to the COS constitute representatives of the sovereign power of America? He said no, and rejected that statement and said they would represent the legislature of the state of Montana and would speak for the people of Montana.

Third, would such a gathering be superior to the constitution? Absolutely not, there is no legal authority invested in the COS. It creates a political mandate that the American people want more decisions made in their hometown and their state capitol than they do in Washington, D.C.

Fourth, could Congress convene a constitutional convention by the means of the organizing of the states. He said they haven't for 210 years and didn't expect they would, because it would not be a natural act for Congress to send power back to states on a voluntary basis.

Governor Leavitt defended the quick passage of resolutions in other states and the opposition expressed by other states. He commented on the discussion about Article V and the pushing of a constitutional amendment through a COS and said they would not be sending a states' petition back for ratification, but for approval to send back to Congress. Then Congress has to pass it, then it has to come back to the states and must be passed through 75% of the states again. He said it is an arduous, but necessary, process. In response to furthering the idea of a constitutional convention, he said he did not bring that up. He said the Conference of States emanated from the National Conference of State Legislatures about a year ago. No one has claimed that Article V is unworkable as a basis for the need of a COS.

Why is a Conference of the States so important? He replied that there is nothing more important than this going on in his state, and suggested that neither was there in Montana, because the fundamental relevance of their entire activity as state governments is at stake.

He said the COS will be paid for by appropriated state dollars. The fiscal note for Montana is about \$12,000. He said the National Governor's Association does accept money on a closely regulated basis from outside organizations, as well as the

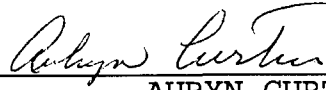
National Conference of State Legislatures, and the Council of State Governments.

His final comments were an expression of gratitude for being able to address the committee, and said it was an important debate that was done in the spirit of democracy. The proponents are not part of a global conspiracy to overthrow the American government, these are their colleagues. They want to defend the integrity of the fundamental instrument of democracy called the constitution that literally depends on states maintaining the balance between state and national government.

{Tape: 3; Side: A; Approx. Counter: 784; Comments: Meeting adjourned.}

ADJOURNMENT

Adjournment: 1:30 p.m.



AUBYN CURTISS, Chairman



PATTI BORNEMAN, Secretary

AC/pb

HOUSE OF REPRESENTATIVES

State/Federal Relations

ROLL CALL

DATE 3/14/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Aubyn Curtiss, Chairman	✓		
Rep. Roger Somerville, Vice Chair, Majority	✓		
Rep. George Heavy Runner, Vice Chair, Min.	✓		
Rep. Matt Brainard	✓		
Rep. Bill Carey	✓		
Rep. Pat Galvin	✓		
Rep. Daniel McGee	✓		
Rep. Judy Rice Murdock	✓		
Rep. Bob Pavlovich	✓		
Rep. Ray Peck	✓		
Rep. Bill Wiseman	✓		

EXHIBIT 1
DATE 3/14/95
SER 6

Conference of the States

An Action Plan To Restore Balance in the Federal System

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

Concept paper adopted by the Council of State Governments, the National Governors' Association and the National Conference of State Legislatures

Dec. 20, 1994

For more information:

Gov. Mike Leavitt's office, (801) 538-1000

Address: 210 State Capitol Salt Lake City UT 84114-0601

Fax: (801) 538-1528

Gov. Ben Nelson's office, (402) 471-2244

P.O. Box 94848 Lincoln, Nebraska 68509-4848

Fax: (402) 471-6031

No. 28: Hamilton

That there may happen cases in which the national government may be necessitated to resort to force cannot be denied. Our own experience has corroborated the lessons taught by the examples of other nations; that emergencies of this sort will sometimes exist in all societies, however constituted; that seditions and insurrections are, unhappily, maladies as inseparable from the body politic as tumors and eruptions from the natural body; that the idea of governing at all times by the simple force of law (which we have been told is the only admissible principle of republican government) has no place but in the reveries of those political doctors whose sagacity disdains the admonitions of experimental instruction.

Should such emergencies at any time happen under the national government, there could be no remedy but force. The means to be employed must be proportioned to the extent of the mischief. If it should be a slight commotion in a small part of a State, the militia of the residue would be adequate to its suppression; and the natural presumption is that they would be ready to do their duty. An insurrection, whatever may be its immediate cause, eventually endangers all government. Regard to the public peace, if not to the rights of the Union, would engage the citizens to whom the contagion had not communicated itself to oppose the insurgents; and if the general government should be found in practice conducive to the prosperity and felicity of the people, it were irrational to believe that they would be disinclined to its support.

If, on the contrary, the insurrection should pervade a whole State, or a principal part of it, the employment of a different kind of force might become unavoidable. It appears that Massachusetts found it necessary to raise troops for suppressing the disorders within that State; that Pennsylvania, from the mere apprehension of commotions among a part of her citizens, has thought proper to have recourse to the same measure. Suppose the State of New York had been inclined to re-establish her lost

jurisdiction over the inhabitants of Vermont, could she have hoped for success in such an enterprise from the efforts of the militia alone? Would she not have been compelled to raise and to maintain a more regular force for the execution of her design? If it must then be admitted that the necessity of recurring to a force different from the militia, in cases of this extraordinary nature, is applicable to the State governments themselves, why should the possibility that the national government might be under a like necessity, in similar extremities, be made an objection to its existence? Is it not surprising that men who declare an attachment to the Union in the abstract should urge as an objection to the proposed Constitution what applies with tenfold weight to the plan for which they contend; and what, as far as it has any foundation in truth, is an inevitable consequence of civil society upon an enlarged scale? Who would not prefer that possibility to the unceasing agitations and frequent revolutions which are the continual scourges of petty republics?

Let us pursue this examination in another light. Suppose, in lieu of one general system, two, or three, or even four Confederacies were to be formed, would not the same difficulty oppose itself to the operations of either of these Confederacies? Would not each of them be exposed to the same casualties; and when these happened, be obliged to have recourse to the same expedients for upholding its authority which are objected to in a government for all the States? Would the militia in this supposition be more ready or more able to support the federal authority than in the case of a general union? All candid and intelligent men must, upon due consideration, acknowledge that the principle of the objection is equally applicable to either of the two cases; and that whether we have one government for all the States, or different governments for different parcels of them, or as many unconnected governments as there are States, there might sometimes be a necessity to make use of a force constituted differently from the militia to preserve the peace of the community and to maintain the just authority of the laws against those violent invasions of them which amount to insurrections and rebellions. Independent of all other reasonings upon the subject,

THIS PROCESS BEING EMPLOYED TO CONVENE THE 'COS' IS A REPLICATION OF THE ONE WHICH BROUGHT ABOUT THE 1787 CONVENTION. MORE SPECIFICALLY, THE ELEMENTS WHICH EMPOWERED THE FIRST CONVENTION ARE CONTAINED IN THE RESOLUTION BEFORE THIS COMMITTEE. THE FIRST ELEMENT IS THE AUTHORIZATION BY 26 STATES TO CONVENE, THE SECOND ELEMENT EMPOWERS OUR DELEGATES TO VOTE, AND LASTLY, INSTEAD OF REPORTING BACK TO THE LEGISLATURE WHICH SENT THEM, THE DELEGATES WILL BE SUBMITTING A 'STATES PETITION' CONTAINING RESOLUTIONS AND AMMENDMENTS TO THEIR INDIVIDUAL STATES FOR RATIFICATION. NOW I'M NOT A LAWYER BUT, IT LOOKS TO ME LIKE A COS AMMENDMENT TO THE CONSTITUTION WHICH GAINS THE APPROVAL OF THREE-FOURTHS OF THE STATES AUTOMATICALLY BECOMES THE LAW OF THE LAND. IF SUCH A SITUTATION COMES TRUE, HAVN'T WE CIRCUMVENTED OUR OWN CONSTITUTION?

COPY

I DON'T SEE THE NEED TO CALL A CONFERENCE AND RISK IT GETTING OUT OF CONTROL. THE STATES, WHETHER THEY MEET OR NOT, ALREADY POSSESS THE POWER TO CAST ASIDE THE UNCONSTITUTIONAL MANDATES OF THE FEDERAL GOVERNMENT. STATES CAN EXERISE THEIR 10TH AMMENDMENT POWER BY REFUSING TO ACCEPT FEDERAL FUNDING OF UNCONSTITUTIONAL PROGRAMS AND REFUSING TO IMPLEMENT UNCONSTITUTIONAL MANDATES. AN EXAMPLE OF THIS PREROGATIVE WAS RECENTLY DEMONSTRATED IN THE HOUSE EDUCATION COMMITTEE, WHERE THE COMMITTEE REFUSED TO ACCEPT FEDERAL FUNDS FOR THE AMERICORP PROGRAM.

I FEAR THIS CONFERENCE OF STATES WILL BECOME THE VEHICLE BY WHICH THE ADVOCATES OF BIG GOVERNMENT WILL BE ALLOWED TO LEGITIMIZE THE MANY UNCONSTITUTIONAL PROGRAMS THAT OUR FEDERAL GOVERNMENT CURRENTLY OPERATES. GOVERNORS AND THEIR STATES WILL HAPPILY GRANT THE FEDERAL

EXHIBIT 3
DATE 3/14/95
~~SJR~~ 6

HOUSE STATE/FEDERAL RELATIONS COMMITTEE

COPY

SJR-6

MADAM CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS ED REGAN. I AM A RESIDENT OF TOWNSEND MT. I'M REPRESENTING MYSELF AND I RISE BEFORE YOU TODAY IN OPPOSITION TO SJR-6.

FOR THE PAST 208 YEARS OUR FEDERAL CONSTITUTION HAS SERVED US VERY WELL. IT HAS PROTECTED THE GOD GIVEN RIGHTS OF ALL CITIZENS AND STANDS AS A BECON OF HOPE FOR FREEDOM LOVING PEOPLE EVERYWHERE.

THE PROBLEMS WE ARE TRYING TO ADDRESS WITH THE 'COS' HAVE BEEN BROUGHT ON BY THE CHRONIC USURPTION OF THE LIMITATIONS ON FEDERAL POWER SET FORTH IN THE CONSTITUTION. THE AUTHORITY WE NEED TO CONTROL UNFUNDED MANDATES AND REASSERT OUR 10TH AMMENDMENT RESPONSIBILITIES ARE ALREADY CONTAINED IN THE CONSTITUTION. WE DO NOT NEED TO SET IN MOTION A PROCESS FOR MAKING FUNDAMENTAL CHANGES TO OUR CONSTITUTIONAL STRUCTURE. THIS CONFERENCE OF STATES IS AN UNPRECEDENTED JOURNEY INTO UNCHARTED WATERS. BESIDES CIRCUMVENTING THE TWO THIRDS REQUIREMENT IN ARTICLE V, ONCE CONVENED, THE 'COS' ACTING AS A SOVEREIGN BODY, IS FREE TO WRITE ITS OWN RULES. I SERIOUSLY DOUBT THAT MONTANA'S AMMENDMENT, TO LIMIT THE JURISDICTION OF THIS CONFERENCE, WOULD CARRY ENOUGH CLOUT TO STOP THE CONFERENCE FROM BECOMMING WHAT WE ALL FEAR, A WIDE OPEN CON-CON. BESIDES, LANGUAGE ON PAGE 3, LINES 21 AND 22 OF THE RESOLUTION SPECIFIES PASSAGE WITHOUT AMMENDMENT.

EXHIBIT 3
DATE 3-14-95
SJR 6

GOVERNMENT NEW CONSTITUTIONAL AUTHORITY WHEN THEY NO LONGER HAVE TO FUND
THESE PROGRAMS OUT OF STATE BUDGETS. FOR THESE REASONS I CANNOT SUPPORT
SJR-6. PLEASE JOIN WITH ME AND ERR ON THE SIDE OF PRESERVING OUR
CONSTITUTION. THANK YOU FOR HOLDING THIS HEARING AND TAKING A SECOND
LOOK AT THE ISSUE.

EDWARD W. REGAN

COPY

EXHIBIT 4
DATE 3/14/95
SER 6

HOUSE OF REPRESENTATIVES
54TH LEGISLATURE

State / Fed Relations COMMITTEE

WITNESS STATEMENT

Please Print

NAME Eleanor Schieffelin BILL NO. SJR 6

ADDRESS Box 39 DATE 14 Mar 95

WHOM DO YOU REPRESENT? Self (Eagle Forum member)

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: The Conference of States has the power to turn itself into a Constitutional Convention by resolution and this, in turn, has the power to rewrite the Constitution, and the power to ignore all state amendments such as was prepared on this resolution by the Montana Senate. Therefore, the only option is to vote down this resolution, not amend it.

Attached: irrelevant documents
196 signatures from fellow citizens



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

- 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.)

ADDRESS

Donald Malwala Box A Crown Springs MT 59021

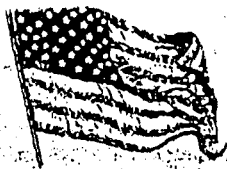
WE, THE UNDERSIGNED CITIZENS OF THE UNITED STATES AND RESIDENTS OF PARK COUNTY, LOVE AND REVERE OUR CONSTITUTION AND CONSIDER IT OUR SACRED DUTY TO DEFEND IT. WE ALSO CONSIDER IT THE SACRED DUTY OF OUR LEGISLATORS, BOTH FEDERAL AND STATE, TO DEFEND THE UNITED STATES CONSTITUTION.

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 ONE OF TWO OTHER WAYS. A CONSTITUTIONAL CONVENTION HAS NOT BEEN CALLED IN 200 YEARS AND SHOULD NOT BE.

NAME ADDRESS

Eleanor Schieffelin	Box 71, Emigrant
James W. Healey	P.O. Box 156, Emigrant, MT, 59027
Thomas J. Healey	Box 316 Emigrant, MT
C. M. Healey	
URI DOWBENKO	Box 207 Emigrant, MT 59027
Virginia N. Roe	Box 144 Emigrant, 59027
John F. Frazz	Box 277 Emigrant, 59027
JOHN E. HAZEN	P.O. Box 66 Emigrant 59027
PAUL QUINTERO	Box 360 Emigrant 59027
David Lewis	Box 88 Emigrant, MT 59027
Mark Premier	Box 352 Emigrant, MT. 59027
Michael W. Crelly	Box 364 Emigrant MT 59027
David Duke	Box 2 Emigrant MT.
Dean Kempson	Box 118 Emigrant MT
Charles C. Bright	Box 61 Emigrant, MT. 59027
Lyle W. VanDerhorst	Box 266 Emigrant MT 59027
Althea Wallace	Box 85 Emigrant MT 59027
Ronald Wallace	Box 85 Emigrant MT. 59027
Martin Hitchcock	Box 312 Emigrant MT 59027
Louis Hodges	Box 316 Emigrant, MT 59027
Pearl Mungen	Box 178 Emigrant, MT. 59027
Madeleine Morin	P.O. Box 351 Emigrant, MT 59027
Aline Marie Morin-Nichol	P.O. Box 351 Emigrant MT 59027



URGENT MESSAGE To All Citizens Of Montana



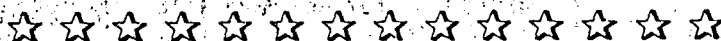
Are you aware that our federal Constitution is in jeopardy because of a resolution before the 1995 Montana House of Representatives?

The facts are these:

- The Montana Senate has just passed a resolution (SJR 6) calling for a Conference of States and the resolution is now before the Montana House;
- The Conference of States has the power to turn itself into a Constitutional Convention by resolution;
- The assembled delegates are considered to be representatives of the people, not of the legislatures, and legal experts warn they may, therefore, disobey or ignore prior instructions, such as state amendments trying to ward off a Constitutional Convention;

- SJR 6 is a sleeper because it hides the power of dynamite to rock the nation (a Constitutional Convention), cloaked under the guise of something good (a conference to reassert states' rights). A good alternative for those seeking stronger states' rights is the Tenth Amendment Movement; it is not necessary to call a Conference of States;
- Former Chief Justice Warren Burger has said, "There's no way to put a muzzle on a Constitutional Convention";
- A Constitutional Convention, therefore, would open the way for special-interest forces who wish to rewrite our Constitution, 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 Representative Aubyn Curtiss, Chairman, House State/Federal Relations Committee, Capitol Station, Helena, MT 59620. This committee is currently studying the resolution and plans to hold a public hearing on it on Tuesday, March 14, 11 a.m., at the State Capital. You may call Representative Curtiss at 444-4800. You are encouraged to attend the hearing!



We, the undersigned citizens of Montana, 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 House calling for a Conference of States because it would place our Constitution at risk, and we strongly urge the Montana House to vote against that resolution (SJR 6)!

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

NAME

ADDRESS

Robert John Bump

P.O. Box 202, Dillon, Montana 59725

[illegible]



AN URGENT MESSAGE TO ALL CITIZENS OF MONTANA

Paid by Eleanor Schieffelin Eagle Forum, Emigrant, Montana

Are you aware that our federal Constitution is in jeopardy because of a resolution before the 1995 Montana House of Representatives?

The facts are these:

- The Montana Senate has just passed a resolution (SJR 6) calling for a Conference of States and the resolution is now before the Montana House;
- The Conference of States has the power to turn itself into a Constitutional Convention by resolution;
- The assembled delegates are considered to be representatives of the people not the legislatures, and legal experts warn they may, therefore, disobey or ignore prior instructions, such as state amendments trying to ward off a Constitutional Convention;
- SJR 6 is a sleeper, because it hides the power of dynamite to rock the nation (a Constitutional Convention), cloaked under the guise of something good (a conference to reassert states' rights) A good alternative for those seeking stronger states' rights is the Tenth Amendment Movement; it is not necessary to call a Conference of States.;
- Former Chief Justice Warren Burger has said: "There's no way to put a muzzle on a Constitutional Convention;"
- A Constitutional Convention, therefore, would open the way for special-interest forces who wish to rewrite our Constitution, 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 Representative Aubyn Curtiss, Chairman, House State/Federal Relations Committee, Capitol Station, Helena 59620. This committee is currently studying the resolution and plans to hold a public hearing on it on Tuesday, March 14th, at the State Capitol. You may call Representative Curtiss at 444-4800. You are encouraged to attend the hearing!

**Statement to the State Federal/Relations Committee
of the Montana State Legislature
Re: A Joint Resolution of the Senate and the House of Representatives
Pledging Montana's Support for and Intent to Participate in the
Conference of States**

by Betty L. Babcock

Madam Chairman, members of the State Federal/Relations Committee, my name is Betty L. Babcock, former Legislator, Constitutional Delegate, President of Montana Eagle Forum.

I regret that it was necessary for me to be out of the State at this time.

What would it be like in America if we lost our Constitution and our cherished Bill of Rights? Think about it for a minute. Could you bear to live in a country that had just been turned upside down? How would you feel? Our Founding Fathers said rights come from God. They wrote the Bill of Rights not to give us rights, BUT TO PROTECT THE AMERICAN PEOPLE FROM our own government!!! Our Founding Fathers said the American people needed protection from our own Government and that is what America and her matchless Constitution is all about. NOTHING, not higher taxes, not gun control, not foreign aid, not the environmental movement-NOTHING is a greater threat to all of us than a plan to trigger a Constitutional Convention because all of those dangerous things are piecemeal, but the Con-Con is EVERYTHING-ALL AT ONCE, in one big Chop! Boom! And those that would destroy this country get EVERYTHING they want in one fell swoop?

Some of you may wonder, what is the Con-Con. The Con-Con is the nick name given to any bill or resolution, that by it's passage, it is a threat to the United States Constitution, because the Call of a Convention might result. It is written by persons or organizations from out of state, is connected with a popular issue of the time, like Term Limits, the Balanced Budget Amendment (Last Session-SJR9), and this time Conference of States (States Rights SJR6). Identical legislation is being introduced in 50 states simultaneously. The legislation is carried by a very distinguished Senator or Representative. (Making it difficult to vote against the bill). It slips through with very little public debate. I would compare it to offering a piece of Banana Cream pie to someone on a diet. You'll find it hard to resist but there will always be very serious consequences.

SJR6 HAS ALL THESE CHARACTERISTICS.

The COS (Conference of States) Concept Paper dated December 20, 1994 was adopted by the Council of State Government, the National Governor's Association, and

the National Conference of State Legislatures. COS is also endorsed by the American Legislative Exchange Council (ALEX), which is one of the principal promoters of calling a Constitutional Convention.

The proponents of COS and of changes in Article V assert that Article V has proven unworkable because it has never resulted in the call of a Constitutional Convention. On the contrary, Article V works splendidly. The US Constitution has been amended 27 times. Proposed constitutional amendments failed when they did not enjoy national consensus. The reason an Article V Constitutional Convention has never been called is that the American people don't want one called, and have demanded that their state legislators vote NO on resolutions to call a CON-CON. The advocates of calling a Constitutional Convention have suffered defeats in state after state from New Jersey to Montana for the last 12 years.

A resolution calling upon Congress to initiate this change to Article V is already being promoted by ALEX and has been introduced at least in Nevada as SJR5.

Senator Duke of Colorado states, "Our present Constitution gives us all the rights we need for states to reclaim their sovereignty. There is no need for a new Constitution. Calling for a CONFERENCE OF STATES is a constitutionally dangerous act to take. A meeting of states, fully sanctioned by state legislatures, has the power to turn such a conference into a Constitutional Convention by resolution. It would mean the death of our present Constitution." Of course we know that the right to keep and bear arms would immediately be in jeopardy, as well as, other important Constitutional rights if a (CON-CON) were to be called.

On the May 17th, 1994 version of Governor Leavitt's COS position statement outlines the next step; "If Congress refused to consider or pass the constitutional amendments, proposed by the "States Petition" the states would have the option themselves of calling a Constitutional Convention to consider the amendments.

The Montana Senate passed SJR6 with an amendment saying the Legislature of Montana opposes any possibility of the Conference of the States evolving into a federal Constitutional Convention. The Montana delegation appointed under this resolution is not authorized to participate in a Federal Constitutional Convention. The trouble with such an amendment is:

1. If the COS decided to call a Convention and the Montana delegation decided to go home, the COS would simply go on without Montana: or
2. even if the Montana delegation decided to stay and monitor the Conference instead of going home, the COS would still simply go on without Montana's vote.
3. The Conference literature says that all resolutions must be exactly alike.
4. Refer to Senator Duke's letter attached.

ALL IS NOT LOST: There is an Alternative: The advocates of the Constitutional Convention have not been able to get resolutions passed through enough states (thank god); and now courageous, pro-Constitutional State Legislators (43 states) supported

by millions of Americans are invoking the Constitution by passing and implementing the 10th Amendment State Sovereignty Resolution. The 10th Amendment Resolution is a clear, concise and powerful message that the states are declaring sovereignty over the federal government (not begging to be partners), and sends a notice and demand to the federal government to "cease and desist immediately" all mandates outside the scope of its Constitutionally delegated authority. It doesn't address "unfunded mandates as the COS orchestrators are doing, but "Un-Constitutional" mandates, and you can bet that will take care of most or all unfunded "mandates, because the majority of mandates forced upon the states over the past several decades have been Un-Constitutional. (Sample Resollution attached.)

1995 CONFERENCE OF STATES: 1787 CONSTITUTIONAL CONVENTION:

The resolution for the 1995 Conference of States will provide for 5 delegates from each state,. just like in 1787. The Governor, and four Legislators, two Senators and two Representatives, equal party representation..

The original Constitutional Convention of 1787 deliberated in complete secrecy and there were no leaks to the press. That is obviously 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, and 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 constructive conclusions. They are dreaming. Politics is not dignified and rational-- it is confrontational, divisive , and ruled by 20-second television sound bites.

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 left and 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, Veterans of Foreign Wars, and the DAR. Those who have fought for America realize how precious our Constitution is.

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.**

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

TO SAVE OUR CONSTITUTION, I URGE YOU TO **VOTE NO ON HJR6**. MAY GOD BLESS AMERICA AND OUR EFFORTS TO KEEP HER FREE.

EXHIBIT 6
DATE 3/14/95
SER 6

Leonard L. Alexander
1201 Rosebrier Dr.,
Missoula, Montana 59801

March 10, 1995

Dear Sir:

I sincerely hope that you will give the issue of SJR-6 extremely careful consideration.

Of all the issues being considered by the 1995 Montana State Legislature, I consider SJR-6 to be by far the most far-reaching and potentially damaging to our country, our state, our form of government, and our very way of life as American citizens.

If we lose the Constitution of the United States, all else that you do as Montana legislators will make absolutely no difference--one way or the other.

Sincerely,

Leonard L. Alexander

9

The attached letter was written using excerpts from the NEW AMERICAN,
dated March 6, 1995 in combination with my own words.

Leonard L. Alexander

WE, THE UNDERSIGNED, FULLY CONCUR WITH THE STATEMENTS MADE IN THE ATTACHED LETTER.

Mary F. Alexander

1201 Rosebush Dr. Missoula, MT

Joy Sage

2135 W. Sussex Missoula, Montana 59801

Jay T. Lowell

2316 W. Vista Dr. Missoula, MT. 59802

Helen A. Lowell

2316 W. Vista Dr. Missoula, MT. 59803

Elena Ingraham

11595 Mullan CT MT 59802

Quincy M. M.

105 Heath Ct Missoula, MT 59803

Michael Alexander

Box 603

Bonner, MT 59822

Antoinette Alexander

PO Box 603

Bonner, MT 59823

EXHIBIT 6
DATE 3-14-95
11 SJR 6

Leonard L. Alexander
1201 Rosebrier Dr.
Missoula, Montana 59801
Phone (406) 549-3438

March 10, 1995

RE: SJR-6 (Senate Joint Resolution 6)

Dear Sir:

I have several concerns regarding SJR-6, some of which are listed as follows:

1. A constitutional convention is a meeting authorized by the several states and comprised of delegates appointed by their legislatures for the purpose of considering and adopting amendments to the U.S. Constitution. The proposed Conference Of States (COS) language states the following: "...agenda is limited to fundamental, structural, long-term reforms."
2. The COS is not being called pursuant to Article V of the Constitution. The original 13 States ignored the amendment process established in the Articles of Confederation. Therefore, a precedent has been established.
3. The 1787 Convention possessed the power to abolish State sovereignty. The COS would have similar powers. In 1787, that power was not used for that purpose. This time, COS may use the power for exactly that purpose.
4. The 1787 Convention opened with only seven (a simple majority) of the 13 States represented. The COS is calling for a least 26 States (a simple majority) of the 50 States.
5. The inherent powers of the people when consolidated are superior in every respect to government. This fact, if improperly used, could be used to our disadvantage.
6. The COS organizers claim that their Action Plan "would have no force of law," but COS requirements call for identical legal instruments from at least 26 States before convening their conference. A legally formed majority would not be required for a mere meeting which has no force of law.
7. The COS organizers refer to a process of making fundamental, structural, long-term changes in the federal system. Such drastic changes are made only at

the convention level, and would have the full force of law.

8. The COS plans to produce a final document called a States' Petition, which would be presented to Congress as a formal communication. It would be far more than a mere communication. It would be the highest form of sovereign power that could be exercised by the states over Congress and over the entire federal government.

9. This States' Petition may in reality be the instrument that contains the new amendments which will reconstruct our current United States Constitution.

10. Before being presented to Congress, the States' Petition would be sent to the states for approval by a super-majority. A precedent has been set for reducing the size of that majority: In the Articles of Confederation, a ratification of amendments was required by all of the 13 states. However, the Convention lowered the ratification requirement from 13 states to 9 states (three-fourths of the states).

11. If COS organizers do not have a specific, unannounced agenda in mind, why do they demand passage of this resolution without amendment?

12. Why would COS organizers call for balance between the federal system and the states? The federal powers are purposely out of balance, and that balance is tilted heavily in favor of the states. The United States Constitution exemplifies the greatest imbalance in the history of human governance. Perhaps this is why this document has served us so well these many years.

13. If there is any doubt as to the motivation of the Council of State Governments (one of the primary forces behind COS), that doubt should be erased by an action it took in 1989. CSG endorsed amending the Tenth Amendment as follows:
"WHETHER A POWER IS ONE RESERVED TO THE STATES OR TO THE PEOPLE SHALL BE DECIDED BY THE COURTS."

14. The amendment added to SJR-6 by the Montana State Legislature in an apparent attempt to ensure that SJR-6 is not an endorsement of a constitutional convention is irrelevant, as the resolution being amended specifically states that the legislature shall adopt it without amendment.

Please contact me and inform me as to your views regarding SJR-6. I fail to see where the following wording needs any improvement:

AMENDMENT X [1791] OF THE UNITED STATES CONSTITUTION:

THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR THE PEOPLE.

Sincerely,
Leonard L. Alexander
Leonard L. Alexander

The **NEW AMERICAN**

Vol. 11, No. 5

March 6, 1995



MIKE LEAVITT'S

CON-CON CALL

A planned
"Conference
of the States"
would endanger
our Constitution

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

**KILLING UNFUNDED
MANDATES**



HOUSE OF REPRESENTATIVES
STATE OF UTAH

EXHIBIT 8
DATE 3/14/95
SBR 6

REP. J. REESE HUNTER

40TH DISTRICT
(SALT LAKE COUNTY)
4577 WELLINGTON STREET
SALT LAKE CITY, UTAH 84117
RES. 278-1600 / BUS. 278-2111



COMMITTEES: BUSINESS, LABOR AND ECONOMIC
DEVELOPMENT; HEALTH AND ENVIRONMENT, CHAIR;
COMMUNITY AND ECONOMIC DEVELOPMENT
APPROPRIATIONS SUBCOMMITTEE

March 13, 1995

TO: The Montana State Legislature

RE: CONFERENCE OF STATES AND THE RESOLUTION
OF PARTICIPATION

Dear Lawmaker:

In the Utah State Legislature in January, I voted for a "Resolution of Participation" for the "Conference of States" and today, I am sorry I did. I would like to explain why I have 'changed my mind.

When I first learned of the "Conference of States" I was fully supportive of the concept. It seemed that this would be a plan to put the federal government back into operating under its legally authorized Constitutional powers while reaffirming the states' powers under the Tenth Amendment. I informed Governor Leavitt how supportive I was.

At that point, I visualized the states getting together and informing the Federal Government that they wanted the Feds to cease and desist sending unconstitutional mandates to the states whether funded or unfunded. That seemed to me a sensible thing to do.

As the picture began to unfold, however, I became somewhat alarmed. The parallels between what is proposed in the Conference of States concept paper and what took place 200 plus years ago, when our nation experienced its only Constitutional Convention, are strikingly similar.

Symbolically, the bill before Utah's State Legislature was given the designation SCR 87 to signify the year 1787, the year of the Constitutional Convention. It was brought forth on a "fast track," well-oiled for immediate passage without hearings or significant debate. The argument for such hurrying was to allow Governor Leavitt, the author of this movement, to be the first Governor in the land to put his signature to such a resolution.

Being fearful of the Conference of States being turned into a Constitutional Convention, I asked for assurance that this would not be the case. The answer was that it was not "intended" to be a Constitutional Convention but I could not be given 100% assurance since this was something new.

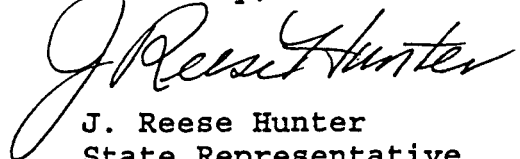
In the rush of the moment, I voted for the Resolution as did all other members of the House of Representatives. Today, I would not do so. I would demand some answers as to the extent of the "broad, fundamental, structural," changes envisioned by the proponents of this movement. I certainly would not accept their proposed amendment that dilutes the 10th Amendment by suggesting the federal courts make the decision as to what is state or national authority. Those powers have been clearly delineated in our present Constitution and do not need to be watered down.

The goals of the proponents of this idea involve multiple amendments aiming for "broad," "fundamental" and "structural" changes. This has far-reaching implications which can only be accomplished by a Constitutional Convention regardless of whether they call it a "Convention" or a "Conference".

The state of Montana is one of the states which has had the good sense to turn down issuing a call for a Constitutional Convention knowing full well that such a convention cannot be held to a single issue. The Council of State Governments admits that it intends to make "broad, fundamental and structural" changes in our Constitution by proposing many amendments to be sent to the states for ratification. In essence they are saying they want to make wholesale revisions to our Constitution, the very thing we have been fearful of under an Article V Convention!

I hope that before you pass a "Resolution of Participation" to the Conference of States that you will ask some hard questions. This is too serious a matter to pass as quickly as Utah did. Our very Constitution, which has served us so well for so many years, may very well be hanging in the balance.

Sincerely,

A handwritten signature in cursive script, reading "J. Reese Hunter".

J. Reese Hunter
State Representative

SENATE JOINT RESOLUTION NO. 6

Leavitt
PLEDGING MONTANA'S SUPPORT FOR AND INTENT TO
PARTICIPATE IN THE CONFERENCE OF THE STATES

I am here to testify in support of Senate Jt. Resolution No. 6, and I welcome Governor Leavitt of Utah on his first visit to our Capitol.

-Every year legislators from every state attend meetings of the National Conference of State Legislatures. One of the topics they often discuss is the balance of power between federal and state governments.

-And every year Governors from every state attend meetings of the National Governors Association, and they too discuss the balance of power between federal and state governments.

-Similarly, the proposed Conference of the States is merely a bringing together of representatives of these two groups - state legislators and Governors to discuss that same topic - the balance of power between federal and state governments.

As has been mentioned, the proposed Conference is not intended to be, nor can it legally turn itself into a federal constitutional convention. Any attempt to do so would result in a swift and successful court challenge on the grounds that the federal constitution provides only two methods for calling a constitutional convention - and the Conference on the States uses neither method.

Some of those opposing this resolution are simply unfamiliar with the federal Constitution's clear and strict steps for amending the constitution. I suspect that others who are opposing the resolution know full well that the Conference of the States may not serve as a

constitutional convention, nor may it even apply to Congress to call such a convention. Perhaps the real reason they are opposed to this resolution is not that they are fearful of the process, but that they are fearful of the topic that is to be discussed. Perhaps they are satisfied with the status quo - with growing power in the federal government rather than a return of power to the states and to the voters. Perhaps they fear that an open, bipartisan discussion by state officials may result in some widely-hailed suggestions for a shift in this present imbalance of power.

To oppose this resolution is to say that we as a state are unwilling to take part in a national forum made up of Governors and state legislators who want to meet and see if there is some consensus on a topic that nearly all of us agree has some urgency. Opposition to the resolution reflects a negativism and a lack of trust that I believe is uncharacteristic of Montanans.

I urge your support of Senate Jt. Resolution No. 6.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

State/Federal Relations COMMITTEE BILL NO. STR 6
 DATE 3/14/95 SPONSOR(S) Sen. Bob Brown

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
D.W. ENBEL NOXON, MT	SELF	ST 6	X	
Lynn O'Keefe Helena, MT	Eagle Forum		X	
Christine Heluck Helena, MT	Self	ST 6	X	
EDYBRAHAM MSLA MT	SELF	ST 6	X	
James D. Jensen	MEIC	ST 6	X	
Sue Stevenson	Self	ST 6	X	
Theresa Dalrymple	Self	ST 6	X	
Rob Wateba 1113 Lincolnwood Mtn	Self			X
DONALD PETRILLI 2394 OLD US HWY 91 CASCADE	SELF	ST 6	X	
Arwood D. Stickney	Self	ST 6	X	
Don Judge	MT STATE AFL-CIO	ST 6	X	
Bill Carter	Self	ST 6	X	
Christie Kaufman	MT Human RIGHTS NEWS	ST 6	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
 ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

State / Fed Relations ~~SEN~~ COMMITTEE DATE 3/14/95
BILL NO. SJR 6 SPONSOR(S) Sen. Bob Brown

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Ed REGAN 129 N. Cherry, TOWNSEND, MT	Private Citizen		X
Doug Getz CD. Del 760 Sierra Rd. W. Helena	n n		X
DON FOTHERINGHAM	WRITER-RESEARCHER		X
MIKE COLLINS PO BOX 5831 HELENA MT	PRIVATE CITIZEN		X
KATHLEEN MARQUARDT 533 Fifth Ave Helena	Priv. Citizen / Putting People First		X
M.C. HEILESON 5410 Redondo E. Helena	JOHN Birch Society		X
Ken Getz 3000 Villard #23 Helena Mt. 59601	John Private Citizen		X
Joan Poehl PO Box 907 E-Helena	Private Citizen		
Kathleen Ulrich	Self		X
Eleanor Schieffelin	Self		X
Hildegard Kramer	Self		X
Margaret Black	Self		X
Shirley Lloyd	Self		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:vissbcom.man

CS-14

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

State / Federal Relations

COMMITTEE

BILL NO. SJR-6DATE 3/14/95SPONSOR(S) Sen. Bob Brown

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
LEONARD L. ALEXANDER 1201 ROSEBRIER DR, MISSOULA	SELF	SJR6	X	
J.V. Bennett	MontPIRG	STG	X	
Dan Hassett Missoula, MT.	SELF		X	
Patricia Ried, Helena	self	SJR6	X	
Bill Rogers AF	self	SJR6	X	
Stan Frasier	Self	SJR6	X	
Lorna Frank	MT. Farm Bureau	SJR6		X

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