MINUTES OF THE MEETING STATE ADMINISTRATION COMMITTEE MONTANA STATE SENATE

March 16, 1987

The thirty-seventh meeting of the State Administration Committee was called to order by Chairman Jack Haffey on March 16, 1987 at 10:10 a.m. in Room 325 of the State Capitol.

ROLL CALL: All committee members were present.

The hearing was opened on House Joint Resolution 10.

CONSIDERATION OF HOUSE JOINT RESOLUTION 10: Representative Jack Sands, House District 90, Billings, was sponsor for this resolution entitled, "A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PETITIONING THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION FOR THE SOLE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES REQUIRING, WITH CERTAIN EXCEPTIONS, A BALANCED BUDGET, AND PROVIDING THAT THIS RESOLUTION TERMINATES IF CONGRESS PROPOSES AND SUBMITS TO THE STATES FOR RATIFICATION AN AMENDMENT REQUIRING THE FEDERAL BUDGET TO BE BALANCED." He stated this resolution was not only important to the people of our state but to the people of the nation. House Joint Resolution 10 asks for a balanced federal budget and provides that the convention be limited to a single purpose of balancing the federal budget. This resolution would also terminate if Congress proposes such an amendment for ratification. He noted that the Constitution can be amended by a two-thirds vote of each house of Congress and an alternate method is by a resolution of two-thirds of the states. Since Congress has not proposed to balance the budget themselves, Rep. Sands felt the only alternative was to propose a resolution. If passed Montana would be the thirty-third state to pass this resolution. noted at present there is an overwhelming need to try and balance. He asked if the budget cannot be balanced while the nation is at peace when would it ever be. He felt that much of the opposition was based on inaccurate information and conclusions. He said if a convention were called he was confident it could be restricted to one subject and that the fears of a runaway constitutional convention were unfounded.

PROPONENTS: U. S. Congressman Andy Jacobs, from Indiana, stated in his opinion the choice that America faces is to try and put in place a restraint in our Constitution to balance our federal budget or watch the continuation down the road to bankruptcy. He stated that the nation needs courage to try and rein spending. He felt there was no chance that Congress would vote on its own to submit a resolution to the states for ratification. Congress almost always choose to vote for every

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appropriation measure and against taxation measures he said. He stated when the Constitution was written that Thomas Jefferson felt our society would remain pastoral forever. If he had believed our society would become a very complex industrial system Congressman Jacobs said he had no doubts but that they would have put in a provision for "the right not to be robbed by inflation or indebtedness." He felt that ultimately the Supreme Court would be the decision maker. He stated he felt if Montana were to pass this resolution that Congress would then refer the resolution to the states for ratification. He concluded his testimony by quoting from broadcaster Elmer Davis, "This country was not created by cowards and it will not be maintained by them either."

Representative Tom Hannah, House District 86, Billings stated he had the same feelings as opponents of the bill who have fought for family rights, against abortion, for parents in education, etc. but he was very strongly in favor of this resolution. He noted decisions are made by preference or by conviction in the legislature and even if he were to lose his seat in the House he would not change his vote on this resolu-He felt the country was headed for a crash. He said Congress has proven they do not have the resolve to solve this problem and as responsible citizens we can no longer mortgage the future of our children by just printing dollars faster than we can spend it. He asked how many citizens would be able to have a voice if the nation were to have a crash. He felt the nation was on a path to anarchy and if one feared anarchy that you would support this resolution. He felt it was one way to have a voice and urged support.

Mons Tiegen, Montana Stockgrowers and the Association of Cattle-women, distribued a fact sheet from the National Cattlemen's Association President, Bill Swan, supporting the resolution. (EXHIBIT 1) He urged the committee to make the right choice and to support HJR 10.

Lorna Frank, Montana Farm Bureau, stated she represented approximately 3500 members who have supported a balanced budget for the past 20 years. She stated there were eight safeguards that would prevent a constitutional convention from becoming a runaway and urged a do pass recommendation. (EXHIBIT 2)

Stuart Doggett, representing the Montana Chamber of Commerce, said it was time to end 50 years of congressional irresponsibility in overspending and time to support efforts to force Congress to put the federal budget in order. The Chamber of Commerce feels it is a means for the state to be a national leader in the efforts to try and balance the budget.

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Keith Anderson, from the Montana Taxpayer's Association, submitted written testimony supporting HJR 10 and opposing allegations of those in opposition. He felt that the Montana Legislature has a rare opportunity to serve the people of our future generations by supporting this resolution. (EXHIBIT 3)

David Keating, National Taxpayer's Union, related what inflation can do to a country by referring to the situation in Argentina where prices change twice a day in the supermarkets. He felt Montana's action would be the only way to get Congress to act within the foreseeable future or else we will see our grandchildren being hit by the great foreclosure. He said the odds of a runaway convention were practically zero and the danger of continued runaway deficits were far greater. (EXHIBIT 4)

Lewis Uhler, President of the National Tax Limitation Committee, noted that Montana is a participant and our vote will affect every living American. On this particular issue he said Montana was a national legislature and that our vote cannot be shrugged off because it is only force from the states that will make Congress move. He said he did not feel that any other state would be the thirty-third to ratify for a long while and that Montana's vote would determine if a government of, by and for the people was alive and in control of Washington's deficit habits. He did not feel there was a conspiracy to call for a convention. He felt Montana should honor our founding fathers by using the process put into the Constitution for affirmation of the supremacy of the people of our country. He noted other proponents who could not be in attendance today included Congressman Larry Craig from Idaho, Charlie Stanhome from Texas, Bob Smith from Oregon, Bob Dole, Phil Gramm, Dennis DeConcini, Orrin Hatch and Senator Steve Simms. He urged support for the future generations of our American people. (EXHIBIT 5)

Adrian Foley, Jr., from New Jersey, who was Chairman of the Review Commission, noted that the American Bar Association speaks neither for or against the resolution. He stated his purpose was to disband the literal interpretation of Article V of the Constitution and his motivation was to make sure that Article V means what it says when it states there should be equal status given to two forms of amending the Constitution. He then referred to a study that had been done which stated that a convention could be limited in its scope and that central to any consideration of a convention would be limitations on what would be heard. He stated that history demonstrates that a convention could be limited. He noted they had studied the issue for over two years and that there were many distinguished members on the commission who had done extensive debate and research on whether or not a convention could be

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limited to special subjects and if judicial review was available. They had concluded that there was a deceptive but simple logic to the theory of proposed procedures to regulate a general or limited purpose convention. They felt this was supported by constitutional doctrine and contemporary practice and that our founders had given us this option. He suggested that the responsibility of the Constitution was left to the people for a reason as a safeguard. He felt the people of our state would not want a constitutional convention to go beyond its limits and that we have our own Supreme Court to back this up. (EXHIBIT 6)

James McDonald, Professor of Law at the University of Idaho, stated he would hate to see the chance to regain fiscal sanity go down the drain because of ignorance, fear and paranoia from a small group who fear that a conspiracy is going to take control. He noted that all a convention could do would be to propose amendments that would still have to go before the states for separate ratification by a majority of three-fourths. He said Congress has to weigh its Article V option to be the proposer of an amendment and that even if Congress did allow a convention they would set the agenda and limit it to the budget and the delegates would be limited to that call. He felt the people would be submitting to paranoia if the resolution were not sent out with approval.

Russell Donley, III, former Speaker of the House from Wyoming, related the research that had gone into this issue. He noted Dr. W. Cleon Skousen had carefully researched the Constitution and had orginally felt there should not be a convention but after he was asked to review what the founders had stated he had come to the conclusion this was a final safety net that was available to the people of the nation to preserve and protect the Constitution. He noted that the Constitution had served the country very well for over 150 years but that in 1936 Congress went above and beyond the limits of government spending and that there has been a steady in crease in fiscal erosion ever since. He said that Thomas Jefferson had said that whenever any form of government becomes destructive to life, liberty and the pursuit of happiness that it is the right of the people to alter and abolish it. He said we can either vote the country into huge deficits or worry about a runaway convention and he felt the greater risk was deficit spending. He urged the committee to read the debate between Congressman Craig and Mrs. Phyllis Schlafly which was contained in a copy of "The Constitution" which had been distributed to the committee. (EXHIBIT 7)

Dick Bridegroom, Helena, representing the Montana Jaycees, stated they were in favor of the balanced budget resolution. He said their organization was recognized as being tops in the nation in Senate State Administration March 16, 1987 Page Five

urging support trying to obtain a balanced budget process. He said it was our responsibility to tell Washington to quit selling our children's future. (EXHIBIT 8)

Bob Helding, representing the Montana Association of Realtors, and the Montana Motor Carrier's Association, noted the debts our children will face in their lifetimes just to pay off the interest alone on the deficit. He urged support. (EXHIBIT 9)

Riley Johnson, representing the National Federation of Independent Businessmen, stated their organization was in favor of this resolution because they felt that Congress has not done the job. He felt if it was brought down to the state level something might be accomplished.

Julie Hacker, representing herself, stated as a citizen of this state she believed this was a very important piece of legislation. She felt the nation could not continue to borrow money and saddle future generations with debt. She felt each generation must pay their own way. She feared economic collapse and chaos and urged support. (EXHIBIT 10)

United States Senator Dan Evans from Washington stated he believed very strongly that the Constitution should only be amended after exhausting all other options. He noted he had had many years of experience in budgeting. He said the Gramm-Rudman-Hollings bill was passed in 1985 and we are just now beginning to see the results of that effort. He said amending the Constitution is no panacea because no matter how carefully an amendment is written it would not be an impediment to deficit spending without the cooperation of elected officials committed to fiscal responsibility. He noted there was quite a difference between federal budgeting and state budgeting. He said by amending the Constitution it would take responsibility away from the elected officials and put it in the hands of the 9 justices of the Supreme Court. He was concerned about the potential mischief that might result from a convention and did not believe that evidence supports the claim that it would be limited to one subject. He felt some of the 32 states who have adopted this type of resolution had not given it careful deliberation. He wondered about the effects of a balanced budget on the states. He noted that the amount of farm aid to our state is greater than the entire general fund budget for the state. He felt it might even be possible for senators representing only 13% of our citizens to effectively control the national budget and taxing policies. He felt that a balanced budget would not keep government from spending because a spender will always find a wallet. He noted the wallet was in the hands of our citizens and only through courage, determination and and eternal vigilance would we be able to control it.

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noted we must be very careful of what is put into the Constitution as we have to be prepared to live with this for generations to come. (EXHIBIT 11)

Phyllis Schlafly, President of the National Eagle Forum from Illinois, stated she felt the proponent's testimony was just rhetoric about bad deficits and said just because we are concerned about deficits does not mean we must have a Constitutional Convention. She said no one has ever said that a convention would stop federal deficits. She stated no matter what the lawyers say they cannot assure the public what will or what will not occur if a convention were to be called. felt it was just not worth the risk to playgames with the Constitution. Even if Congress could balance the budget she felt it did not justify plunging the nation into chaos, confusion and controversy with a convention for which there are no rules or guarantees and risks that the Constitution might be rewritten and the whole structure of our government changed. She felt there were too many unanswered questions about a convention such as how the delegates would be elected, what the rules would be or if it could be limited to one topic. noted the President himself has stated that once a convention is open it could take up a number of issues. She did not feel there was a great deal of public support for a Constitutional Convention. If people really knew what the risks were she felt they would reject a call for a Constitutional Convention. (EXHIBIT 12)

Betty Babcock, a former state legislator and Constitutional Convention delegate, felt calling a convention would not solve the problems of the budget only add to them. She stated she had attended a meeting in October and was shocked to find it appeared the emphasis was directed mainly to tear the Constitution apart and to plant seeds of doubt and dissatisfaction with our Constitution. She felt our people were not getting the full story so she wrote a letter to several people asking them to respond and had received hundreds of replies opposing HJR 10. She felt those who know the whole truth are terribly concerned. Along with her written testimony she also left letters from Senator Nancy Kassebaum and Senator Lowell Weiker, Jr. in opposition. (EXHIBIT 13)

Jim Murry, Executive Secretary for the Montana AFL-CIO, stated they oppose the resolution because balancing the budget through a Constitutional Convention was very dangerous. He felt once the convention was called it would not be restricted to one subject. He felt if people do see the dangers they will want to reject this measure. (EXHIBIT 14)

Pastor Herman Bauman, President of the Montana Conference of Seventh-Day Adventists, pleaded with the committee to vote

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against HJR 10 or any proposal that would call for a Constitutional Convention. He noted the church is not against a balanced budget but wishes to preserve the Constitution as it is today. The church fears a convention might result in a crisis and our government would be in the hands of the convention because they could set their own rules and agenda. He said history confirms there is a real risk in Constitutional Conventions. The church was concerned about the exercise of free religion and felt that every American has a right to guaranteed rights of freedom that are in our present Constitution. (EXHIBIT 15)

Rich Brown, Helena, brought a resolution from the Veterans of Foreign Wars which opposed any attempt to call a Constitutional Convention. As a veteran he felt the Constitution has withstood the test of time through far greater trials than we we face today. He felt there was no valid reason to open up our Constitution to review and change by this generation. (EXHIBIT 16) He noted the cuts the veterans have experienced with the Gramm-Rudman-Hollings Act and wondered how it might affect the state if the budget were to be balanced. He urged opposition.

Representative Dick Allen from the Michigan House of Representatives, shared his experiences in his state with a similar resolution. He noted the distorted advertisements that had been run in newspapers and television commercials to try and intimidate their legislators into acting. He noted the tactics did not work as the legislators saw through the distortion and half truths and won by a sizeable margin. He noted that people who say they represent a group might not always represent the true feelings of their constituents. He said the people are the caretakers of this precious document and it is up to us to protect it. He noted the people of his state had come to the conclusion that the Constitution was too important to be turned over to any group of individuals or special interest groups who might change and destroy it. (EXHIBIT 17)

Earl Reilly, speaking on behalf of the Montana Senior Citizens, felt it was just a backdoor approach to attack the income and the health and security of the nation's elderly. A convention would just raise havoc and he felt there was something other than a balanced budget in mind. He noted our Constitution has served us well and should not be jeopardized. (EXHIBIT 18)

Ted Soltis, Montana Common Cause, opposed the resolution for many of the reasons that had already been expressed.

Trisha Katson, with Liberty Lobby, stated she spoke on behalf of 25,000 members who want a balanced budget but oppose a Constitutional Convention. She feared a convention might cause a crash

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because of the amount of foreign investments we have in our nation. She felt special interest groups would be the ones who would have the influence. She said she had talked with Jim Davidson, head of the National Taxpayer's Union and he told her he was not interested in any balanced budget amendments and that the reason he wanted a Constitutional Convention was to call for something better. She urged the committee to vote against this resolution. (EXHIBIT 19)

Mary Doubek, Chairman of the Helena Eagles Forum, opposed the resolution. She stated she was for a balanced budget but was against calling a Constitutional Convention. She noted that even though members of her own family were members of different organizations that claim to be supportive of HJR 10 they had never been polled as to their opinions of HJR 10. She felt if one was in doubt, don't, and urged a do not pass on this resolution. (EXHIBIT 20)

Terry Murphy, Chairman of the Montana Farmers Union, noted at their convention last October they had adopted a resolution which said, "We oppose the calling of a national Constitutional Convention limited or otherwise for any purpose." He felt a rural state such as Montana is might stand to lose its two senators if there were a population-based apportionment.

Maggie Davis, representing the League of Women Voters of Montana, stated they had no position on a Constitutional Convention but they do not support a balanced budget amendment. She felt there are serious situations when the citizens of this country look to the federal government for authorized deficit spending such as in a national security crisis or in times of high unemployment and economic repression. (EXHIBIT 21)

Julie Burk, representing the Montana Education Association, wondered how the delegates would be chosen and how the states would be represented at a convention. She felt a convention was one of the most important functions a government could perform and stated they were in opposition to this resolution. (EXHIBIT 22)

Eleanor Schieffelin, from Emigrant, Montana, stated she felt a Constitutional Convention would be against our most sacred rights of freedom. She stated she represented the youth of our country and could not believe there could be consideration of changing the Constitution which is the very foundation of our country. (EXHIBIT 23) She also submitted a petition signed by 784 residents of Park and Sweetgrass County urging rejection of HJR 10. (EXHIBIT 24)

Zena Mitchell, representing the community of Bozeman, stated

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the powerful elite are trying to change our form of government and trying to take away our God-given Constitutional freedoms. (EXHIBIT 25)

Testimony was also submitted by Peggy Christensen, Hertha Lund, Buck O'Brien, Dan Burdick, Ray Gulick and Helen Adsit in opposition as due to time restraints they were unable to speak at the hearing. (EXHIBIT 26-31)

A packet of citizen comments from people from the Emigrant and Livingston area was submitted to the committee urging opposition to the resolution. (EXHIBITS 32-99)

Written testimony was also submitted from several who had attended the hearing who wanted to be on record in opposition to HJR 10. A petition from residents of the Bozeman area who were in opposition was also submitted. (EXHIBITS 100-125)

QUESTIONS ON HOUSE JOINT RESOLUTION 10: Senator Harding asked Professor McDonald how he had reached the conclusion that the con-con delegates would be popularly elected. He stated this was the best opinion of the American Bar Association lawyers and wondered what other method would be used in our democratic society. He said that Congress could determine how this would be done.

Senator Lynch asked why Justice Berger had made a statement that there was no way one could muzzle a Constitutional Convention once it was in session. Adrian Foley stated he did not think this was a responsible statement.

Senator Farrell asked Phyllis Schlafly about her statement that the states could also ratify by convention. He noted that Article V provides an alternative method of ratification which has only been used once in our history. She said she had made this statement to show that any revisions of the constitution would not necessarily come back to the state legislature but could go to a state convention. Senator Farrell asked why this had been put into the Constitution and she stated she felt it was an escape hatch if nothing else worked.

Senator Lynch asked Senator Evans if the delegates would be chosen by population or by the current representation that the states have presently. Senator Evans felt it would most likely mirror what Congress has presently but he noted there could be no assurance this would be the method that would be used and it would be up to Congress to make that decision.

Senator Lynch was concerned about the western states and their positions on such rights as gun control and wondered

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if this resolution were to pass if there would be enough western states to defeat a ratification. Senator Evans stated if you started at the Mississippi River and included Alaska and Hawaii there might possibly be enough.

Senator Haffey asked if the uniformity of the call resolution by resolution from each of the states made any difference. He asked if it would have to be addressed by Congress and how long it would take to begin a Constitutional Convention. Mr. Uhler noted that many of the resolutions call for a time lapse and this would have to be considered and felt the uniformity was measured by the commonality of the resolutions each calling for the same solution which would give direction to a convention. Mrs. Schlafly pointed out that every step of the procedure was fraught with controversy and division. She felt every side could look at the differences in each resolution and interpret it whichever way they choose.

Adrian Foley noted that every committee that has reviewed this concern has urged a speedy judicial review and he felt that history proves that controversies can be readily addressed.

Senator Hofman asked about the threats that Representative Allen had received. Rep. Allen stated the threats came after he had made his position known and that the tactics were very rough that had been used by the proponents.

Representative Sands then began his CLOSING remarks. stated he felt this was really a family issue. One could be the biggest spendthrift possible but when you die you take your debts with you. If we have more services than we can pay for in taxes then the federal government will have to pay for those debts and the future generations will be the ones who will suffer. He felt an amendment is necessary because the Constitution protects the people from the excesses of government. He felt that overspending was unparalleled and He said the fears of a runaway needed to be controlled. convention were based on inaccurate information. He said the American Bar Association has unanimously concluded that a con-con can be limited to one purpose and that there were overwhelming protections to assure that also. He noted that Congress could propose an amendment themselves because they have equal authority and they would be entirely unlimited in the scope of subjects they could discuss. He noted that every state that has proposed the resolution has asked that the convention be limited to one purpose and if they were to go beyond this purpose it would be going against the directions of the If a convention went beyond its scope he said Congress states. could refuse to send it to the states for ratification or the courts could strike it down also. The key protection would be

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the ratification process which would require approval of three-fourths of the states. He noted that opponents had stated that Congress would find a way to spend and noted the same people were concerned about budget cuts to the state. He felt you could not have it both ways. He noted that in the last 26 years that Congress has only balanced the budget once and he felt that a majority of the people felt that government spending was out of control.

He said there were substantial reasons for the resolution and substantial reasons for protections against a runaway convention. The fate of a very important economic issue rested with the committee he stated and he urged favorable consideration.

The hearing was CLOSED on House Joint Resolution 10.

The meeting was adjourned at 12:45 p.m.

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SENATOR JACK HATTEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

3/16/87 Date____

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFFEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	. X		
SENATOR ETHEL HARDING	X		
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SENATOR SAM HOFMAN	X		
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COMMITTEE ON SENATE STATE ADMINISTRATION

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SENATE ADMINISTRATION COMMITTEE

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SENATE ADMINISTRATION COMMITTEE

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COMMITTEE ON State administration

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DATE

COMMITTEE ON SENATE STATE ADMINISTRATION

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DATE	MARCH	16,	1987

COMMITTEE ON SENATE STATE ADMINISTRATION

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FactSheet



BALANCED BUDGET AMENDMENT

March, 1987 - IATE ADMIN ON THE

The National Cattlemen's Association has a long standing position of supporting constitutional balanced budget amendment. Fiscal responsibility is an integral and lasting approach to getting our nation back on its feet domestically and internationally.

Government leaders make responsible decisions in two situations; 1) by way of leadership and 2) by pressure of crisis. Until now, Congressional efforts have failed to pass a balanced budget amendment. The NCA feels you are in a unique position to create a situation where Congress would act because of your leadership in your state.

A balanced budget amendment would put a stop to deficit spending. We have joined other organizations and individuals in pressuring Congress to pass this amendment of fiscal restraint. This is not a partisan issue and it is certainly not a quick fix but your responsible action puts in motion a basic way to deal with the federal spending problem.

The agriculture economy has suffered its share of troubles in the last several years, largely as a result of federal spending. Unless action is taken to control the deficit spending attitude, high interest rates and trade imbalances will continue to plaque our industry.

Cattlemen have seen a ray of hope in the past few months. If positive steps are taken, such as balancing the budget, this ray of sunshine may continue. Economic growth in the cattle industry and agriculture is long overdue. Cattle producers have been responsible, cow numbers are down, profit is slowly returning to all segments. However, these positive signs will dry up like a pasture during a long hot drouth if deficit spending is not brought under control. Cattlemen are businessmen and they know, and how well they know, that a policy of federal government borrow-borrow can not go on forever. Someday the government must start paying back. You can take a very important step bringing this closer to reality. If you don't, our next generation will surely pay dearly.

To date, 32 states have called for a constitutional convention to enact a balanced budget amendment, it takes 34 states. Your state could be that 33rd state, which puts the pressure on Congress and the national leaders of this country to take action and make the right decision.

In our judgement, developed over several years of balanced budget work in Washington, Congress will, if pressured by the states, definitely vote to balance the budget via a constitutional amendment rather than allowing an open constitutional convention to be held.

The NCA asks you to stand up as leaders and make the right decision for the good of all by accepting that role as leaders where others have been reluctant.

NATIONAL CATTLEMEN'S ASSOCIATION Headquarters:

P.O. Box 3469 • Englewood, CO 80155 • (303) 694-0305

MONTANA STOCKGROWERS ASSOCIATION BOX 1679 — HELENA, MONTANA Government Affairs: 1301 Pennsylvania Ave. N.W. • Suite 300 • Washington, D.C. 20004-1701

(202) 347-0228



P.O. Box 6400 502 Depart holds to

Bozeman, Montana 59715 Phone (406) 587-3153

TESTIMONY BY:	Lorna Frank		
BILL # HJR-10	DATE March 16, 1987		
SUPPORT XXX	OPPOSE		

DATE 3-16-8-7 H5R-10

Mr. Chairman, members of the committee, for the record my name is

Lorna Frank, representing approximately 3500 Montana Farm Bureau members
throughout the state.

Montana and the American Farm Bureau has supported balancing the Federal budget for the past 20 years.

We believe that if Montana passes this resolution, that does not necessarily mean there will be a run away convention. We still have safeguards. There are 8 checks on a constitutional convention, considering the time limit, I will list them and not give detailed information on each one, since that is included in my written testimony. They are:

- 1. Congress could avoid the convention by acting itself.
- 2. Congress establishes the convention procedures.
- 3. The delegates would have both a moral and legal obligation to stay on the topic.
- Voters themselves would demand that a convention be limited.
- 5. Even if delegates did favor opening the convention to another issue, it is unlikely that they would all favor opening it to the same issue.
- Congress would have the power to refuse to send a nonconforming amendment to ratification.
- 7. Proposals which stray beyond the convention call would be subject to court challenge.
- 8. Thirty-eight states must ratify.

Thank you for taking the time to consider these points. Farm

Bureau members urges this committee to give HJR-10 a do pass recommendation.

SIGNED: Jorna Grank

1. Congress could avoid the convention by acting itself.

If 34 states called for a constitutional convention on the balanced budget amendment, the Congress would have the option of proposing such an amendment itself. The odds are overwhelming that the Congress would prefer to do so. Why? Because the Congress would rather live with an amendment which its members drew up themselves than one which was drafted by others. Futhermore, if a convention were successfully held, it would weaken the powers of the Congress. This is something which few of the members of Congress want. They also do not want to see convention delegates elected from their home districts — delegates who might later decide to challenge the congressmen for reelection.

2. Congress establishes the convention procedures.

Any confusion about how a convention would operate would be the fault of Congress. Congress has the power to determine exactly under what conditions the delegates would be chosen, when the election of delegates would be held, where they would meet, and how they would be paid. Congress can and will limit the agenda of the convention. Legislation to implement and limit such a convention was unanimously approved by the Senate Judiciary Committee in 1984. All 32 state convention calls on the balanced budget issue are limited to that topic and no other.

3. The delegates would have both a moral and legal obligation to stay on the topic.

There is a long history in the United States of individuals limiting their actions to the job for which they were chosen. Members of the Electoral College could, if they wished, elect anyone to be the President of the United States, even someone who was not a candidate and had received no popular votes. Yet this has never happened. There have been 19,180 electors since 1798 and only seven have voted for a candidate other than the one for whom they were elected. The odds against delegates to a convention behaving differently would be astronomical.

Also, legislation introduced by Senator Orrin Hatch, chairman of the Constitution Subcommittee, would enforce this limit by requiring that each delegate swear to an oath to limit the convention to the topic for which it was called. Similar legislation has been passed by the Senate, twice by unanimous votes.

4. Voters themselves would demand that a convention be limited.

Many groups say they oppose an unlimited constitutional convention. So do advocates of the balanced budget amendment. If this is the majority opinion, as it seems to be, it is reasonable to expect that delegates elected to a convention would reflect that view. Certainly if a convention were to be held, every candidate would be asked whether he favored limiting the convention to the subject of the call. Even if the voters in some areas did favor an open convention, or some candidates lied and were elected, it is still improbable that a majority of delegates would be elected who favored opening the convention to another issue when the majority of voters do not.

5. Even if delegates did favor opening the convention to another issue, it is unlikely that they would all favor opening it to the same issue.

Opponents of the constitutional convention call on the balanced budget amendment have listed dozens of issues which they allege might be brought up at a constitutional convention. There have been allegations that the Bill of Rights would be tampered with, that amendments would be inserted banning abortion, or doing other things which polls show a majority of citizens oppose. Yet those who raise these fears have never offered any analysis of from where support for such propositions would come. Consequently, even if it were true that some delegates to a convention would favor reviving the ERA, and others might favor banning abortion, that does not mean that either group would be likely to control a convention. The odds are against it.

6. Congress would have the power to refuse to send a nonconforming amendment to ratification.

As the American Bar Association indicated in its study of the amendment by the convention mode, the Congress has yet another way of preventing a runaway amendment. It could simply refuse to send such an amendment to the states for ratification.

7. Proposals which stray beyond the convention call would be subject to court challenge.

Leaders in legislatures which have petitioned for a constitutional convention on the balanced budget issue have indicated that they would institute court challenges to any proposal which went beyond their original call. According to the American Bar Association, such challenges are possible to convention-proposed amendments, but not to those which originate in the Congress. There is an excellent chance that the Supreme Court would prohibit a stray amendment from being sent to the states for ratification.

8. Thirty-eight states must ratify.

The final and greatest check against a "runaway" convention is the fact that nothing a convention would propose could become part of the Constitution until it was ratified by 38 states. It is by no means easy to obtain 38 states to ratify any controversial proposition. The fate of the ERA and the proposed amendment granting voting representation in Congress for the District of Columbia proves this point. If there are even 13 state legislatures in the country that are not convinced that any amendment proposed by a convention represents an improvement in our Constitution, that amendment would not be ratified. It would mean nothing.

H3R 10 3-16-87

WILLIAM G. STERNHAGEN CHAIRMAN, BOARD OF DIRECTORS S. KEITH ANDERSON PRESIDENT

MONTANA TAXPAYERS Association

HELENA, MONTANA 59604 MONTAX

406:442-2130

1706 NINTH AVENUE

March 16, 1987

IN SUPPORT OF:

P O BOX 4909

House Joint Resolution 10

S. Keith Anderson, President

Montana Taxpayers Association

THE FISCAL NORM OF A BALANCED BUDGET, ONCE AN UNWRITTEN PART OF OUR CONSTITUTION, NO LONGER OPERATES TO RESTRAIN FEDERAL SPENDING. MEMBERS OF THE CONGRESS, WHO APPEAR TO BE REASONABLE AND FISCALLY SOUND PEOPLE AT HOME, ARE SWEPT UP IN THE UNRELENTING DRIVE OF THE SPECIAL INTEREST GROUPS FOR MORE AND MORE FEDERAL SPENDING.

A FEW WEEKS AGO THE NATIONS GOVERNORS, MEETING IN WASHINGTON, D. C., WERE ESPOUSING THEIR DEMANDS FOR CONTINUED FEDERAL REVENUE SHARING. ORGANIZATIONS IN EACH STATE REPRESENTING COUNTY AND CITY OFFICIALS LOBBY THEIR CONGRESSMEN FOR FEDERAL AID. THE CITY MAYORS ARE IMPORTANT IN THE ELECTION OF CONGRESSMAN AND THEY LOBBY FOR MORE FEDERAL SPENDING. THE TEACHERS UNIONS WANT MORE AID TO THE PUBLIC SCHOOLS AND HIGHER EDUCATION WANTS CONTINUED HAND OUTS. UNIONS THROUGHOUT THE NATION, ALONG WITH THE LOW-INCOME WELFARE COALITIONS, SEEK MORE FEDERAL MONIES FOR THEIR CAUSES.

THE DEFENSE CONTRACTORS AND INDUSTRIAL GIANTS, SEEKING MORE MILITARY SPENDING IN THEIR STATES, ARE MORE INTERESTED IN ADDITIONAL CONTRACTS THAN THE FISCAL HEALTH OF THIS NATION.

ALL OF THESE GROUPS HAVE CLOUT IN THE POLITICAL ARENA. AFTER ALL IF YOU ARE A U.S. CONGRESSMAN OR A UNITED STATES SENATOR ARE YOU GOING TO TELL THESE SPECIAL INTERESTS THAT YOU ARE GOING TO STRIKE

THEIR FAVORITE PROJECTS FROM THE FEDERAL BUDGET? NOT WHEN THEY NEED DOLLARS FOR RE-ELECTION. AS A RESULT, THERE IS LITTLE DETERMINATION LEFT IN THE CONGRESS TO WORRY ABOUT THE FUTURE OF THIS NATION OR THE TAXPAYERS AT HOME WHO MUST FACE THE ADVERSE CONSEQUENCES OF OUR OVERWHELMING DEBT.

SENATE JOINT RESOLUTION 10 WOULD SERVE NOTICE ON THE U.S. CONGRESS THAT THEIR FIRST OBJECTIVE MUST BE THE SOLVENCY OF THIS NATION AND ITS PEOPLE, NOT THE SATISFYING OF THE SPECIAL INTERESTS THAT ARE SO EFFECTIVE IN DOMINATING THE POLITICAL SCENE.

THE SPENDING BIAS SO INHERENT IN THE POLITICAL PROCESS CANNOT BE OVERCOME BY STATUTE. IT WOULD BE GREAT IF CONGRESS WOULD HAVE THE FORTITUDE TO BALANCE THE BUDGET ON THEIR OWN. UNFORTUNATELY THEY HAVE THAT FORTITUDE. CONGRESS, AS A BODY, LACKS THE INTERNAL DISCIPLINE TO GOVERN THIS NATIONS FISCAL AFFAIRS. AS A RESULT IT IS NECESSARY TO IMPOSE UPON CONGRESS A CONSTITUTIONAL REQUIREMENT THAT THE FEDERAL BUDGET BE BALANCED. (WITH CERTAIN EXCEPTIONS.)

IN A RECENT ARTICLE, BY JAMES M. BUCHANAN, RECENT NOBEL PRIZE WINNER IN ECONOMICS, THE QUESTION IS POSED: "CAN WE, IN GOOD CONSCIENCE, FORCE OUR CHILDREN TO PAY FOR OUR CURRENT SPENDING POLICIES? DOES THIS MAKE GOOD FISCAL, LET ALONE MORAL, SENSE? BUCHANAN, ANSWERS WITH A RESOUNDING "NO." YET OUR CONGRESS CONTINUES TO ENGAGE IN THE DISASTROUS PRACTICE OF DEFICIT SPENDING.

MARTIN ANDERSON, SENIOR FELLOW AT STANFORD'S HOOVER INSTITUTION SETS FORTH (IN THE MARCH 11, 1987 ISSUE OF THE WALL STREET JOURNAL) THE RATIONAL FOR AN IMMEDIATE, <u>SAFE AND EFFECTIVE CONSTITUTIONAL</u>

3-16-87 HJRID - 11

CONVENTION. AS HE PUTS IT, "THE ZERO DANGER OF A 'RUNAWAY' CONSTITUTIONAL CONVENTION IS DOUBLY CONFIRMED BY THE FACT THAT NEITHER CONGRESS NOR A CONVENTION HAS THE POWER TO CHANGE THE CONSTITUTION. BOTH CAN ONLY PROPOSE THAT SOMETHING BE CHANGED. THEN THAT PROPOSED AMENDMENT MUST BE SUBMITTED TO THE STATES FOR THEIR APPROVAL."

PLEASE DON'T BE RAILROADED BY THE ALLEGATIONS OF THE OPPOSITION INTO OPPOSING THIS RESOLUTION. THE MONTANA LEGISLATURE, THROUGH ADOPTION OF HJR 10, HAS A RARE OPPORTUNITY TO SERVE THE PEOPLE AND FUTURE GENERATIONS OF THIS NATION.

WILLIAM G. STERNHAGEN CHAIRMAN, BOARD OF DIRECTORS S, KEITH ANDERSON PRESIDENT

MONTANA TAXPAYERS Association

A STATE

P O BOX 4909

1706 NINTH AVENUE

HELENA, MONTANA 59604



406:442-2130

FEDERAL BUDGET RECEIPTS
OUTLAYS, AND SURPLUS OR DEFICIT
1929 - 1987

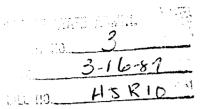
Fiscal			Surplus-	% of
Year	Receipts	Outlays	Deficit	Receipts
1929	\$ 3,862	\$ 3,127	\$ 735	19.03
1930	4,058	3.320	738	18.19
1931	3,116	3,577	-461	14.79
1932 1933	1,924 1,997	4,659 4,598	-2,735 -2,601	142.15 130.25
1934	3,015	6,645	-3,630	120.40
1935	3,706	6,497	-2,791	75.31
1936 1937	3,997 4,956	8,442 7,733	-4,445 2,777	111.21
1938	5,588	6,765	-2,777 -1,177	56.03 21.06
1939	4,979	8,841	-3,862	77.57
1940	6,548	9,468	-2,920	44.59
1941	8,712	13,653	-4,941	56.71
1942	14,634	35,137	-20,503	140.11
1943 1944	24,001	78,555	-54,554	227.30
1944	43,747 45,159	91,304 92,712	-47,557 -47,553	108.71 105.30
1946	39,296	55,232	-15,936	40.55
1947	38,514	34,496	4,018	10.43
1948 1949	41,560 39,415	29,764	11,796	28.38
1343	35,413	38,835	580	1.47
1950	39,443	42,562	-3,119	7.91
1951 1952	51,616 66,167	45,514	6,102	11.82
1953	69,608	67,686 76,101	-1,519 -6,493	2.30 9.33
1954	69,701	70,855	-1,154	1.66
1955	65,451	68,444	-2,993	4.57
1956 1957	74,587 79,990	70,640 76,578	3,947 3,412	5.29
1958	79,636	82,405	-2,769	4.27 3.48
1959	79,249	92,098	-12,849	16.21
1960	92,492	92,191	301	.33
1961	94,389	97,723	-3,334	3.53
1962	99,676	106,821	-7,145	7.17
1963 1964	106,560 112,613	111,316 118,528	-4,756 -5,915	4.46 5.25
1965	116,817	118,228	-1,411	1.21
1966	130,835	134,532	-3,697	2.83
1967 1968	148,822	157,464	-8,642	5.81
1969	152,973 186,882	178,134 183,640	-25,161 3,242	16.45 1.73
	_		-	
1970 1971	192,812 187,139	195,649 210,172	-2,837 -23,033	1.47
1972	207,309	230,681	-23,372	12.31 11.27
1973	230,799	245,707	-14,908	6.46
1974 1975	263,224	269,359	-6,135	2.33
1976	279,090 298,060	332,332 371,779	-53,242 -73,719	9.08 4.73
1977	355,559	409,203	-53,644	5.09
1978	399,740	458,729	-59,168	4.80
1979	463,302	503,464	-40,162	8.67
1980	517,112	590,920	-73,808	4.27
1981	599,272	678,209	-78,936	13.17
1982 1983	617,766 600,562	745,706 808,327	-127,940 -207,764	20.71 4.59
1984	666,457	851,781	-185,324	7.81
1985	734,057	945,987	-211,931	28.87
1986 1987Est	769,091	989,789 1,015,572	-220,698	28.70
-50, 636	OTE , 330	1,010,072	-173,182	20.56

Source: Office of Management & Budget, Budget of the United States Government, Fiscal year 1987. Data for 1929-39 are from the Administrative Budget, and that for 1940-87 from the Unified Budget.

FEDERAL, STATE, and LOCAL DEBT Selected Years - 1929 - 1987

	f 1scal		lotal	lotai	Gross	iotai	iotai
	Year	Federal Debt	State Debt	Local Debt	Federal Debt	State Debt	Local Debt
		-					
Amount (In Billions)				As a Per	rcent of GNF	2	
	1000	416.0			10.0		
	1929	\$16.9	\$2.3	\$14.2	16.9	2.3	14.2
	1939	40.4	3.5	16.6	46.1	4.0	18.9
	1949	252.8	4.0	16.9	96.6	1.5	6.5
	1954	270.8	9.6	29.3	74.5	2.6	8.1
	1959	284.7	16.9	47.2	60.4	3.6	10.0
	1964	316.8	25.0	67.2	51.4	4.1	10.9
	1969	367.1 1	39.6	94.0	40.6	4.4	10.4
	1970	382.6	42.0	101.6	39.8	4.4	10.6
	1971	409.5	47.8	111.0	40.2	4.7	10.9
	1972	437.3	54.5	120.7	38.6	4.9	10.7
	1973	468.4 2	59.4	129.1	37.3	4.7	10.3
	1974	486.2	65.3	141.3	35.2	4.7	10.2
	1975	544.1	72.1	149.1	36.5	4.8	10.0
	1976	631.9	84.4	155.7	38.7	5.2	9.5
	1977	709.1	90.2	167.3	38.0	5.0	9.2
	1978	780.4	102.6	177.9	38.2	5.0	8.7
	1979	833.8	111.7	192.4	36.4	4.9	8.4
	1980	914.3	122.0	213.6	36.2	4.8	8.5
	1981	1,003.9	134.8	229.1	35.9	4.8	8.2
	1982	1,147.0	147.5	251.8	38.1	4.9	8.4
	1983	1,381.9	167.3	287.2	41.3	5.1	8.6
				318.7			
	1984	1,576.7	186.4		42.8	5.2	8.7
	1985	1,827.5	206.5	352.5	47.1	5.3	9.1
		st 2,129.6	229.2	391.3	51.9	5.6	9.5
	1987E	st 2,470.3	254.4	434.3	56.1	5.8	9.9

Source: Tax Foundation Inc.



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The Deficit and our Obligation to Future Generations

By James M. Buchanan

Editor's Preview: Can we, in good conscience, force our children to pay for our current spending policies? Does this make good fiscal, let alone moral, sense? For James M. Buchanan, head of George Mason University's Center for Study of Public Choice whose work recently earned him the Nobel Prize in economics, the answer is a resounding "no."

Yet our government continues to engage in the disastrous practice of deficit spending. The national debt exceeded the trillion dollar mark a long time ago; and still, the trend is to spend more and more with faint sense of obligation to succeeding generations which will be forced to pay for our profligacy. Borrowing is simply a much easier expedient than cutting spending or raising taxes. How can we stop this dangerous cycle? "The basic moral dimension of fiscal policy must be elevated to center stage" says Professor Buchanan. "In no other way can we begin to determine what constitutes responsible collective behavior." The implication is, of course, that we must reject one of the principal elements of Keynesian economics which regards deficit spending as a morally acceptable proposition.

Introduction

Philosophers and social scientists alike have seemed surprisingly reluctant to discuss the modern practice of continuous deficit financing in intergenerational terms. In part, this reluctance stems from the long-continuing confusion in economists' understanding of the elementary principles of government borrowing. Until and unless economists get their theory of public debt in order, we can scarcely criticize the philosophers for failing to examine the moral content of the behavior that debt represents. So long as economists suggest that the relevant variables are levels or rates of change in



the national product, national income, consumption, saving, investment, and capital formation, they will necessarily concentrate attention on *secondary* rather than *primary* consequences of deficit financing.

Whether the borrower is an individual, a corporation, or a government, borrowing, as an institution, allows the borrower to shift patterns of outlay over time; borrowing makes spending possible now, but eventually the time comes when the incurred debt must be paid off or rolled over and upon which interest must be paid. This elementary logic holds regardless of the usage to which borrowed funds are put.

With an individual or a firm there is, however, a direct linkage between the act of borrowing and the accompanying assignment of liabilities, a linkage that operates to insure that the institution is not abused. The prof-

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ligate individual who incurs debt to expand current consumption suffers the consequences; he alone is liable for interest-amortization charges later. This responsibility to pay the price for borrowing is recognized by both the individual and his potential creditors. And the corporation knows it must put borrowed funds to productive use in order to survive in a competitive economy.

But there is no such burden of responsibility when it comes to the national debt. A government may expand current rates of spending by borrowing the

"The responsibility to pay the price for borrowing is recognized by both the individual and his potential creditors. And the corporation knows it must put borrowed funds to productive uses in order to survive in a competitive economy. But there is no such burden of responsibility when it comes to the national debt."

funds, but those persons who, as agents for the state, make fiscal decisions do not face obligations to repay its creditors. If the borrowed funds are used to finance current rates of public consumption (including transfers), the decision makers, personally and/or through their constituents, secure benefits without directly suffering losses.

There are two closely related reasons to suggest why the government's, i.e. our, sense of obligation is so faint. First of all, we as individuals do not live forever, and our interests in our progeny may be somewhat less than

About the Author

A year ago this month, the New York Times profiled Nobel Laureate James M. Buchanan, Harris University Professor of Economics and general director of the Center for Study of Public Choice at George Mason University as one of the leaders of a "quiet revolution in politico-economic thinking," a revolution which, the Times noted, "focuses on the political process particularly," and in Buchanan's words, "on structure, on how the rules work and how they can be changed." Professor Buchanan has written a number of books, including Liberty, Market and State (1985), and he has co-authored a number as well, most notably: Calculus of Consent (1962), Democracy in Deficit (1977) and The Political Economy of Budget Deficits (1986).

our interest in ourselves, especially when we may not have any children at all. Secondly, some of us may desire to leave negatively-valued "bequests," even for our own progeny, a desire that the institution of public debt can satisfy. My point here can be put simply in a comparative illustration. If I borrow \$1000 personally, I create a future obligation against myself or my estate in the present value of \$1000. Regardless of my usage of the funds, I cannot, by the act of borrowing, impose an external cost on others. Unless I leave positivelyvalued assets against which my debts can be satisfied, my creditors cannot oblige my heirs to pay off their claims. By contrast, suppose I "vote for" an issue of public debt in the amount of \$1000 per person. I may recognize that this debt embodies a future tax liability on some persons, but I need not reckon on the full \$1000 liability being assigned to me. If I leave no positivelyvalued assets, the government's creditors can still enforce claims on my progeny as members of the futureperiod taxpaying group. Further, the membership in the taxpaying group itself shifts over time. New entrants, and not only those who descend directly from those of us who make a borrowing-spending decision, are obligated to meet debt interest and amortization charges.

In sum, the institution of public debt introduces a unique problem that is usually absent with private debt; persons who are decision makers in one period are allowed to impose possible financial losses on persons in future generations. It follows that the institution is liable to abuse this and overextend its borrowing practices. There are moral and ethical problems with government deficit financing that simply are not present with the private counterpart.

Classical Precepts and the Keynesian Revolution

The simple logic of public debt, sketched out above, was fully recognized in classical public finance theory, and its implications were embodied in classical norms for the debt issue. These norms justified financing government outlay by borrowing only in two circumstances, (1) when the funds were devoted to capital investment projects, and (2) when there were extraordinary demands on revenues, such as war emergencies. In either of these settings, resort to public debt allows for a closer matching of the time patterns of costs and benefits than seem to be available through tax financing. In all other settings, whether through formal constitutional restriction or through voluntary adherence to rules for fiscal prudence, governments were not authorized to borrow to cover revenue needs.

The Keynesian revolution in the theory of macroeconomic policy essentially repealed these classical norms. This paper is not the place for me to detail the many intersecting confusions that this theory of macroeconomic policy reflected. Suffice it to say

A Safe and Effective Constitutional Convention

By Martin Anderson

Again and again during the first six years of his presidency, Ronald Reagan has pleaded the urgency and importance of a balanced-budget amendment to the Constitution. In campaign statements, in his acceptance speeches at the Republican national conventions, in five of six State of the Union messages, in two national radio addresses, in the Economic Report of the President and in both inaugural addresses he has clearly made the passage of a balanced-budget amendment one of his top policy priorities.

But so far it has been a toothless tiger. The reasoning and rhetoric have been powerful and sleek, but his administration has not produced a specific program for him to take to the American people, a program that has sharp, cutting teeth. The main reason is that few people in the administration think that a balanced-budget amendment is as important and desirable as President Reagan does and the vast majority of the American people say they do. Time is running out on President Reagan and he can no longer afford to wait for his staff to produce the balanced-budget policy options he has every right to expect. He is going to have to demand them.

In propose a two-week constitutional convention in Philadelphia this fall for the express and sole purpose of drafting a brief amendment to the Constitution mandating a balanced federal budget.

But wouldn't this be dangerous? Think of the mischief that might be done if thousands of people got together in one room and started carving up the Constitution with their pens and pencils. Some noted conservatives and liberals have recently joined in a cry of alarm. Phyllis Schlafly, the head of the Eagle Forum; Gerald Gunther, professor at the Stanford Law School; and Howard Phillips, chairman of the Consegnative Caucus, have issued agi-

tated warnings that the constitutional skies may fall. Are their fears justified?

No, not at all. The specter of a "runaway" convention is a disingenuous argument put forth usually by those who are adamantly opposed to the idea of balancing the budget in the first place. There are some valid reasons why one could oppose balancing the budget—concerns over having enough money to spend on national defense and on social-welfare programs, and concerns about having to raise taxes. These should be argued out in the open, not masked behind silly and dishonest arguments about the "dangers" of a constitutional convention.

To begin with, a convention would not be a gathering of thousands. The entire Constitution (some 8,500 words) was drafted by fewer than 100 people. The proper size of a modern convention would be about 100 people, similar in scope to the platform-writing committees of the major political parties.

Let each state send two delegates to the convention. This could be done by statewide election. Or, in a system that would be easier and faster, the governors could appoint two delegates, with the stipulation that there must be one man and one woman and one Democrat and one Republican in each state delegation. The intense publicity focused on the selection process by the media would go a long way toward ensuring that only responsible, outstanding citizens are chosen, citizens committed to limiting their amendment-drafting efforts to the topic of a balanced budget.

Few people seem to realize that Congress can, at any time, propose amendments to the Constitution, the same power a convention would have. One could argue that there is considerably more danger of Congress proposing dangerous, irrelevant amendments than of a small, carefully chosen set of constitutional delegates with

a clear mandate doing so. The truth is that neither body, by itself, is going to do anything that would threaten one hair of the Constitution's head.

The zero danger of a "runaway" constitutional convention is doubly confirmed by the fact that neither Congress nor a convention has the power to change the Constitution. Both can only propose that something be changed. Then that proposed armendment must be submitted to the states—38 of them—must ratify the amendment before it becomes part of the Constitution. The Founding Fathers created a political gantlet for any amendment to run that is so thorough and tough that only the most important, sensible amend-

ments can ever make it.

Ridding the U.S. of a \$175 billion deficit all at once could be counterproductive. It would weaken America's national defenses, ravage its social-welfare programs, and raise tax rates to ruinous levels. But reducing the deficit gradually, say \$35 billion a year, is a different matter. That could be done without causing economic damage. In fact, just the opposite would occur. A sure, believable path toward wiping out the deficit would be of great benefit to the economy. That is why any balanced-budget amendment must include a specific deficit phase-out period. Five years would

seem to be just about right.

This is the way Gramm-Rudman-Hollings was supposed to work, but what can be easily done by legislation can be easily undone. Just recently, Sen. Paul Simon ruefully admitted that as far as meeting the deficit targets of Gramm-Rudman-Hollings goes, "There is almost no hope, and everybody knows it." Legislation to phase out the deficit was a brilliant idea, but it needs the steel spine of a constitutional amendment to make it happen.

lai amendment to make it nappen. The convention itself should last only

two weeks, since all the delegates have to do is draft one or two paragraphs on the balanced budget. And Philadelphia would be the proper setting for symbolic reasons. An excellent version of the amendment to start with is the one that more than two-thirds of the Senate and a majority of the House voted for in 1982. If the delegates don't like that one, Milton Friedman has also drafted a couple of paragraphs. All they have to do is a little editing.

So let's get on with it. President Reagan Should take his case directly to the American people. The issue is of such fundamental and lasting importance to the future of the U.S. that it deserves at least a full half-hour television address on prime time.

In his speech to the nation the president should urge Congress to propose a balanced-budget amendment within 30 days. If Congress fails to do this, as it is likely to, the president should declare that he will then personally lead a national campaign to call a balanced-budget constitutional convention, using all the powers of his office to persuade at least two more affects.

states to pass the necessary resolutions.

President Reagan's goal should be a balanced-budget amendment firmly embedded in the Constitution before he leaves office in 1989.

Mr. Anderson is a senior fellow at Stanford's Hoover Institution. He was assistant to the president for policy development, 1981-82.

3 3-16-81 H3RID that, as interpreted by practicing politicians in democracy, the effects have been indeed dramatic. Since roughly the early 1960s, political decision makers have felt free to finance outlays by debt, quite independently of the classical restraints. As a result, in the 1980s much of our current public consumption is financed by debt. We are, as members of the body politic in 1986, currently enjoying the benefits of public outlays that must be paid for by those who come after us. We are imposing external costs on future generations.

The Benefit Principle of Taxation

Here, I want to look critically and carefully at the moral dimension of the debt issue, and, specifically, at the moral and ethical foundations of the classical norms of government spending. Why should public debt be limited to the financing of either capital projects or extraordinary revenue needs? Why should not we, as citizens in the 1980s, finance current benefits by imposing taxes on those who will pay taxes in the 2000s? What theory of rights allows us to say that the classical principles are justified? Or, to repeat the title for this paper, what are our obligations to future generations in these respects?

The classical norms are based on the same ethical foundations as the benefit principle to taxation, which states that those who enjoy the benefits of public spending programs should be those who are required to pay the taxes necessary to finance them. This precept reflects a straightforward extension of the commutative justice of market exchange to the public sector, and it finds its most sophisticated exposition in the Wicksell-Lindahl model of fiscal process.

There is moral and ethical content in the quid pro quo of market dealings, and this content applies to strictly voluntary exchange of the marketplace to the implied voluntary exchange that takes place in the public sector. This conceptualization, in its turn, embodies a theory of the state itself. The state is conceived as the means or instrument through which persons cooperate to secure benefits that cannot be secured efficiently in the market sector. Conceptually at least, the individual's claims are both prior to and separate from the collectivity in which he has membership.

If this essentially Lockean theory of the state is accepted, the exchange or benefit principle for taxation seems a natural consequence, and the classical norms for public debt fall clearly into place. Indeed, these norms are simply the temporal extension of the benefit principle. Those who exist when the benefits from public spending are enjoyed should be required to pay the taxes necessary to finance such benefits. To depart from this putative exchange nexus of costs and benefits, save in the two circumstances noted, violates the founding principles and values of a society of free persons.

Or so it should seem. The analogy with the benefit principle of taxation should, however, give us pause. We must acknowledge that, in the mainstream of normal public finance over the last century, the benefit principle has not been universally applied, and perhaps has not even occupied a dominating place among alternatives for tax share allocation. The most familiar alternative has been "ability to pay." Progressive or proportional rates of taxation to finance genuinely redistributive transfers could never be derived from any simple application of the benefit principle. There is no quid pro quo. Taxes take from the rich; transfers give to the poor. Any ethical justification for this sort of fiscal action must be informed by a different argument than the benefit principle.

Can we possibly justify current debt financing of public spending on some grounds analogous to those advanced in support of the modern redistributive fiscal regime? Transfers occupy ever-increasing shares in the budgets of modern governments, and, as noted, taxes to finance such transfers could never be justified on any simple application of the benefit principle. The first point to be made here is that the debt financing of current-period consumption is a temporal tax-transfer

"It is surely singular, if not bizarre, that alongside our concern for environmental pollution we observe an historically unique record of fiscal profligacy. Our record suggests an absence of concern for the well-being of future generations."

system in many respects akin to the within-period taxtransfer system of the modern welfare state. Persons who enjoy the benefits of the spending now do so at the expense of persons who will, in subsequent time periods, be required to pay the taxes required to meet the interest and amortization charges.

Justification of In-Period Redistributive Transfers

If, as both normative and methodological individualists, we refuse to acknowledge the existence of some organic collectivity that has purpose apart from those of its members, we must try to locate any justification of an in-period tax-transfer system in some conceptualized contractual agreement among all members of the polity. A multi-period perspective must be taken, and it is necessary to distinguish carefully between the choice of rules or institutions that remain in force over many periods and the choices made under the operation of a specific set of such rules within a single period.

That is to say, we must adopt what is essentially a "constitutional" perspective.

If we do this, it does become possible to derive an ethical argument in support of fiscal redistribution, and, indirectly, of those institutions of taxes and transfers that facilitate such redistribution. The individual who chooses among basic social institutions that are expected to remain in existence for some time is necessarily operating behind a veil of uncertainty; he cannot fully identify his own position in any one future period during which the chosen institution will be operative. In this setting, which was introduced by

"With deficit financing, . . . no fingers can be pointed directly at profit-seeking business firms, or even at persons in their private capacities. The costs that deficits impose on future generations are imposed by government, by the working of democratic political process, by duly elected political representatives of the people who are electorally responsible to us all. We should not, therefore, be much surprised that the Ralph Naders of the age should remain relatively silent."

myself along with Gordon Tullock in *The Calculus of Consent* (1962), the individual may prefer some institutional-constitutional arrangement that will involve some elements of an in-period tax-transfer system. The analogous setting for constitutional choice, in which the veil of ignorance becomes more central, was used by John Rawls in *A Theory of Justice* (1971), to derive the ethical argument for some fiscal redistribution.

The economy grows through time, and because persons in future periods will be wealthier than persons who live now, the postponement of the tax payments for currently enjoyed spending will embody a rich-to-poor redistribution that may be dictated by the same precepts applied to the in-period model.

The logic seems straightforward. Consider a highly simplified two-period model in which there is only one person alive at any period, and where persons live for only one period. Suppose that the income in Period 1 is 100 units, and that in Period 2 is 200 units. These income flows are known, but the selector among institutions remains totally ignorant as to whether he will be alive in Period 1 or Period 2. In this setting, it seems plausible to predict that some adjustment of

income between periods would be preferred if institutional arrangements could be made to facilitate such adjustment. If spending in Period 1, over and beyond 100 units, could be financed by some borrowing against the income of Period 2, the individual chooser, when adopting the constitution, might well authorize such an institution.

But should this argument be taken seriously? Before we do so, it is necessary to consider the sources of economic growth and the attitudes of the individual toward such growth. Suppose we remain with the oneperson-per-period, two-period model, but that we postulate that economic growth is dependent upon the resourcefulness and behavior of the person alive during Period 1. Suppose, further, that this person saves one-half of his income of 100 units, invests this in productive capital, which yields a rate of return of 100 percent. The potential consumption of the person alive in Period 2 is then 200 units, as in the first model examined. But would an individual, behind the intertemporal veil, prefer an adjustment in the income levels between the two periods? Would the individual authorize an institution that facilitated borrowing against Period 2 income to finance a potential rate of consumption greater than 100 units in Period 1? If it turns out that he is alive in Period 2, then clearly the debt financing of Period 1 consumption would have undesirable consequences.

Since economic growth is dependent upon the behavior of persons in the economy, there seems to be no contractarian argument that will justify the constitutional authorization of the debt financing of current period consumption. Separated in time or by generation, individuals cannot be considered as players in the "same game." So any other arguments in favor of equal opportunity, redistribution and "fairness" lose much of their meaning as well.

Pollution and the Fiscal Environment

I have suggested that there is no plausibly supportable ethical justification for imposing net fiscal charges on persons who pay taxes in future periods. I have not directly addressed the more difficult question concerning our positive obligations to future generations. We live in an era characterized by mounting concern over environmental quality that is presumably motivated in part by a sense that our generation should not so despoil the atmosphere as to make living less pleasant for those persons who will follow us. Note that this expression of concern implies that we have an obligation toward future generations in our capacities as citizens, as members of the body politic, and that where required, we should, and do, act collectively through our government to implement such an obligation, even if constraints are placed on our individual liberties to act.

It is surely singular, if not bizarre, that alongside our

concern for environmental pollution we observe an historically unique record of fiscal profligacy. Our record suggests an absence of concern for the well-being of future generations. Debt financing of currently enjoyed public program benefits imposes charges on all future taxpayers, just as surely as pollution exacts a toll on their welfare. Why do we observe such an apparent disparity in both public attitudes and in political response? Why is there so much political support for toxic waste cleanup and so little for reforms like budget amendment?

There are at least three separate arguments that may explain the differences here. First of all, the modern concern over environmental quality is motivated, at least in part, by an anti-capitalist, or anti-market, mind set. The "evildoers" are business firms seeking profits, not the benevolent government. With deficit financing, by contrast, no fingers can be pointed directly at profit-seeking business firms, or even at persons in their private capacities. The costs that deficits impose on future generations are imposed by government, by the working of democratic political process, by duly elected political representatives of the people who are electorally responsible to us all. We should not, therefore, be much surprised that the Ralph Naders of the age should remain relatively silent.

A second, and possibly much more important reason for the relative disparity in concern lies in the widespread confusion among economists, noted at the outset of this paper, that has resulted in a neglect of the intergenerational effects of debt financing. A third reason prompts both the economists' confusion and the public's failure to express indignation at the gross violation of norms for intergenerational equity that the

"The basic moral dimension of fiscal policy must be elevated to center stage in public and political discussion. In no other way can we begin to determine what constitutes responsible collective behavior."

deficit regime embodies. There is no counterpart to the observable physical deterioration of the atmosphere that persons may see and that the scientists can measure. The piling up of claims against future-period incomes of taxpayers does not physically enter the consciousness of present-period persons; these claims do not float about for all to see. This difference suggests that the pollution of our fiscal environment is all the more pernicious. No present person's laundry gets dirtier, yet many persons clearly secure net benefits.

3-16-87

BILL NO HJRID



Debt, Default, and Future Generations

Does the last reason noted give pause when we compare fiscal with atmospheric pollution? Precisely because the claims against the incomes of future taxpayers are just that—claims—has there been any actual destruction of value involved in the whole debt-deficit operation? Must the financial levels attainable for persons of future generations be lower as a result of the deficit regime than they might have been under a balanced budget? To raise this question prompts attention to possible default. What would occur if future taxpayers, or rather, if the government acting on their behalf, simply refused to pay the claims? What if the government, say in the year 2000, repudiated all of the debt claims held against it, and indirectly, against those who would be subjected to the taxes required to meet these claims?

In such a scenario, future generations of persons, as taxpayers, would, indeed, escape damage. But persons play several roles simultaneously, and those members of future generations who are bequeathed government securities (bonds, notes, bills) held against the government would find them subject to capital-value confiscation. These persons, rather than the more inclusive group of taxpayers, would be the losers in the process. These future creditors of government would be the persons on whom the final incidence of payment for the benefits of currently enjoyed spending rests. In effect, these future creditors, future taxpayers themselves, would pay in two ways for our fiscal profligacy. Default doesn't exempt them from bearing our costs.

Mortgages and the Destruction of Capital

In another version of this paper, the title includes the word "mortgage." But this analogy is misleading, since by standard dictionary definition the word "mortgage" means the conveyance of a property that secures the debt, a property that presumably yields a stream of value to the user. The use of the mortgage analogy to apply to government debt would indeed be appropriate if the debt was created in the process financing a genuine capital investment project, but pretense is made that the outlays financed are anythank other than ordinary expenses of government, expens required to provide the goods and services and transf for the various interest groups who are successful in getting their demands met by politicians. There is ma capital value against which the debt claims are or coul be offset. Nothing of lasting value emerges from the fiscal operation that will make the servicing of the debt claims easier or less onerous for those members future generations who will be faced with the t charges. Not only do current debt-financing schemes fail to yield capital; they destroy opportunities to cream

Our Obligation

I have tried, throughout this paper, to avoid the sometimes murky discourse on the general question concerning our obligations to future generations. I have restricted my remarks to the currently observed regire of debt-financed current public consumption and to the implications of this single institution to the larger and more inclusive question. I have tried to demonstrate the there is little or no ethical justification for such an institution, and that the classical principles for public debt issue carefully specify the circumstances in who governments may justifiably raise revenues by rowing.

The basic moral dimension of fiscal policy must elevated to center stage in public and political discussion. In no other way can we begin to determine what constitutes responsible collective behavior. The hour is late and we have already inflicted major damage those who will come after us, damage that must be permanent. Let us not add to the damage by tolerating continued debt financing of current program benefits

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STATEMENT OF
DAVID KEATING, EXECUTIVE VICE PRESIDENT
NATIONAL TAXPAYERS UNION

on

HOUSE JOINT RESOLUTION 10

before the

STATE ADMINISTRATION COMMITTEE

MONTANA SENATE

MARCH 16, 1987

Mr. Chairman, and members of the Committee, thank you for the opportunity to testify on House Joint Resolution 10, a resolution which makes application for a limited federal constitutional convention to draft a balanced federal budget amendment. I appear on behalf of the 150,000 members of the National Taxpayers Union, including the 1,140 members who live in Montana. Since 1975, the National Taxpayers Union has been working on behalf of an amendment to require a balanced federal budget.

Through the efforts of the National Taxpayers Union, concerned legislators and citizens, thirty-two state legislatures have passed resolutions which clearly call for a limited constitutional convention, if Congress fails to act, to propose a balanced federal budget amendment.

The national debt has now topped \$2,100 billion. By the year 2000 -- now just thirteen years away -- the national debt could exceed \$10.4 trillion if we continue to increase the debt at the same rate seen since 1972. By the year 2000, interest payments could exceed \$1.65 trillion -- 62 percent more than this year's entire federal budget. Consider also the following facts:

- * The federal government has run deficits in 42 out of the last 50 years and 25 out of the last 26 years.
- * The national debt has increased 632% since 1960, 292% since 1975, and 133% since 1980. The total debt now stands at 51.2% of our GNP.
- * During the 1960's, deficits averaged \$6 billion per year.

 During the 1970's, deficits averaged \$35 billion per year.

 During the 1980's, deficits have averaged \$158 billion

 per year.

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The 1986 deficit was \$220.7 billion. This was:

- * the largest federal budget deficit in history.
- * larger than the entire federal budget of 1971.
- * 22.3% of federal spending.
- * more than all the taxes collected by every state in the country in 1985.
- * \$3,663 for each family of four.
- * \$606 million per day.

In fiscal year 1986, interest payments for the national debt totalled \$190.2 billion. This was:

- * 54 cents of every income tax dollar sent to Washington.
- * the third largest item in the budget (19% of all federal spending).
- * 96% of Social Security payments.
- * \$3,155 per family of four.
- * 70% of defense spending.
- * \$362,000 per minute.

By restricting deficit spending, a balanced budget amendment would require Congress and the president to balance program benefits against tax costs. This will ensure that the president and Congress will make spending decisions in a neutral and accountable manner.

Approval of a balanced federal budget amendment would bring long-term federal fiscal responsibility. The effects of a constitutional amendment would be both real and symbolic. A heavy blow will be struck against high interest rates and unemployment.

The need for a balanced budget amendment.

Those who argue that deficits don't matter have failed to grasp the nature of our fiscal problem. It is not trivial. It is not self-correcting. It arises from the basic dynamics of the legislative process. Congressmen are rewarded for spending on behalf of small, organized constituencies at the expense of the large and unorganizable body of citizens. A program that takes a dime from every taxpayer could yield thousands of dollars to each member of a small group. That group will work hard to gain and keep the money. No one will work hard to save a dime.

Of course, the money to pay for this spending has to come from some place. Even nickels and dimes add up. The people who are asked to pay through ever-

increasing taxes don't want to. The president and Congress attempt to resolve this hopeless contradiction by resorting to deficits. That's why we have a \$2.1 trillion-dollar national debt and federal borrowing that absorbs the lion's share of funds raised in U.S. credit markets.

Deficits at the current level cannot continue without driving the nation into bankruptcy. Yet even the recognition that the system is headed for bankruptcy will not necessarily reduce the pressure to spend. To see why, consider this analogy. Simply give everyone in the hearing room an American Express card with the same account number. Every cardholder would evenly split the total bill each month. Under those circumstances, how would the rational person behave? He would buy everything in sight, even if he recognized that the whole group was headed for the poorhouse. Anyone who refrained from spending would gain nothing. He would be no less bankrupt than the others. He would have simply enjoyed fewer benefits along the way.

So it is in Congress. Any one member who votes to cut every spending program will probably not have an effect on the budget deficit. But that legislator will make virtually every special interest group mad. As long as congressmen respond rationally to incentives, overspending is the only outcome to be expected, with deficits mounting to disastrous levels.

Today you are considering whether to join the legislatures in 32 other states in demanding that Congress operate on a balanced budget. I cannot overstate the historic importance of this decision. It will shape the course of our Federal and State governments through the 1980's and beyond.

With the measure before you today, the people are once again asking for your help. The rest of the nation is watching to see whether you are listening.

The issue is whether the people of Montana, acting through their State Legislature, believe a constitutional amendment should be adopted requiring a balanced Federal budget.

As you know, Article V establishes two methods for proposing amendments to the Constitution. One method authorizes two-thirds of both houses of the Congress to draft amendments to be offered to the states. The second method allows the people upon application of two-thirds of the State Legislatures, or 34 states, to force Congress to convene a constitutional convention to submit an amendment for the states to consider.

A Limited Constitutional Convention: A Safe Way to Proceed

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The Founding Fathers had no way of predicting the current irresponsible spending policies of Congress. Yet although they could not fortell the future, they were men of great wisdom. They did foresee the possibility that Congress might fail the people. It is for that reason that Article V of the U.S. Constitution enables states to amend the Constitution—if Congress fails to act—by calling a limited constitutional convention, on a balanced federal budget amendment.

As the drive for a convention nears success, Congress will probably propose the amendment on its own, and no convention will be necessary. This has happened before. Congress proposed an amendment in 1912 to provide for the direct election of U.S. Senators only after 31 of the 32 states, then required, had called for a convention. Today it's clear that Congress will not propose a balanced budget amendment unless the states again call for a limited convention.

The Montana Legislature has, in fact, made at least thirteen requests, to date, for Congress to convene a constitutional convention. Montana was part of the historic drive for a convention to propose an amendment providing for the direct election of U.S. Senators.

You will undoubtedly hear claims that a constitutional convention could somehow "runaway."

What the opponents seldom say, however, is that most impartial experts see nothing to fear from a convention. A two-year special constitutional convention study committee commissioned by the American Bar Association, which included the Dean of the Harvard Law School and other leading constitutional experts, unanimously concluded that a convention could be limited. Former U.S. Attorney General Griffin B. Bell has said "I think the convention can be limited ... the fact is that the majority of the scholars in America share my view."

There are eight checks on a constitutional convention.

Before a limited constitutional convention could succeed in adding any amendment to the Constitution, eight things have to happen.

1. Congress could avoid the convention by acting itself. The Congress has the option of proposing such an amendment itself. The odds are overwhelming that the Congress would prefer to do so. Why? Because the Congress would rather live with an amendment which its members drew up

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themselves than one which was drafted by others. Furthermore, if a convention were successfully held, it would weaken the powers of the Congress. This is something which few of the members of Congress want. Congressmen do not want to see convention delegates elected from their home districts — delegates who might later decide to challenge them for reelection.

- 2. Congress establishes the convention procedures. Any confusion about how a convention would operate would be the fault of Congress. Congress has the power to determine exactly under what conditions the delegates would be chosen, when the election of delegates would be held, where they would meet, and how they would be paid. Congress can and will limit the agenda of the convention. All 32 state convention calls on the balanced budget issue are limited to that topic and no other.
- 3. The delegates would have both a moral and legal obligation to stay on the topic. There is a long history in the United States of individuals limiting their actions to the job for which they were chosen. Members of the Electoral College could, if they wished, elect anyone to be the President of the United States, even someone who was not a candidate and had received no popular votes. Yet this has never happened. There have been 19,180 electors since 1798 and only seven have voted for a candidate other than the one for whom they were elected. The odds against delegates to a convention behaving differently would be astronomical.

Legislation unanimously approved by the Senate Judiciary Committee in the last Congress would limit the convention to one subject. Similar legislation has been passed by the Senate twice on unanimous votes.

- 4. The voters themselves would demand that a convention be limited. Many groups say they oppose an unlimited constitutional convention. So do advocates of the balanced budget amendment. If this is the majority opinion, as it seems to be, it is reasonable to expect that delegates elected to a convention would reflect that view. Certainly if a convention were to be held, every candidate would be asked whether he favored limiting the convention to the subject of the call. Even if the voters in some areas did favor an open convention, or some candidates lied and were elected, it is still improbable that a majority of delegates would be elected who favored opening the convention to another issue when the majority of voters do not.
- 5. Even if delegates did favor opening the convention to another issue, it is unlikely that they would all favor opening it to the same issue. Oppo-

nents of the constitutional convention call on the balanced budget amendment have listed dozens of issues which they allege might be brought up at a constitutional convention. There have been allegations that the Bill of Rights would be tampered with, that amendments would be inserted banning abortion, or doing other things which polls show a majority of citizens oppose. Yet those who raise these fears have never offered any analysis of where support for such propositions would come from. Consequently, even if it were true that some delegates to a convention would favor reviving the ERA, and others might favor banning abortion, that does not mean that either group would be likely to control a convention. The odds are against it.

- 6. The Congress would have the power to refuse to send a nonconforming amendment to ratification. As the American Bar Association indicated in its study of the amendment by the convention mode, the Congress has yet another way of preventing a runaway amendment. It could simply refuse to send such an amendment to the states for ratification.
- 7. Proposals which stray beyond the convention call would be subject to court challenge. Leaders in legislatures which have petitioned for a constitutional convention on the balanced budget issue have indicated that they would institute court challenges to any proposal which went beyond their original call. According to the American Bar Association, such challenges are possible to convention-proposed amendments, but not to those which originate in the Congress. There is an excellent chance that the Supreme Court would prohibit a stray amendment from being sent to the states for ratification.
- 8. Thirty-eight states must ratify. The final and greatest check against a runaway convention is the fact that nothing a convention would propose could become part of the Constitution until it was ratifed by 38 states.

As I go around the nation, giving speeches and talking to people on this issue, the most misplaced argument against the balanced budget convention call resolutions is the claim that somehow this convention is an evil, malignant, malicious force that in and of itself can go to work and destroy the Bill of Rights or do other harmful things.

Never, never, ever do the opponents of the convention method level with the people and tell them of the excellent check and balance of ratification. People who have worked on the ERA and District of Columbia voting rights amendment know how difficult it is to get 38 states to ratify an amendment to the Constitution. So if I were to grant opponents the premise that the

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constitutional convention could run amuck, that it could do these terrible things, I would say to them that there's no way that 38 state legislatures would ratify the action of that convention.

In many respects, the convention method of amending the Constitution has far more safeguards than the congressional method. Congress is, after all, an unlimited constitutional convention. It can propose amendments at will. But a convention cannot be called unless 34 state legislatures make a formal application. In this respect, the convention route requires true public support, while the congressional route does not.

However you calculate the odds, the danger of a convention "running away" is slight. Much less remote is the danger to our country of continued, runaway deficit spending. Staggering deficits stretch out on the horizon as far as the eye can see. Deficits which mean high interest rates. More inflation. Or both. We would be fools if we attempted to prove that America would be the exception to the rule that protracted financial turnoil weakens and eventually destroys free institutions. The best way to preserve our constitutional order which we all cherish is a constitutional amendment to bring runaway federal deficits under control.

MORE CHECKS ON CONVENTION THAN ON CONGRE

Compare the U.S. Congress with a Constitutional Convention

	Congress	Conventional Convention
Is it limited to proposing amendments on only one		>
subject?	0	res
Can another branch of the federal government review its proposals?	N _O	Yes
Are its members elected primarily on the basis of their views on amending the constitution?	ON.	Yes
Are its members elected for their expertise in drafting a constitutional amendment?	o Z	Yes
Does it meet for a limited period of time?	o Z	Yes
Does it lack the power to raise taxes, spend money, write laws, approve treaties, and declare war?	9 2	Yes
Is it barred from considering other kinds of laws that would hold a constitutional amendment hostage to vote swapping and special interests?	o Z	AZ K 10
Do three-quarters of the states have to ratify its proposals?	Yes	Yes

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TESTIMONY OF

LEWIS K. UHLER, PRESIDENT OF

THE NATIONAL TAX LIMITATION COMMITTEE

BEFORE THE SENATE OF THE

STATE OF MONTANA

MARCH 16, 1987

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MARCH 16, 1987

Mr. Chairman, members of the committee:

I appreciate the opportunity to appear before you on the most important issue of our time - adoption of a Tax Limitation/Balanced Budget Amendment to the United States Constitution.

It might seem odd that the quest for a federal amendment to limit taxes and balance the budget would be fought not only on Capitol Hill in Washington but in state capitols, as well. Why is that being done?

When the Founding Fathers met in Philadelphia to shape the U.S.Constitution, they determined first that one of the fundamental flaws of the Articles of Confederation was that it required unanimity to amend the Articles. Recognizing that the people would want to correct the document from time to time, the Founders knew that they must provide for an amendatory process that was at once difficult, but not impossible. They wanted to assure the opportunity for amendment when the consensus for a particular change was SUBSTANTIAL. They were equally determined that the amendment process not be so rigid that change would be a

practical impossibility. That was the central defect of the Articles of Confederation. Hence, they decided that approval or ratification of amendments would require only a three-fourths, rather than unanimous, vote of the states.

In addition to easing the ratification rule, the Founders decided to provide two routes by which amendments could be proposed: (1) by a two-thirds vote of each body of Congress; and (2) by the states through a convention convened (by Congress) upon application of two-thirds of the states. Realizing that there might be some corrections of the Constitution which sitting members of the U.S. Congress would resist, the framers provided co-equal authority to the states to force change through the Jefferson anticipated that a convention. convention method would be used with some frequency and considered the convention a very important "safety valve" to protect the people from an abusive federal government.

Although we've not had a constitutional convention pursuant to Article V, the fact that the procedure exists tends to keep Congress more honest and responsive. For example, early in this century - after years of Senate resistance to the direct election of U.S. Senators - states began to adopt resolutions calling on Congress to pass such an amendment or to convene a constitutional convention for the purpose of framing such an amendment. When the number of state resolutions was just one shy of the required two-thirds, the Senate finally capitulated, approved an amendment and sent it to the states for ratification. The Senators

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recognized that unless they designed the amendment themselves, a convention might not "grandfather" them in for the balance of their terms.

Among the issues often raised are questions about Article V of the U.S. Constitution and its implications. To address these and other issues, I have selected a question-and-answer format:

- Q. Opponents contend that there is no way to limit a convention; that the only kind of a constitutional convention which may be convened under Article V is an open convention that may consider all parts of the Constitution.
- A. This claim is without foundation in terms of authority, historical precedent, common sense and political reality. The Founding Fathers intended to provide two co-equal methods by which amendments to the U.S. Constitution might be proposed. One was through Congress, and the other through the states. We know that Congress can and has proposed single, discreet amendments without opening up the entire Constitution to consideration of revisions. (Remember, whenever it is in session, Congress is a constitutional convention, since at any time that two-thirds of its members want an amendment, they can propse it.)

must have the same discreet amendment authority. Furthermore, Article V refers specifically to the application of the various states as being the triggering device leading to the convening of a convention: "... on the application of the legislatures of two-thirds of the several states, shall call a convention ..." The

resolutions themselves are the very "foundation" upon which convention would be constructed. If those resolutions say, at they do in this instance, that the states want a convention for the "sole, limited and exclusive purpose of proposing a balance budget amendment," the states are triggering a limited, not general, convention. This is not to say that the states could not call for a general convention, but they would have to do spursuant to a convention call which explicitly states that objective.

It is clear that the Founders intended that the power to correct perceived errors be equal as between the federal government and the states. In the Federalist Paper #43, Madiso states: "It [the power to amend the Constitution], moreover, equally enables the general and the state governments originate the amendment of errors, as they may be pointed out by the experience on one side, or on the other."

Note that the key is "equally." The state route to constitutional change is a backstop, allowing the people to obtain amendments when Congress will not act. But historically, the state power that has been held in reserve fully matches the congressional power normally used.

Congress could rewrite the Constitution wholesale and submit it for ratification. So could a general convention called by the states. Congress could submit one or more discreet amendments. So can a <u>limited</u> convention called by the states.

There is a significant difference between a general

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convention and a limited one. Those who fear a balanced budget amendment deliberately confuse the two types of conventions. But anyone who approaches the subject with an open mind can see the difference and recognize its importance, as described below.

- Q. But what about the fact that Article V speaks of a convention to propose amendments (in the plural). Doesn't that support the idea that only an open convention is within the power of the states to call?
- A. Note that the first portion of Article V speaks of amendments (in the plural), also. "The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution ..." Certainly no one would suggest that Congress may consider only multiple amendments at one time and not a single amendment. The use of the plural form was meant to accommodate multiple amendments, not command them. The use of the plural form with reference to a constitutional convention serves only to conform and make consistent the draftsmanship and to allow a convention to consider more than one amendment should that be the expressed desire of the states in their applications.

Alexander Hamilton's Federalist #85 sought to contrast the approval of the entire Constitution with the subsequent process of amending it after its adoption. He said, "But every amendment to the Constitution, if once established, would be a single proposition, and might be brought forward singly."

Q. Madison, who is believed by many to be the principal

architect of the Constitution, is quoted as saying he would be fearful of any other constitutional convention. Did Madison really say that and feel that way?

A. Resorting to Madison's comments in this way is, at best, misleading, at worst, deceitful. He is quoted as saying the following: "It seems scarcely to be presumed that the deliberations of a new constitutional convention could be conducted in harmony or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first convention, which assembled under every propitious circumstance, I should tremble for the results of a second."

The easiest way to misquote anyone is to use a correct quotation but deliberately ignore the context in which it was made. Madison made this statement, but he did so in direct reply to the anti-federalists who asked that the results of the Philadelphia convention be abandoned and a new convention be called. When a legislator moves to "recommit" a bill (to the committee from which it came), he often claims it is merely to "clean up" the bill or make improvements in it, but most often it is to kill the bill. So it was with the recommendation for a new convention, or "recommittal" of the Constitution. The proponents of that procedure knew it would kill the Constitution.

By quoting Madison out of context, the opponents of the balanced budget amendment make it appear that never again did he want the people to use their power to hold a convention. He did not say that; he did not mean that. Madison approved of the

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convention process as a means of amending the Constitution. He was speaking only about the proposal to abandon the <u>original</u> Constitution in favor of a new convention.

- Q. How can you stop a convention from having a broad scope, since the first convention was itself a "runaway"? It was only supposed to revise the Articles of Confederation.
- A. The first convention was not a "runaway" convention. Following the Annapolis convention of 1786, and pursuant to its recommendations, Congress convened another convention, resolving that such a convention appeared "to be the most probable means of establishing in these states a firm national government," and that a convention should be held "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the states, render the federal constitution adequate to the exigencies of government and the preservation of the Union."

The mandate to the convention was essentially wide open, as Madison himself argues forecefully and cogently in the Federalist #40. Furthermore, the convention reported its work back to Congress, which, in turn, submitted it to the states for ratification. Very clearly, the constitutional convention was convened purposely and explicitly as an "open convention," and it responded to that commission. Nevertheless, it did not presume to act independently of the body which commissioned it: the

Congress. Rather, it urged Congress to make its handiwork the law of the land only following submission to and approval by three-fourths of the states.

Congress was at liberty to accept or reject the convention's recommendations in terms of both the substance of the changes and the procedure for their approval. Hence, it is safe to say that the Founding Fathers themselves did not feel that they were somehow "above" or unrestrained by their convening authority. Those who doubt this have not read George Washington's transmittal letter, nor the debate in the convention that led to that letter. There is simply no historical precedent whatever to suggest that a convention would seek to ignore its commission, run roughshod over its convening authority and arrogate unto itself the scope and authority beyond that possessed even by its creator.

There is a sound, clear historical reason for not callling the Philadelphia convention a "runaway." The records of that convention reveal that the delegates were well aware that the Articles of Confederation could not be amended by anything but unanimous consent of the states (that provision is found in Article XIII of the Confederation).

The delegates, therefore, decided after July 1787 that they would not even attempt to amend the Articles of Confederation. Instead, they wrote a new document in full recognition that if it were accepted, it would only apply "among the States so ratifying the same." Any states not ratifying

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would still be under the Articles of Confederation. And if too few states ratified, all of them would remain subject to the Articles of Confederation.

Remember, when the Constitution was written, it was possible for states to leave the Union of their own accord, whenever they chose to do so. It took the Civil War, almost a hundred years later, to settle the point that once a state joined the United States, it could not later withdraw for any reason. The most authoritative study on the subject - done by the American Bar Association - concluded that a convention may be limited. Also, there have been over 200 constitutional conventions at the state level. Some state constitutions require conventions on a periodic basis. Delegates take their responsibilities seriously.

Opponents of the convention process have adopted a "Frankenstein-Monster" theory of constitutional conventions. Their fears are simply not supported by history, common sense or political reality. The specter of a runaway convention might make good science fiction copy and might feed some conspiratorial hankering, but where would a convention go with its work product if it "ran away?" Would it seek to ignore Congress and send its handiwork directly to the states for ratification? What state legislature is going to entertain seriously the ratification of some wild and woolly set of amendments that arrive in its chambers outside of the constitutionally-prescribed procedures? I believe that to state the proposition is to demonstrate its

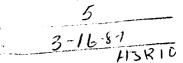
absurdity.

Those who are preoccupied with a "runaway convention" conveniently ignore the fact that the work product of a convention must be ratified by the legislatures of 38 states before it becomes law. So the "runaway convention" argument is very misleading. The dire results predicted by the purveyors of doom could not come from a "runaway convention" but from "runaway ratification" - a total failure of the entire amendatory system or process. I'm sure Jimmy the Greek could not begin to calculate how remote such odds might be.

Constitutional authority John C. Armor has summarized the process thusly:

"The sequence of events necessary for a 'runaway' Convention to occur, and for its rogue proposals to become law as part of the Constitution, require a long series of obvious failures by various parts of the governments of the United States. Critics on this point do not discuss these steps, because listing them makes the weakness of their argument apparent. Here are the necessary failures, in the necessary order, for a 'runaway' Convention to occur, and to have its proposals adopted as part of the Constitution:

- 1. Congress fails to act on the proposed amendment.
- 2. Congress calls for a Convention, but fails to limit its subject matter.
- 3. Any state, or possibly any individual, who feels that the Convention can and should be bound to limit, brings a



legal challenge and the Supreme Court either fails to act, or rules that the Convention is unlimited.

- 4. The Convention actually passes proposed amendments that are beyond its subject matter.
- 5. Congress submits the excessive amendments for ratification.
- 6. Another Supreme Court challenge is brought and lost by a dissatisfied state or individual.
- 7. Three-fourths of the states, by either their legislatures or special conventions, as Congress has required, ratify the excessive amendments.
- 8. Another Supreme Court challenge is brought and lost by a dissatisifed state or individual.

"In short, for a new Convention to constitute a 'runaway,' and for those results to become effective parts of the Constitution, the following American political institutions have to fail their duties not once but repeatedly: both Houses of Congress, the Supreme Court, and the legislatures of three-fourths of the United States. The only group of political institutions which would not have to fail would be the Presidency and the governors of the various states, since these people are not part of the amendment or ratification processes.

"The question of whether it is theoretically possible for all of these failures to occur must be answered yes. But the question of whether it is likely, or even remotely possible, has a different answer. It is a firm no." (The Right of Peaceful

Change: Article V of the Constitution, pp. 27, 28)

- Q. There are those who claim that once 34 states petition Congress for a convention, Congress is obliged to convene it. Convening it is mandatory. There is no discretion, even though many of the resolutions expressly give Congress itself time pact on the amendment, and only if Congress fails to act do those resolutions call for a convention. How do you respond to this?
- A. If a convention were automatically triggered by 34 resolutions, Congress long since would have had to convene a convention. Why? Because at the present moment there are pending before Congress applications from 39 separate states calling for a constitutional convention. It just happens that only 32 of those applications are on the same subject the balanced budget amendment. I believe the current situation demonstrates three important points:
- * First, the convention resolution process is not just a numbers game. You don't just count to 34. You must loo at the resolutions and see what they say. To trigger the process, the applications must focus on the same issue or issue area. No one I know, even those who would love to see a wid open convention, have demanded that Congress convene a convention. This can mean only one thing: the subject matter of the resolutions does count.

What the states want, and how they frame their resolutions, is what triggers the process. The only thing Congress is "obliged" to do is to receive, peruse and be guide

by the directives of the state resolutions. It is only thecoincidence of 34 resolutions which refer to the same subject matter, the same timing and procedures that initiates the convention process.

Second, those who profess fear that a convention might "run away" are caught in a very uncomfortable They certainly must acknowledge that Congress is contradiction. under no duty to convene a convention until 34 resolutions on the same subject have been received. But once that threshold has been achieved, they contend, Congress can no longer be guided by those applications and is obligated to convene a convention that is entirely absent any guidelines as to subject matter or, for that matter, any rules as to its conduct, etc. While the Constitution is silent as to the details of a convention, it is very clear as to who has the responsibility to convene it and, therefore, to shape it - Congress. Congress, which absolutely no institutional interest in convening a convention, let alone an open convention, will look to the resolutions and seek to make the scope of such a convention as narrow possible.

The question of state calls for a constitutional convention goes to the heart of the difference between a general convention and a limited one. Clearly, the states have the power, if they so choose, to call for a general convention. It would be unlimited in subject matter and could do all that the Philadelphia convention did. Those who oppose the balanced

budget amendment concede that the states can call for a general convention.

A limited convention, on the other hand, would be restricted to a certain subject. If, for instance, 34 states should decide that it was a good idea to reinstitute prohibition in the United States, they could call for a convention limited to the reconsideration of the 21st Amendment. But, what if 20 states called for that, and 20 others called for a convention to reconsider the 19th Amendment, because they didn't like the idea that women are able to vote? Can all those state calls be added together so as to require a convention?

The answer is absolutely not, and there are two ways to demonstrate it:

(1) In calling for a constitutional convention, the states are exercising a power explicitly granted to them by the Constitution. In so doing, the states are as much bound to obey the Constitution as are the President, the Congress, the Supreme Court, the Armed Forces, etc. They can only do what the Constitution allows them to do.

The power to call a convention is like the power to withdraw funds from a bank account. The depositor may withdraw all his money, or only part of it. A total withdrawal is the use of the total power, a general convention. But, if the states choose to make a "partial withdrawal", nothing occurs unless 34 of them agree on the amount of that withdrawal, i.e., the subject matter for a convention.

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(2) In its proposed Constitutional Convention Procedutes Bill, the Senate has explicitly recognized the power of the states to call for a limited convention. This Bill specifies that Congress first determine (as provided in Article V) that 34 states have requested a convention on a particular subject. Congress would call the convention, limiting the delegates to the subject found in at least 34 state calls.

"The idea that the Congress, which does not want any amendments other than its own, would deliberately choose a process that was totally open, is theoretically possible, but politically frivolous." (The Right of Peaceful Change: Article V of the Constitution, p. 24)

- * Lastly, in reviewing the balanced budget amendment resolutions, Congress will find in many of them an explicit grant of time (either specified or reasonable) following receipt by Congress of the 34 resolutions during which Congress may itself act on an amendment and obviate the need for a convention. If there were only one such "time capsule" resolution, it would have the effect of delaying the entire process, because there would not be 34 resolutions before Congress calling on it now to convene a convention. Once again, since the state resolutions are the engine that drives the convention process, the timing specified in those resolutions controls when Congress must act. And you can be sure Congress will not act before it must.
- Q. Some people believe that in seeking a constitutional conventon we are playing directly into the hands of a sinister,

conspiratorial group, waiting in the wings for a constitutional convention. They plan to take charge of such a convention and use it to make massive, fundamental changes in the structure of the U.S. Government, converting our Nation into a European parliamentary-style government.

A. These claims certainly bring the conspiracy theory behind a constitutional convention effort to new heights. If such a sinister plot existed, and if the people involved possessed the behind-the-scenes political clout suggested, they would long since have persuaded enough liberal state legislatures to approve the balanced federal budget state resolutions and would have manipulated the leadership of Congress to call an open convention with them in control.

From having been involved in the internal political combat in the legislatures of several states regarding the balanced federal budget resolution, I can assure you that the liberal forces are pulling all the stops in their efforts to prevent us from being successful. Now, either these liberal forces are unaware of the grand design for a formal reshaping of the government of the United States through a constitutional convention, or they don't believe it can happen. If this conspiracy were so well organized, deep rooted and politically powerful, certainly its leaders could have arranged a last-minute switch of votes in our favor, allowing us to win in several more states so they could get on with their program to subvert a constitutional convention. From the results to date, it seems

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like a pretty ineffective conspiracy.

One of the many ways in which Washington, D.C., is not typical of the entire Nation nor of its citizens in general is the existence in the Capitol of an incredible variety of very small, very weak and very strange special interest groups. They all have letterheads; they all have offices; they all have conferences from time to time.

There are even groups in Washington who think that the United States should change its government to a constitutional monarchy. If one worries about strange proposals floating around Washington, one can waste a lifetime chasing ghosts. The key question is, which trees in this forest of odd ideas have anything remotely approaching the kind of support that history has demonstrated is necessary to amend the Constitution?

The latest experience with amendments that failed are the Equal Rights Amendment and the D.C. Representation Amendment. The latter failed so miserably that the press has not gotten around to reporting it in full. The former failed narrowly, but its history is very instructive.

Depending on the polls you consult, the E.R.A. had the support of upwards of 100 million Americans. Yet, it missed by several states from obtaining ratification. Something more than the support of 100 million Americans will be necessary to change the United States into a "parliamentary democracy." Those who advance the conspiracy theory can easily point to a few misguided eggheads and would-be scholars who favor the idea. They do have

offices, and they have published a few papers.

But, this is the critical queston: Where are the 100+ million supporters of this idea? Where are even a million? Even 100,000? The fact is, there aren't enough Americans who are dumb enough to favor such an idea to make even a tiny blip in the most biased public opinion poll.

Conspiracies without followers are like generals without troops. Even if they exist, they are irrelevant. At most, they are curiosities lke the more exotic animals found in a zoo.

- Q. If we succeed in getting resolutions from 34 states or maybe more, what would you expect Congress to do?
- Initially, I suspect that some congressional leaders might try to "stonewall" the process by claiming that some of the resolutions are out of date, insufficiently precise, etc., trying to make a case that there are not the necessary 34 valid This would be a technical, legal response which applications. might buy a little time. But in my judgment, political considerations and realities would soon dominate the action, giving the upper hand to those responsible members of Congress who want fiscal discipline and to other members who, though less concerned about true fiscal discipline, are very sensitive to the politics of the issue and would not want to be perceived by their constituencies as thumbing their noses at the will of Together they would bring pressure that would American people. force Congress to take action.

- Q. What action do you think Congress would take? HIRIO
- A. There isn't the slightest question that Congress, when actually confronted with the need to take action either pass an amendment or convene a constitutional convention for that purpose would opt for the former. After all, when push comes to shove, Congress would rather have a hand in shaping an amendment that will control its fiscal practices than turn that responsibility over to "mere" citizens. Congress' reaction to state resolutions regarding the direct election of U.S. Senators is very instructive here.

Those who are familiar with the thinking processes of legislators concur that Congress would dispatch the issue itself. It isn't a "runaway" convention that strikes terror in the hearts of legislators. It is the specter of a "roughshod" convention—one that might propose severe penalties for failing to balance the budget, such as deducting any deficit from the operating budget of Congress, reducing congressional pay, slapping members in jail — or, worst of all, declaring all Senators and Representatives who presided over a deficit ineligible to run for re-election. I think the people of this country — and those elected to a convention — might be just angry enough to do something like this. The mere possibility that such might be the outcome assures that Congress itself would act.

The language of the Constitution itself contains the proof of this point. The third section of the 17th Amendment contains a grandfather clause to protect the incumbent, unelected

Senators as long as possible against the ravages of facing the electorate. A convention to write the amendment would not have been so kind to the Senators as they were to themselves.

The very threat that Congress' failure to agree upon an amendment might necessitate a convention is the best insurance that Congress will act. The real challenge to those of us fighting for the amendment will be to make sure that the design of the amendment is sound.

To repeat, I can't for the life of me see the U.S. Congress actually convening a convention on this issue, because we're talking about their life blood - money. They will dispatch the issue themselves.

CONCLUSON

Anyone who opposes the state resolution process must be prepared to accept blame for failure to achieve a balanced budget amendment, because the state process is essential to success. It is not enough to try to justify this opposition by claiming that the convention process constitutes a risk. One must reject reason, precedent, common sense, the plain meaning of words, the intentions of the Founding Fathers, political reality, and enter a conspiratorial fantasyland to arrive at a scenario of risk. Concurrently, one must ignore a real risk - the risk that continued deficits, overspending and outlandish federal fiscal practices will permanently damage our Nation. It is time to join together to put an end to the real risk, rather than letting a phantom risk divide and conquer us.

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Above all, we must remember that it was the Founding Fathers themselves who in their wisdom included in the Constitution the convention method of proposing amendments. They knew exactly what they were doing. They gave us the power to shape our own destiny. Why on earth should we reject it?

The moral case for a balanced budget

By Joseph S. Fulda

There is much talk about balanced budgets, but the talk is about figures when it should be about values, about the economic consequences of imbalance when it should be about its moral propriety. The compelling moral case for a balanced buget—against both deficits and surpluses—deserves wider attention.

The earliest American champion of fiscal integrity, Thomas Jefferson, reasoned that, "every generation coming equally, by the laws of the Creator of the World, to the free possession of the earth He made for their subsistence, unencumbered by their predecessors, who, like them, are but tenants for Life, ... the principle of spending money to be paid by posterity, under the name of funding, is but swindling futurity on a large scale."

With such a principled and honorable heritage, the several-trillion-dollar debt we will leave posterity is a betrayal of our origins. We Americans once boldly declared our Republic founded "to secure the blessings of liberty to ourselves and posterity," yet today we leave each other and our children for generations to come to work off our debts and to labor because of our continuing prodigality. We Americans, who once chafed at the thought that in a land far away others taxed us without our consent, today readily tax those of a time still to come who are not here to withhold their consent and are unable to say nay. What could be plainer than that every bond issue, every deficit, and every "multiplication of the public debt," as it used to be called, amounts to taxation without tebresentation, the very principle against which this pation revolted?

Joseph S. Fulda is assistant professor of computer science at Hofstra University. This article is reprinted from the March issue of The Freeman, a monthly journal published by the Foundation for Economic Education Inc., Irvington-on-Hudson, N.Y.

It is not prudence or temperance alone, always good qualities in government, that impels us to forswear deficit financing. It is a matter of right.

The case against surpluses dates to antiquity, as witness the biblical injunction against the accretion of royal wealth [Deuteronomy 17:16-17]. This not only helped preserve the king's character, it served to check depredations of his subjects. More important, though, and along with the similar injunction against an excessive cavalry, it served to limit his military adventures. The original war chest, accumulated over a long reign by an annual excess of revenues over expenditures, made possible foreign adventures which would have been quite unthinkable if financing them were to have required sudden, confiscatory taxation. As Jefferson remarked, "The present system of war renders it necessary to make exertion far beyond the annual resources of the State, and to consume in one year the efforts of many.

Today, the adventures of state are as often social and domestic as military and foreign, but the principle remains. Governments exist, as John Locke declared, to preserve our property, not to take it from us and store it for some future, unknown mischief. That being so, government is limited to raising revenues for its constitutional purposes.

The argument against surpluses does not apply to the discharge of the public debt, nor does that against deficits apply to the diminution of public reserves. The moral imperative with which we are faced is for surpluses to gradually eliminate the national debt. But such surpluses must be generated in a manner consistent with our tradition of liberty—by still further tax rate and regulatory reductions, real fiscal restraint [including the wholesale elimination of wasteful government programs], privatization of government enterprises and the sale of unneeded government properties, not by increased government exactions and confiscatory taxation. That is the course Jefferson pursued while in public office, and it is the road we must try to regain.

DATE 3-16-8-7

DRL NO. H3RID

ADRIAN M. FOLEY, JR.

ADRIAN M. FOLEY, JR. was born January 16, 1922 in Bartlett, North Dakota. He is a graduate of St. Benedict's Preparatory School and graduated from Seton Hall University with a Bachelor of Science Degree, Cum Laude, in 1943.

He served as a First Lieutenant, Navigator, flying B-24's with the Fifteenth Army Air Force in Italy.

He attended Columbia Law School and was graduated in 1947. Thereafter he was admitted to the Bar of the State of New Jersey, the United States District Court and the United States Supreme Court. He has practiced law in New Jersey ever since and is presently a Partner in the law firm of Connell, Foley & Geiser in Newark, New Jersey.

He resides at Forest Way in Essex Fells, New Jersey with his wife, the former Mary Virginia Malone of Montclair, New Jersey. They are the parents of four children--Adrian M., III, Dianne V. (Mrs. Bruce Hearey), Corrine M. (Mrs. Robert Errico) and Christopher E.

Delegate to the American Bar Association House of Delegates, including twelve years of service as the State Delegate from New Jersey, he was elected to the Board of Governors of the Association for the term August, 1976 to August 1979. He has been a member of numerous committees of that Association including the Special Constitutional Study Committee, and has served as Chairman of the Section of Litigation (1983-1984) and also as Chairman of the Commission on Advertising (1979-1985).

He is a permanent Delegate to the Third Circuit Federal Judicial Conference.

Recognition of his forensic ability was confirmed by his election to the American College of Trial Lawyers. Additionally, he is a Fellow of the American College of Probate Counsel and the American Bar Foundation. He is also a member of the American Law Institute.

At age thirty-two, he was elected Surrogate of Essex County and served in that position until his retirement in 1959.

He has served on many legislative committees and commissions, including a Special Commission Studying the Abolition of the Death Penalty. The Commission was made up of members of both Houses of the Legislature and Gubernatorial appointments.

By appointment of the Governor in 1961, he became Chairman of a Committee of the New Jersey State Legislature which had as its purpose the codification of the insurance laws of the State of New Jersey--the Insurance Law Review Commission.

In the year 1966, he was elected President of the Fourth Constitutional Convention of the State of New Jersey. That election was made up of elected delegates who were evenly divided between Democratic and Republican members. He served as its Presiding Officer throughout the deliberations of the Convention.

He was appointed as the first Treasurer and Chief Financial Officer of the New Jersey Sports & Exposition Authority by Governor William Cahill in 1971 and subsequently reappointed by Governor Brendan Byrne. As the non-salaried Chief Financial Officer of the Authority, he was directly in charge of the capital funding of a \$302 Million Bond Issue which enabled the Authority to build the Giants Football Stadium and the Meadowlands Racetrack, the most successful venture of its kind in the entire country.

He formerly served as a member of the Board of Trustees of Seton Hall University and presently is a member of the Board of Visitors of Columbia University. He is a member of the Board of Trustees of Saint Peter's College.

Active in charitable affairs, he was a Trustee of the American Institute of Mental Studies for more than fifteen years. He is a Knight of Malta and a Knight of St. Gregory.

Public recognition has been accorded him by many diverse organizations, among which are the following:

Recipient of the Louis Brandeis Award - Zionist Organization of America.

St. Benedict's Preparatory School - Athletic Hall of Fame.

Man of the Year Award - National Football Hall of Fame.

Man of the Year Award - West Essex Chamber of Commerce.

Brotherhood Award - National Conference of Christians and Jews.

Man of the Year Award - National Jewish Hospital at Denver.

Seton Hall University - Distinguished Alumnus Award

He serves as counsel to and President of the New Jersey State Golf Association.

He is a member of the Board of Directors of the Prudential Life Insurance Company and serves as Chairman of the Finance Committee of that Board, and also serves as a member of the Board of Directors of Kay Elemetrics, a New Jersey corporation.

RUSSELL L. DONLEY, III

DATE 3:16.8:7 BILL NO. H3R10...

PERSONAL

Born: February 3, 1939 in Salt Lake City, Utah

Parents: Russell L. Donley, Jr. and Leona (Sherwood) Donley

Married: Karen Kocherhans on June 4, 1960

Children: Tammera Sue, Tonya Kay and Christina Lynn Religion: Church of Jesus Christ of Latter Day Saints

Home: 1140 Ivy Lane, Casper, Wyoming 82609

Office: 240 S. Wolcott, Suite 234, Casper, Wyoming 82601

EDUCATION

University of Wyoming - B.S.C.E. with honors 1957-1961 University of Florida - M.S.E. (Water Treatment and Sewage) 1961-62

PROFESSIONAL EMPLOYMENT

Western Engineers and Architects, Inc. - 1955 through April 1983 Russell L. Donley and Associates, Inc. - April 1983 to June 1984 Self Employed - June 1984 to date

CREATIVE WORKS

"Coagulation of Clay Turbidity with a New Synthetic Cationic Polyelectrolyte" (1962 - Masters Thesis - University of Florida)

"Don't Make Montana's Mistakes" (March 1980 - Wyoming Mining Claim)

PROFESSIONAL ASSOCIATIONS

Registered Professional Engineer and Land Surveyor in Wyoming Registered P.E. in New York, New Jersey, Montana and Colorado Member of or former member of: American Water Works Association, Wyoming Engineering Society, American Consulting Engineers Council, Wyoming Association of Consulting Engineers and Surveyors, National Society of Professional Engineers.

LEGISLATIVE POSITIONS

Wyoming State Representative 1969-84
Speaker of the House 1983-84
Speaker Pro Tem 1981-82
Majority Floor Leader 1979-80
Chairman of the Rules Committee 1983-84
Chairman of the Management Council 1983
Chairman of the Appropriations Committee 1975-78
Member of the Rules Committee 1973-84

Russell Donley Biography Page 2

OTHER MEMBERSHIPS

3-1657 HSR10

President of the Casper Family YMCA 1976-77
Chairman of the Wyoming Young Republicans 1967-68
Boy Scout Leader 1981-82
National Conference of State Legislators, Western Region:
 Immediate Past Chairman 1983-84
 Chairman 1982-83
 Chairman Elect 1981-82
 Vice Chairman 1980-81
National Center for Constitutional Studies:
 Chairman of the Board 1984-March 1, 1986
 Board of Directors 1983-March 1, 1986
Area Director 1980-83

HONORS

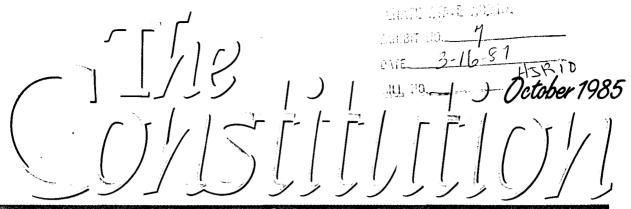
"Legislator of the Year" Award 1981
(Selected by National Republican Legislators Association)
Distinguished Wyoming Engineer 1976
Wyoming Distinguished Young Engineer 1974
CEC Award for Engineering Excellence 1969

BIOGRAPHICAL LISTINGS

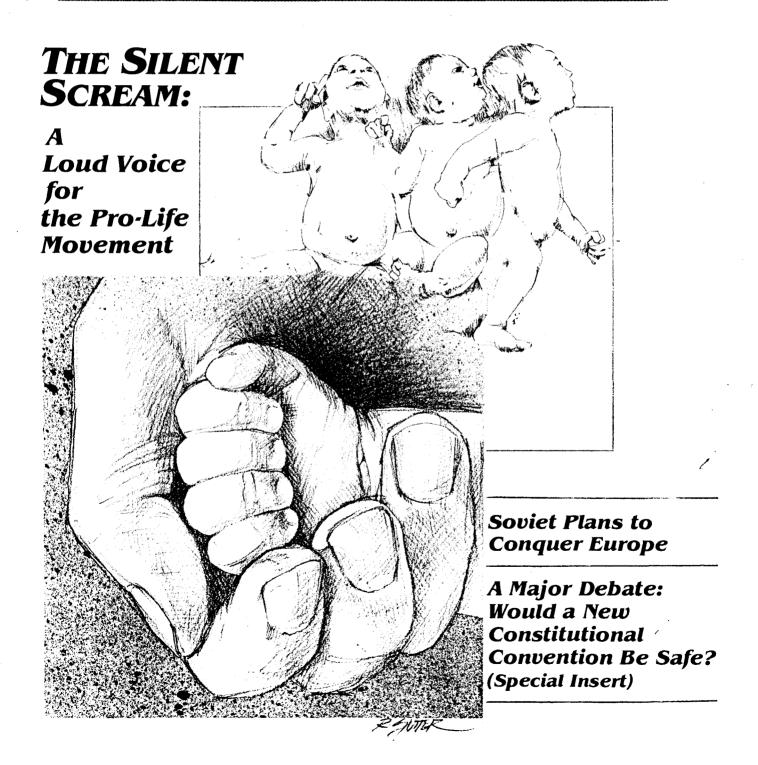
Marquis Who's Who in America Marquis Who's Who in the West Dictionary of International Biography Who's Who in American Politics

HOBBIES

skiing, running backpacking, fishing, reading



THE VOICE OF THE NATIONAL CENTER FOR CONSTITUTIONAL STUDIES



Can "Star Wars" Defend America?

The Role of Women in Healing America

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Dr. Skousen Meets with the U.S. **Bicentennial Commission**

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Orchestrated Propaganda in the United States?

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Can Free Government Survive Without Religion?

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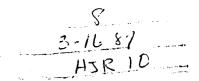
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Constitutional Studies

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

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DIFASE	LEAVE ANY	PREPARED	STATEMENTS W	ITH THE	COMMITTE	E SEÇRETAR



SENATORS, MY NAME IS DICK BRIDEGROOM. I AM A RESIDENT OF HELENA, AND I AM A MEMBER OF THE MONTANA JAYCEES IN WHICH I HOLD THE OFFICE OF VICE PRESIDENT.

THE MONTANA JAYCEES, AN ORGANIZATION OF 2800 MEMBERS IN 57
DIFFERENT COMMUNITIES IN OUR STATE, IS IN FAVOR OF THE BALANCED
BUDGET RESOLUTION. SINCE LAST JUNE, THE JAYCEE ORGANIZATION HAS
BEEN WORKING ON THE BALANCED BUDGET CONCEPT ALONG WITH ALL OF THE
OTHER STATES IN THE UNION. WITH MONTANAN'S EFFORTS, WE HAVE SENT
THOUSANDS OF SIGNATURES, PHONE CALLS, TELEGRAMS, AND CARDS AND
LETTERS TO OUR SENATORS AND CONGRESSMEN IN WASHINGTON AS WELL AS
TO OUR ELECTED OFFICIALS HERE IN HELENA.

THE MONTANA JAYCEES HAVE BEEN RECOGNIZED BY THE UNITED STATES

JAYCEES AS THE TOP STATE IN THE NATION FOR ITS INVOLVEMENT IN THE

BALANCED BUDGET AMENDMENT PROCESS. MONTANA PEOPLE BELIEVE IN THIS.

SENATORS, THE YOUNG PEOPLE OF MONTANA AS WELL AS AMERICA WANT A FEDERAL BALANCED BUDGET. YOU ARE TALKING ABOUT OUR FUTURE, OUR CHILDREN'S FUTURE, AND THE FUTURE OF AMERICA. THE NATION, AS WELL AS MONTANA CAN NOT GO ON WITH UNCONTROLLABLE SPENDING.

RIGHT NOW, WE HAVE OVER A 200 BILLION DOLLAR A YEAR DEFICIT,
AND A NATIONAL DEBT OF OVER 2 TRILLION DOLLARS. OUR CHILDRREN,
UPON GRADUATING FROM HIGH SCHOOL, CAN EXPECT TO PAY AN ADDITIONAL
\$90,000.00 IN TAXES IN THEIR LIFE TIME, JUST FOR THE NATIONAL DEBT.

WE PAY MORE TAXES TODAY, IN THE FORM OF INTEREST, THAN JOHN F. KENNEDY DID FOR HIS ENTIRE FEDERAL BUDGET BACK IN 1961, 133 BILLION DOLLARS. TODAY, FOR EVERY DOLLAR THAT WE SPEND ON TAXES, WE ONLY GET 77¢ WORTH OF SERVICES. HOW CAN WE CONTINUE TO ACT SO UNRESPONSIBLE?

THE JAYCEES DO NOT WORRY ABOUT A RUN-A-WAY CONSTITUTIONAL CONVENTION. THE FAST MAJORITY OF LEGAL SCHOLARS BELIEVE THAT A CONSTITUTIONAL CONVENTION CAN AND WILL BE HELD TO A SINGLE ITEM, BUT EVEN IF THE LEGAL SCHOLARS ARE WRONG, WE BELIEVE THE CONSTITUTION OF THE UNITED STATES IS STRONG ENOUGH TO SURVIVE, AND THAT RADICAL MOVES WILL NOT BE ABLE TO BE PUT IN OUR CONSTITUTION. YOU MUST REMEMBER THAT ANY PROPOSED AMENDMENT TO THE CONSTITUTION MUST BE SENT BACK TO THE STATES FOR RATIFICATION BY THE STATE LEGISLATURES. A 3/4 MAJORITY OF ALL STATES MUST BE GAINED FOR RATIFICATION OF ANY AMENDMENT. SO, IT IS IMPRACTICAL TO SEE HOW A RADICAL AMENDMENT COULD GET ANYWHERE.

WE, OF THE MONTANA JAYCEES, URGE YOU TO VOTE FOR THE BALANCED BUDGET RESOLUTION, TO NOT GIVE IN TO SPECIAL INTEREST GROUPS, AND TO THINK OF MONTANA'S FUTURE. THE RUN-A-WAY NATIONAL DEBT MUST BE STOPPED, NOW! IT IS OUR DUTY TO TELL WASHINGTON TO QUIT SELLING OUR CHILDREN'S FUTURE. VOTE YES FOR "H.J.R. 10".

THANK YOU.

8 3-16-87 H3R10

DICK BRIDEGROOM
MANAGEMENT DEVELOPMENT VICE PRESIDENT
MONTANA JAYCEES



MONTANA ASSOCIATION OF REALTORS®

EXECUTIVE OFFICE 910 HELENA AVENUE HELENA, MONTANA 59601 TELEPHONE: (406) 443-4032 IN MONTANA CALL TOLL FREE 1-800-421-1864

STRATE SHITE ADMINE.

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	HJR 10	3-16-87
	MARCH 16, 1987	COMMITTEE HSRID
SENATE	STATE ADMINISTRATION	COMMITTEE

The MONTANA ASSOCIATION OF REALTORS® believes that the Montana State Legislature must act favorably upon HJR 10 and must do it now. Congress has already demonstrated that it will not act to reduce the deficit unless the states demand it. The federal budget has been balanced only seven times in the last 50 years and only once in the last 25. Each Montana child already faces an extra \$70,000 in taxes over his lifetime just to pay the interest on our \$2.3 trillion plus debt and each year we delay adds another \$7,000 to each child's lifetime obligation.

Our nation's economic health is threatened by a continuation of enormous deficits and the burden of servicing the national debt. The 1986 deficit was 72% of the net domestic savings in 1986. This excessive demand for funds by the Federal government leaves only 28% of savings available for homebuyers and other investors. All of this means higher interest rates, more expensive housing, dried up private investment, and fewer jobs.

It is projected that the debt will reach 44% of GNP in 1988. Next year we will have already spent almost half of what we will produce. 14% of the 1987 Federal budget was only the interest on the debt.

Montana Legislators know better than any of us today that governments, not just individuals, cannot continue to spend more than they earn.

- With one exception, Congress has always acted in the past to draft the proposed amendment and pre-empt a constitutional convention.
- If the convention acts outside its scope, a single state can bring suit before the Supreme Court to prevent the convention from so acting.
- Finally, the amendments must be ratified by thirty-eight states. Just thirteen states can block any proposed change.

The MONTANA ASSOCIATION OF REALTORS®, therefore, strongly urges a favorable vote on HJR 10 from the members of this committee and the Montana State Senate. Balancing the Federal budget is critical to the economic health of America now and in the future.

NAME: Line Harring	DATE: 3-16-37
ADDRESS: AF LEW SINGS	
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	HJRID

BALANCED BUDGET AMENDMENT

REMARKS BY UNITED STATES SENATOR DANIEL J. EVANS

MARCH 16, 1987

I suspect that a number of you in this audience wonder why a Senator from the State of Washington should come to Montana to speak about the proposed Balanced Budget Amendment to our federal constitution. I don't blame you. But I have good reasons for being here.

Two things motivated this appearance. First, I believe strongly that we should consider amending the United States Constitution -- our basic charter of government -- only to resolve fundamental national questions and only after we have exhausted other options to solve them.

SECOND, IN 12 YEARS AS GOVERNOR OF WASHINGTON AND SEVEN YEARS AS PRESIDENT OF A STATE COLLEGE, I DEVELOPED MORE EXPERIENCE IN MAJOR PUBLIC BUDGET MAKING THAN ANY OTHER SITTING MEMBER OF CONGRESS.

I do believe the federal budget should be balanced. But a Balanced Budget Amendment should be considered only as a last resort. Legislating deficit reduction should be tried before we mandate it constitutionally.

IN 1985 WE TOOK A BOLD LEGISLATIVE STEP TOWARD FISCAL SANITY BY PASSING THE GRAMM-RUDMAN-HOLLINGS DEFICIT REDUCTION BILL. IT IS JUST NOW BEGINNING TO PAY DIVIDENDS. LET'S LET IT WORK.

A FOG OF CONFUSION SURROUNDS THE GRAMM-RUDMAN-HOLLINGS LAW. MOST OF THE CONFUSION RESULTS FROM FOCUSING ON THE COMPLEX PROCEDURES OF THE BILL RATHER THAN THE RELATIVELY SIMPLE SUBSTANCE. ALL THAT GRAMM-RUDMAN-HOLLINGS DOES IS SET A SERIES OF DECLINING, FIXED, DEFICIT TARGETS. IT DOES NOT REQUIRE THAT WE CUT FEDERAL PROGRAMS OR RAISE TAXES. TO AVOID ACROSS-THE-BOARD BUDGET CUTS, ALL THAT IS NECESSARY IS TO ADOPT A BUDGET THAT WILL TAKE US WITHIN 10 BILLION DOLLARS OF THE ESTABLISHED TARGETS.

In the current 1987 fiscal year, the first full year to which Gramm-Rudman-Hollings has applied, it appears we have finally begun to beat back the waves of debt that threatened to drown us all in a sea of red ink. For this year, federal spending (adjusted for inflation) will actually decline by 2.3 percent compared with last year. That is the largest decline in real federal spending in more than 30 years.

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There is more good news. After peaking in fiscal year 1986 at 17.7 percent, debt service as a percentage of federal income will decline for the first time in a decade.

WITH DEFICITS STILL EXCEEDING 150 BILLION DOLLARS, IT IS CLEAR THAT WE HAVE NOT WON THE WAR. BUT OUR SUCCESS IN THE MOST RECENT BATTLES BODES WELL FOR THE FUTURE.

So, why do we need a Balanced Budget Amendment? Proponents suggest that the only way really to control federal spending is to constitutionally constrain Congress.

BUT AMENDING THE CONSTITUTION IS NO PANACEA. NO MATTER HOW CAREFULLY WRITTEN, AN AMENDMENT WILL NOT BE AN IMPEDIMENT TO DEFICIT SPENDING WITHOUT THE COOPERATION OF ELECTED OFFICIALS COMMITTED TO FISCAL RESPONSIBILITY. IN THE END, NO LAW OR CONSTITUTIONAL PROVISION IS AS IMPORTANT TO SUCCESS AS A GOOD DOSE OF POLITICAL COURAGE.

Many suggest that the Federal Government should follow the example set by the 49 states that mandate balanced budgets. If we kept our books at the federal level as we do at the state level, such a suggestion would merit serious consideration.

BUT WE DON'T. I KNOW SO WELL THE BUDGETARY AND ACCOUNTING LEGERDEMAIN PRACTICED BY MANY OF OUR LOCAL AND STATE GOVERNMENTS FROM MY DAYS AS GOVERNOR OF THE STATE OF WASHINGTON. STATE AND LOCAL GOVERNMENTS PIOUSLY PROCLAIM FULL COMPLIANCE WITH THE VARIOUS CONSTITUTIONAL PROVISIONS MEANT TO INSURE BALANCE.

YET FROM 1980 TO 1985 STATE AND LOCAL DEBT GREW BY \$235 BILLION -- FROM \$336 TO \$571 BILLION. IN THE STATE OF MONTANA PUBLIC DEBT GREW DURING THAT PERIOD FROM \$310 MILLION TO \$745 MILLION.

WHY? BECAUSE STATES COMMONLY PROVIDE FOR CAPITAL BUDGETING, A PROCEDURE UNKNOWN AT THE FEDERAL LEVEL. LIKE INDIVIDUALS AND CORPORATIONS, STATES MAKE PROVISIONS IN THEIR ANNUAL BUDGETS ONLY FOR THE YEARLY COSTS OF SERVICING THEIR DEBT. YET, THE FEDERAL BUDGET MAKES NO DISTINCTION BETWEEN CAPITAL SPENDING AND OPERATING EXPENSES.

COULD YOU BALANCE YOUR YEARLY FAMILY OR FARM BUDGETS IF YOU WERE REQUIRED TO COUNT AS DEBT THE TOTAL COST OF YOUR HOME OR FARM INSTEAD OF JUST YOUR ANNUAL MORTGAGE PAYMENT? IF YOU CAN, PLEASE SEE ME AFTER THE SPEECH!

Michael J. Boskin, Professor of Economics at Stanford University, has recently concluded an intriguing study of how private companies would fare if forced to adopt the accounting procedures used by the federal government. In 1984, General Motors achieved

3-16-5-7 BILL 110. HSRIC

EARNINGS PER SHARE OF \$14.22. However, under Federal accounting practices General Motors would have lost \$4.82 per share.

This does not mean a balanced budget is not an important goal. It does mean that the definition of "balanced budget" is imprecise and can depend significantly on such procedural matters as how we keep the books.

OF ALL THE DANGERS ASSOCIATED WITH THE PUSH FOR A BALANCED BUDGET AMENDMENT, NONE CONCERN ME MORE THAN THE POTENTIAL MISCHIEF THAT COULD RESULT FROM A CONSTITUTIONAL CONVENTION. PROPONENTS OF THE AMENDMENT ASSERT THAT WE CAN LIMIT THE AGENDA OF ANY CONSTITUTIONAL CONVENTION SO THAT WE CONSIDER A BALANCED BUDGET AMENDMENT ONLY. I DON'T BELIEVE THE EVIDENCE SUPPORTS SUCH A CLAIM. IN FACT, A REVIEW OF HISTORY SUGGESTS THAT LIMITING THE AGENDA OF A CONSTITUTIONAL CONVENTION MAY BE IMPOSSIBLE.

THE FIRST CONSTITUTIONAL CONVENTION IN OUR HISTORY GREW OUT OF THE ANNAPOLIS CONVENTION CONVENED IN SEPTEMBER, 1786. ALTHOUGH ALL THIRTEEN STATES HAD BEEN INVITED TO SEND REPRESENTATIVES THE ANNAPOLIS CONVENTION, ONLY FIVE STATES ATTENDED -- TOO FEW TO TAKE ANY DECISIVE ACTION.

The principal accomplishment of this convention was a recommendation to the Continental Congress that all 13 states approint delegates to a convention to be held in Philadelphia "on the second of May next, to take into consideration the trade and commerce of the United States."

A number of representatives to the Continental Congress feared that a runaway convention might result. The Congress responded by attempting to limit the agenda of the convention. A resolution was passed stating that the convention would be held "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures." Additional protections against a runaway convention already were part of the then existing charter of government.

BUT DESPITE THE EXISTENCE OF A CAREFULLY STRUCTURED LEGAL FRAMEWORK DESIGNED TO LIMIT THE AGENDA OF THE CONSTITUTIONAL CONVENTION, THE LIMITS WERE BREACHED.

One year after the first constitutional convention was adjourned James Madison reflected on what had transpired there. "Having wit-nessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a second."

I CAN ONLY HOPE THE MONTANA STATE SENATE WILL TAKE MR. MADISON'S COMMENTS TO HEART. WE SHOULD NOT UNDERESTIMATE THE POTENTIAL FOR

11 3-16-87 HZRIO

DAMAGE IF A CONSTITUTIONAL CONVENTION IS CALLED AND WE FIND THAT THE LEGAL RESTRICTIONS WE HAVE IMPOSED DO NOT SERVE TO LIMIT THE AGENDALIKE MR. MADISON, I TREMBLE AT THE THOUGHT OF A CONSTITUTIONAL CONVENTION. WE SHOULD TAKE SUCH A STEP -- IF EVER -- ONLY AFTER THE MOST CAREFUL CONSIDERATION.

YET, MANY OF THE 32 STATES WHICH TO DATE HAVE CALLED FOR A CONSTITUTIONAL CONVENTION HAVE ACTED WITHOUT DUE DELIBERATION. A 1978 STUDY ASSESSED THE LEGISLATIVE ACTION TAKEN IN THE 21 STATES WHICH FIRST PASSED PETITIONS. OF THOSE STATES, ONLY SIX ISSUED LEGISLATIVE COMMITTEE REPORTS EXPLAINING THE PROPOSED ACTION; THE PUBLIC WAS ALLOWED TO TESTIFY IN HEARINGS BEFORE THE LEGISLATURES IN SIX; AND IN TWO STATES NO COMMITTEE CONSIDERED THE PETITION BEFORE IT WAS PASSED BY THE LEGISLATURE.

These findings suggest that political -- not public policy -- considerations were paramount in those states which acted earliest. But when it comes to the Constitution, we should resist the urge to act precitously. As Chief Justice John Marshall said in 1819, "we must never forget it is a constitution we are expounding ... a constitution intended to endure for ages to come."

SINCE THE ADOPTION OF OUR BILL OF RIGHTS ALMOST 200 YEARS AGO, ONLY 16 AMENDMENTS TO THE CONSTITUTION HAVE BEEN ADOPTED. EIGHT WERE MINISTERIAL AND ONLY SIX DEALT WITH FUNDAMENTAL CITIZEN RIGHTS.

The remaining two, both dealing with Prohibition, are the exceptions. The 18th Amendment introduced Prohibition in 1920. By outlawing a common practice that was increasingly accepted in social custom, the amendment worked to foster a national binge of crime and corruption. It was repealed, with a collective sigh of relief, in 1933 by the 21st Amendment.

The 18th Amendment was not only a scar on the face of our Constitution, but also an embarrassment to us as a free people committed to personal liberty. And the Ironic thing about Prohibition is that drinking, supposedly the target of the 18th amendment, was never outlawed. It was perfectly constitutional to get drunk throughout the Roaring Twenties. What was prohibted by the amendment was the "manufacture, sale, or transportation" of spirits.

PROPONENTS OF THE AMENDMENT SCREAMED "KEEP US FROM DRINKING". BUT THEY FOUND THAT A CONSTITUTIONAL PROSCRIPTION WAS INEFFECTIVE ABSENT THE PERSONAL WILL TO STOP.

I FIND AN UNNERVING PARALLEL BETWEEN THE 18TH AMENDMENT AND THE BALANCED BUDGET AMENDMENT. PROPONENTS OF THE AMENDMENT SCREAM, "KEEP US FROM SPENDING". BUT THEY IGNORE THE FACT THAT POLITICAL WILL IS THE REAL KEY TO ACHIEVING BUDGETARY BALANCE.

11 3-16-8-1 HSKIU

WHAT WILL HAPPEN IF WE TAKE THE ARTIFICIAL ROUTE OF AMENDMENT AND CONSTITUTIONALLY MANDATE BALANCED BUDGETS? UNDOUBTEDLY, A BALANCED BUDGET AMENDMENT WILL FORCE DRAMATIC REDUCTIONS IN FEDERAL SPENDING, EVEN IF TAXES ARE INCREASED AS WELL. HOW WOULD THAT AFFECT MONTANA?

FIRST, FEDERAL FARM AID TO MONTANA IS GREATER THAN THE ENTIRE MONTANA STATE GENERAL FUND BUDGET. AND IT IS EQUAL TO NEARLY 80 PERCENT OF ALL PROPERTY TAX REVENUES RAISED IN MONTANA. WILL THE ECONOMY OF THE STATE OF MONTANA BE ABLE TO WITHSTAND THE SHOCKS OF THELIKELY WILD SWINGS IN FEDERAL SPENDING?

SECOND, THE CITIZENS OF MONTANA, LIKE THE CITIZENS OF EVERY OTHER STATE, WOULD SUFFER THE STRAIN OF THE PROFOUND POLITICAL TURMOIL GENERATED BY THE SUPERMAJORITY VOTING REQUIREMENTS SET FORTH IN THE BALANCED BUDGET AMENDMENT MOST RECENTLY CONSIDERED IN THE UNITED STATES SENATE. THOSE PROVISIONS WOULD MAKE IT POSSIBLE FOR SENATORS REPRESENTING ONLY 13 PERCENT OF OUR CITIZENS TO EFFECTIVELY CONTROL NATIONAL BUDGET AND TAXING POLICY.

This year we celebrate the 200th birthday of the United States Constitution. Our Constitution has endured during those two centuries because we have respected its fundamental principles. We cannot afford to indulge in uncertain experiments when this precious document is involved.

TINKERING WITH THE FUNDAMENTAL PRECEPTS OF THE CONSTITUTION TO MANDATE FISCAL POLICY COULD RESULT IN AN EVEN GREATER NATIONAL HAN-GOVER THAN RESULTED FROM ATTEMPTS TO MANDATE SOCIAL POLICY THROUGH PROHIBITION. PROHIBITION DIDN'T KEEP US FROM DRINKING AND A BALANCED BUDGET AMENDMENT WON'T KEEP US FROM SPENDING. A DRUNK WILL ALWAYS FIND A BOTTLE AND A SPENDER WILL ALWAYS FIND A WALLET.

Words on paper, even the paper of the Constitution, won't keep the wallet closed. The wallet is in our hands, and only through courage, determination, and the eternal vigilance of our citizens can we keep control of it.

(This sheet to be used by those testifying on a bill.)
AME: Hyllis Schlafly DATE: 3-16-87
DDRESS: 68 Faismount, alton 20 62002
HONE: 618-462-5415
REPRESENTING WHOM? Engle Forum (natival, pro family organization
APPEARING ON WHICH PROPOSAL: Ht les 10
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COMMENT: written + oral testimony provided
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A CALL FOR A CONSTITUTIONAL CONVENTION? STATEMENT TO THE MONTANA SENATE

by Phyllis Schlafly
March 16, 1987

12. 3-16-87 HSR10

Others have come before you and predicted that, if you pass a resolution calling for a Constitutional Convention, you will FORCE Congress to pass a Balanced Budget Amendment.

That's not a good argument because a good end does not justify a bad means. Even, assuming that a Balanced Budget Amendment is a good end, it does NOT justify plunging our nation into the constitutional chaos, confusion, and controversy of an unprecedented Constitutional Convention, for which there are no rules or guarantees, thereby causing the risk that the Convention might decide to rewrite our entire Constitution and change our structure of government.

The advocates of a Constitutional Convention say the odds are against that happening. That's like playing Russian Roulette.

The odds are really very good in Russian Roulette; you have five chances out of six you will not kill yourself. But society calls it murder because reasonable people don't take that kind of risk with life, and we shouldn't take that kind of risk with something so precious as our Constitution.

You have been told that your vote for a Constitutional Convention will FORCE Congress into making a choice between voting out a Balanced Budget Amendment and calling a Constitutional Convention. That is NOT true. Congress does NOT have this option. Article V mandates that Congress "SHALL" call a Constitutional Convention if 34 states request it.

Even if Congress did have an option, I don't believe the current Congress would choose a Balanced Budget Amendment. The current House Democratic leadership is adamantly opposed to a Balanced Budget Amendment with any tax-limitation, and those men play hard-ball politics. Rather than passing a Balanced Budget Amendment that would be speedily ratified by the states, it would make more sense from their point of view to toss it to the "wolves" of a Constitutional Convention where a Balanced Budget Amendment would meet an uncertain fate, and where public reaction against unsatisfactory procedures and results could be blamed on the conservatives who forced our country into such confusion.

Let's consider some of the unanswered questions involved in a Constitutional Convention. How would the delegates be elected? The most frequently talked about method is to follow the same pattern as Congress, with one delegate from each Congressional district. The probable winner in each delegate contest would be the one with highest name I.D., and that means that the media would exercise undue influence. Political reality means that all the special-interest groups would organize to elect their friends. Anybody who thinks that delegates would be elected solely on the Balanced Budget issue just doesn't understand grassroots politics. The NEA would work for those who support the liberal NEA agenda. Pro-life groups would vote for candidates on the basis of their single issue, abortion; no one could deny them that right.

Then, when the Constitutional Convention is convened, the factions would bargain with each other: "You support our amendment and we'll support yours."

Last week, an article in the WALL STREET JOURNAL recommended that delegates to a Constitutional Convention be appointed by the nation's 50 Governors. That's just one example of the undemocratic procedures currently concocted by those who want to plunge us into a Constitutional Convention.

The real truth is that nobody knows how the delegates would be elected.

Nobody has the least idea what the rules of a Constitutional Convention would be. As a practical matter, there would be no way to keep the delegates from bargaining with each other to make their own rules and set their own agenda. For example, it is simply not realistic to think that the pro-lifers can be silenced and prevented from insisting on consideration of their amendments and proposals.

The advocates of a Constitutional Convention say that the agenda can be limited — but, no matter how many lawyers they cite, there is absolutely no way they can guarantee a single—issue agenda. Some of the most prestigious authorities in the country say it is impossible to limit the agenda. There is no higher authority than retired Chief Justice Warren Burger who said recently in Detroit, "There is no way to put a muzzle on a Constitutional Convention." The Stanford Law School Professor whose textbook is currently used in two-thirds of U.S. law schools, Gerald Gunther, said that, even if Congress tried to limit the Convention to one subject, the delegates could decide for them—selves that the Convention "is entitled to set its own agenda."

President Reagan, in talking about a proposed Constitutional Convention, said, "once it's open, it could take up any number of

things." Senator Barry Goldwater said he was "totally opposed" to a Constitutional Convention beause it might run wild and "we may wind up with a Constitution so far different from that we have lived under for 200 years that the republic might not be able to continue."

The advocates of a Constitutional Convention try to deny that a runaway Convention could happen -- but they canNOT deny the RISK of a runaway Convention. We don't think our great Constitution should be exposed to that risk.

Groups on both the right and the left are proposing major constitutional changes. As reported by the NEW YORK TIMES on January 11 and by Montana's own Constitutional Connections Committee, a powerful group called the Committee on the Constitutional System wants to eliminate our Separation of Powers and change us into a European parliamentary-style government. These men are openly saying that "the best way to honor the framers of the Constitution during this Bicentennial era is to follow their example."

And what is that example? The Constitutional Convention of 1787 was called for the exclusive purpose of amending the Articles of Confederation and, once the Founding Fathers assembled in Philadelphia, they threw out the Articles of Confederation and wrote an entirely new Constitution, and even changed the procedure for ratification so they could get it adopted more easily. If a Constitutional Convention can change our Separation of Powers, it can also change the requirement that three-fourths of the states are needed to ratify and make it a simple majority, as well as bypass the State Legislatures altogether. Remember, the 1787

3-16-87 -5-H3RID

Convention is the ONLY precedent we have for a Constitutional Convention.

We are glad the Founding Fathers did that, but we don't want to do it again because we already have a marvelous Constitution that has preserved our freedom for 200 years.

Any proposal for constitutional change should be addressed on its own merits, NOT made hostage to contention and compromise at a Convention whose delegates bear no responsibility to the people because they never have to run for re-election.

There is NO public support for a Constitutional Convention.

Since Ronald Reagan became President, only two states have passed these resolutions, while three other states have voted down such a resolution, and several states are thinking about rescinding.

The only reason such resolutions passed anywhere is that its supporters talked exclusively about a Balanced Budget Amendment and concealed or ignored the section that calls for a Constitutional Convention. When the people find out what is in the fine print of these resolutions, they don't like what they see. We urge you to reject the call for a Constitutional Convention.

Phyllis Schlafly, Attorney
President, Eagle Forum
Alton, Illinois 62002
618/462-5415

GEORGE WALDMAN/Deiroil Free Press

MILLIAM ARCHIE/Deirail Free Press

rger sings praises of Constitution during

Adamany and Judge Damon

Keith sing the

National

Anthem. Far right, Mayor Young reads

a procla-

Wayne State

Burger, Warren

University

President

David

Court Chief

Justice

Supreme

former

From left,

Warren Burger, former Chief Justice of the U.S. Supreme Court, was in Detroit Friday, and someone asked him which Supreme Court decisions most furthered the meaning of the U.S. Constitution.

Responded Burger: "None of them that I

Seriously, Warren Burger is a funny guy.
The dignified, white-maned Burger

and comedian as he breezed through town exalting the Constitution, which turns 200 , ears in the high court's top job, but he was downright folksy at "We the People Day" He alternated as professor, cheerleader might have seemed aloof during his 17 in the Motor City

Burger, who surprised the nation when

he retired as chief justice on June 17, is crisscrossing the country as chairman of of the document he called "utterly unique in human history." the committee to celebrate the bicentennial

BEFORE a 700-person crowd at Wayne State University that ranged from a student dressed in camouflage fatigues to the dapper U.S. District Judge Robert DeMascio, Burger touched on Patrick Henry, Winston Churchill and Edwin Meese to expinin the Constitution's birth and evoluLater, after a private lunch with General Motors Corp. Chairman Roger Sniith, the durger was a guest at a patriotic, 1,500person gala Friday night at the Westin Hotel. Gov. Blanchard, Ohio Gov. Richard Celeste, Mayor Young, U.S. Sen. Donald Riegle and Michigan Supreme Court Chief

Justice Dorothy Comstock Riley also attended.

The strength of the Constitution is the The Constitution's birth was not easy, Burger told the Wayne State audience. Even Ben Franklin opposed it at first.

'a terrible form of government, terrible, right to dissent, Burger said, even though dissent produces conflict and confusion. He quoted Churchill on democracy

body can talk, including those who have Said Burger: In the U.S. system, "everybut all the others are worse." nothing to say."

Convention, Burger noted Meese has the same First Amendment rights to express win Meese's call for a new Constitutional his opinions as any citizen, and he advocated public officials speaking out to raise ASKED ABOUT Attorney General Ed-

But Burger said, "There's no way to put palance the federal budget, as some hav I would not favor . . . a Constitutionar Convention to review the whole thing said Burger, and called the plan "a gran waste of time."

The anniversary of the signing of the Constitution is Sept. 17, the date in 1787 that 39 of 55 delegates in Philadelphia affixed their John Hancocks to the docu ment.

Soft birthday.

Soft birthday.

Soft birthday.

Soft birthday. his 80th birthday.

.991, when its mandute expires.

"I'm going to take my wife to lunch."

And then?

PUBLIC PAPERS OF THE PRESIDENTS

OF THE UNITED STATES

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Lnit	3-16-81
083 55	HIRID

Ronald Reagan



1982

(IN TWO BOOKS)

JANUARY 1 TO JULY 2, 1982

HKRID

have it.

History shows that no government has ever voluntarily reduced itself in size. So, in effect, you know, we're part of government. We're trying to bring about that change. Now, this does not mean that we don't recognize government's basic responsibilities, the things it is required to do. And with all of the criticism of national defense, one of the top priorities that is listed constitutionally for the Federal Government is the defense of the Nation, the national security. That prime function has been one that has been sadly neglected in recent years.

But I think the very fact that we were successful in getting the biggest single package of budget reductions ever adopted, the single biggest package of tax reductionsand ongoing—that have ever been adopted, has set us on a course of trying to bring back the idea heralded by all our Founding Fathers, and reiterated so often by leaders in government. It's that government must stay within its means. And we haven't achieved that yet. But by cutting the rate of growth in government more than in half or about in half, we're trying to bring those two lines closer together—the line of the normal increase in revenues that comes from the tax structure, and the growth of the country and the economy and the normal increase in government spending, which would reflect the growth in the country.

Today, you have to add to that inflation has been responsible, because government's expenses go up, too, with inflation, just as the individual's do. But this is why inflation is the thing we must turn around.

Now, I know I'm getting very lengthy with this answer, but let me just add one thing. For years out on the mashed-potato circuit, long before I ever thought I'd be a part of government—never had any ambition to be that—I called attention to the fact that years ago, the Democratic majority which prevailed in the Congress for most of this half century, almost all of it—

Mr. Nelson. And you were a Democrat once.

The President. Yes—had adopted deliberately a policy of planned inflation. And they heralded it as the "New Economics," that was their term. And they said that a little

inflation was necessary to create prosperity. And they claimed that it could be controlled, that you could have a small percentage that we could easily absorb, and growth would take care of it and people's earnings would stay ahead of it. And I used to proclaim in my mashed-potato appearances that it was like radioactivity, that it was cumulative. And you could not continue it without it one day getting out of control. And one day, it got out of control.

Mr. Nelson. So, could you just sum up very quickly, though, what do you hope your legacy will be as President?

The President. I hope my legacy will mean that we restore the balance between the levels of government, meaning that we restore to local and State government functions that are properly theirs and belong there, and restore to them the tax sources necessary to support them, which have been also usurped by the Federal Government; that we set a policy that I would hope could be legally imposed, barring an emergency such as war, that the Federal Government, like the various States, must live within its means. And a policy, before I leave, that we could begin, no matter how small, paying installments on the national debt as a signal to those who will follow. that the national debt is not somethingthat we will either default on, as all other governments in the past have done when it got unmanageable and too big-that we'd not default on and that it will not hang over, forever, succeeding generations.

Federal Budget

Mr. Skelton. Let me just interject there before I ask a question. Would you favor a constitutional convention to propose a balanced budget?

The President. Well, constitutional conventions are kind of prescribed as a last resort, because then once it's open, they could take up any number of things. I've always thought that the regular procedure that is prescribed first, of a constitutional amendment—

Mr. Skelton. Would you like to see Congress pass a constitutional amendment?

The President. There's one thing, though, about a constitutional amendment just to

3-16-81 MARIO HSRID

The Washington Times

THURSDAY, APRIL 3, 1986

Conventional unwisdom

Shortly after the balanced-budget amendment failed last month to squeak through the Senate, White House spokesman Larry Speakes tried to breathe new life into the project. "It may be," he said, "that the president feels strongly enough about the balanced budget that he would favor a constitutional convention and take the chances as to what they would do."

As if America didn't have troubles enough. We might ask a constitutional convention to balance the budget, but nobody — including the president — can guarantee that it would confine itself to that task. A budget-balancing amendment is a splendid notion. But if to get it we have to put the Constitution up for grabs, let us clasp the deficit tightly to our bosom.

Those pushing for a convention are full of assurances that nothing could go wrong. The convention's power would be limited, they say, either by Congress or in some mysterious fashion by the voters. And, of course, the delegates could be expected to exercise self-restraint, besides which 38 state legislatures

(or state conventions) would have to approve the convention's handiwork.

Maybe so. But no one examining American politics over the past half-century will discover much in the way of self-control. Novelty and experimentation, yes, but hardly restraint. Lord Macaulay said of our Constitution that it was "all sail and no anchor." He was spectacularly wrong about the Constitution, but this is the perfect metaphor for American politics.

Can anyone think of a procedure much more dicey than authorizing a convention to barter away our constitutional rights, trading "unreasonable search and seizure," perhaps, for school prayer. The anchor? Where is it? Not in the wide-open ratification process, where the Constitution is dangerously silent and where even the manner of choosing delegates is left to the imagination.

The convention method of amending the Constitution is a Pandora's box, which is why, for the past 200 years, the lid has been kept on tight. In our zeal to balance the budget, let us not yield to the temptation to pry it off.

the all to 73 to all others.

Sunday, March 2, 1986

Page F6

HZRIU

Balanced budget? Sure Constitutional convention? Thanks, but no thanks

All right, everyone in favor of a balanced federal budget, raise your hand. Never mind how it will be balanced — whether by cuts in spending or increases in taxes. We just want to know if you think it would be good to balance the budget.

Hmmm. Looks unanimous, except for some Pentagon generals, the Reagan administration, Congress and a few die-hard Keynesians.

Now, everyone who favors a constitutional amendment requiring a balanced budget, raise your hand. Well, not as many, but there's still a pretty substantial number of you.

Finally, everyone who favors throwing out the Constitution written by John Adams, James Madison, Alexander Hamilton, et al., and replacing it with a document written by the likes of Jerry Falwell, Ralph Nader, Phyllis Schlafly, Gloria Steinem, Jesse Heims, Jesse Jackson and representatives from every other special interest group in America (left, right and indifferent), raise your hands. C'mon, get those hands up.

.Well. That seems to appeal only to a few special-interest zealots — and the members of the Kentucky General Assembly who are pushing a resolution that would force Congress to either write a balanced budget amendment or call a constitutional convention for that purpose. They're on record in favor of endangering the greatest political work in the history of mankind.

Naturally, the legislators say that's not what they have in mind; they just want a balanced budget amendment added to our Founding Fathers' masterpiece. Trouble is, while that may be what they want, neither they nor anyone else have any way of knowing ithat's all they will get. The road they propose to set out upon hasn't been traveled in' two centuries, and it is fraught with danger — perhaps more so now than at any other stage of our nation's history.

Rarely if ever has the United States been divided into so many disparate little groups, each obsessed with its own narrow goal. That's one reason Congress hardly ever governs anymore. It's pulled in so many directions by members beholden to one narrow interest group or another that consensus is virtually impossible. Only when the nation faces a crisis of disastrous proportions can Congress be moved to act.

Any constitutional convention would be subjected to the same chaotic forces. It would be impossible to control; and, as a result, its handiwork would be impossible to predict.

Ah, but proponents of this resolution - which needs the approval of just two more states to force action by Congress - argue that the convention would be limited in its power. It would only be allowed to write a balanced budget amendment. They say that, but they don't know that. No one knows if a convention could be limited in scope, because it's never been tried. Many constitutional experts maintain that any convention would be free to completely rewrite the Constitution. And if that happened, it's a good bet that Americans could wave goodbye to a lot of rights and privileges they now enjoy like the protection of the Bill of

So what? say the proponents of this resolution. A convention will never be called. Congress won't let it get that far; it will write its own amendment instead.

Once again, there's no way of knowing with certainty that Congress would act to prevent a convention. On the contrary, recent history indicates that Congress will duck any difficult decision. Congress has already passed the budgetary buck to bureaucrats with the passage of Gramm-Rudman-Hollings. Want to bet your freedoms Congress wouldn't pass the buck again?

Most Americans would agree that a balanced budget is a good idea, if for no other reason than that the massive deficits of recent years are damaging to the nation's economy. Maybe an amendment requiring a balanced budget is also a good idea. States live with their own constitutional mandates for fiscal prudence; there's no reason the federal government couldn't do the same.

A balanced budget amendment, written by Congress and submitted to the states for approval, is a perfectly legitimate issue to use in judging candidates for the U.S. House and Senate. That is the prudent course to adoption of such an amendment. The imprudent course — indeed the dangerous course — is to open the possibility of eroding the freedoms that the Founding Fathers assured for themselves and for us. That is a gift that is, simply stated, just too damned valuable to endanger on the whim of the moment.

UNCONVENTIONAL:

Michigan refuses to toy with the Constitution

backed away from making us the 33d state to call for a constitutional convention, but we fear the specter has not been put to rest. Some diehards in the Legislature are still determined to call for a national convention to muchle up the most inspired Constitution the orld has seen.

The issue, of course, revolves around the proposed balanced budget amendment, an incantation that its supporters insist is necessary to rein in the \$200billion-plus federal deficits. Fiddlesticks. Laying aside for the moment the question of whether you really want the country locked into a balanced budget, come war or depression, it doesn't take a constitutional amendment to do it. All it takes is a incresident and Congress willing to cut spending or raise revenue.

But 32 state legislatures have already issued a call for a constitutional convention to consider a balanced budget amenda ment. If two more do so, the country will be headed into the only constitutional convention we've ever had, except for the. first one in 1787.

That time, we had the enormous good fortune to have delegates steeped in the spirit of the Enlightenment - thoughtful, worldly men, most of them beneficiaries

THE MICHIGAN House has wisely of a classical education, a libertarian bent and months of searching political discourse preceding the convention. Now look around the Legislature at the people plumping for another constitutional convention, and see if you discern any James Madisons or George Masons there. The dangers of a foolish, runaway convention seem real to us; at the least, a convention raises the prospect of years of wrangling in the courts over its outcome.

> Wiser House members have deftly sidestepped that problem, though, by approving a resolution asking for a balanced budget amendment to be passed by Congress, without calling a constitutional convention. Michigan is not yet, thank heaven, the 33d state to jump on that crazy bandwagon, nor will it be, as long as common sense holds sway.

If you want a balanced budget, tell Ronald Reagan and Tip O'Neill. A constitutional convention is at best a diversion from the real business of taming the deficit. You may hear in coming weeks more prattle about how the only way to force Congress to cut the budget is to pass a convention call and scare 'em into it. That argument is a little bit like saying the only way to let some fresh air into the room is to blow up the house. Michigan should have no part in lighting that fuse.

Detroit FREE TRESS 5-13-85

In Our Opinion -

MONSTER: A constitutional convention could run amok. Why chance it?

IT'S NOT at all certain that a constitutional amendment requiring a balanced federal budget would accomplish what its backers seek. But it is clear that the campaign to call a constitutional convention on the subject is dangerous.

As the state Senate prepares to vote once more on a convention resolution, senators should keep in mind there has never been such a creature. No one can guarantee a convention would not produce chaos and serious harm to the rights and powers embodied in the Constitution it seeks to amend.

In an attempt to play to the voters — polls show most people say they want a balanced budget — the senators risk launching the Republic into uncharted seas. If the resolution passes the full Legislature, Michigan would be the 33d state — one short of the 34 necessary — to call for a convention to consider a balanced budget amendment. But once assembled, the convention could attempt to change any and all provisions of the Constitution.

Supporters of the plan, including the Michigan State Chamber of Commerce, say the chance of a runaway convention is slim to none. They say Congress wouldn't let it happen. But this is the same Congress they vilify for not balancing the budget in the first place. One way or the other, their faith may be misplaced.

No one knows who would attend such a convention. How would delegates be chosen? How would representation be apportioned? Who would settle the dispute if the convention did tackle other subjects? Can the Supreme Court tell the convention its work is out of order? Or tell Congress how to set things right?

Should the president intervene? Do we want to take a chance on a titanic, yearslong crisis over the foundation of our government?

Such muddle and madness is just the opposite of what most people have in mind when they say they favor a balanced budget amendment. What they really want is a government that works efficiently, responsibly, within its income and without monumental stalemate.

And there is a sensible procedure available to those who say the balanced budget is so important we need to change the Constitution to require it. Congress can pass such an amendment and propose it to the states. This is the route by which the Constitution has been amended 26 times since 1791. It works without chaos, without crisis.

Michigan should play no part in risking the creation of that Frankenstein, a convention lurching out of control. It can't really happen? Let's not take the chance.

Detroit Free Press -

The Editor's Page

3-16-57 HSKID

Amend the Constitution?

By Marvin Stone

It's open season again on the U.S. Constitution. Congress has before it more than 60 proposals for amendments, dealing with everything from abortion to members' pay.

More important, the effort to balance the budget by the constitutional-convention route is being reheated. Since Congress so far has refused to propose an amendment of its own, some lawmakers are exhorting state legislatures to join 32 others that have asked for a convention. When 34 states have filed valid requests, Congress, under the Constitution, might be forced to call the convention.

California citizens have managed to put an initiative on the ballot for next November that threatens to suspend legislators' pay unless they apply to Congress for a convention. Similar initiatives are being pushed elsewhere.

Motives of these citizens are not to be impugued, nor is the urgency of their concern to be desied. Mountainous budget deficits threaten our economic future. But the question is whether a constitutional ban on deficit spending is workable.

As Tarner Rose, a Contributing Editor, points out, the Constitution is an eloquent statement of principles and a superb vehicle for statutes, and has survived this long largely because it did not intende on workaday details of government operations such as the budget, and it did not probe into intimate issues of people's morals. An exception was the constitutional prohibition against alcoholic beverages, and we suffered the consequences through widespread disrespect for the law.

In reality, there may be disappointment for anyone who thinks an amendment is just over the next hill as soon as the 34th state applies—if it does—for a convention. Even if such a prospect should frighten Congress into submitting its own amendment to the states, opponents could be expected to warn legislatures that the only way to balance the budget flat out would be to cut off the billions that the federal government now sends to the states. Ratifica-

tion would then lose much of its appeal.

If the issue ever reaches the convention road, that road will be rocky. Opponents raise the specter of a convention with a potential to get out of control and launch a general assault on the Constitution ratified in 1789.

For the last 16 years, members of Congress have been trying to establish rules by which a constitutional convention could be held in orderly fashion. However, many scholars, among them Prof. Walter Dellinger of Duke University's Law School, deny that Article V of the Constitution leaves Congress any discretion or authority to set rules for a convention. Prof. Laurence Tribe of Harvard tells us that only a constitutional amendment expanding Article V can do that. If he is right, a long fight to clutter the Constitution with procedural rules might have to precede the calling of any convention.

Not everybody agrees with Tribe and Dellinger. Sam <u>Fryin</u>, himself a constitutional expert, introduced in the Senate in 1967 the first of his bills designed to make conventions workable. These bills provided rules for convening a convention, including a stipulation to keep the convention from exceeding its purpose. Stvin referred to authors of the Constitution, notably Madison and Hamilton, for support

Twice Ervin persuaded the Senate to approve his hills, but the House would not go along. Now a very similar measure by Occin Hasch, chairman of the Senate Judiciary Committee, is in the hands of that committee and awaits consideration.

Obviously if this eminently practical bill should become law, we may see endly so challenges in court. If it does not, there can be lengthy disputes over the procedures left unsettled by Article V. And even if a convention were called and resulted in the desired budget amendment, its product would be of questionable effectiveness.

In short, Congress and the President should do their jobs and stop looking for a place to unload their budgetary responsibility.

Balanced Budget, Yes! Amendment, No!

all will soon arrive, and with it another dattempt to pass a legislative resolution demanding a federal constitutional con-Evention charged with drafting and adopting a Balanced Budget Amendment.

So far. 32 states have adopted some kind of resolution calling for such an amendment. If 334 states passed such resolutions, Congress would have to take action on a Balanced Budget Amendment. Many political experts consider Michigan the key. If the Michigan Legislature approved an amendment calling Ffor a U.S. constitutional convention, they say. Congress would pass a Balanced Budget Amendment and submit the legislation to the states for ratification.

Earlier this year, the Michigan state Senate passed a resolution calling for a constitutional convention. The resolution now sits in the Michigan House, which rejected it in favor af a resolution that calls for Congress to adopt a *Balanced Budget Amendment but does not demand a convention. When the Legislature Freconvenes, some senators hope to amend the *House resolution, which now is in the Senate. to include a call for a convention, and send the Fnew version back to the House.

The National Taxpayers Union, armed with the voting records of those in the House who turned down the Senate resolution, is planning to put the heat on Michigan's state greps this fall. The lobbying will be hard to resist. A balanced federal budget is a motherthood-and-apple-pie issue. Legislators can Proint to an amendment in favor of a balanced *U.S. budget as proof of their fiscal responsibilgity — without having to do anything as tough ras trimming state spending, which might actually make some recipients of state funds Fungry and cost the representatives some votes. We hope the honorable members in the House will stand firm against the pressure.

It's not that we're against balanced budgets for fear that a constitutional convention would run amok and destroy Thomas Jefferson's Bill the Rights, along with the checks and balances tleveloped by Madison, Hamilton, and Jay. Rather, we're afraid that backers of a convention call from Michigan are right about the reaction of Congress. It just might read the adoption by Michigan of a constitutional convention call as an instruction to pass a Balanced Budget Amendment of its own. If it does, and that amendment is ratified, there is every danger that Congress will indeed balance the budget — by hiking taxes to support its spiraling spending level.

As a result of the economic recovery and the tax cuts adopted in 1981, federal revenue has increased — through the first 10 months of the current fiscal year it's running a whopping 11 percent ahead the previous year. But congressional spending has grown even more.

Far from guaranteeing spending restraint, a U.S. Balanced Budget Amendment may guarantee nothing but higher taxes. Remember the \$98-billion tax increase of 1982? Or the \$50-billion "deficit downpayment" of 1983? Has the federal deficit gone down? Did Michigan's constitutional requirement for a state balanced budget prevent the accumulation of a half-billion-dollar cash flow deficit? And was that deficit retired by spending restraint or a tax increase? By taxes, of course.

Deficits over the long term are not a particularly good thing. But the current deficit has not stimulated the inflation, high interest rates, and general economic mayhem that many economists predicted. If anything will swell the deficit to alarming proportions, it is a sluggish economy created by a productivitykilling tax increase.

There is a better approach to solving the nation's fiscal problems. It's been tried before, and it has worked, if not always smoothly. Link the nation's currency to a commodity, such as gold. Under such a system, bad policy will be reflected in a devalued currency as people trade their paper money for gold. The public will have an easily understood indicator of the economic performance of their elected officials. Such a system is not as simple as merely adopting a decree that budgets shall be balanced — but it has a better chance of actually working.

Postscript 3/6-87 HJR10

EFootloose

President Reagan-said-last week_that he wouldn't impose quotas on shoe imports. "It's Egrossly insensitive toward the 200,000 workers in the American shoe industry," complained Sen. William Cohen, R-Maine. Sen. Cohen didn't say whether he felt higher shoe prices would be grossly insensitive to the nation's 225 million shoe wearers.

Matthew V. Storin, Editor & Senior Vice President

Robert E. Page, President & Publisher Kenneth D. Towers, Managing Editor K. K. Gaur, Editor of the Editorial Pages

An Independent Newspaper

Chicago Sun-Times

Jon't tamper wi the Constitution

This year's national observance of the bicentennial of the U.S. Constitution should trigger numerous re-examinations of that marvelous document, even reappraisals of whether some of its provisions can be enhanced in the interest of more effective performance.

All should applaud that type of study and review; it about recommendations to be made by the Committee on cannot but reaffirm the sagacity of our Founding Fathers However, we are disturbed by the first reports leaking out in devising institutional barriers against dictatorship and power concentrated in the hands of a self-appointed elite. the Constitutional System.

No, that's wrong. We are not disturbed—we are outright aghast at the audacity of some of the proposals.

separation of powers between the executive and legislative branches; move toward a limited form of parliamentary government; extend the terms of presidents and congressthreshold for Senate ratification of a treaty submitted by the president, and enact a constitutional limit on private tists and officials apparently has concluded that the ingenious federal structure set up two centuries ago needs ing to the New York Times, will recommend constitutionamendments that would, in effect, end the strict barometer of public support for an administration; make the White House and Congress would not be divided between opposing political parties; reduce the 60-percent it easier to elect a single-party government so that control This (self-created) bipartisan group of political sciento be altered. A majority report of the committee, accordmen; do away with midterm elections that serve as

the funds. Party rules would be changed to diminish the tial nominees while enlarging the power of party leaders The committee is expected to propose many changes in campaigns, with party leaders in Congress controlling half the system that would not require constitutional amendments, among them a plan for public financing of federal influence of voters in determining their parties' presidenfinances in support of federal candidates. to handpick the nominees.

These ideas are coming from a collection of individuals who studied the system for about five years. Membership Gregor Burns, Sen. Patrick Daniel Moynihan (D-N.Y), Sen. Lowell Weicker (R-Conn.) and former Treasury includes such prominent names as historian James Mac-Secretary Douglas Dillon, among some 50 committee

Their report laments the "institutional contest of wills between presidents and shifting, cross-party coalitions within the Congress. By inference, this "contest of wills" erately provided for the unrelenting tug-of-war between sumed by presidents in the unfettered conduct of foreign spawned Irangate—a specious theory. The drafters delibthe chief executive and lawmakers; historians traditionally have championed loose parameters in the authority asboard members

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country's inability to assign blame for blunders, due to the partisan split between control of the White House and Congress. It is true that Republicans have won four of the committee regards as governmental gridlock, and the last five presidential elections, spanning a period during which Democrats controlled both legislative houses in all but six years.

But we dispute whether the resultant "divided" government ended up in deadlock. Voters know what they're should be rigged to prohibit voters from dividing the doing in keeping control of the full government out of the hands of one political party. We don't believe the system responsibility, if that's what they want.

oathe the committee's notion that members of Congress We harbor no animosity toward proposals for public financing of federal campaigns; the concept has worked should be allowed to serve in the Cabinet, or that congressional leaders should be entrusted with the destiny scientists were relishing the new power of governors in Senate and House members, regarded by some as more reasonably well in presidential politics. However, we national party affairs and the diminishing impact of of national parties. (Only two decades ago, political

The committee reportedly will urge continued study of "mandatory straight tickets" requiring voters to cast ballots for one party's nominees for all federal offices. We have a better idea: Don't continue to study it. The reactionary than statehouse executives.)

Any scholar re-reading the Fede notion the similarity between concept is repugnant.

the democratic process and those that took place among the Founding Fathers.

Limitations on presidential tenure, the separation of powers doctrine, the scope of federal authority over the nation's member states-these issues and others have remained current for two centuries. The drafters comprociently to assure adoption of the Constitution. Their work mised their differences and settled the questions suffi-

Constitutional structures can be fine-tuned, concepts can evolve and be refined periodically, and principles can be enlarged upon. But nowhere in the Constitution does it provide for political parties, and attempts to institutionaize parties in our basic charter should be resisted mightily. So should attempts to blur the separation of powers. product remains a political masterpiece.

And as for "mandatory straight tickets"—well, if that's the route some of our political thinkers want us to take, why not junk the Constitution entirely and simply ask Ferdinand Marcos to write a new ope for us?

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A Constitutional Coup?

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ecently, I had a lengthy conversation with journalist Jeffrey St. John concerning the 200th anniversary of the Constitution of the United States and the manner in which it is to be officially commemorated.

Conservatives had been heartened by the announcement, following his 1984 reelection defeat in lowa, that former Republican Senator Roger Jepsen was to be designated by President Reagan as the full-time director of the Bicentennial Commission.

I was therefore shocked and disappointed to learn during April that Senator Jepsen had been ousted from the position (to which he had never been formally appointed) and, as a consolation prize, named administrator of the National Credit Union Administration.

What had happened? Here is what Jeffrey St. John told the Philadelphia Society, a conservative "ideas" group, meeting in Chicago on April 13:

Hijacking the Constitution?

"While the conservatives have been preoccupied with more mechanical and mundane political problems, the Democrats, liberals, and leftists have already been busy plotting ways to hijack the bicentennial.

"Two organizations are already in place...The Committee on the Constitutional System is headed by Lloyd Cutler, Jimmy Carter's White House legal counsel. What they advocate is the transformation of the current system along European Parliamentary lines. The second organization is known as Project 87, headed by liberal...historian James McGregor Burns.

Howard Phillips is chairman of The Conservative Caucus

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". . If the conservative drive to hold a Constitutional Convention for a balanced budget is successful, ironically the Cutler and Burns groups will then be in a position to push for their ideas. . .

"Does anyone seriously believe that if a Constitutional Convention is called in the 1980's that it will be confined strictly to a balanced

budget amendment?

". . .While acting as Honorary Chairman of Project 87, the Chief Justice has successfully lobbied Mr. Reagan to appoint him Chairman of the Presidential Bicentennial Commission, which will be composed of 23 Commissioners. It is my surmise that Burger cut a deal with the President whereby he would help the President pack the high court with appointees in exchange for the Chairmanship of the Bicentennial Commission. Chief Justice Burger apparently feels that the bicentennial of the U.S. Constitution can be the crowning achievement of his public career. A less charitable interpretation is that Burger feels no little guilt for some of his decisions on the high court and hopes to insure his place in history by being remembered as the Chief Justice who also was the Constitutional statesman who gave the country an 'updated,' more socially relevant document."

At one time, I agreed with those of my fellow conservatives who dismissed any likelihood that the Constitution could be fundamentally altered, even if a Constitutional Convention were called to consider a "Balanced Budget Amendment".

First of all, I pointed out that three-fourths the states were unlikely to go along with radical changes. After all, they had rejected ERA, and the proposed amendment to give D.C. voting representation in the House and Senate has fallen far short of ratification.

Furthermore, I reasoned, conservatives yould have as much pros-

pect as liberals of holding sway at a Constitutional Convention—even one which sought to exceed its mandate.

Once a Constitutional Convention has met, its work can be ratified by either three-fourths of the state legislatures or by three-fourths of the special Conventions called, at the state level, to consider proposed changes. It is this latter procedure which concerns me profoundly.

Liberal Objectives

The liberals already have federally-funded structures in place which could provide the ad hoc means for convening such ratifying sessions, and there is no guarantee that such meetings would be at all representative of the general populations.

Some of the liberals' objectives are already clear: (a) a weakened, ceremonial President, with a six-year term, functioning more like the Queen of England than the tribune of the people, and (b) a "Westminster-style" parliamentary system with no fixed terms of office, and greater party discipline, to replace our bicameral Congress. This latter "reform" would vastly increase the power of Big Media, able as it is to create political "firestorms" which could undermine confidence in a government and require calling new elections.

Moreover, if you believe, as I do that the Great Society liberalism of the Democrats prevents that party from ever again achieving the pres idential "majority party" statu: which it lost in 1968, and that, by reason of economic problems arising from a potential three trillion dolla deficit in 1988, the GOP may also lose public confidence (as it did dur ing the "Hoover Depression"), wha better way to prevent a victory b conservative independents than b lock the present Establishment controlled two-party system into new Constitution?

Perspective

A forum—ideas, analysis, opinion

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Chicago Tribune, Wednesday, May 2, 1984

Section 1

13

Risking a constitutional crisis

By Samuel W. Witwer

No citizen can be complacent about huge federal budget deficits, now estimated in the range of \$200 billion, and reasonable steps certainly are in order to work toward balanced budgets. However, the method chosen by advocates of reform—the call for a federal constitutional convention—is dangerous to an extreme. It could be even more damaging to our national interests than budgetary imbalances.

America faces the possibility of holding a constitutional convention for the first time since 1787, when the U.S. Constitution was adopted. Such a startling development could result from the balanced-budget proponents' quiet, persistent campaign to obtain state petitions calling on Congress to "call" such a convention.

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

Their legislative campaign has netted 22 state petitions of one sort or another, just two short of the magic number of 34 states required by the Constitution (Article V) to force Congress to call the proposed convention.

The degree of care given by many of the states in passing their critical convention-call resolutions may well be questioned. But aside from that factor, there are many additional reasons why a constitutional convention calling for a balanced budget amendment or, for that matter, any other "single issue," would be a grave error.

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

Moreover, leading proponents of the convention call have announced that such a convention, once assembled, would consider a variety of related issues such as a provision for vetoes of parts of bills [the so-

called "line-item" veto), for national referenda on budgetary questions, for return to the gold standard and presumably matters that would affect "fiscal aspects" of our domestic and foreign policy concerns.

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

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

Although the question of whether a federal constitutional convention may be confined to a single subject is the major concern, other questions of great constitutional importance remain unanswered as well.

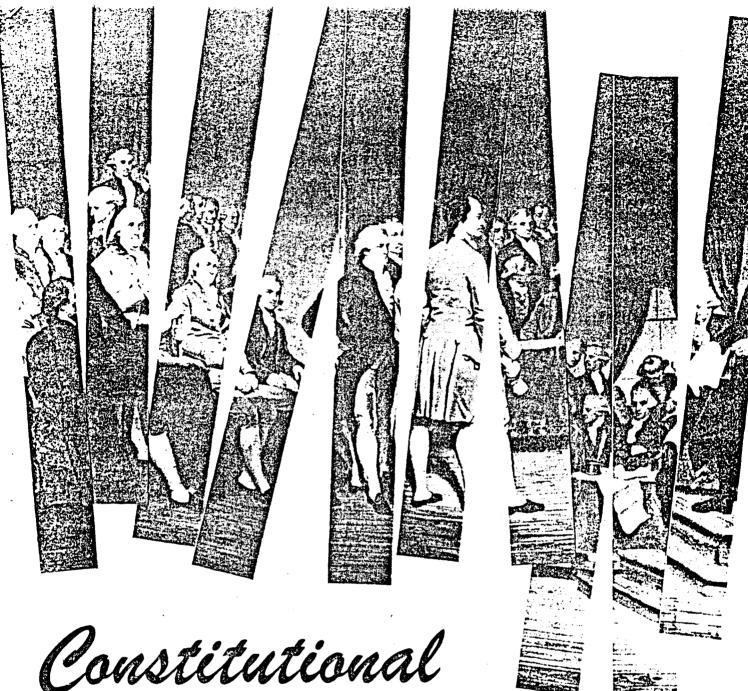
What constitutes a valid application which Congress must count? Who is to judge its validity? What is the length of time applications will be counted to determine if 34 are filed? What will be the procedures for selection of delegates? Would this be left to appointment by state legislatures or the one-man, one-vote electoral process? May a state legislature withdraw an application for a convention once submitted or rescind a previous ratification? Would issues arising in a convention be reviewable by the courts?

Prof. Lawrence H. Tribe of the Harvard Law School sees the primary threat imposed by an Article V convention as that of "a confrontation between Congress and such a convention," noting also that the dispute would inevitably draw into the confrontation the Supreme Court itself. The outcome could be constitutional upheaval at all levels. Thus, I cannot agree with James Davidson, chairman of the National Taxpayer's Union, the foremost group campaigning for a budget-balancing convention. He would justify that risky venture as a "fantastic national civics lesson, more exciting than Brideshead Revisit-

Considering the magnitude of our domestic problems, this is not the time to organize a "national civics lesson," which could be of unimited scope once launched. Considering the instability, confusion and dangers abroad, the holding of a constitutional convention could be interpreted in other countries as a disintegration of our American institutions and a lack of high purpose, resolve and capacity to lead.

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

Samuel W Witwer is a Chicago attorney who served as president of the 6th Illinois Constitutional Convention, which drafted the state's present Consti-



Constitutional Brinksmanship:

Stumbling toward a Convention

State legislatures are calling for a constitutional convention without comprehending the full dimensions of the risks.

By Gerald Gunther

MOST of us identify the United States Constitution with what the Supreme Court says it is. But the Court usually deals with only a very few provisions of the Constitution - the First Amendment, equal protection, and due process, for example. Yet the Constitution contains a lot more than that. Most of its provisions rarely get to the courts, yet many unsettled questions lurk in those unadjudicated clauses. The undecided issues often are merely of academic interest. But there are times when some of those problems emerge as a reminder that constitutional questions can be genuine and important, al-

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though the courts may never speak to them.

Many of these issues are now before the public. May Congress eliminate the power of the federal courts to rule on voluntary school prayers? May the president abrogate the obligations of a treaty ratified by the Senate? May Congress use the legislative veto to control executive action? May federal judges be removed without resort to the impeachment process? All of these are truly constitutional questions, although they have not been illuminated by the nine oracles in the Marble Palace on Capitol Hill.

But perhaps the most perplexing unresolved issue that has surfaced is this: the convention route for amending the Constitution. It is an issue that has entered our consciousness through the efforts of an expert at consciousnessraising, California's governor, Jerry Brown. Early this year Governor Brown announced his support for a drive to call the first constitutional convention since the one that drafted our Constitution in Philadelphia in 1787.

Our remarkably brief Constitution has had only 26 amendments in almost 200 years. All of them have been adopted by the use of only one of the two methods provided by Article V of the Constitution - proposal by a twothirds' vote of Congress, followed by ratification by three fourths of the states. But Article V sets forth another method as well. It provides that "on the Application of the Legislatures of two thirds of the several States," Congress "shall call a Convention for proposing Amendments," which become part of the Constitution if they are ratified by three fourths of the states. The ongoing campaign to press for a balanced budget amendment is a threat to use that second, untried constitutional convention route

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

While Governor Brown is largely responsible for making people aware that the campaign is in fact under way, he didn't initiate it. When he got aboard last January, about two dozen state legislatures already had asked Congress to call a convention, although the public was largely unaware of that. Most astounding, the campaign had gotten that much support with the most remarkable inattention in those state legislatures to what they were really doing. I gather that not a single one of them had even held a committee hearing on the unresolved questions of Article V. The legislative debates typically were brief and perfunctory - essentially up-and-down votes for or against the balanced budget. Yet what typically was adopted was a resolution that, unless Congress submitted a

budget amendment of its own, the state was applying under Article V for a constitutional convention. It is fair to say that the questions of what a convention might do, and especially whether is could and would be limited to the balanced budget issue, were largely ignored.

When Governor Brown joined the campaign, the public began to take it more seriously. In February a committee of the California Assembly became the first state legislative body to hold extensive hearings on what this convention process really might look like. California rejected the convention proposal after those hearings. A good many people then assumed that the drive was dead. But it continues. New Hampshire recently became the 30th state to ask for a convention, and the issue is pending in several other legislatures.

If four more states join the campaign, I suppose everyone will become aware that a truly major constitutional issue confronts us, for Congress will then have to decide whether 34 valid applications are at hand. If there are, Congress will be under a duty to call a convention—a convention for which there are no guidelines as to what its scope shall be, as to how the delegates are to be selected, and as to how long it shall meet, among many questions.

I am a constitutional lawyer, not an economist. I don't want to be taken as addressing the question of whether a balanced budget mandate promises effective solution of our fiscal problems, or even whether that mandate belongs in a basic law largely concerned with permanent values and structures rather than transitory policy disputes. I am concerned about the convention process of amendment.

One way of looking at the issues is to examine the assurances by the advocates of the budget amendment-assurances that the convention process won't get out of hand. I perceive three major recurrent themes in their arguments. First, we are told that a constitutional convention is not likely to come about, since the real aim of the drive is to spur Congress into proposing a budget amendment of its own. Second, we are told that even if a convention is called, it will be confined to the budget issue. And third, we are told that even if the convention were to become a "runaway" convention (as the one in 1787 was) and even if it were to propose amendments going beyond the budget issue, those proposals would

never become part of the Constitution because three fourths of the states would never ratify them.

There is no adequate basis for those assurances, and certainly not for the confidence with which they are presented. The convention route promises uncertainty, controversy, and divisiveness at every turn. With repect to the central constitutional question—whether a convention could and would be limited to a single subject—there is a serious risk that it would not in fact be so limited.

The claim that seems to me the simplest to challenge is that the campaign is simply a device to press Congress into proposing a budget amendment of its own. If the movement is to be a spur to induce congressional action, it needs to be a credible threat. One of the very few issues about the convention route on which there is full agreement among scholars is that, once 34 proper applications for a convention are before Congress, Congress is under a duty to call a convention and does not have a legitimate discretion to ignore the applications. In short, a strategy that rests on the threat of a convention must surely take account of the possibility that a convention in fact will be convened.

The assurance that any convention would be limited to the subject matter of the state applications touches on the central constitutional problem, and it raises a number of questions for which there are no authoritative answers.

Recall the various steps spelled out in the Constitution. The first is "the Application of the Legislatures of two thirds of the several States" for a convention. After proper "Applications" are received, Congress, as the second step, "shall call a Convention for proposing Amendments." Then, as the third step, the convention meets. After the convention reports its proposals. Congress is called on to take the fourth step: to choose the "Mode of Ratification"-ratification either by the "Legislatures of three fourths of the several States" or by ratifying conventions in three fourths of the states. The fifth and final step is the actual consideration of ratification by the states.

With respect to the first step, there are some scholars who believe that the only valid "Application" is one calling for a general, unlimited convention. A larger number of scholars believe that applications that are somewhat limited can be considered valid, as long as they are not so narrowly circumscribed as to

deprive the convention of an opportunity to deliberate, to debate alternatives, and to compromise among measures. I do not know of any scholar who believes that a specific application—that is, to vote up or down on the text of a particular amendment—is the kind of "Application" contemplated by Article V. The typical budget amendment proposals adopted by the states so far are quite specific, and they are open to the charge that they are not proper "Applications" in the Article V sense.

But the question of what constitutes a proper "Application" is only preliminary. The main difficulties lie in what Congress and a convention could and would do. First, as to Congress, in the second step of the convention route: If it adopted the position that only unlimited applications are proper, it could simply ignore the limited ones, and the process would stop right there. Or, still acting on the belief that all conventions had to be general ones, it might disregard the specification of the subject matter in the applications and issue a call for a general convention.

Could Congress stop a "runaway" convention?

I suspect that Congress would adopt neither of those alternatives. I think that the most probable congressional action would be to attempt to heed the limited concern that stirred the apvplications and call a convention with a scope broad enough to still the qualms about excessively narrow conventions. Congress might call a convention limited to the issue of fiscal responsibility, a convention that, for example, could consider the spending amendment supported by economist Milton Friedman as well as the balanced budget proposal supported by Governor Brown. If Congress took that route, it would probably enact—at last—some legislation to set up machinery for a convention.

But all that takes us only through the first two steps of the convention route. The uncertainties at those stages are grave enough, but they are as nothing compared to what confronts us at the all-important third stage: the convention itself. Even if Congress were satisfied that the specific balanced budget applications constituted valid "Applications" and that it had the power to confine a convention to the subject matter it defined (both debatable assumptions), that would not resolve the prob-

lem as to what might take place at the convention itself.

The convention delegates would gather after popular elections - elections in which the platforms and debates would be outside of congressional control, in which interest groups would probably seek to raise issues other than the budget, and in which some successful candidates no doubt would respond to those pressures. The delegates could legitimately speak as representatives of the people and could make a plausible case that a convention is entitled to set its own agenda. They could claim, for example, that the limitation in the congressional "call" was to be taken as a moral exhortation, not as a binding restriction on the convention's discussions. They could argue that they were charged with considering all the constitutional issues perceived as major concerns to the people who elected them. Acting on those premises, the convention might well propose a number of amendments-amendments going not only to fiscal responsibility but also to nuclear power, abortion, defense spending, mandatory health insurance, or school prayers.

If the convention were to report those proposals to Congress for submission to ratification, the argument would be made that the convention had gone beyond the bounds set by Congress. I have heard it said that Congress could easily invalidate the efforts of a "runaway" convention by simply ignoring the proposed amendments on issues exceeding the limits. I do not doubt that Congress could make a constitutional argument for refusing to submit the convention's "unauthorized" proposals to ratification, but that veto effort would run into substantial constitutional counterarguments and political restraints.

Consider the possible context - the legal and political dynamics—in which a congressional effort to veto the convention's proposals would arise. The delegates elected to serve at "a Convention for proposing Amendments" (in the words of Article V) could make a plausible constitutional argument that they acted with justification, despite the congressional effort to impose a limit. They could make even more powerful arguments that a congressional refusal to submit the proposed amendments to ratification would thwart the opportunity of the people to be heard through the ratification process.

In the face of these arguments, might

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not Congress find it impolitic to refuse to submit the convention's proposals to ratification? It is not at all inconceivable that Congress, despite its initial belief that it could impose limits and its effort to do so, would find it to be the course of least resistance to submit all of the proposals emanating from a con- convention process was intended to vention of delegates elected by the people to the ratification process, in which the people would have another say.

I am not reassured by the argument that if Congress attempted to submit "unauthorized" proposals to ratification, a lawsuit would stop the effort. There is a real question as to whether the courts would consider this an area in which they could intervene. Even if they decided to rule, there is the additional question of whether they would agree with the constitutional challenge. In any event, the prospect of litigation tions along the convention road.

That brings me to the third reassurance about the low-risk nature of the convention route. We are told that the requirement that three fourths of the states must ratify a proposed amendment guarantees that the convention won't run amok. There is a fatal flaw in that argument as well. It assumes that a convention would either limit itself to a narrow subject or "run amok" in the sense of making wild-eyed proposals. This overlooks a large part of the spectrum in between. Can there be confidence that there are no issues of constitutional dimensions other than a balanced budget that could conceivably elicit the support of the convention delegates and, ultimately, the requisite support in the states?

True, it can be argued that one should not worry about a method of producing constitutional amendments if three fourths of the states are ultimately prepared to ratify. But I am concerned about the process, a process in which serious focus on a broad range of possible constitutional amendments does not emerge until late in the process. Is it deliberate, conscientious constitution making to add major amendments through a process that begins with a mix of narrow, single-issue focus and of inattention and ignorance, that does not expand to a broader focus until the campaigns for electing convention delegates are under way, and that does not mushroom into broad constitutional revision until the convention and ratification stages?

It is a good deal easier to challenge

the reassurances of the proponents of the convention than to arrive at one's own understanding of how the process should work. I have examined the relevant materials with care, but neither I nor anyone else can make absolutely confident assertions about what the look like.

My own best judgment is that "Applications" from the states can be limited in subject matter, so long as they are not too specific. I believe, moreover, that Congress can specify the subject for discussion at the convention in its J'call." But I also believe that specification should be viewed as largely an informational device and as essentially a moral exhortation to the convention. Most important, I do not think that the convention can be effectively limited to that subject by Congress or by the courts. If the convention chooses to simply adds to the potential confronta-pursue a broader agenda, it has a persuasive claim to have its proposals submitted to ratification.

Don't take risks without knowing the genuine hazards

That understanding can be attacked as making the convention route terribly difficult to use, because single issue applications may mushroom into multiissue convention proposals. The understanding can be attacked, moreover, as construing the state-initiated amendment route as different from (as well as more difficult than) the congressionally initiated amendment process.

Those criticisms, however, overlook important historical lessons. It is true that the 1787 convention deliberately gave the states an opportunity to initiate the amendment process. But that convention did not make the stateinitiated process nearly identical to the congressionally initiated one. The records of the 1787 convention are illuminating on this. The convention did not accept a proposal by James Madison to make two thirds of the states coequal with Congress in proposing amendments. Instead, it limited the states' initiative to one of applying for a convention, and it inserted the convention as the institution that would undertake the actual proposing. That convention step inevitably makes the state-initiated route a different, not a synonymous or even closely parallel alternative.

What the framers had in mind was that the states should have an opportunity to initiate the constitutional re-

vision process, if Congress became wholly unresponsive and tyrannical. But that was viewed as a last resort for 🗸 truly major constitutional crises. The notion of a convention most familiar to the framers in 1787 was precisely the kind of convention then meeting in Philadelphia - one that undertook a major overhaul of an unsatisfactory basic document.

That does not mean that any convention called under Article V must be as far-reaching as the one in 1787. But I believe that the convention contemplated was one that would consider all major constitutional issues of concern to the country. If the balanced budget were the only major issue of concern today, a single-issue balanced budget convention might be entirely feasible. But the actual, unavoidable problem today is that there are other constitutional issues of concern. And if they are of concern, in my view the convention may consider them.

That is my best judgment, but it is by no means an authoritative one, no more so than that of anyone else who has made an effort to make sense of Article V. The ultimate reality is that there are many questions, many uncertainties, and no authoritative answers.

If the nation, with open eyes and after more careful attention than we have so far had in most state legislatures, considers a balanced budget amendment so important as to justify the risks of the convention route, that path ought to be taken. But surely it ought not to be taken without the most serious thought about the road ahead. It is a road that promises controversy, confusion, and confrontation at every turn, and that may lead to a general convention able to consider a wide range of constitutional controversies.

My major concern is to argue that, as we proceed along this road, we should comprehend the full dimensions of the risks ahead. It is that conviction which leads me to urge that state legislatures not endorse the balanced budgetconstitutional convention campaign on the basis of overconfident answers to unanswered and unanswerable questions, or of blithe statements that inadvertently or intentionally blind us to the genuine hazards.

(Gerald Gunther is William Nelson Cromwell Professor of Law at Stanford Law School. This article is adapted from an address Professor Gunther made to the Commonwealth Club of California.)

Citing Chronic Deadlock, Panel Urges Altering Political Structure

By STUART TAYLOR Jr.

- Special to The New York Times

WASHINGTON, Jan. 10 - Amid the tee's members supported these constinational celebration of the bicentennial of the Constitution, a group of prominent political figures and analysts here has concluded that the political structure the framers set up impedes solutions to many of today's problems and needs to be changed.

A draft report by the bipartisan group, the Committee on the Constitutional System, asserts that the separation of powers between the executive and legislative branches, while guarding against tyranny and abuse of high office, has produced chronic "confrontation, Indecision and deadlock" and disfused "accountability for results."

Aggravating Factors

It says the decline of political parties, the increase in ticket-splitting and the rise of monied single-interest groups have aggravated those problems.

In a report to be published later this month, the committee proposes a number of changes in party rules and Federal law aimed at strengthening political parties, including partial public financing of Congressional campaigns in which party leaders in Congress would control half the funds.

In addition, the report, which was made available to The New York Times, says a majority of the commit-

tutional amendments to improve "collaboration between the executive and legislative branches":

9Extending the terms of members of the House of Representatives from two years to four and of Senators from six years to to eight, and scheduling all Congressional elections in Presidential election years. In addition to linking the



fortunes of Presidential and Congressional candidates, this would cut the cost and time devoted to campaigns.

¶Allowing members of Congress to serve in the Cabinet and other positions in the exective branch. This proposal would be the most pronounced, although still modest, move in the direction of parliamentary government.

9Making it easier for the President to get treatles ratified, either by reducing to 60 percent the present requirement of approval by two-thirds of the Senate or by requiring only a majority vote of both the House and the Senate.

Another proposed constitutional amendment would authorize Congress

Continued on Page 10, Column 5

Other Points for Discussion

The proposal for partial public financing of Congressional campaigns would create a public fund to pay for broadcast advertising by nominees of major parties on the condition that they spend no other money for broadcasting. To strengthen party discipline, half the money would go to party leaders in Congress for allocation among the nominees.

Other proposals that the report said were supported by only a minority of the committee but "deserve further discussion" Include "mandatory straight tickets," whereby voters would have to support a single party's nominees for all Federal offices; creating a "shadow cabinet" for the legislative opposition, and giving the President or Congress the power to call new elections in the event of governmental deadlock.

Senator Kassebaum said that she opposed mandatory straight tickets, that the idea of allowing members of Congress to serve in the executive branch was "way too far out," that it would be "hard to generate public support for public financing of campaigns" at a time of budgetary stringency, and that fundamental structural changes in the

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Report Urges Changes In the Political Structure

Continued From Page 1

to "set reasonable limits on campaign expenditures" by overruling a 1976 Supreme Court decision that barred Congress from directly curbing private campaign spending.

Supporters of the report stressed that their main goals were to make the point that the political system has seri ous problems that cannot be attributed to particular politicians, and to stimulate debate on possible remedies, some of which they stress would not require the difficult step of amending the Constitution.

The proposed changes, the product of nearly five years of work and debate, stop short of a more pronounced shift toward a parliamentary system and away from strict separation of the executive and legislative branches. Some leaders of the committee such as Lloyd N. Cutler, former counsel to President Carter, have advocated the larger change

The proposals reflect the lack of consensus on the committee and of significant support in society at large for such fundamental change, which critics say could lead to Presidential dominance over Congress and erode democracy by making the Government less responsive to public opinion.

Debate over such issues has intensified in scholarly circles in the past decade as complaints about governmental paralysis have grown and successive Presidencies have been widely perceived as ending in failure.

The loosely organized, self-created committee, with a 51-member board of directors and about 300 members, is headed by Senator Nancy Landon Kassebaum, Republican of Kansas; C Douglas Dillon, who was Secretary of the Treasury under President Kennedy, and Mr. Cutler, a prominent Washington lawyer.

Mr. Dillon, a Republican, and Mr. Cutler, a Democrat, were the driving forces in organizing the committee which includes present and former members of Congress, state officials, former Cabinet members and White House aides, party officials, labor leaders, lawyers and scholars.

Among those on the board were Senators Daniel Patrick Moynihan of New York and Charles McC. Mathias Jr. of Maryland; Robert S. McNamara, the former Secretary of Defense and Ford executive: Gov. Dick Thornburgh of Pennsylvania, and James MacGregor Burns, the political scientist and historian. The report did not indicate which board members supported which ideas; Senator Kassebaum, for example, said she backed only part of the report's analysis and proposals.

The report cites the chronic inability of the President and Congress to agree on common approaches to problems ranging from budget deficits to nuclear disarmament and routine trade and tax treaties as evidence of the present system's tendency to produce "stale-mate and deadlock."

Because no coherent party or group

is in charge of the policy-making process, the report adds, it is easy for elected officials to "avoid accountability for governmental failures" blaming one another.

Without mentloning the Iran-Nicaragua arms controversy directly, the report suggests that such episodes are made more likely by the "institutional contest of wills between Presidents and shifting, cross-party coalitions within the Congress."

"Presidential concern over 'leaks' and frustration with Congressionally imposed restrictions have led Presidents and their staffs to launch important diplomatic, military and covert activities in secret and without consulting Congress," the report says.

It also says the need for special-interest contributions to defray the rapidly rising cost of political campaigns has accelerated the decline of political parties while putting "a contested seat in Congress beyond the means of everyone who is not either personally wealthy or willing to become depend-ent on well-heeled special interest groups."

Schatter Kassebaum said in an interview that while the report's "mixed bag" of remedies was worthy of dehate, she did not agree that the separation of powers was to blame for governmental "gridlock."

She strongly supports only the proposals to restrict campaign spending and to extend House terms to four years, which she said might win broad public support, unlike some others in the report. Lyndon B. Johnson called for four-year House terms, and President Reagan has privately endorsed the idea in at least one meeting with a large number of people present.

Return to 'Party Government'

Mr. Cutler said he hoped that limited changes in the constitutional structure, acts of Congress and party rules would lead to major improvements in the way the Government operates. The report's design is to return to what Mr. Cutler called the kind of "party government" that enabled Woodrow Wilson and Franklin D. Roosevelt to push their programs through Congresses controlled by their party.

The proposals would make the President and members of his party more dependent on one another politically, increase the likelihood that the party that wins the Presidency would win control of Congress, make it easier for Presidents and party leaders to push through coherent programs, and make it clear to voters who was responsible for the Government's successes and failures, Mr. Cutler sald.

The committee's proposals to strengthen political parties and foster party loyalty would not require constitutional amendments.

They include changing party rules to give Congressional nominees a greater voice in choosing Presidential nominees, strengthening party caucuses in Congress, and requiring states to give voters the chance to cast a single straight-line party ballot for all Federal election contests, as 19 states including New York do now.

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

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TESTIMONY
Betty L. Babcock
720 Madison,
Helena, MT 59601

Phone 406-442-5611

Mr. Chairman, and Members of the State Administration Committee:

For the record, I am Betty L. Babcock, Former Legislator, Montana Constitutional Delegate, mother, and grandmother here to speak in oppositon to HJR10.

The issue, as I see it, is not whether we require Congress to balance the budget but the method by which they do it. Today, Montana, a state that has a constitutional law prohibiting deficit spending is millions of dollars in debt. Who realizes more than you the difficult deicsions that have to be made. Regardless of whether you are in the United States Congress or here in our own legislature, it will take representatives and senators with a lot of political courage to cut programs, raise taxes or take the steps necessary to make ends meet. But calling a Constitutional Convention will not solve the problems, it will only add to them.

To call a Constitutional Convention would be a nightmare to start with and, before it was over--if it ever did end, the political fabric of this country would be torn asunder a dozen ways and our government a shambles.

In October I attended a meeting, Montanan's Debate the Constitution. I had very mixed feelings about that meeting. Our Constitution is an inspired document which has guaranteed our political and spiritual freedom and economic opportunity. It has served us well for over 200 years. I was excited about celebrating the framing of this historical document. But I was shocked for it appeared to me the emphasis was directed mostly at tearing it apart and planting seeds of doubt and dissatisfaction with our Constitution.

For example, some people have proposed that we switch to a parliamentary system, with four-year terms for Congressmen, and a partisan slate of candidates offered to each voter for all federal offices on a single vote---one party or the other. A Constitutional Convention could be used to abolish the Electoral College, or to change the rules so that Congress could more easily remove a President, or the President dissolve a Congress.

I felt the people "back home" were not getting the whole

story. When HJR10 was introduced in the house I was compelled to find out if my friends throughout Montana knew what was happening. So I wrote them a letter. I have enclosed the letter with the material I am leaving for your consideration. I have hundreds of replies and all of them except 5 are opposed to HJR10. I can assure you I didn't intend to compete with the National Taxpayers Union in generating mail, tellegrams or phone calls.

I've lived in Montana long enough to know that Montanan's who know the whole truth about this issue would be terribly concerned. I truly believe they would want you to protect the constitution at any cost.

The opponents themselves are saying they don't really want it either. This is only a threat to make Congress act.

Try to imagine, if you will, what a coveted position it would be for someone to serve as a delegate to a national convention and to become one of the "New Founding Fathers". Keep in mind the arguments, competition, and the special interest groups who would want to influence such an election or appointment. More than likely, Congress would need to pass a Procedures act; but once that convention is called the delegates and the convention would be a sovereign body and all-powerful. They would set their own agenda. The delegates would serve for one term and one term only. Congressmen must be re-elected so they are more responsive to their constiuents but delegates would not need to be.

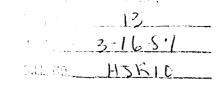
With the material I am leaving with you are two very informative letters from Senators Nancy Kassebaum and Senator Weiker. I urge you to read their letters.

The Senior Senator of the United States Weiker from the "Constitution State" said:
Nothing less than the Constitution of the United Staes is at stake here.
Alexander Hamilton wrote that:

Constitutions should consist only of genreral provisions: the reason is that they must necessarily be permanent, and that they cannot calculate for the possible change of things.

Our Constitution, like no other document in history has conferred on the American people the blessings of both order and justice because it establishes ideals rather than makes policy. To enshrine in that document a particular device or economic policy, along side freedom of speech, freedom of the person and the right to vote is to demean and encumber our greatest strength.

He said: I took an oath of office to support and defend the Constitution of the United States. Today I am fulfilling that oath. In the battles I have fought on the senate floor for that document, none of which have been popular, whether separation of powers, religious freedom, the right to vote or



the accountability in law of a president, I have found the more I become immersed in that document, the greater my respect for it grows. A Balanced Budget Amendment, as to substance, or a Constitutional Convention, as to procedure, diminishes that greatness.

Once lost, we all lose.

In conclusion let me say this:

If we want to spend our children's monetary inheritance, that's not too gutsy but they can probabaly survive it, and indeed that is what we're doing with huge federal deficits. But don't squander their inheritance of constitutional ideals. Such currency can never be replaced.

Senator Nancy Kassebaum states:

If and when the federal budget is ever again balanced, it won't be because of constitutional prohibitions against deficits. As long as huge majorities of Americans continue to demand security in old age, government-provided medical care, a strong national defense, and the myriad of other services that have proven popular, elected representatives will insure those services continue. Circumvention of the balanced budget amendment will not only be possible, it will be routine.

Having served as a delegate to Montana's Constitutional Convention, I am well aware of some of the problems that would face this Nation. Our Nation would be torn apart by special interest groups seeking to control such a convention. There are many groups already meeting and they are proposing to rewrite and change our constitution.

In our Centennial Year when we are and should be celebrating the framing of this precious document, please do not let Montana be a party to its' destruction.

Please Vote No on HJR10. Thank you.

Betty Babeack

3-16-87

#### STATEMENT

OF

SENATOR LOWELL WEICKER, JR.

BEFORE THE

COMMITTEE ON STATE ADMINISTRATION

MONTANA SENATE

MARCH 16, 1987

Members of the State Administration Committee it is a unique pleasure for me to present this statement to you today as you consider legislation calling for a constitutional convention on the matter of a balanced budget. As the senior United States Senator from the "Constitution State," I sincerely hope the Montana Senate will follow the lead of its counterparts in the Connecticut State Legislature by defeating this seductive but dangerous propsal.

This morning I will divide my comments between objection to the end this process hopes to achieve, a balanced budget constitutional amendment, and the means it proposes for achieving it, the Article V constitutional convention. It's difficult to say which represents the greater danger.

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First, the balanced budget amendment. Our recent political and economic history has been turned on its head over the last several years. We have seen the federal budget deficit mushroom from \$40 billion in 1979 to \$160 billion today. We have seen taxes cut and the tax code rearranged; we have seen domestic priorities realigned and defense spending increased as never before. And I estimate that the deficit will continue to elude the ill-concieved Gramm-Rudman-Hollings targets.

During President Reagan's State of the Union speech and in his FY88 budget request, he once again expressed a strong desire for a balanced budget. Well, in my opinion, that's like the quarterback of the footaball team leaving the field, going into the stands and shouting "We want a touchdown!" The president has submitted seven budgets to the Congress. And the Congress has passed them making only small reductions in the deficit each year. We are not your average bear. If the president and the Congress want to balance the budget we have the power to balance it — now — and without a constitutional amendment telling us to do so.

The federal budget is in perilous shape not because of the lack of procedural mechanisms, including the so-called Gramm-Rudman-Hollings Deficit Reduction Act, but because of

the lack of political courage to deal with the problem. A HIKID constitutional amendment will not confer that virtue on the body politic; more likely it will create a generation of legislative bootleggers who find their way around or through the Constitution to do their thing without risk.

That brings me to my central concern, that it is nothing less than the Constitution of the United States that is at stake here. Alexander Hamilton wrote that:

Constitutions should consist only of general provisions; the reason is that they must necessarily be permanent, and that they cannot calculate for the possible change of things.

Our Constitution, like no other document in history has conferred on the American people the blessings of both order and justice because it establishes ideals rather than makes policy. To enshrine in that document a particular device of economic policy, along side freedom of speech, freedom of the person and the right to vote is to demean and encumber our greatest strength.

How then shall we deal with the budget crisis? To my way of thinking, all federal activities must be addressed: defense

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must be further reduced; entitlement programs must be reformed and placed "on budget"; and yes, taxes must be raised. But I do not believe this problem will be licked until the American people demand it in the voting booth. That is how the framers of the Constitution intended such changes to occur, not by taking a red pen to the nation's founding charter. We cannot put the U.S. government on automatic pilot.

What I'm saying here, basically, is that the responsibility lies as much with the American people, with the voters of the state of Montana, as it does with their representatives, be they in Helena or in Washington. I'm reminded of that great passage in Harry Truman's book, Plain Speaking. He was asked a question, "Did it bother you, leaving the pomp and circumstance of Washington? Of the White House?" and Truman responded "Never gave me any trouble at all. I always kept in mind something old Ben Franklin said at that meeting in Philadelphia we were talking about. They had a big discussion about what should be done about ex-Presidents, and Alexander Hamilton I think it was said that it would be a terrible thing to degrade them by putting them back among the Common people after they'd had all that power. But old Ben Franklin didn't agree. He said, 'In free governments the rulers are the servants and the people their superiors and sovereigns. For the former therefore to return among the latter is not to degrade them but to promote them'."

Mr. Truman smiled, and he said, "I kept that in mind when I was in the White House, and I've had it in mind ever since I got my.... promotion."

The point also has to be made then - this is not a matter just for the politicians, this matter of balanced budgets and our Constitution. It should be a matter of deep concern to every one of us.

Abraham Lincoln wrote, "What is conservatism? Is it not adherence to the old and tried, against the new and untried?"
With the pending proposal to convene a constitutional convention, many self-proclaimed conservatives have adopted what history clearly portrays as a radical approach to the Constitution.

Twenty-six times over nearly 200 years, Congress and the states have followed the "old and tried" means of amending the Constitution: a two-thirds vote of the House and Senate, approved by three fifths of the states. However, the proponents of the "new and untried" seek a different path. I cannot begin to catalog for the members of this committee the plethora of legal issues such a convention presents. What makes matters all the more uncertain is the complete absence of any experience or legal precedent from which to decide these issues.

It is nothing less than the Constitution at stake.—Anyone who tells you that he or she knows definitively how such a convention would work and what the Constitution would look like after they finish with it cannot be trusted with matters of such consequence. Suffice it to say that when a convention was convened in 1787 "for the sole and express purpose of revising the Articles of Confederation," that document was scrapped and our Constitution was drafted.

Not too long ago I heard my friend George Will say, I'm sure with tongue in cheek, the following: "The big question is, if you're going to have another Constitutional Convention, who's going to play Benjamin Franklin, who's going to be James Madison? If it's going to be Jerry Falwell and Gloria Steinem we want to think twice."

I took an oath of office to support and defend the Constitution of the United States. Today I am fulfilling that oath. In the battles I have fought on the Senate floor for that document, none of which have been popular, whether separation of powers, religious freedom, the right to vote or the accountability in law of a president, I have found the more I become immersed in that document, the greater my repect for it grows. A balanced budget amendment, as to substance, or a constitutional convention, as to procedure, diminishes that greatness. Once lost, we all lose.

3-18-87

STATEMENT ON THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT by Senator Nancy Landon Kassebaum March 16, 1987

Proclaiming one's opposition to the Balanced Budget Constitutional Amendment is a risky pastime for elected officials. The amendment has taken on a symbolic significance that far surpasses any possible economic significance.

To be against a constitutional prohibition on deficit spending is to be perceived as being for big government, for big budgets, and for big deficits. Those are not perceptions around which successful reelection campaigns are designed.

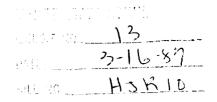
For at least the last 20 years, public opinion polls have consistently indicated that a huge majority of all voters support the idea of a balanced budget amendment. Popular support for the general proposition is overwhelming.

That being the case, it would be logical to assume that politicians, in their eagerness to champion the most popular economic issue of the 80s, would be falling all over each other in a rush to cut federal spending. In case anyone hasn't noticed—that hasn't happened. It isn't going to happen—and a constitutional amendment isn't going to change that fact. I make those statements categorically and without qualification. Let me tell you why.

Although public support for a balanced budget is overwhelming, public support for the large cutbacks in specific programs that would be required to balance the budget is almost non-existent. Consider the following survey results of the Conference Board published in August of 1985.

Ninety-eight percent of all Americans oppose significant cutbacks in Social Security and other retirement programs—that's one-fourth of the budget. Seventy—one percent oppose major reductions in spending for national defense—that's almost one-third of the budget. Ninety—seven percent of survey respondents are against significant reductions in spending for health and Medicare—that's 10 percent of all spending. By majorities of 3 to 1 up to 9 to 1, the public opposes reductions of any size in student aid, farm programs, unemployment benefits, roads, highways, aid to small business, spending on child benefits, and public transportation. Interest payments on the debt, which equal almost one-sixth of the budget, can't be arbitrarily reduced. Together these programs represent approximately 90 percent of all federal spending.

Those programs that the public believes should be cut--food stamps, foreign aid, and welfare in general--could be completely eliminated with negligible long-term effect on the deficit. The general public perception,



however, is that the elimination of unjustified "give-away" programs, combined with the elimination of waste, fraud, and abuse, would easily balance the budget.

In short, the public has demonstrated an extremely strong and remarkably consistent political preference for two mutually exclusive policy objectives—increased federal spending for over 90 percent of all federal programs and a balanced federal budget. To make the picture complete, it should be noted parenthetically that over the past ten years a majority of all voters have also felt that their taxes were too high.

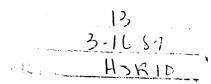
The political implications of this fiscal policy dilemma are not difficult to understand. Elected federal officials are facing growing hostility from an electorate that is demanding more in government services and more in public benefits at a time when public willingness to pay for those services is decreasing dramatically. Americans want a strong defense, guaranteed security in old age, protection against rising medical costs, drug abuse enforcement, safe skies, clean air, and free public education. They do not want lax enforcement of antitrust laws, uninsured bank failures, deteriorating interstate highways, unsafe pharmaceuticals, or rampant financial fraud and business abuse of the consuming public. Americans also want lower taxes.

The honest solution to this problem of public demands and public perceptions requires a healthy dose of political courage. Elected public representatives have a duty and an obligation to help shape, as well as react to, public opinion. Education goes hand-in-hand with representation. Unfortunately, on the subject of deficits, political courage has taken a back seat to political expediency--the result is the Balanced Budget Constitutional Amendment.

The political appeal of the constitutional approach to deficit reduction is obvious. It permits strong public advocacy of a balanced federal budget without necessitating public advocacy of extremely unpopular steps necessary to accomplish the goal. The Balanced Budget Constitutional Amendment is a politician's delight—it's popular, it's safe, and so far it's fooled most of the people most of the time.

If and when the federal budget is ever again balanced, it won't be because of constitutional prohibitions against deficits. As long as huge majorities of Americans continue to demand security in old age, government-provided medical care, a strong national defense, and the myriad of other services that have proven immensely popular, elected representatives will ensure those services continue. Circumvention of the balanced budget amendment will not only be possible, it will be routine.

Consider the following. If the Balanced Budget Constitutional Amendment debated by the Senate in 1983 had become law, the budget would have had to be in balance last year. Congress would have been required to



reduce federal spending by \$220 billion in a single year. At the height of the Reagan drive for spending reductions in 1981—the year of press-reported "budget emasculation"—federal spending was reduced by less than \$40 billion. The public outcry over congressional success in simply reducing the rate of growth in spending for education, school lunch programs, college loans, farm subsidies, pensions, medical care, and other popular programs was so great that the effort could not be duplicated in 1982—and has not been duplicated since.

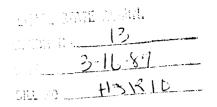
Yet, proponents of the balanced budget amendment would have the American public believe that Congress-given a constitutional mandate-would cut spending by \$200 billion in a single year. If defense, Social Security and other pensions, and Medicare are held harmless against reductions in spending, along with net interest payments on the debt (which can't be arbitrarily reduced), then Congress would have to eliminate all other federal spending to balance the budget. Clearly that is not going to happen.

Even with sizable cutbacks in education, highways, drug enforcement, air traffic control, and all other federal activities, the bulk of a \$220 billion deficit reduction would have to come in large part from national defense and old-age pensions. The savings required would necessitate actual dollar reductions in benefit checks to those receiving old-age benefits, elimination of all cost-of-living adjustments, massive cutbacks in military procurement and readiness, and most likely complete elimination of all federal grants to state and local governments. That, also, is not going to happen.

It's not going to happen because the American public--contrary to popular belief--prefers deficits to giving up federal benefits. In late 1981, a Lou Harris poll asked the question explicitly: Would we prefer running a deficit or eliminating the deficit through reduced spending for a number of federal programs? Americans preferred deficits to cutting programs for the elderly, handicapped, and poor (80 to 16 percent); Social Security (75 to 21 percent); health programs (59 to 42 percent); and defense programs (47 to 46 percent). Spending for those five areas alone-plus interest payments on the debt--exceeds federal revenues by approximately \$100 billion.

The priorities of the American public are seldom a mystery to politicians. Those priorities will provide a strong--more likely irresistible--motive to circumvent any constitutional prohibition against deficits. And, circumvention will not be difficult.

The Balanced Budget Constitutional Amendment is not self-enforcing, and no penalty is prescribed for failure to adopt a budget. Congress operated without any formal budget until 1975 when the Congressional Budget Act became effective. Prior to that date the federal budget simply consisted of the total of all appropriations and revenues as enacted. It



is not unlikely that Congress would revert to a similar system if faced with constitutional restraints on adopting a budget in which revenues and spending were not in balance.

The experience of state and local governments having self-imposed legal or constitutional prohibitions against deficits is instructive. Such governments are frequently cited as models, demonstrating the workability of a federal prohibition on deficit spending. A close examination of state and local budgeting provides a prescription for circumvention.

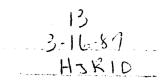
Virtually every state government has adopted a system of budgeting that separates operating expenses from capital expenditures. While state operating budgets are generally in balance, state and local borrowing for capital expenditures has--over the past 20 years--been increasing at a rate faster than federal borrowing. State borrowing for capital expenditures is usually accomplished through the issuance of long-term bonds--as is a good portion of federal borrowing.

This dramatic increase in state and local borrowing has resulted in a series of legislative and statutory caps designed to limit total debt accumulation. State governments facing such limitations on long-term indebtedness have recently begun turning to the use of "special authorities"--such as turnpike authorities and housing authorities--which are empowered to finance construction and operations through special bond issues.

The use of special authorities not only circumvents legal prohibitions against deficit financing, it also results in the exclusion of government expenditures from public view. Likewise, the dramatic increase in state sanction of special corporations and "quasi" official agencies empowered to borrow has further diluted public control of state operations.

The state and local record of evasion of debt and deficit limitations is clearly relevant to the federal constitutional proposition. First, it is highly likely that the Congress would place all capital expenditures in a budget separate from the operating budget. Estimates of the amount of federal spending that could qualify for capital budgeting range from a low of just over \$20 billion to a high of almost \$230 billion.

It is also logical to expect there would be a proliferation of government-sponsored corporations in reacting to new spending restraints. At present, five such federally chartered corporations exist, and all are empowered to borrow from the public through bond issues. Those corporations—the Student Loan Marketing Association, Federal National Mortgage Association, Farm Credit System, Federal Home Loan Bank System, and the Federal Home Loan Mortgage Corporation—have accumulated over \$200 billion in outstanding debt.



In addition to private agency creation, Congress would also be highly likely to revise its system of expenditure accounting. The definition of budget outlays is not as cut-and-dried as is commonly supposed. For instance, the federal government receives payments and user-fee receipts from a variety of activities such as airline passenger ticket taxes, leasing of federal lands, and the sale of federal property. These receipts are presently treated as negative budget outlays--a practice which serves to reduce the total level of federal outlays by over \$35 billion annually. The expanded use of this accounting practice could greatly reduce the reported level of federal outlays.

Tax expenditures--tax code provisions granting special tax treatment and thereby subsidizing certain activities--could also be expected to proliferate in reaction to limitations on direct subsidies. In addition to circumventing spending limitations, increasing tax expenditures would add further inequity to the tax code.

Perhaps the most detrimental of all approaches to evading limitations on federal spending would be the increased use of federal regulation to force private industry or state and local governments to further federal objectives. Possible regulatory approaches to achieving federal goals could include requirements that employers finance a portion of Medicare payments through employee retirement plans, or that all federally mandated anti-pollution efforts be accomplished through more stringent--and costly-efforts by private industry.

The temptation to believe that this long list of objections and indictments on the constitutional amendment issue is overblown--or apologetic--may be great, but they must be taken seriously. If the American public was truly ready to sacrifice existing federal services in exchange for elimination of the deficit, that exchange would have in fact already occurred. If Congress possessed the courage to cut federal services or raise taxes to a level sufficient to eliminate deficits--public opposition to such actions notwithstanding--that, too, would have already happened.

It hasn't happened. A constitutional prohibition against deficits isn't going to reduce the public demand for services, nor is it going to give Congress the courage to act against the mandate of the electorate. If Congress had the courage to balance the budget, a constitutional amendment wouldn't be needed. In the absence of such courage, an amendment will simply prove an embarrassment to the nation.

If we are to rationalize our fiscal policy and get our spending house in order, the first step is to cease looking for easy solutions. We must, instead, begin making some hard choices. We must decide if we--as, a nation--want our government to continue providing medical and retirement benefits at current levels with complete protection against inflation. We must decide if we want to continue providing for national defense at

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currently planned levels. We must decide if we want adequately maintained roads and bridges, if we want flood protection, drug interdiction, banking regulation, and free education. If we decide the answer to those--and similar--questions is "yes," then we must decide if we are willing to pay for those services through increased taxes.

As a nation we have not, as yet, answered these questions. The result is our national annual budget deficit. Our ultimate success depends upon a clear understanding of the problems we face and our ability to find consensus solutions. A constitutional amendment to balance the budget will not assist us in this difficult undertaking--procedural panaceas seldom do.

In conclusion let me say this: If we want to spend our HSKII children's monetary inheritance, that's not too gutsy but they can probably survive it. And indeed that is what we're doing with huge federal deficits. But don't squander their inheritance of constitutional ideals. Such currency can never be replaced. Thank you very much.

13 3.16-8:1 H5K10

Mrs. Tim Babcock 720 Madison Helena, MT 59601

March 4,1987

Dear Friend:

The Montana Legislature has introduced HJR10 asking Congress to call a Constitutional Convention for the sole purpose of proposing an amendment requiring a balanced budget.

The State Republican Platform calls for us to support the Balanced Budget Amendment, and surely we do if Congress accepts their responsibility and proposes the amendment and refers it to the states for ratification. The Constitution has been amended by this process 26 times. It has never been amended by calling a convention.

No constitutional authority believes that a Con Con could be limited to the text of the Balanced Budget Amendment. At the very least, the Con Con would have the authority to consider any amendment pertaining to fiscal matters.

HJR10 could, if it passes, cause Montana to be the 33rd of 34 states needed to call for the Constitutional Convention. The opponents would have you believe that this would serve only as a threat to force Congress to act and that it would never take place. We can't afford to take that chance. Congress would have no choice, for if 34 states call for a Convention the Constitution demands that Congress call one.

Having served as a delegate to Montana's Constitutional Convention, I am well aware of some of the problems that would face this Nation. There have been over 200 State Constitutional Conventions held so there are well established precedents and guidelines already in place for State Conventions. The last Federal Constitutional Convention was held in 1787, so there are no guidelines whatsoever for one on the national level. Our Nation could be torn apart by special interest groups seeking to control such a convention. Because of our Bicentennial, there are many groups already meeting and they are proposing to rewrite and change our Constitution. I was invited and attended such a meeting. Let me tell you, I was scared. The risk of calling a Constitutional Convention is too tremendous to even imagine. The turmoil, the unrest, the expense, the divisiveness, and the campaigns of those seeking the coveted positions as delegates would be unbelievable. Montana's prospect for fair representation would be unlikely.

On March 16 there will be a Senate Hearing at the Capitol. I plan to testify in opposition to HJR10, but I would like to

speak on your behalf as well. If you wish me to do so, please complete the form I have enclosed and return it by March 14 to Betty Paulsen, Legislative Chairman.

I realize it is difficult to fully explain this complicated issue in a brief letter, so I have included some enclosures. This issue, I feel certain, will come up many times in many ways before it is resolved.

In addition to replying to my letter, please call or write to your senator. The address is: The State Capitol, Helena, MT 59620. The phone number is 444-4800.

Please help to protect our Constitution. Thank You.

Most Sincerely,

Betty L. Babcock





# Calls for a constitutional convention

11-22-84

Thirty-two states have passed resolutions requesting Congress to call a constitutional convention for the purpose of submitting a constitutional amendment on a balanced budget. Article V of the U.S. Constitution makes it mandatory that if 34 states pass such resolutions, Congress "shall call a Convention for proposing Amendments "

Advocates of Con Con (as constitutional convention is coloquially called) have been predicting for the last three years that the decisive numbers would be reached in 1984. It won't, Con Con resolutions were defeated in Kentucky and Michigan and advisory referenda were thrown off the November ballots in California and Montana by the courts.

So, we are saved from a constitutional crisis this year, but it hangs over our heads in January when many state legislatures go back into session. It is devoutly hoped that any states that put this item on their agenda will hold hearings and thoughtfully evaluate the risks before plunging into uncharted waters for which there is no map.

A call for a federal constitutional convention means playing Russian roulette with our U.S. Constitution. If we pull the trigger, we might luck out and have the trigger click only on an empty chamber. On the other hand, we might kill our precious Constitution with a self-inflicted mortal wound.

The 26 existing amendments to the U.S. Constitution were all ·adopted by the first amending procedure specified in Article V. The alternate method, a constitutional convention, has never been used. That doesn't make it illegitimate but, since there are no guidelines.

it does make it a risky route since so many questions and problems have been raised by legal scholars for which there are no certain answers.

Could a Con Con be limited to a balanced budget amendment, or would it be wide open to consider many amendments or even to jettison our entire Constitution and propose a different one? The most eminent constitutional authorities in the country are split on this question. Former Sen. Sam J. Ervin Jr. says it could be limited: Gerald Gunther (author of the leading law school casebook on constitutional law) says it couldnot.

Article V of the U.S. Constitution uses the plural "Amendments" in referring to what a constitutional convention can do. In order to argue that a Con Con could be limited to a Jalanced budget amendment, you have to argue that the Founding Fathers didn't mean what they said, which is a rather thin argument against those precise wordsmiths who crafted the greatest document ever produced by the hand of man.

The best way to predict the outcome of any American legal controversy is to ask, what is the precedent? We have only one precedent for a federal Con Con. the Constitutional Convention of 1787. and it was, indeed, a runaway convention. It violated its orders to merely amend the old Articles of Confederation and then wrote the U.S. Constitution

In that era, we were fortunate to have a historically unique group of great men to write our Constitution, including George Washington, James Madison and Benjamin Franklin. If such men are around today, they have escaped public attention.

Today, we have an endless variety of well-funded, special-interest pressure groups that can be counted on to clamor to open up the convention agenda for their own goals. How, for example, could consideration of a human life amendment be barred from Con-Con when some 20 states have memorialized Congress on that issue alone? Or a school prayer amendment, which polls have consistently shown is supported by enormous majorities?

No constitutional authority believes that a Con Con could be limited to the text of the balanced budget amendment as written and promoted by the groups pushing the Con Con. At the very least, the Con Con would have the authority to consider any amendment pertaining to fiscal matters.

It's easy to see how a Con Con could include most currently controversial issues as germane to a fiscal amendment. Should federal spending be prohibited for abortion funding or to schools that deny the right to pray in class?

The liberals also have their plans for changing the Constitution, and have been waiting for the opportune moment. Ford Foundation money has financed the writing of an entirely new Constitution that would eliminate our separation of powers and convert us into a European-style parliamentary form of government.

Our U.S. Constitution is too precious to put it up for grabs where it can be wrestled out of shape by warring special-interest groups. The balanced budget amendment should be dealt with on its own merits like the other 26 Amendments to the Constitution.

(This sheet to be used by those	testifying on a bill.)
ME: James W. Murr	DATE: 3-16-8
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JAMES W. MURRY EXECUTIVE SECRETARY

ZIP CODE 59624 406/442-1708

TESTIMONY OF JIM MURRY ON HJR 10 BEFORE THE SENATE STATE ADMINISTRATION COMMITTEE, MARCH 16, 1987

Mr. Chairman, Members of the Committee, for the record my name is Jim Murry. I'm here today in behalf of the Montana State AFL-CIO in opposition to House Joint Resolution 10. The formal description of purpose of the resolution is well known to this committee. It is the impact and implications of HJR 10 to which you must direct your attention today.

Mr. Chairman, first I want to commend the committee for convening this hearing. Thirty-two state legislatures have adopted proposals similar to HJR 10. Unfortunately, half of those states -- 16 -- approved HJR 10-type measures without public hearing or recorded vote. •

You, and the House State Administration Committee which earlier conducted a hearing on this same measure, show that you have regard for the views and opinions of ordinarly Montanans and concerned citizens from across our nation. It is encouraging that you believe that the public process will make an important contribution to your deliberations on this critical issue of monumental proportions.

The Montana State AFL-CIO is as concerned as anyone over the growing national debt. It's almost incomprehensible to most Americans that the administration in Washington, D.C., has accumulated more debt in the last six years than all of the preceding administrations combined, from Jimmy Carter all the way back to George Washington. Mr. Chairman, we believe strongly that the problems of the national debt must be addressed.

We feel so strongly about the spiralling national debt because we represent the ordinary people of Montana -- workers and their families; retirees; the disabled; the poor; minorities; the jobless. It's they who carry the heaviest load of the mounting federal debt.

Our opposition to HJR 10 -- and it is stronger than my words can describe -- is to the resolution's method of reaching the goal of a balanced federal budget through Constitutional Convention.

That is the wrong route to follow. It is a path so littered with potential for disaster that a battleground minefield would look like a grade school playground by comparison.

It is wrong, because it won't work. It is unthinkably dangerous.

The overwhelming weight of history, the evidence submitted by the most highly-regarded Constitutional scholars, and the unequivocal opinion of the highest judicial authorities, lead all but the unchangeable to conclude that there is no way to hold a Constitutional Convention to a restricted agenda.

HJR 10

March 16, 1987

Former Chief Justice Warren Burger said it sharp and clear when he said: "There is no way to put a muzzle on a Constitutional Convention. Once it meets, it will do whatever the majority wants to do."

That's straight talk. No ifs, ands or buts. No fence-straddling.

Ordinary people understand that kind of talk. They see the dangers, the recklessness of HJR 10, and they're frightened. They're frightened not because they're cowards, but because they've got solid, down-to-earth common sense. And they've been telling you how they feel in letters and cards written on kitchen tables, in union halls, at church gatherings and retirees' meetings all over the state, pleading with you to reject HJR 10.

Those expressions come from the heart and soul, not from computer chips and word processors in Washington, D.C., and delivered by Western Union.

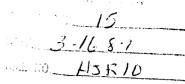
At the beginning of this 50th Montana Legislature . . . Mr. Chairman, the 150 members of the Montana Legislature swore to "support, protect and defend the Constitution of the United States."

Nothing you do could be in closer keeping with that oath than to write "rest in peace" on HJR 10.

Thank you.

(This sheet to be used by those testifying on a bill.) erman Baumon DATE:3-16-87 REPRESENTING WHOM? Seventh -day APPEARING ON WHICH PROPOSAL: DO YOU: SUPPORT? ____ AMEND? OPPOSE? COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



RELIGIOUS LIBERTY IMPLICATIONS
OF A CONSTITUTIONAL CONVENTION

# A STATEMENT TO THE MEMBERS OF THE STATE ADMINISTRATION COMMITTEE OF THE STATE OF MONTANA

bу

Herman Bauman, President
Montana Conference of Seventh-day Adventists
1425 West Main Street
Bozeman, Montana 59715

March 16, 1987

#### RELIGIOUS LIBERTY IMPLICATIONS OF A CONSTITUTIONAL CONVENTION

## by Herman Bauman, President Montana Conference of Seventh-day Adventists

March 16, 1987

Though Montana Seventh-day Adventists are as troubled as any of their city and county neighbors about the fiscal situation of the United States Government, they do not believe that calling a constitutional convention to write a balanced-budget amendment is the correct solution to the problem.

Because your Seventh-day Adventist friends have an abiding interest in the protection, preservation, and enhancement of religious liberty, they are appealing to you to vote "No" on any resolution calling for such a convention.

They view with alarm the very real threat to personal religious freedom resulting from the work of a runaway constitutional convention.

And runaway it could very well be.

The constitutional convention of 1787 could not, would not, be restrained from enlarging its work.

Nor should we, 200 years after, fool ourselves into thinking that Congress could or would compel limitation. Says Stanford University's Professor Gunther, an authority on the constitution: "In my view, the text, history, and structure of Article V make a

RELIGIOUS LIBERTY IMPLICATIONS OF A CONSTITUTIONAL CONVENTION  $\frac{\#_2 \kappa_1 v}{2}$ 

Congressional claim to play a substantial role in setting the agenda of the convention highly questionable."

Nor would the Supreme Court compel limitation. If asked to rule on the matter of limited or unlimited agenda, the Justices, looking at history and precedent, would most likely decide that the convention could consider anything it wanted.

#### A RELIGIOUS LIBERTY EMERGENCY

It is precisely at this point that Seventh-day Adventists see red, white, and blue lights flashing. They hear bells clanging and sirens screaming. They are acutely aware of a genuine religious liberty emergency.

If a constitutional convention is called, expect special interest groups across the country to campaign vigorously for the election of their people as delegates.

Expect these groups to labor (lobby?) mightily to get their pet social and religious goals included in the convention report.

Expect these groups and their delegates to inundate any constitutional convention with draft amendments specifically providing for, among other things,

- * The imposition of theocracy and statism.
- * The passage of laws establishing Sunday as a national weekly holiday.
- * Worship services in the public schools.
- * The funding of religious schools with tax dollars.
- * A woman's right to complete privacy ("pro choice").

- * An unborn human's right to existence ("pro life").
- * Denial of the Second Amendment's guarantee of the right to bear arms.

#### LEGISLATED RELIGION A FATAL POISON PILL

Expect such groups as The Christian Voice to insist on radical changes in the First Amendment.

These groups have an agenda. They view constitutionally legislated religion as the best quick fix for all of America's social, political, and financial problems.

Asserts the Rev. Tim LaHaye, founder and president of the American Coalition for Traditional Values: "The only way to have genuine spiritual revival is to have legislative reform."

Watch out, Montana! Watch out, America!

Constitutionally legislated religion would be to our Republic a totally fatal poison pill.

Roland R. Hegstad, editor of <u>Liberty: A Magazine of Religious</u>

<u>Freedom.</u> responds to LaHaye in these words:

"I thought my Lord said we could have spiritual revival only by being born again. LaHaye and others would have us tarry in Washington until we get power from the state. I thought my Lord said, 'Tarry in Jerusalem until you get power from on high.'"

Thus the quick-fix cure of America's ills as prescribed by state religionists operating under a radical new First Amendment mandating establishment and entanglement and denying free exercise would be far worse than the disease itself.

RELIGIOUS LIBERTY IMPLICATIONS OF A CONSTITUTIONAL CONVENTION 45610

In behalf of your friends and constituents, the Seventh-day

Adventists of Montana, I appeal to you, the distinguished members of
the Senate's State Administration Committee, to resist this effort to
restore financial responsibility through a constitutional convention.

Please consider this:

The Constitution of the United States and its Bill of Rights are still more important than this drastic and highly inappropriate measure to solve our fiscal problems.

I close with this observation from one whose wisdom is worth more than a mere nod:

"Having witnessed the difficulties and dangers experienced by the first Convention which assembled under very propitious circumstances, I should tremble for the result of the second."

James Madison said it.

He knew. He was in Philadelphia in 1787.

And Madison is called the father of our Constitution.

# DANGERS OF A CONSTITUTIONAL CONVENTION

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A DIEN AND STEWENS LANDERNE BUCKER • PORTLAND, OREGON 97216

PUBLIC AFFAIRS AND RELIGIOUS LIBERTY

march 12, 1987

(503) 255-7300 (503) 255-7300 (503) 255-7300

DATE 3/16/5/1

BILL NO HJRIO

Ms. Carol Duvall Secretary / Clerk State administration Committee The Senete Helena, Montana 59601

For your file

CONSTITUTIONAL CONVENTION: RELIGIOUS LIBERTY IMPLICATIONS

Our principal witness at the hearing will be Montone Comprence President Herman Bauman, Bozeman.

Pastor Gordon Engen wisher to represent the North american Division of the church.

I will testify in behalf of Americans United for Separation of Church and State.

Richard Les Fenn

## CONSTITUTIONAL ISSUES SURROUNDING AN ARTICLE V CONSTITUTIONAL CONVENTION HISKID

3/16/3/

A Study Examining the Major Constitutional Issues That Would Arise During the Application, Convention, and Ratification Phases

Submitted to

Honorable David A. Roberti Senate President pro Tempore

Prepared at the Request of the California Senate Rules Committee by:

> LEGISLATIVE RESEARCH INSTITUTE 926 J Street, Suite 711

Carolina C. Capistrano, Executive Director

Walter B. Pontynen, Jr., Deputy Director

J. Collinsworth Henderson, Esq., Consultant

Patricia L. Henderson, Consultant

#### VETERANS OF FOREIGN WARS OF THE UNITED STATES



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Resolution No. 449
CHANGING THE CONSTITUTION

WHEREAS, every serviceman takes an oath to "FIGHT FOR, UPHOLD AND DEFEND THE CONSTITUTION OF THE UNITED STATES OF AMERICA AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC"; and

WHEREAS, we, of the Veterans of Foreign Wars of the United States, need to keep faith with those who fought and died to preserve our freedoms guaranteed by our United States Constitution; and

WHEREAS, attempts are being made to change the Constitution by covert political factions which are not working in our best interests as a Nation; now, therefore

BE IT RESOLVED, by the 85th National Convention of the Veterans of Foreign Wars of the United States, that we oppose any attempt to a call for a Constitutional Convention as this would give our enemies from within and without the opportunity to destroy our Nation.

Adopted by the 85th National Convention of the Veterans of Foreign Wars of the United States held in Chicago, Illinois, August 17-24, 1984.

Resolution No. 449

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

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

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### LIBERTY LOBBY

300 Independence Avenue, S.E. Washington, D. C. 20003
Phone: 202 Liberty 6-5611



TESTIMONY OF TRISHA KATSON
LEGISLATIVE DIRECTOR, LIBERTY LOBBY
ON H.J.R. 10
BEFORE THE SENATE STATE ADMINISTRATION COMMITTEE
MARCH 16, 1987

19 3-16-87 HSK10

On behalf of our 25,000 board of policy members, I urge you to oppose H.J.R. 10 which calls for a constitutional convention (con-con) ostensibly to balance the budget. We strongly support the end of Congress' criminal spending and borrowing practices, but a con-con is an ill-advised and potentially dangerous solution.

The intent of the Constitution's framers was for a con-con to be an autonomous body independent of Congress and the states. As to the assurance that Congress can approve or reject the product of a con-con, that may be the opinion of some members of Congress based on, in the words of one scholar, "institutional egomania," but Article V of the Constitution gives no such power to Congress. It is authorized only to select the mode of ratification—either by state legislatures or state conventions. Who the delegates would be at these state conventions or for that matter at the national con-con is anybody's guess.

Convincing evidence exists that a con-con would be used to attack the basic tenet of our Constitution—the doctrine of separation of powers which provides the system of checks and balances between the government's branches. But let's assume that the con-con is limited to balancing the budget. This can embrace a myriad of constitutional changes of tremendous consequence to the American people—monetary policy, taxation, and with the rhetoric of politicians now tying the federal budget deficit with the massive U.S. trade deficit, trade reforms, and much more.

Are we supposed to believe that the powerful financial interests now profiting from the deficit will not try to influence a con-con? The World Bank, which is growing in wealth and international power, is the largest purchaser of U.S. government securities sold by the Treasury Department when Congress borrows money. U.S. tax-payers pay the interest on these bonds and notes. Last year, the World Bank enjoyed \$1.8 billion in profits while the U.S. became the world's largest debtor nation. The Japanese had such a trade surplus last year that they bought \$19 billion worth of U.S. government securities. Are we to believe that these and other powerful special interests would sit idly by while "the people" take charge of a con-con?

A con-con may bring about the very economic catastrophe the con-con promoters tell us will occur if they don't get a con-con. The current climate of economic prosperity the U.S. enjoys is largely the result of foreign investments and lending to the U.S. This has happened because the U.S. is regarded as a safe place in which to invest. But isn't it possible that if a con-con was called and the law of our land was under review and debate that the U.S. may then be viewed as unstable, resulting in a withdrawal of foreign assets from the U.S.? If that happened, banks could collapse and the economic consequences could be devastating.

As to the argument that making Montana the 33rd state to call for a con-con will pressure Congress to pass its own balanced budget amendment: First, the leadership in Connecticut is intent on making that state the historic 34th and last state, an action which would trigger the convening of the first con-con since 1787. Second, the balanced budget amendment before Congress is a complete hoax. The Senate committee report revealed its many loopholes. The amendment promoted in Congress has a section excluding borrowing from the definition of revenues. How can you balance the budget if Congress is allowed to borrow? Interestingly, the chief sponsor in the House before Rep. Larry Craig (R-Idaho) was Barber Conable--now president of the World Bank.

Gramm-Rudman-Hollings was an unconstitutional fraud because it gave powers of the purse now exclusively given to Congress under the Constitution to unelected bureaucrats in the executive branch. This bill and the balanced budget amendment have set up a phony debate offering the American people two unconstitutional choices. This may serve to wrongly convince the people that the only alternative way to balance the budget is to have a con-con.

The major Establishment political figures of our day increasingly use internationalistic language and pursue globalist policies. To name a few, Democratic presidential candidate Richard Gephardt says the U.S. must fit into the "new world economic order." Chief Justice William Rehnquist argues that the Constitution should not be regarded as "immutable" but can be strengthened through changing it. Warren Burger, head of the President's Bicentennial Commission on the Constitution, says he is not afraid of a con-con and suggests that perhaps we ought to reexamine the concept of separation of powers. Sen. Orrin Hatch (R-Utah), whose bill setting procedures for a con-con is now before the Senate, reveals the thinking of many of his colleagues when he says that he believes that constitutional principles can be changed not only through a con-con and constitutional amendments but through laws passed by Congress. This is how a parliamentary system works, like in Britain which has no constitution to serve as a standard for the legislature's actions, but it is not how our constitutional republic is supposed to operate. The Iranian Arms crisis is fitting perfectly into this scenerio of the goal to persuade Americans that our structure of government does not work and that institutional reforms are needed.

Sadly, most Americans have a superficial understanding of the Constitution. It is poorly taught in school. A Hearst Corp. poll recently documented this. It comes as no surprise that few realize that the issue of balancing the budget was already debated by the delegates at the convention of 1787. They came up with a solution that made Congress fiscally accountable to the states and to the people. The documentation for this can be found in the debates of the convention, the Federalist Papers, and the states' ratifications of the Constitution. Its implementation was first used in 1798 to extinguish the Revolutionary War debt and it was later used during the War of 1812 and again during the Civil War. This documentation has been hand-delivered to the offices of every member of Congress. It seems to me that if there was any sincere desire to return to constitutional principles and reject the internationalist policies promoted by Congress, at least one member of Congress would have the courage to publicly reveal these facts to the American People.

Most of our nation's ills are a result of disobedience of our Constitution by our public servants rather than a deficiency in the document itself.

The stories in this special reprint have appeared in The SPOTLIGHT from 1984 through the first quarter of 1986. Dates which appear in the stories are in relation to the first date of publication.

# Plan to Subvert Founding Fathers?

EPRINTED FROM THE SPOTLIGHT, MAY 19, 1986

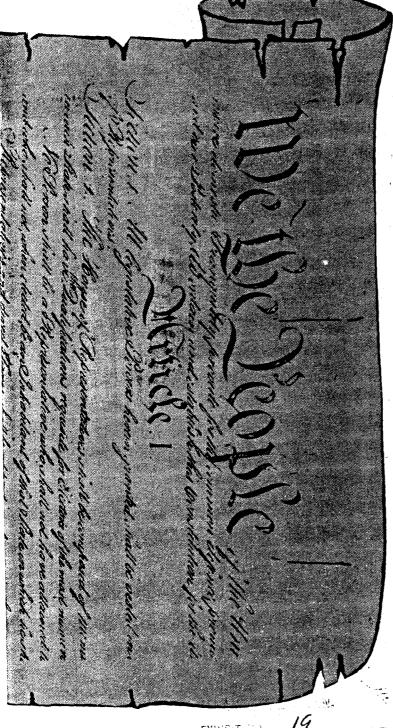
# By Louise Privateer

magine this scenario: The U.S. reme Court declares the Gramm-lman "balanced budget" law unstitutional. A Constitutional is ensues.

ublic officials, including members of gress, the administration, "learned" vers and "scholars" from think tanks lude that the only way left to balance budget and save our nation from omic ruin is to have a Constitutional ention.

rted precious little about the 10-year t to call a "Con con"—starts ng the drums by pronouncing the of all the "experts" who insist that n con is needed to balance the budgdresolve this crisis.

e public is frightened of America's uting deficits and national debt and dily persuaded a Con con is a must. [fetched? Not at all. Some people to utilize the celebration of the tennial of our present Constitution 37 to turn the ideas of our Found-



3-16-5-1 115 KIU

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SERVIE OFFICE ADMIN.

### THE LEAGUE OF WOMEN VOTERS OF MONTANA

Margaret S. Davis, 816 Flowerree, Helena, Montana 59601, 443-3487 for Chris Ebeling, LWVMT, president

16 March 87, Senate State Adminstration Committee, HJR 10

The League of Women Voters opposes HJR 10 calling for a constitutional convention for the sole purpose of proposing an amendment to the U.S. constitution requiring, with certain exceptions, a balanced budget.

The fundamental question is whether a balanced budget amendment would be in the best interest of the federal government and the citizens of this country. After the expensive advertising campaigns and nationally known speakers have had their say, it is time for Montanans to give thoughtful consideration to what is realistic and prudent for addressing federal budget problems. Fiscal deficits have swollen in the 80's. Congress and the administration have been unable to make the tough decisions to cut expenditures or raise revenues enough to even keep even with the national debt. Citizens for their part have not perceived the growing deficits as a top political priority. However, the deficit problem, despite its complexity, economic ramifications, and potential political fallout, is addressable immediately without an amendment to the United States Constitution.

An amendment requiring a balanced budget would not guarantee a solution to the deficit problem nor the long-term debt situation. While Congress has had very limited success in bringing the total federal budget authorizations within expected revenues, it has been much more successful in making the entire budget process so complicated very few citizens can understand it. The Congressional Budget Office has become a bureaucracy unto itself since the reforms of 1974. A balanced budget stricture could inspire Congress to remove certain catagories of spending from the federal budget, thereby making it even less of a comprehensive picture of government finance. For example, the federal government does not maintain a separate capital budget, as do Montana and most other states, and some current deficit spending could be justified on the grounds that capital expenditures can be legitimately financed through borrrowing. HJR 10 indicates that there could be exceptions to requiring a balanced budget. Depending on the scope and nature of these exceptions, the amendment calling for a balanced budget could be implemented far less stringently than the people anticipated.

League members are concerned about the federal deficit and HSKIO support a variety of means to reduce it. But the League also recognizes that deficit spending is sometimes appropriate and it therefore opposes a consitutionally mandated balanced budget for the federal government. The League could support deficit spending, if necessary, for stimulating the economy during recession and depression, meeting social needs in times of high unemployment, and meeting defense needs in times of national security crises.

The League of Women Voters of Montana asks that HJR 10 be given a Do Not Pass recommendation by this committee.

Margaret S. Davis

(This sheet to be used by those testifying on a bill.) 3.16.5.7  HIRIE	
NAME: Julie Burk DATE: March 16, 57	,
ADDRESS: 901 Carfield, Helena	
PHONE: 442-9483	
REPRESENTING WHOM? Montana Education Association	
APPEARING ON WHICH PROPOSAL: HJR/O	
DO YOU: SUPPORT? AMEND? OPPOSE?	
COMMENT:	
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used	by those testify	ing on a bill.)	33
NAME: Eleanor Schieffelin	•	GILL DATE: 16 M	) K 1007
NAME: Eleanor Schreiterin		DATE: 16 M	arch 1987
ADDRESS: Box 71, Emigrant, N	<u>1T 59027</u>	·	<del></del>
PHONE: 333-4487	·		
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REPRESENTING WHOM? Citizens	s of Park & Sweetgrass	Counties Who Love O	ur Constitution
•			
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APPLANING ON MILES CONTROL	1010 10		
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Senator Haffey: To let you know how people feel in

Park Co.

tuodo

Box 71 Emigrant, MT 59027 15 March 1987

HRJ 10.

SENATE COURT COMM.

EXHIBIT NO. 34

DATE 3-16-5-1 BILL NO HOKID

Senator Pete Story State Capitol Helena, MT 59620

Dear Senator Story,

Attached are 513 signatures from residents of Park and Sweetgrass Counties, to be added to the two sets of petitions recently mailed to you from Paradise Valley residents which totalled 95 and 116 respectively, for a grand total of 784 signatures (and they are still coming in!).

I have heard of only three persons rejecting this petition and refusing to sign.

I have received many calls from Livingston residents saying they are mailing in to you further signatures, using the ad which was in the LIVINGSTON ENTERPRISE.

All of these folks are urging you to vote against HJR 10 calling for a Constitutional Convention for a Balanced Budget Amendment.

Please respect the voice and the heartbeat of your constituents!

Sincerely yours,

Eleanor Schieffelin

Eleanor Schieffelin
Eagle Forum, Emigrant Branch

Cc: Senator Jack Haffey, Chairman
State Administration Committee

Dear Senator Haffey:

The two sets of signatures (95 and 116 respectively) referred to above were sent to you in Xeroxed form recently, for your information.

ES

* including 85 which are not attached, as we did not have time to Xerox them.

3/6 3.1 A JR10

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.—
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ADDRESS NAME Jamet - 214 So 8 - revengston Dut 59007 Visionering 200 West Front N 5 FO BOX 1082 Unnayon. Nuns Box 393 Livingsto Corver Box 543 100 High Ground aren D. Sutehings Sr. POBox 393 Livingston 21 Gerrum ( 300 H Thingok Levengston henr 104 S. C Steer Livingston MT. STOUT Box 402 devengs ton hont nd 125 So, 7m Leing Box 208 Ear yns Box 1184 Liv 97 59047 BOX 1184 Jew 714, 59097 22 G. Trualist 'son solither LIV 111. 5-9047 World & Mogen Box 989 LIV mt 59047

3-16-57

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.

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TO DEFEND THE UNITED STATES CONSTITUTION.

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Agnes Leifer	PO-Box 355 Emigrent 200
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Les O Com	417/2 East Gallatin
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Man Brad	121 So 5th /upstains July 7 So 2. L.
D.W. Calland	105 Blue Heron Drive bringh
Bob Hanuel	1117 F Clarke
Norothy S-Has	din POBOX 1300 Livingston
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Merry Bierd	432 N. Yellows	tone, Livingston MT
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NAME ADDRESS 3.16.87

William of Howard RT 85 Box 4310 Livingston Hotel

Michael R NGTTLES 130 S. H. L. W. Lije

Mank O Both 417 N 8th Basement Liv

Virginia Hawkes- Hower P.O. Box 286 Liv

Nigman & Christian Box 975 - Liv.

Jamela Coon - 319 Serith 13 - Diving His

Jisa Twoley - Box 11- Clyde Park 17th

To Bout By 2772 RT 38 Low. Mt.

Lych K. D'Dell BOX 4009 RT85 Lin Mo Caral O'Dell Rt85 Box 4009 Singsten Vori Carter Box 716 D'o'cnopton, MT 590 Tany Carter Box 716 Livingston mr. 5704)

Mrs. T. m. genor Bx 393 gardine M7 57535 Kelen M. Leiger Box 393 Mardines, Mt. 59050

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

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

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

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

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

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

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

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--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.);

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NAME ADDRESS

Linne Kutchings Bax 393 Rivingston 11t, 5704

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Rich Silley 516 North I Implest, 114 57097

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Wayse fixest Box 1074 - Livingston 117, 57047

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WE CONSIDER THIS A CLASSIC EXAMPLE OF OPENING THE DOOR TO SOMETHING BAD IN THE NAME 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. Call residents may sign regardless of agree usting statements.

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BURGER RECENTLY SAID: "THERE NAME	'S NO WAY TO PUT A MUZZLE ON A CO ADDRESS	NSTITUTIONAL CONVENTION."
Geraldine Callalon	P.O. B.+ 1063	Swingsta 5404
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Mrs. D. K. Worcect	er P.O.71	Emigrant 5902
Thomas G. HARMS	P.O. Box 7	Livingston
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Tim Dusky 10 John W. Caulott	327 N. YELLOWSTONE	Living ston 104
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Junia Alla Johnson	327 S 2nd 524 en F. St,	Jumysta 57047
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ROB NOCTHBERG	812 5. 974	LIVING 570N 59047
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TOXA (CKWIN SPRINGS MT 59021

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Box 417 Conwin Spa. mr 59021

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der T	leg 53 Budger Vour et Voag Box 206 Emy	5. H. of Jun	- 590
Lorda Bine	helez 53 Budgen Vour it	Bozema	-, MT 5971
aline 7	loag Box 206 Emy	grant M1 5905	27
Evelyn D	yllinan 610 N. 13th St Apt	#3 Liveroston MT.	59047
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Lenda A	lason, 120 Schutz	In Bremen	MT 59
Carlyn Sto Karlien King	MUCOCK 625 N.C.	Livingston	7111 57
will kn	esting R.R. Box 11	Emigrant InT	- 59027
Mavis la	10.301	Bozeman	59715
Ry Ciny		EMIGRANT MT.	59027

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NAME	ADDRESS		
Mark Skozen	Rt.85 Bex 4319, v	Corngotor	3-1657
Gregory Luty	BOX A Sivings	ton	HJR10
Dean V. Baylor	RT. 85 BOX 4329 L	iving story, m	1
Steven MI forme	by 359 Corner	in Appring 2 3	MT 39621
Bruce Beall	Box A Corum.	Jany, MT	59021
Terry Politi	BOXA CORWIN	Springs 11)	7 5 /62/
Brown zinsalamen	Bux H lorum So	moys MT. 5	902/
Brian Brayfe	eld Rte 85 Box 4	1329 Living	ston
1 defrey Mag	Box A C	orwin Spring	is, MT
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rehard Al	Ilea P.O. Box	475 Conc	Spring Story MT
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3-165-7 HIS NO. HIS 1610

To the Individual Members of the Senate of the State of Montana,

WE THE UNDERSIGNED CITIZENS OF THE STATE OF MONTANA RESPECT-FULLY REQUEST THAT YOU VOTE <u>AGAINST</u> HJR 10, the CONSTITUTION— AL CONVENTIONAL RESOLUTION.

THANK YOU FOR YOUR CONSIDERATION,

NAME	ADDRESS
1 Kery Geters	ADDRESS  Sleadine MT  ""
2) Doles Rowland	
3) John a Revolution	11
4 Louise, Muttak	
5) anni Knedler	Devallire, mt.
6) Starly Distal	(1)
7) Riche Sullward	II
8) Jerome & Flaspeter	
of Celeste Gaeckihn	Geraldine Sot 5949
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11) Charles State Sicher	Gerolding Mr 5444
12) Don K Jaluary	The state when the state were state and the
13) Ethel Goldhahm	Heraldene Tut. 59.14
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15) Grande Distance	
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17) Dernadine C Pretal	Geraldine Just 5911/6
18) Lie Lange	Guardine, Mr. 59441
19) Tresired June	Geraldin "

. To the Andividual Members of the Senate of the State of Montana, we the Umbersioned Citizens of the State of Montana RespectFULLY ANGUMENT THAT YOU VOTE <u>OBAINST</u> HJR 10, the CONSTITUTIONAL AL CONVENTIONAL RESULUTION.

THANK YOU FOR YOUR CONSIDERATION.

<b>等接触的</b>
1) Herns Lee Vadsoick.
a dip/ ( )ada son la
3 Michael Mocitacl
4) If M. J. 1/ Med.
5) Jan Withrow
5 Fred J- Bligth
7) Ba Blyth
B) Mac Tone
9) Jallia Judiana
10) Darateg Jeoberen
11) Alan Relicion
12) Fila I Manstring
13) Auly Dilion
14) CEE ( M Miller
13) Marshell ( 1 - 1 )
169 Sanda K Ludiman
17) (forgumen) Tourand
18) But of Habina From Cy
19) Martine Frotoman

ADDRESS

3-16 5.7 H3K10

To the Individual Members of the Senate of the State of Montana,

WE THE UNDERSIGNED CITIZENS OF THE STATE OF MONTANA RESPECTFULLY REQUEST THAT YOU VOTE <u>AGAINST</u> HJR 10, the CONSTITUTIONAL CONVENTIONAL RESOLUTION.

THANK YOU FOR YOUR CONSIDERATION,

NAME SOUL	ADDRESS
1) Jan 1 Jan 1	Et / BT 39, FT. PENON, MT.
2) Sunday	Box 153 C.8541ding 57
5) O Solat 7 Depres	
4) Dolorea (j. Ageneu	Genaldine, Mr 5,9446
5) Earl Dwill Jr.	Genelshine M. 59446
6) Tel C Lundy	BOA 153 GERGLORINE , 277
7) Jean Bejed	And 315 Heradine Mit.
8) Bil Dyra	
9) Doule Saltius.	763 LEHMAN DENTON, MT. 59430
10) frichan Erattur	Bex 425 Fr Benton Mit 514
11) Lay B. Luzaic	Geraldine, Mt. 5944
127 Thank J. Slande	Bey 445 Fort Benton 16, 59
13) Dichard Systeman	Br 325 &) wold in 11159
i4) filmes of Finance	BOXAN GESTIFKINE IN.
15) Acrothy of Talle reven	BOX 425 JH Benton 7, 1 194
16) Buty By Patierina	
17) Jay S. J. J.	Bux 153 Gers Idas Lit
16) Bety Station 17) Lay Stay Becknight	Big Some May 5552
191	•

To the Individual Hombers of the Senate of the State of Montana,

WE THE UNDERSIGNED CITIZENS OF THE STATE OF MONTANA RESPECTFULLY REQUEST THAT YOU VOTE <u>AGAINST</u> HJR 10, the CONSTITUTIONAL CONVENTIONAL RESOLUTION.

THANK YOU FOR YOUR CONSIDERATION,

NAME

ADDRESS

Seraksene mont. 594 46 Geraldine, 17th 5946 Devaldie mt 59446 Geraldine, Mt. 59446

3-16-57 ASKID

3-14-87

To the individual Members of the Senate of the State of Montana,

WE THE UNDERSIGNED CITIZENS OF THE STATE OF MONTANA RESPECT
FULLY REQUEST THAT YOU VOTE <u>AGAINST</u> HJR 10, the CONSTITUTION
AL CONVENTIONAL RESOLUTION.

THANK YOU FOR YOUR CONSIDERATION,

NAME	ADDRESS
1) Richard A. Owen	Geraldine, Mt. 59446
2) Christine M. Ower	Geraldie, Mt. 59446
Kinderly K Cwen	Geraldine ret 59416
4) Jack Dalwen	Geraldine Mt 59446
5) Hilda Wishmin	Geraldino Mont
6) Henry D Wishman	Geraldine, MT 59446
7) Ila Wishman	Geraldine, Ml. 59446
B) Carl Wishman	Geraldine Mt. 59446
9) Slene Henderson	Geraldine Mt. 59446
10) Robert E. Henderson	Geraldine most 59446
11) Fran Davison	Bevalline Mont. 59446
12) Juanita harmon	Suraldine Int. 59446
13)	
14)	
15)	
16)	
17)	,
18)	•
Long.	

(This sheet to be used by those testifying on a bill.)
NAME: Rua Mitchell DATE: Mar. 7, 1987
ADDRESS: P.O. Dox 1652 Bozeman 597.71
PHONE:
REPRESENTING WHOM? Community of Bozeman.
APPEARING ON WHICH PROPOSAL: $\frac{10R-10}{10R}$
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: I strongly urge a no vote
on HJR-10 whileh is an attempt
to mistead the atizens of Mentana and overthrow the government
of the United States from within,
Mr. Tugwell and the Committee
to Study the Constitution have violated
our 2/00 year old constitution which
form of anexament. These betrayers
of Freedom want to usher in an
Oligarchy which would be a government
away or Joseph and constitutional freedoms.  PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

3-16-5-7 EILL NO. 1131010

(This sheet to be used by those testifying on a bill.)
NAME: PORCY Christanson DATE: 3-16-87
ADDRESS: P.D. Boy 7733 Missoula, MT
PHONE: 406-728-9340
REPRESENTING WHOM? Lolden Mean Ream and my Children.
APPEARING ON WHICH PROPOSAL: HJR 10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: Before we, as a free people, get carried away with convincing ourselves of the
need for a new constitutional convention
(under the pretense of balancing the budget)
Let us examine the new proposed constitution and the original 1776 constitution
Then decide which one you as a free individual
read article I Section 10 of the U.S. Constitution
and you will discover that it already
provides for a balanced budget. If we as
we would not even be considering a new one.
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
0000 3-16 3-16 3-16 3-16 3-16 3-16 3-16 3-16
ONL NO HIGH HIS NO.

NAME: Hertha Lund	DATE: MArch 10,148
ADDRESS: BOX A, Corum Spring	mt 59011
PHONE: 222-6428	
REPRESENTING WHOM? myself and the spark of	of freedom in my heart
APPEARING ON WHICH PROPOSAL: HJR 10	·
DO YOU: SUPPORT? AMEND?	OPPOSE?
COMMENT: I definately oppose HIX  The grounds that it evold	lend to
the disintegration of ideals  was founded on. I don't believe	e IN -
opening our most sacred d'ocome	
for grabs.	
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE	E COMMITTEE SECRETARY.
	STHATE APAID ADMAN,  EMMISSIONS STATE  DATE 3-168-1
,	BILL NO HISRID

AMERICAN CITIZENS WAKE UP! I can't believe the we could be considering the possibility of opening our most precious document the "The Constitution" for GRABS. I believe in what our forefathers built, as the foundation of our beautiful country. "The Constitution". I believe that a constitutional convention could be a threat to our most sacred right FREEDOM. I believe that it could open the door for special interest groups to alter the basic freedoms our country was founded on. I for one, do not need to see anyone open doors for those with money, or power, to influence the rest of America's people. I believe in our National Constitution and it's ability to insure our right to be FREE AMERICANS. To hold a constitution could alter our beautiful country and her government. I believe that we, the American people, need to alter our thoughts and not our constitution. We, as a people, seem to have forgotten the battles our forefathers fought to establish this document of

FREEDOM. The constitution is an instrument built to garauntee the four sacred freedoms America was founded on. It is how we use it that needs to be changed, not the instrument. Is it the flute that produces poor music, or the player? If those in office would hold dear to their hearts the ideals our country was founded on, there would be no need to even consider this horrifying possibility of changing our constitution. I plead with you to hear the spark of freedom in my heart. Turn back H.J.R. 10 and leave the constitution intact for America's children to enjoy the basic freedoms that we have grown accustomed to. Our constitution is our nation's birth certificate, given to us from the hearts of our forefathers. Please don't take away her birth certificate on her birthday. I believe this birth certificate was divinely inspired, as God inspires all of our hearts. I believe that God intended our constitution to uphold the basic liberties and freedoms that his children need. I believe that these freedoms and liberties allow one by free will to become one with's GOD'S HEART.

- I BELIEVE GOD INTENDED US TO BE FREE
- I STAND FOR GOD
- I STAND FOR FREEDOM
- I STAND FOR OUR CONSTITUTION

PLEASE STAND WITH ME AND VOTE NO ON H.J.R. 10

HERTHA LOUISE LUND

Merche Jours Zund

(representing the flame of

freedom in my heart and the

youth of America.)

37 3-16-3-1 HSRIU

NAME: BUCK DEKIE	^/	DATE: 2-16-97
ADDRESS: LONGAD, M	1	
PHONE: 219-3260	2	
REPRESENTING WHOM? 56	CIF	
APPEARING ON WHICH PROPOSA	AL: HJR/	<i>10</i>
DO YOU: SUPPORT?	AMEND?	OPPOSE?
COMMENT:		
	,	
PLEASE LEAVE ANY PREPARE	ED STATEMENTS WI	TH THE COMMITTEE SEÇRETARY.
		3 16 5.1

115K10

NAME: JAN BURDIKU DATE: 3/16/as
ADDRESS: 301 LolTen Helens
PHONE: 442-4869
REPRESENTING WHOM? Self
APPEARING ON WHICH PROPOSAL: // JR-10
DO YOU: SUPPORT? AMEND? OPPOSE?
HJRIO ON CONSITUTION CONVENTION PONTIONS.
1 Run my Business on a Balanced Budget
Ben with Bolswed Budger. a con-con
15 Too great Akisk To our Courney's Libraty to "Forme" A Browned Bidger - How will
our children cope with dept on Amething
up with & enjag?
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Heleuss _ DAN Bond K 1/2-4869 10PPose 4JR-10 B8 A THOST TO OM CONSITUTION I I DO SUPPORT & BALDWOOD Budgett - / Runs my House + Bus, On a Balanced Budget DT, 33 years of Age, is forher / 3 children, As Bus owner, In Enjoy completely the treatous of this Country . No where I'se inthe world to people of my isoge cartly such mordon We see want oBpspreed Bedert HIM 10 15 GREAT ARISK TO OUR Free Dom - We need To Be more Productive AS INDIVIDUALS AND SPEAD LOSS AS A NATION TO Belonge Belgy Our Children will cope with our Dept Chested By PREVIOUS GENORATIONS Only it they Have The same Meedon. hers NoT Dish Those Freedows. Van Berlink

> 29 3-16-5-1 H3-10

(This sheet to be used by those testifying on a bill.) DATE: 3/(6/8) ADDRESS: REPRESENTING WHOM? Mordany Faculty on Pacify et APPEARING ON WHICH PROPOSAL: _ DO YOU: SUPPORT? ____ AMEND? ___ OPPOSE? COMMENT: PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. SEMATE STATE ABMIN. ereier 110. <u>30</u>

BALL NO. HIS 16

Waliond low lon Kerena de la le cogumina d'aprilise as famille vias l'al d'an against HJR 10, Spicattheras In Ray Julick of against this new movement is to idea Joplin mentana and winds to testify against of 'chart rock the boat " this tout the Mercaline unless you read reason to orientiment, State fool!" Consequed? Will an foral and to the Montaine Conconin 1972 Well, there's The But I loffied here Inoleten of Wations livery day except the last stilled I left so noone loudles un 1 Parity that will to sufficieted if you diffuence the exorts by shut off the borrowing I missel that grand moment calen 100 pape without doing it properly Right the new apen Stoing back tolle 1890's with no banks of Endel constitution and Consequence wiel lited this state out medi a relunto of The 1890's. the times of boons Butt and no Zolation I lossfield for the Biblial Constitution that was the beginning of Hywerrer The. recent quelling World. Be d'action of Power by the

a very great reduction in interest rates.

Even with the 3, 53 interest on new Course helps- boil having in stimulating the economy well entered to have been well the sky.

in The name of fighting inflation appears to be of first gland the Third To do, But The order on Communical action brings if the next for changed policy namely liferally attom

Julich Julich Julich Julich 100-292-3540 400-292-3540

> 200 100 9747E ADAMIA. 10 909 100 30 20 97 37 1 57 1

NAME: Liles aduit	DATE: March 16
ADDRESS: Star Route 2, Boy 20 Co	bumbus, Mintana 57019
PHONE: 322-5605	la la la
REPRESENTING WHOM? Jarm Bureau	members
APPEARING ON WHICH PROPOSAL: HUR 10	
DO YOU: SUPPORT? AMEND?	OPPOSE? Oppose
COMMENT: I feel Lana Man	but spoke
on behalf of Montana &	arm Bureau
and supported HJR 10,000 that is misleading a	s our Montana
Jam Bureaus polley	
states as follows I	t da l
"I've support efforts to balanced federal bridge	et by a Constitutional
amendment or by status	tary limit."
$\mathcal{J}$	
My husband and I fee that the stand Montana Farm Bu	l very strongly
that the stand Montana Sarm Bus	ream has taken is what
Se mesentatine of Montana Marm Buren	smembers as ine have
representative of Montana Marm Buren talked to members that do not support	it this resolution.
PLEASE LEAVE ANY PREPARED STATEMENTS WIT	H THE COMMITTEE SECRETARY.
$\epsilon$	
	2 11 60
	BILL NO. HSK 10
	CILL NU. FISH IV

NAME: Oddie Grown	DATE: 3-16-87
ADDRESS: 209 W. Callendar Livingston, 7	Pantara 59047
PHONE: (466) 222-7547	
REPRESENTING WHOM? I am Mehre senting my	July
APPEARING ON WHICH PROPOSAL: HJR 10	V
DO YOU: SUPPORT? AMEND?	OPPOSE?
COMMENT: I am opposed to HoTRID Rec	ture it is misleade
and will définite y take au	on The rights of The
Cuntrican Peaple.	
PLEASE LEAVE ANY PREPARED STATEMENTS WITH	THE COMMITTEE SECRETARY
FLEAST HEAVE THAT TIMES OF THE MALE	STANTE SALTE AMAIN.  DATE 3-16-57  BILL NO. H3 R 10

NAME: LUCIA L. Hodges DATE: 3-15  ADDRESS: P.O. Box 312 EMIGRANT MT 59027  PHONE: 333-4737 SEMATE STATE ADMIN.  REPRESENTING WHOM? Self DATE: 3-16 47  APPEARING ON WHICH PROPOSAL: HJR 10  DO YOU: SUPPORT? AMEND? OPPOSE? V  COMMENT: The Signing of our Constitution in Philade  Was are of the high points of our country's history, or  equal note as the Signing of the Magna Carta. The me  drafted + prigned it were ag Sod-fearing, freedom-loves  compagent men. They know what they were doing. I the	5-87
REPRESENTING WHOM? Self  BATE 3-16-37  BATE 10  APPEARING ON WHICH PROPOSAL: HJR 10  DO YOU: SUPPORT? AMEND? OPPOSE? V  COMMENT: The Signing of our Constitution in Philade  Was one of the high-points of our country's history, or  EQUAL note on the Signing of the Magna Carta. The me  Another t signed it were of the Magna Carta. The me  Another t signed it were of the Magna Carta. The me  Comagous men. They know what they were doing. I the	· 
REPRESENTING WHOM? Self  APPEARING ON WHICH PROPOSAL: HJR 10  DO YOU: SUPPORT? AMEND? OPPOSE? V  COMMENT: The Signing of our Constitution in Philade  Was are of the high-points of our country's history, or  equal note on the signing of the Magna Capta. The me  drafted + signed it were agricularly freedom-lover  comageout men. They know what they were doing. It the	
APPEARING ON WHICH PROPOSAL: HJR 10  DO YOU: SUPPORT? AMEND? OPPOSE? V  COMMENT: The signing of our Constitution in Philade  Was are of the high-points of our country's history, of  Equal mote as the signing of the Magna Carta. The me  drafted + signed it were of Lod-fearing, freedom-loves  Comageous men. They knew what they were doing. I the	
COMMENT: The signing of our Country's history, or egual note as the signing of the Magna Carta. The me drafted + signed it were of Dod-fearing, freedom-lover comageous men. They know what they were doing, of the	
was one of the high-points of our country's history, of egval note as the signing of the Magna Carta. The me drafted & signed it were of Dod-fearing, freedom-lover comageout men. They know what they were doing, of the	<u>/</u> ·
agral note as the signing of the Magna Carta. The me drafted & signed it were of Dod-fearing, freedom-loves comagour men. They know what they were doing, I the	lelphia
drafted + signed it were of Dod-fearing, freedom-lover comageout men. They know what they were doing. It	<u> </u>
comageout men. They know what they were doing, I the	is t
	not then
for more than the politicism of today: Thus I beseech you to turn down any resolution wh	with word
encourage greed & corruption to tamper with this Noble	
	· · · · · · · · · · · · · · · · · · ·
	•
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SEC	CRETARY.

NAME:	Susan	Boec	kma		DATE:_	3-14-87
ADDRESS:_	Box A	-				
PHONE:	Living	ston,	MT	590		
	ING WHOM?				SENATE STATI	34
APPEARING	ON WHICH P	ROPOSAL:_	HJ	R 10	DATE <u>2-1</u> BILL NO. H	1.87
DO YOU:	SUPPORT?		AMEND?_		OPPOSE?	· ·
COMMENT:	No 1	salance	d bu	dget	can-	come
fro	m a	const	itution	al Ci	moent	on .
Le	ave +	he Con	rstilut	ion a	out of	it -why.
Mh	T West	Raul	12/	Dalar	ce m	2 Nudget
Cor	vention	n - 4	low o	pen	the doo	1 Son
ha	Diana	our 1	entiro		nolitut	2000
4	White a					
	ne way					
				1		
						· · · · · · · · · · · · · · · · · · ·
					<del> </del>	

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: MICHELE L	ENIS	DATE:	14/87
ADDRESS: 710 E. 6A	,	SENATE STATE ADMIN.	
PHONE: 406-22	2-8300	EXHIBIT NO. 35  DATE 3-16-57	; ;
REPRESENTING WHOM?	SELF	BILL NO. HISK I	D
APPEARING ON WHICH PRO	posal: CONSTITUT	MONAL CONU	ENTION
DO YOU: SUPPORT?	AMEND?	OPPOSE?_	
COMMENT: J WCU		,	
TO THIS CONVE			
ORIGINAL INTEN	1	,	
NUT BE ATHORE			
CONVENTION. BAS	SED ON PREVI	ous ELPER	EXE
I FEEL IT WO		•	Ch.288
MA1 WOULD			
OUR CONSTITU			
	E LAST 200 1	<i>f</i>	900
THINK THE C	ITIZENS OF P	HIS NATION	1 WOULD
APPRECIATE 1	HE CONSTITU	TION BLIN	6 ALTER
ED 10 sur	A FEN W	HEN IT'S C	RIGINA
INTENT 15, A	AND WAS T	O SERVE.	ALL.
110.000		-	
PLEASE LEAVE ANY PREF	PARED STATEMENTS WI'	TH THE COMMITTEE	SECRETARY.

NAME: Ella II Carler	DATE: 3/14/87
ADDRESS: 616 7. 5th St Lewinson	
PHONE: 222-3987	BILL NO. H3K1D
REPRESENTING WHOM? a Concerned (	
APPEARING ON WHICH PROPOSAL: #JR 10	
DO YOU: SUPPORT? AMEND?	OPPOSE?
the american people t u opposite what the people will do I am very oppo	elitely against
the american seasele + w	ill do just
oppose to what the neaple	be lieve it.
will do lan very of the	sed to She
PLEASE LEAVE ANY PREPARED STATEMENTS WITH	THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)
NAME: PAPRICEA DELUCEA DATE: 3/14/80
ADDRESS: Gen Del: (305 W. Cstender)
PHONE: LIVINGSTON, MT 5904)
REPRESENTING WHOM? CONcered citizen
APPEARING ON WHICH PROPOSAL: HJR/
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: We read to re-read And
Support-ONE NATION UNder God -
The orgiNAL CONSTITUTION.  Sure hope this remains one
Notion under God and that good
over comes Rvil.
SUMPRE WATE WORLD.
CAME NO. 37
881, 20 H3 K10
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

^		the second second of the second secon	
NAME:	erone le	veedly	DATE:
ADDRESS:	Box 218	majant	9N man 59027
PHONE:			
REPRESENTING WH	HOM? Lell	- treeden	- of america
APPEARING ON WI	HICH PROPOSAL:	1-18-10	
			OPPOSE?
COMMENT:	OPPOSE A	CONSTITUTION	TWAL CONVENTION
AS I FUSL	. IT WOULD	FURTHER P	LACE OUR FREEDOM
IN JEOPARD	M. THOSE	OF THE TRIL	STERAL COMMISSION.
IND COUNCIL	OW FORKIC	N RELATIONS	MOVING FOR THIS
CONSTITUTION	BL CONVENT	ion DON'T A	LOLD 5, THER THE
			FOUSAMENT AND THE
	_		THEY MOUE THROUGH
			ONE WORLD GOVERNMENT!
			SANKERS, PAVIO ROCKSFALL
			THEIR "WARS OF LIBERATION
			4845 - FR5500M 15
UNDER LT	TACK BOTH F	ROM WITHIN	AND WITHOUT
PIFASE LEAVE	ANY PREPARED	STATEMENTS WITH	THE COMMITTEE SECRETARY.
1 110100			SSTUTE STATE ASSMITE.
			2 11 VI
			3-16-3-1

Me to H3K10

NAME: Katherno Fox	DATE: 3-14-87
ADDRESS: Box A, Livingston, MT	59047
PHONE: 222-7600	
REPRESENTING WHOM? Myself at the Cons	titution
APPEARING ON WHICH PROPOSAL: HJR10	
DO YOU: SUPPORT?AMEND?	OPPOSE?
don't want our Constitution all	tand
PLEASE LEAVE ANY PREPARED STATEMENTS WITH T	THE COMMITTEE SECRETAR
	rite said mann.
	1 NO H3 K11

NAME:	Virginia	N. Roe	DATE: 3/14/8	87
	$\smile$		ent, MT. 59027	
PHONE:	406-33	3-4718		
REPRESEN	TING WHOM? $\mathcal{N}$	ryself + the C	Institution.	
APPEARIN	NG ON WHICH PRO	POSAL: HJR /	0	
DO YOU:	SUPPORT?	AMEND?	OPPOSE?	•
COMMENT:	Please	don't fool	with the	<del></del>
Co	nstitut	ion - Jus	with the tobey it.	
		·		1_
			·	
				<del></del>
PLEASE	LEAVE ANY PREF	PARED STATEMENTS WI	TH THE COMMITTEE SECRETA	RY.
, 22,02			STERRE STATE ADMIN. THE EXHIBITION OF 40	
			000 3-16-57 001 00 HVS 16	

(This sheet to be used by those testifying on a bill.) NAME: Satura A Johnson DATE: 3-14-8

ADDRESS: Pt 38 By 2232 Sumplan mit APPEARING ON WHICH PROPOSAL: HJR 10. DO YOU: SUPPORT? AMEND? PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(1.5)

(This sheet to be used by those testifying on a bill.)
NAME: Uctor M. Jary DATE: Sat.
ADDRESS: Boy A Cowin Spring, Mt.
PHONE:
REPRESENTING WHOM? Myself
APPEARING ON WHICH PROPOSAL: HJ R 10.
DO YOU: SUPPORT? AMEND? OPPOSE?
but not thru the betrayal of our sacres  constitution which is was originally written
but not thru the betrayal of our sacres
constitution which is was originally written

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

27 3-11. -(·)

NAME: Clain Mal DATE: 3 14	
ADDRESS: 209 W. Callendar St Levengston, mt.	-1
PHONE:	
REPRESENTING WHOM?	
APPEARING ON WHICH PROPOSAL: HJR 10	
DO YOU: SUPPORT? AMEND? OPPOSE?	· <b>3</b>
COMMENT:	
Our constitution has served us well for	
who desire to rewrite it would first	
learn to read it, My american	
Constitution has protected me and	
preserved my beberties, and of am pledged to defend protest and preserved	~e]
This The Constitution of the Cented Sta	tes
temper with this devene document!	
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETA	RY.
EXMISSE NO. 43 EXAS 3-16-51	
HIKIO	

NAME: Lisa Marc DATE: 3-14-8	
ADDRESS: BOX A CONVIN Springs	
PHONE: 222-789 (	
REPRESENTING WHOM? Self	! ገ
APPEARING ON WHICH PROPOSAL: HJRO	<u> </u> 
DO YOU: SUPPORT? AMEND? OPPOSE?	
COMMENT: CON-CON IS NOT the best way to	
Constitution could be changed + the	
budget still not balanced Also, it may	
leave our Constitution opened to be changed in the word direction. We need	<u> </u>
a more enlightered approach to halance	,
our budget:	
	<del></del>
	. <del></del>

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

3-16-57

NAME: Sara Zotter DATE: March 10, 18
ADDRESS: 21972 South H Livington Mt.
PHONE: 222-3904
REPRESENTING WHOM?
APPEARING ON WHICH PROPOSAL: HJR 10
DO YOU: SUPPORT? AMEND? OPPOSE?
the balanced budget amendment or any amendment is a very risky thing to do! Since there are no guide—lines or restrictions for this type of convention, any thing goes (or everything!) There are some who would take advantage of a concent to totally rewrite our constitution and our sacred freedom would be in crave danger! Say NO to concent NO to HJR-10! Protect the American People!
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  CHARGE SLATE ACTION.  STATEMENTS 45  945 3-16-5-7  SEL 40 H3K 10

NAME:	Dale	Vance	Dettin	an	DA	TE: 3/(	3/87
							59021
PHONE :	848-	7381	۲.				
		•	self				
			SAL: Con				
DO YOU:	SUPPOR	r?	AMEN	ID?	OPP	OSE?	· ·
COMMENT:		bala	anced	budas	tan	rends	nout
				An a			ngruss
			igh a				
ana	110	hara	the m	20 0 0		101 010 0	lments
	0/10	ale a	o Thomas	200	2000	· · · · · · · ·	of
<u>und</u>	2 VM		e there	1-1		100	
(dea	ska	aur	CONS	<u>unio</u>		mer	Chan
just	- Bris	ng a k	salanc	ed Au	dget	am	endment
0		V		<del></del>	<del></del>		
			<del> </del>				
			<del> </del>				
						<del></del>	,
PLEASE I	LEAVE AN	Y PREPAR	ED STATEME	ENTS WITH	THE COMM	NITTEE S	SECRETARY.
-			<del></del>		<b>。</b>	KOMIN.	

(This sheet to be used by those testifying on a bill.) NAME: Donald @ Marchall DATE: 3/11/ ADDRESS: PO Bax 461 PHONE: 848-7737 REPRESENTING WHOM? APPEARING ON WHICH PROPOSAL: #5 7 /0 DO YOU: SUPPORT? ____ AMEND? ___ OPPOSE? COMMENT: I was in favor until it became obvious that the from a Cong Dist taken a let of money

They would (the money ed toterests) usurp control from the populial movement and open the floods alex seweste the constitution to suit themselver We would end up with the same situation as the Congress now only werse >

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

3-16-3-7 EME 100 H3K10

(12)

(This sheet to be used by those testifying on a bill.) REPRESENTING WHOM? APPEARING ON WHICH PROPOSAL: HTR 10 DO YOU: SUPPORT?_____ AMEND?____ PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. 3-16-5" 13K10

war Makant II Parkant	DATE . 4/0/07
NAME: Margaret U. Reicharott	DATE: 3/8/87
ADDRESS: P.O. Boy 902, Cowin	Springs, mt 59021
PHONE: (406) 225 - 7600	
REPRESENTING WHOM? Myself	
APPEARING ON WHICH PROPOSAL: Constitute	onal Convention
DO YOU: SUPPORT? AMEND?	OPPOSE? X Absolutely
COMMENT: 2 am absolutely of	rposed to a
constitutional convention	
be used as a launching interest groups who w	pad for special
interest groups who w	ould try to
Change our constitution.	Our constitution
Change our constitution.  is fine the way it is	. Therefore &
vote no	
PLEASE LEAVE ANY PREPARED STATEMENTS WITH	THE COMMITTEE SECRETARY.
	Service of the above.
	3-16-87
	DAL NO. HIKIU

NAME: ALEXANDER M. REICHARDT	DATE: 3-8-87
ADDRESS: P.O. BOX 902, CORWIN SP	PENAS, MT 5902
PHONE: (406) 84-8-7342	
REPRESENTING WHOM? MYSELF	**************************************
APPEARING ON WHICH PROPOSAL: CONSTITUT	TONAL CONVENTION
DO YOU: SUPPORT? AMEND?	OPPOSE? STRONGLY
COMMENT: I STRONGLY OPPOSE A	MY CONSTITUTIONAL
CONVENTION BECAUSE OF SPE	CIAL INTEREST
TO INTRODUCE MEASURES WH	ICH WOULD ALTRE
OUR PRESENT CONSTITUTION.	AND SO, WITH
PRESIDENT REAGAN, T ALSO	
streams opposition to a con	
PLEASE LEAVE ANY PREPARED STATEMENTS WI	TH THE COMMITTEE SECRETARY
PLEASE BEAVE 7811 11011101 DITTORING NO	SEMME STATE ADMIN.
	DATE 3-16-51
	PHI NO HSKID

NAME:	Layleine U	elsin	date: <u>3-//-8</u> 7
ADDRESS:	Box 485 (	sum Sy	rings, MT 5 902
	406 - 8.48-	-7441	
REPRESENT	TING WHOM? My	rell in defens	u og America
	$\mathcal{C}$ ON WHICH PROPOSAL		
AFFEARING		•	
DO YOU:	SUPPORT?	AMEND?	OPPOSE?
	I went to		/
	NEVER For	_	F /1
	ntion - ar 7		
1 2	2 U.S. there	_ 1	A
<i>i i</i>		31 0	ment that
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	all the wo	,	
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		8 0	
PLEASE L	LEAVE ANY PREPARED	STATEMENTS WITH TH	E COMMITTEE SECRETARY.
		regres to	And the state of t

3-16-57 5111 NO. HJK 10

( ). . .

NAME: Elaine P. Johnson DATE: 3/10/87
ADDRESS: Bry A Carwing Sprengs MT.
PHONE:
REPRESENTING WHOM? Myself
APPEARING ON WHICH PROPOSAL: Constitutional Commention
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: It is not necessary to call
for a Constitutional Convention to
Dadd an amendment askery for a
balanced buaget. We have a process
huelt into the Constitution whereby
we can add amendments w/o a formal
Cornentini.
I am very concerned that some
There our stars will try + chance our
constitution - which I bell is a
divinely inspired document. It is
replect the way it is
pogoco
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Elitar state de la companya della companya della companya de la companya della co

9-1- 3-16-5" 1901 po. HSKIV

(This sheet to be used by those testifying on a bill.) REPRESENTING WHOM? APPEARING ON WHICH PROPOSAL: SUPPORT? DO YOU:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

53 3/6.51 EIL NO. H3K10

NAME :	Isldon	Kock			_DATE:_	3/14/87
address:	RF 38	Box &	2252A	Livin	gston	MT.
PHONE: 406	- 222	6674	<u> </u>			
REPRESENTING V	vHOM?	Myse	if			
APPEARING ON T				<u> </u>		
DO YOU: SUP						
COMMENT:	I per	CHEVE	this bil	1 33 3	a gra	re threat stitution do and.  rg the
_ to our	a most	Valu	ed docum	ment, th	e Con	stitution_
Thus I	imple	ne ya	u to la	This it	28 I	do and.
do do	not let	Wing	ana, as	rist in	openn	og the
door to	77 /ts	allevat	ion, after	noteh o	62 struc	tion
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				<u></u>	· · · · · · · · · · · · · · · · · · ·	
PLEASE LEAVE	ANY PREF	PARED ST	'ATEMENTS W	ITH THE (	COMMITTE	E SECRETARY.
				<del></del>		;
					54	
				3	-16-31	

ERL NO. HJKIC

NAME: Cynthia Barr	rick	DATE: 3-7-87
NAME: Cynthia Borr ADDRESS: Pt. 38 BOX:	2235 Living	sten, MT 59047
PHONE:		
REPRESENTING WHOM?	<del></del>	
APPEARING ON WHICH PROPOSAL:	HJRIO	
DO YOU: SUPPORT?	AMEND?	OPPOSE?
COMMENT: We alrea	. 1	
to amond our C Congress pass a		
Smerdment. I	i we alsow	a Constitution
Convention, we le		
included to	, ,	
revisions to a		tionat.
Me must up	shold the x	strength of our
amendments and	rot ave in	to this suptle
undermining of a	is saved 1	right to protect
the original intent	of our Constitution	tietien which is
PLEASE LEAVE ANY PREPARED S	TATEMENTS WITH THE	COMMITTEE SECRETARY.
	A to the	enva kunut gemiä.

BILL NO. 451210

• (4)

NAME: KICHARD W. BARNEY DATE: 3-7-87
ADDRESS: Rt 85 Box 4329 LIVINGSTON MT
PHONE: 406-232-8111
REPRESENTING WHOM?
APPEARING ON WHICH PROPOSAL: HTR 10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: a Constitutiona Ocommentiar is an oferi deser for transferring with our Constitution History has
Shown that is an amendment is really needed
an amendment has been the way to go a guce
convention muites elements that appear the
United States to love a forum. Cup today there
are many elements within the United States Hat
desire a weakened Gout + constitution and a
mere socialized patitical septem. I am adamately
apprel to these dements and to anything that
disturbles and wants to water down the streight
an avaired carefulingaire us to asken priceless
and to live free of detalorship + appression
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
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180 00 F/S K 15

ADDRESS: P.O BOX 364  PHONE: 333-4469  REPRESENTING WHOM? Self  APPEARING ON WHICH PROPOSAL: HRT 10  DO YOU: SUPPORT? AMEND? OPPOSE? Yes  COMMENT: I use of senators to vote against a Constitutional Convention would repord for Every thing that our veterans have fought and died for, in cluding the Bill of Rights on through to the American way of life.  Please Preserve America as Ene Material State And State Preserve America as Ene Material State Cuilly  PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE CHARLES SECRETARY.	NAME: Michael Duncan Crilly DATE: Mar. >
APPEARING ON WHICH PROPOSAL: HRT 10  DO YOU: SUPPORT? AMEND? OPPOSE? YES  COMMENT: Jurge of senators to vote against  a Constitutional Convention would repordise Every thing that our Veterans have Cought and died for, in clading the Bill of Rights on through to the american way of life.  Please Preserve america as and That allow State And  That I was a constitution of the Convention way of life.  That I was a constitution of the convention way of life.  That I was a constitution of the convention of the convent	ADDRESS: P.O BOX 364
APPEARING ON WHICH PROPOSAL: ART 10  DO YOU: SUPPORT? AMEND? OPPOSE? Yes  COMMENT: I use of senators to vote against a Constitutional Convention.  a constitutional Convention would jepordise Every thing that our veterans have fought and died for, in clading the Bill of Rights on through to the american way of life.  Thense Preserve america as the Mation almost and Juntary almost and make the Crilly  Please Preserve america as the Mation almost and a three matters are almost and a three matters and a three matters are almost a three matters and a three matters are a three matters and a three matters are a three matters and a three materials are a three materials and a three materials are almost a three materials and a three materials are a three materials and a three materials are almost a three materials.  There are the committee secretary.  Significant and a three committee secretary.  Significant and a three materials are a three materials and a three materials.	PHONE: 333 + 4469
COMMENT: Junge of senators to vote against  a Constitutional Convention  a constitutional Convention would separatise Every thing that our veterans have Cought and died for, including the Bill of Rights on through to the american way of life.  There Preserve america as one That almost food.  There are preserve america as one Think - 2/an  There are preserve america as one There are almost food.	REPRESENTING WHOM? Self
COMMENT: Jurge of senators to vote against  a Constitutional Convention  a constitutional Convention would jepordise Every thing that our Veterans have Gought and died for, including the Bill of Rights on through to the american way of life.  Thank Preserve america as One Mation almoler God.  Thank You  Please Preserve America as One Thank I Crilly  PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE AND STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE AND STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE AND STATEMENTS WITH THE COMMITTEE SECRETARY.	APPEARING ON WHICH PROPOSAL: HRT 10
a Constitutional Convention would repordise Every  thing that our Veterans have Cought and  died for, including the Bill of Rights on  through to the american way of life.  There Preserve american as one.  Mation Almoler Hod.  Please Leave any prepared STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE CHARLES LOOM.  STATE CHARLES LOOM.  STATE CHARLES LOOM.	DO YOU: SUPPORT? AMEND? OPPOSE? S
thing that our Veterans have Gought and died for, including the Bill of Rights on through to the American way of life.  Through to the American way of life.  Thank - Zhu  Thank - Zhu  Thank - Zhu  There are prepared Statements with the Committee Secretary.  STATE SIME SIME AND BY  ENTER 3 16-57	COMMENT: I urge all senators to vote against
thing that our Veterans have Gought and died for, including the Bill of Rights on through to the American way of life.  Through to the American way of life.  Thank - Zhu  Thank - Zhu  Thank - Zhu  There are prepared Statements with the Committee Secretary.  STATE SIME SIME AND BY  ENTER 3 16-57	a Constitutional Convention.
thing that our Veterans have Gought and died for, in cluding the Bill of Rights on through to the american way of life.  Those Preserve america as one Thank-Than Michael & Crilly  Please LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE STATE AND STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE STATE AND STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE STATE AND STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE STATE AND STATEMENTS WITH THE COMMITTEE SECRETARY.	
died for, including the Bill of Rights on through to the american way of life.  Please Preserve america as One  Mation Ilsaler God.  Thank-Zon  Michael & Crilly  PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE AND DELLA STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE STATEMENTS.  STATE STATEMENTS.	•
Please Preserve america as One  Mation Moder God.  Thank-Zone  Michael & Crilly  PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE 3 1657	$\sim$
Please Preserve america as One  Mation Moder Hod.  Thank-Zhou  Michael & Crilly  PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STYLE STATE AND ST.  ENTEN NO. 57.  DATE 3 16-57.	
Mation Moder Hood.  Thank-Zone  Michael & Crilly  PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE STATE ADMIN.  STATE 3 16-57	Through to the content to by 51 miles
Mation Moder Hood.  Thank-Zone  Michael & Crilly  PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE STATE ADMIN.  STATE 3 16-57	Plane Preserve america as One
Thank-21 on Michael & Crilly  PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE ADMIN.  EMPOR NO. 57  CATE 3 16-57	
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE ADDRESS.  STATE 3 16-57	Traven the
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  STATE STATE ADDRESS.  STATE 3 16-57	Thank - Way
STATE STATE ADMIN.  SMITTER TO 57  DATE 3 16-57	Wiehael & Crille
STATE STATE ADMIN.  SMITTER TO 57  DATE 3 16-57	
STRATE STATE ADMIN.  EXHIBIT NO. 51  DATE 3 16-51	DIFASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
DATE 3 16-57	SINATE STATE ADMIN.
	EXHIBIT NO <u>57</u>
FOR MALE $\mathcal{H}$ S. R. J. $\hat{\mathcal{L}}$	BAL NO. HORIO

(EF-

NAME: NE	wman V. Bro.	ZOVSKY	DAT	E: 3-2-6
ADDRESS:_	Rte 38 Box	2252A LIV	ingston, MT	59047
PHONE: 4	106 -222-64			
REPRESENT	TING WHOM? M	gself (and th	ose who love	freedom)
		POSAL: House Jou		·
		AMEND?		
COMMENT:	I oppose	a const.	tectional	convention
		it 15 a de		
that	could de	stroy our	constitut	ton. In
		our count		
we h	ave he ver	needed it.	why Now	? I belie
it is	because	some power	ful people	want to 6h
the	constitutio	some power-	cel budget	has 12th
to	do with i	t because	that cour	2 be easil
		e same pro	1/1	all the
Prs	, 0	ments have		ts shown
he d	Le fact the	tit musse	2 persing	the sente
by	on a few v	etes a chief	ty be	k. Please
6 12 00 B	e this atte	met to cha	10 Hi co	nstitution
o pp. 2	Than	kyon. N	ewman V. Brog.	only
PLEASE	LEAVE ANY PREP.	AREM STATEMENTS	WITH THE COMMI	TTEE SECRETARY

NAME: Mrs. Pearl Munyer	DATE:	3-12-87	<u> </u>
ADDRESS: Box 178, Emigrant, Montana 59027	-		·
PHONE: 406/333-4774			
REPRESENTING WHOM? Myself and Loved Ones			
APPEARING ON WHICH PROPOSAL: HJR 10			j
DO YOU: SUPPORT? AMEND?	OPPOSE	:? Yes	. 2
COMMENT: I believe this proposal for a con	nstitutional	conventio	n
holds grave dangers for the American people.	Of course	all would	like
a balanced budget but by achieving it thru a	convention	we could	also
run the risk of having our Constitution comp	letely chang	ed. Some	se.
interest groups and individuals are advocati	ng just that	. They a	re
working to have our country governed by appo	inted instea	d of elec	ted
officials. Frankly, we have too many appoir	nted bureaucr	ats right	now
wielding power, never given to them by the p	people, over	our lives	
Let us protect our Constitution which pr	rotects us wh	en it dec	lares
this is to be "a government of the people, h			M.
people, whose just powers are derived from t			
		·	W. 1760
PLEASE LEAVE ANY PREPARED STATEMENTS WITH	THE COMMITT	EE SECRE	rary.
	State of the second	ATT PARM.	2
	8-11s.1 13.	59	

LATE 3.16-87

BILL NO. HS F

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NAME: S	leanor W	orces le			DATE:	took 15,	1
ADDRESS:	BOL 71,	Enriger	ant				1
	333.4487		·				
REPRESENT	ING WHOM?	Verit					
APPEARING	ON WHICH PR	OPOSAL:	HURI	٥	······································		
DO YOU:	SUPPORT?						
COMMENT:	O orne	्रिं कुल	T will	Mass.	Preen	প্রত	<u> </u>
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	or eve			······		<del></del>	
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•			TEMENTO !	17 MIL MILT	COMMITTEE .	Crcnra	
PLEASE I	LEAVE ANY PRI	EPAKED SIA	TEMENIO W	III INE	COMMITTEE	SECRETA	. K.M.

NAME: NAME	NCY DENNING		DA	TE: 3-15-97	_
ADDRESS:_	BOX A LIVING	sston M	Τ,		_
PHONE:	<b>€</b> 222-8300	Ò			
REPRESENT	ING WHOM?	······································			
APPEARING	ON WHICH PROPOSAL:	HJRIC	)		
DO YOU:	SUPPORT?	AMEND?	OP	POSE?	
COMMENT:					
	I do not feel	that a	constit	utional	
an	endment is the	a way	o bolane	e the	<u>.                                    </u>
	agt because				
	thely to be bro				
Co	nuention which	النحيا	altar t	to con docum	CAL
^	or the worse.				
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PLEASE I	LEAVE ANY PREPARED S	TATEMENTS W	THE COM	MITTEE SECRETARY,	•
			413 2007 2007	6/	
			(A) ch	3-16 F7 1 H3 K 18	-
			٠,٠		

NAME: MARK LAWLEY DATE:	3/15/8
ADDRESS: ROX 413. CORWIN SPANGS, M	7 5902
PHONE: 222-8300	
REPRESENTING WHOM? PRIVATE MONTANA UOT	ER-
APPEARING ON WHICH PROPOSAL: HJR10 CONSTITUTI	ONAL A MEN
DO YOU: SUPPORT? AMEND? OPPOSE	?
COMMENT: I OPPOSE HRIO BECAUSE I	FEEL
THAT A BALANCED BUDGET CAN BE	ACHIEVED
BY OTHER MEANS THAN A CONSTITUTIO	
I FEEL THAT THE BALANCEN HIS RIC	
OPEN THE DOOR TO AN UNNEEDED CONS	
CONVENTION THAT WILL ALLOW OTHER CHAN	
CONSTITUTION THAN JUST THE ADDITION OF	
BUDGET AMENDMENT. OUR CONSTITUTION H	
FOR 200 YEARS TO GUARANTEE OUR RIG	
A CONSTITUTIONAL CONVENTION MAS BEEN	
WE CAN NOT BE SURE WE WITH HAVE.	
BECAUSE THEY CAN CHANGE THE WHOLE	
TOTAL TOTAL CONTROLLED CONTROLLED CONTROL	IDE CECEDANA
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITT	GE SECRETARY.
	62
	16 37
and the second s	113K10

NAME: Daniel Gottsegen DATE: 3/15/87
ADDRESS: Box A Trestle Ranch, Corwin Springs, Montana
PHONE: 848-7277
REPRESENTING WHOM? Self
APPEARING ON WHICH PROPOSAL: Constitutional Convention bill
DO YOU: SUPPORT? AMEND? OPPOSE?
comment: To open the constitution to revision
in the way a constitutional convention would do
would jeapordise a foundational pillar of the.
United States to pressures from all sorts of
lebbiests and private interests. The citizens of
Montana would object to such an outrage.
If we want the constitution to quarantee
a balanced budget, it should be done by
an amendment!
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
63 5-16-5-1
Bal NO. HJRIC

(This sheet to be used by those testifying on a bill.)
NAME: Ollu D Bur DATE: 3/15/87
ADDRESS: pr 38 Bx2232 Liv. Wt.
PHONE: 222-8427
REPRESENTING WHOM? WISH APPEARING ON WHICH PROPOSAL: HIR 16
APPEARING ON WHICH PROPOSAL:
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: Some folks take medicine even when they don't need it - we call them
they don't need it - we call then
Hypocandinas - leto'not be
Horordiaes about an constitution -
it ain't seek - don't try to heal it.
In in form of a balanced budget to be
certain but not at the expense of our
when Exerced Budons - which would come
under resulting if this more al were to be
annual. In I'd wome - don't approve it!
Thoul you
$\frac{1}{2}$
Clean
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
2-16-5 ⁻⁷
3-16-3 / 511 NO +15 K10
Little 15 V

NAME: RAYMOND ARAVICH DATE: 3-15-8"	
ADDRESS: RT 38 BOX 2013 CLUINGSTON MT- 59047	
PHONE: 222 7366	
REPRESENTING WHOM? PRINTE MONTONA RUSIDENT	
APPEARING ON WHICH PROPOSAL: HTR 10 CONSTITUTIONAL AND MENTIL	
DO YOU: SUPPORT? AMEND? OPPOSE?	
COMMENT: I oppose HTR 10 BECONSE I BELIEVE IT IS THOUGH	
TO BE A BALFAICH BUCKTET SOLUTIONS A CONSTITUTIONAL	
ADMENDMENT CAR BE PASSED WITHOUT A CONVENTION, A CONVENTION	
IN my opinion is NBIG INISTAKE, TO OPEN THE U.S. CONSTITUTION	
TO AROURITE (which is convenition would no asonothe last Convenien	P 🛬
IN A DAY when, SELLISH INTEREST, LACK OF PUBLIC CONCERN, AND	
MIRIADE PRUBLEMS worklaside, (I.E. communism, TERROPYSTIC governo	n
SURVERSION, and an OUTKITHI LACK OF POLITICIANS ANGOR APPOINTERS TO	•
CONTROL THEMSELVES, would we unlinen and avalance of inens posses	<b>8</b> 000
THAT WOULD UNICHMINE. THE BEST FORMOR GOVERNMENT THIS WORLD	
	2
KNOWS THERE FORE LET US REALISE, THE UNITED STATES OF AMERICA , SIL	***************************************
weekd Leader, TO CHANGE OUR CONSTITUTION BY CONVENTITION WOULD CO	
OUR DOSITION ON THAT LENDERSHIP, AMERICA IS THE CALL HOPE THE WORLD.	1
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY	
A THOSE LONG.	_
2 11 51	
3-16-57 HJR10	

( ) ...

NAME: STEPHEN MARAGE DATE: 3-15-87
ADDRESS: BOX A CORCUSIN SPONGE MT
PHONE: 406 848 7381
REPRESENTING WHOM? MYSELF
APPEARING ON WHICH PROPOSAL: NJR10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT:
KHEE LETS KEEP THE CONSTITUTION
JUST THE WAY IT IS, SO THAT.
the wis might preserve our
RIGHT TO MIFS, MIBERTI AND THE
PURSUIT OF HAPPINESS THROUGH
own 4 SACRED RICHTS: FREE SPEECH
FREE PRESS FRES ASSEMBLY AND
Free Religion.
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
ELECTIVE CONTRACTOR CO

BUL NO. HJK10

(This sheet to be used by those testifying on a bill.)
NAME: Mark W Harblevoca DATE: March 15-
ADDRESS: BOXA Cowen Springs Montana
PHONE: 40 848 7381
REPRESENTING WHOM? Myself
APPEARING ON WHICH PROPOSAL: HTRIO
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: I believe that we should definite
Belonce the Budget but not at
the expense of opening the
Constitution especially by special
interest anno to tell the Senati
and Concilian men to get to work
in session to do the pot in the
Proper Way
I A fill Halland
1 1 March
THE PROPERTY OF THE PROPERTY OF THE CONTRACT CECTEMENT
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
5 11 5 7 2 11 5 7
011 110. HJR10

NAME: Names Colthon DATE: 3.15.87
ADDRESS: Pet 28, Livingston, MT.
PHONE:
REPRESENTING WHOM? FREEDOM FIGHTISES.
APPEARING ON WHICH PROPOSAL: HTR-10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT:
Done my country
who tamper rent les.
Ocasto 1 Donnation
•
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.) NAME: Cypthia B. FINDERSON DATE: 3/15/87 ADDRESS: BOX A River Route Cozwin Sprin REPRESENTING WHOM? APPEARING ON WHICH PROPOSAL: HJR 10 OPPOSE? DO YOU: SUPPORT? ____ AMEND?____ Dupport a BALANCED BUDGET BUT CONSTITUTIONAL CONVENTION The balanced budget should parcel to win the - legally car PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

> 3-16-8:1 43K10

( ) .....

NAME: FRANK SARLO DATE: 3/15/87
ADDRESS: Box A, CORWIN Spring, MT 54021.
PHONE: 406-222-8300
REPRESENTING WHOM? Mycelf
APPEARING ON WHICH PROPOSAL: H JR10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: I Am very haggy with our
CONSTITUTION TO WAY IT WAS
written & son't believe it is necessary.
Lo hold A constitutional convention
which could And probably would Acte
it in any way. It is possily
just to Add An Arandrat For the
our constitutions to come under
Attack to Boxe who would like
nothing better than to change
7.
High Loca.
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  3-16-57  BILL NO. HJR10

(This sheet to be used by those testifying on a bill.) DATE: 3-16-87 ADDRESS P.O.B 12 Emigran, Md. 57027 PHONE: 333-4308 REPRESENTING WHOM? Self APPEARING ON WHICH PROPOSAL: HIRIO DO YOU: SUPPORT? _____ AMEND? she a stand that it it is o PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. Please protect our beloved america and stop this Yon-10011 115R10

NAME: Carolyn Difie Potroggy) DATE: 3-16-87
ADDRESS: Rte 38 Box 2248 Livingston MT 5904-
PHONE: (404) 222-75-74
REPRESENTING WHOM? Outre Plong
APPEARING ON WHICH PROPOSAL: HJR 10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: Vite against Please , Balenced
Budget yes Con Con. NO Our Constitution was designed to.
protect our pledoma, Change it +
Dlavering arlies just writing to
strip us by taking away all safe grands
Thorging the structure of the states of Gunging
world growment where the word & Consept
ef intividual freedom is non existent

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXECUTION 72 DATE 3-16-5-1 BILL NO 115K10

NAME: Christian Susher DATE: 3-15-8
ADDRESS: 624 N. 25+ Lungston M+ 59047
PHONE: 222 2988
REPRESENTING WHOM? Concerned atrzen
APPEARING ON WHICH PROPOSAL: HJR 10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT:
1 Am very concerned that the
Constitution of the U.S. he protected how special interests groups. PLEASE
do not permit our country to be
Constitutional Connention to be called
'Supposedly to holand the budget
For Freds take - Be Vigilant for America
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

3.16.5.1 SILL NO. 1121C10

1
(This sheet to be used by those testifying on a bill.)
NAME: RAY S. CIESKEWITZ DATE: 3-15-8
ADDRESS: P.O. BOX 12 EMIGRANT NT. 59027
PHONE: 333 4308
REPRESENTING WHOM? SELF
APPEARING ON WHICH PROPOSAL: HJR 10
DO YOU: SUPPORT? AMEND? OPPOSE? X
COMMENT: I'M AM FOR A BALLANCED BUDGET BUT
NOT BY TAMPERMY WITH THE CONSTITUTION.
WES SHOULD FOLLOW THE ESTABLISHED PROCEDURE
FOR AMENDMENTS TO THE CONSTITUTION.
AN OPORTUINTY FOR MANIPULATION OF OUR
CONSTITUTION IS NOT THE WAY TO go
I SAY NO TO CON CON
- $        -$
Ly Cruz
(

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

MARKE SHIPE ROMAN. MESEN OD. 74 MAR. 3-16-81

NAME: Mavis & Mason DATE: 3/15/87
ADDRESS: 40 585 - Bozenen, Ut 59715
PHONE: 586-4031
REPRESENTING WHOM?
APPEARING ON WHICH PROPOSAL: Con/ Con/
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT:
Jurge you to woth ordered the
peoporal - 17 keurse we keed a balance
hudget but not at the risk is result
tonsing wit mer Contitution.
I wrong that this bollows
but at any snot be when by the
with preen - Not at the elsew or loving
On month tree days Which Could were build
Con sacred treedom which could very will hope in the way -
eggs if the total from the try
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETAR
STHATE STATE ASSIST.
EXERT 23. 15

EILL HO. 43K10

( ).....

NAME:	John E. Ha	2EH		DATE: M	ar 15
ADDRESS:_	Pa Bo	x 66 L	EM/GRANT	WT	5902)
PHONE:	406-	333-4306	· · · · · · · · · · · · · · · · · · ·		
REPRESENT	ING WHOM?				
APPEARING	ON WHICH PROP	POSAL: HJ	R 10 .		
DO YOU:	SUPPORT?	AMEND	?	OPPOSE?	<i>V</i> .
COMMENT:	Dur Cons	tetetion is	the fo	undation	
of ou	our leveta	founded	ly our . hertens	forefatt	country,
take o	u constitu	ition apart	and you	i have	opened
The h	edon of t	for every	peopl of	the Unite	gainst
Deing	the excus	e that w	e can I	alanie &	L.
budge that	t by ding	ging the co	nstitution Ils laws	shows in our	contals
cont	or work of	tend up fo	n theng	1 10-A	very met
the i	individual d	long who	0 0		right.
DI FILE	LFAVE ANY PREP	ARED STATEMEN	ITS WITH THE	COMMITTEE	SECRETARY

3-16-57

DILL 10. 1/3 R/O

in

NAME: Linda Mason		DATE: 3/15/11
ADDRESS: 101 Schutz	In Pore	man M7 59715.
PHONE: 586-4597		
REPRESENTING WHOM?	·	
APPEARING ON WHICH PROPOSAL:	: HJR 10 C	2. Constitutional Convention
DO YOU: SUPPORT?	AMEND?	OPPOSE?
Contetational Convention	standy og	to obtain a balanced
Conventer to begin	be to ea	and changing other
party the Courte		
PLEASE LEAVE ANY PREPARED	STATEMENTS W	ITH THE COMMITTEE SECRETARY.
		3-16-8-1 H31610

NAME :	Navion	Austin		_date: 3/15/87
•		celot Lane, Bo		,
PHONE:	586-78	85		
REPRESENT	ING WHOM?_			
APPEARING	ON WHICH I	PROPOSAL:	R 10	
DO YOU:	SUPPORT?_	AMEND?_	·	OPPOSE? V
COMMENT:	I fee	that there	' are	Many
		calling a con	1	
(1)	strention	+ that Tho	se out	· bolance
	211	sible good 4	hat ca	uld
C		There are a	HO22 C	1 Jays
	4 1	ee The bud	A (1)	//
	) Haraa	el The Due	9	
			<del></del>	
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			ł	
nicace 1	TENUE ANV P	REPARED STATEMENTS	WITH THE	COMMITTEE SECRETARY
ALENDE I	DUAL MAY			STREET WAS ADDED
				EXPERT TO 175
				DATE 3-16-8-1

FILL NO. 1-13 K 10

NAME:	BRK L. GR	ENIER	DATE: 3//	6/8
		UIGRANT, 1		
	•	HA BUILDER		
APPEARING	ON WHICH PROPOSA	L: <u>HJR 10</u>	7	
		AMEND?		
COMMENT:	TT IS MY	BELIEF TI	HAT THIS F	MEMI
-		ENTION TO	· ·	97
		FRUIRE AB		
BUDG	ET IS A D	DISGUISED A	TTEMPT BY	TH
		OMMUNISTS		
COUNT	RY TO DES	TROY THE B	ILL OF RI	GHTS
		CONSTITU		
<del></del>		T THEIR DR		
	•	SOCIACIST		THA
		ENT IN CON		
τ-		OUT WAY G		
		H COULD PO		##
7	n 1T:			
1 100,70				
PLEASE L	EAVE ANY PREPAREI	STATEMENTS WITH	THE COMMITTEE SE	CRETARY.

DATE 3-16-5-7
BILL NO. #3K10

NAME:	Hean	alleson	DATE: 3-12-87
ADDRESS:_	/ /		Springs, M/59021
PHONE:	848-744		
REPRESENT	ING WHOM?	Freedom Fighter	<u></u>
APPEARING	ON WHICH PRO	POSAL: Re: repolition a féderal Cons	n Calling for tetutionalConvention
DO YOU:	SUPPORT?		OPPOSE?
COMMENT:			
	as ar	american	Citizen I
wis		smy spines	
		// •	House of Representatives
In a	Lederal	Constitutional C	onvention.
7	manes	Constitutional Constitutional Constitutions	5 balance the
Redcet	They lave	tooks already e	stablished & do
DO WIT	host allow	ring a temptation	to tamper with
ou du	venely inspi	ed constitution	
		agent that Congres	s also call on
		vision that ou	
		could Bring fort	
//	1	hat usued right	./
the cov	raly deonin	y They chied &	ead the way!
PLEASE L	EAVE ANY PREP	ARED STATEMENTS WITH	THE COMMITTEE SECRETARY.

3-16-37 ELL 110 _1/3 K 10

NAME: Leizabeth Johnson	DATE: 3/15/87
ADDRESS: Box 38 Route 2235	
PHONE: 322-8427	
REPRESENTING WHOM?	
APPEARING ON WHICH PROPOSAL: 47210	
DO YOU: SUPPORT? AMEND?	OPPOSE?
COMMENT: I strongly oppose	the proposal
of HJR 10. It is a war ont of	eel that
information of what is	ould be the
result of the passing of is fully understood.	"A Balanced
Budget is the back or	is it the
time for some group of peo	titution.
1 stronger on moe +	+TP 10
- Stangey opposit	
PLEASE LEAVE ANY PREPARED STATEMENTS WITH TH	SEMATE SHATE ACCEPT.
•	EXPLISIT NO. 8/
	BILL NO. HJK10

NAME: Ollere Hoag DATE: 3/15/87
ADDRESS: Box 206 Emigrant
PHONE: 333-4707
REPRESENTING WHOM?
APPEARING ON WHICH PROPOSAL:
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: I appose the Federal Constitutional Convention.
First, I don't believe this is the best means to achieve
a balanced budget and secondly I don't feel.
it is wise to open up the constitution to the possibility
of being changed, amended or rewritten by a group
of people who may not represent my views.
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
DATE 3-16-8-1 BILL NO. HJC 10

(This sheet to be used by those testifying on a bill.) NAME: Mauren M. O Comell DATE: Mar 15/10 REPRESENTING WHOM? A Shudgeneration Mortanian Patriot APPEARING ON WHICH PROPOSAL: HJR 10 DO YOU: SUPPORT? ____ AMEND? PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. DATE 3-16-51 BILL NO. HJRIU

NAME: Ruth & Hoch	DATE: Maul 15, 1987
ADDRESS: 325 S. Main # 203 &	
PHONE: 323-36 92	
REPRESENTING WHOM?	
APPEARING ON WHICH PROPOSAL:	
DO YOU: SUPPORT? AMEND?	OPPOSE?
COMMENT: Let's not do anything of	nave to dealing
the God given frudom ha	•
convertion!	we wan ,
PLEASE LEAVE ANY PREPARED STATEMENTS W	
	STANTE STANT, SANT.  57 ANT 110 SY  2-16-57  ENT. 170 115 K 10
	EILL 110

NAME:	Peroni 1	3 Dir	Kera		DATE:_	3-16-8	7
	Bex 25						
	333-4						
REPRESENT	ING WHOM?	mys	relf		<del></del>		
	ON WHICH P	•					
DO YOU:	SUPPORT?		AMEND?		OPPOSE	?	•
COMMENT:		think	the go	ind i	den o	ffor	cii
a lia	chados	lere dege	t anner	ediscin.	tie.	by fa	2
at (	Certain	grank	ks of	heep	le- w	le won	et 1
The E	leavege a e.is NO	way	gaze ea	ile ou	er Core	oustetu	teen
Cons	uesition.	tea	single	Usuce.	· 1 O.L.	co eal	"Led
the	sky is	the las	met:	1 line	ed tia	le li s	<u>e</u> =
arm bree	sure ja	retizes	Cliff o	distant	est for	olitical	terk
lezid	Wastein	ytan.	1 app	perce H	JR 10	stron	y-la
The	nik you						
PLEASE I	LEAVE ANY PR	EPARED ST	ATEMENTS 1	WITH THE	COMMITT	EE SECRET	CARY.
				<b>D</b> .;	NATE OTHE 1	56	
					1 110 H	) K / V	

(:::-

(This sheet to be used by those testifying on a bill.) sabelle In. Durkerspate nar. 16 APPEARING ON WHICH PROPOSAL: 4 J R /0 DO YOU: SUPPORT? ____ AMEND?____ OPPOSE? a constitutional connenter forcing a halamed tudges

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

3-16-5-7 BILL 110 113 K 10

NAME: Elizabeth Davis DATE: March	1=35
ADDRESS: P.O. Box 65, Emigrant MT 5908	27
PHONE: 333-4797	
REPRESENTING WHOM?	
APPEARING ON WHICH PROPOSAL:	
DO YOU: SUPPORT? AMEND? OPPOSE?	-
COMMENT: I am opposed to Montana support the call for a constitutional convention. A	Fin:
ammendments to our constitution show	
be passed through congress, one by according to it's individual merits - according to it's individual merits - a via our tried and true congressional	and
Via our tried and true congresional	
procedures. A "Con Con" could end u	Pu
it cannot be limited by measures wi	fe
into resolutions by state legislatures, c	2110
it cannot even be limited by Congres	<u>S-</u>
With 50 much at stake, with the self-s	ery v
politics dangerously these days, a "Con Con" m.	160/
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRET.	ARY. 1 🗡
take place.	
DAMEST 10. 5.7  3.16-3.7	
DATE 3/6-5/ BILL MO. #3/8/10	

(1.)

(This sheet to be used by those testifying on a bill.)	
NAME: David Jumes Strams DATE: 3-14	
ADDRESS: Bon 2252A' Livingston mr	1
PHONE: 406-222-6674	 
REPRESENTING WHOM? MYSUF	
APPEARING ON WHICH PROPOSAL: HJR 10	
DO YOU: SUPPORT? AMEND? OPPOSE?	
COMMENT: I Believe our For Fathers did A	<u>v_</u>
dow't need A CONSTITUTIONAL CONVENTION	
IT will Just give your more power	
And Less to The people	<del></del>
	,

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRET

SENATE SYSTE AT AT.

NAME: DEAN VICTOR BAYLOR DATE: 3-14-8
ADDRESS: ROUTE 85 BCX 4329 LIVINGSTON, MT. 5904
PHONE: 222-8111
REPRESENTING WHOM? MYSELF
APPEARING ON WHICH PROPOSAL: H. J. R. 10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: I AM CONVINCED THAT A CONSTITUTIONAL
CONVENTION IS AN EXTREMELY POOR IDEA. DESPITE
THE BUTHUSIASM OF MANY WELL-INTENTIONED PEOPLE.
MOST OF WHOM ARE SIMPLY INTERESTED IN BALANCING
THE FEDERAL BUDGET, I URGE YOU TO CONSIDER
THE POSSIBILITY THAT A CONSTITUTIONAL CONVENTION
WOULD CPEN THE DOOR FOR CHANGING MANY AREAS
CF THE CONSTITUTION. EVERY SPECIAL INTEREST
GROUP IN AMERICA WOULD HAVE SOMETHING TO SAY
ABOUT "IMPROVING" THE CONSTITUTION. THERE IS NO
DOUBT THAT SUCH PEOPLE/GROUPS EXIST, AND ONCE
A CONVENTION WAS CALLED, THERE WOULD NO WAY
TO LIMIT CHANGES TO CALANCING THE BUDGET.
I ASK YOU TO DEFEND MY RIGHTS AS
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
THEY EXIST CURRENTLY; PLEASE VOTE AGAINST
HIR IC IT WOULD CREATE MORE PROBLEMS
THAN IT WOULD SOLVE.

(%)

NAME: E Magaret Keathey DATE: 3-14-87
ADDRESS: Box 316 Emigrant, Mt 59027
(406) 333-4718
REPRESENTING WHOM? My self as a Realter of Reconstant
APPEARING ON WHICH PROPOSAL: HJR10
DO YOU: SUPPORT? NO AMEND? OPPOSE? Yes
COMMENT: Our constitution Ras saved us
well for these 200 years - any undates
can be accomplished by an amendment, 9.
am definitely apposed to a constitutional
uneto the world give being to change
eregeting we stand for. There are too many
influential lablyies sucho do not represent
the minister of the sease but who could
early influence a constitute convention & add
on without something we would be opposed to
and that would be determined to our present
freedoms tour way of life.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

537 T. 3164	E EDAMM.
FEMTION NO.	90
500 - 600 -	1131610

DATE 3-16-5-1 BILL NO HJK10

_ bill.)

(14)

(This sheet	. to be used by	CHOSE COSTA		•
NAME:	Arey L. M	lagore	DATE:	3/14/87
ADDRESS:	08 Sur	dough R	idge B	02 MT.
PHONE:	586-354	5	Sydulia NU.	A
REPRESENTING W			DATE 3 16	5F 10
APPEARING ON W	THICH PROPOSAL:	Amendmen	+ for Con	Convention
DO YOU: SUPP	PORT?	AMEND?	OPPOS:	E?
COMMENT:	I am	strangly	apposed	to this
				amendment
	for a (or			
				barlorni r
ad the	imminer	t passibi	lity of	
	of our			
by Man	y in pos	tion of	great	power
who de	site to	do so.	<i>≻</i> +	simply
reading	both "	The Emer	ging Ca	nst. tuttion"
29	<b>7</b> 1			rment one
(20 625	ily sold	ally see	1 (63	lize the
creat	danger 1	ne Hen	OPEN	door
Con Car	broad (	present	to our	Constitution
PLEASE LEAVE	ANY PREPARED S	TATEMENTS WIT	-	TEE SECRETARY.
Firthern	ore seria	is question	ns must	pe symple
son for	se known	to the	general	public
before	sid sich	ame igue	nt is c	be answere public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public public publi
support o	st this L	eg is latur	e such	~25°,

(anvention be and how will they be choosen?

2) How will the Convention be financed

3) Will states control their delegates?

4) Are convention issues reviewable

by the courts

5) How long are state petitions valid

6) what determines the validity

of a petition.

Rather I would support strongly
the solution of the state heavislatures writing
sending an Amendment or Resolution
petitioning congress to adopts an
threndment to Balance the Budget.

I know of no one whom
apposed such an amendment, but
to use the shotgun approach of
a con Con I feel is not a
viable nor practical solution - as
the States are too high.

(This sheet to be used by those testifying on a bill.) colutoule DATE: 3 ADDRESS: BOX A CORWIN SPGS MONTANA PHONE: REPRESENTING WHOM? MYSELF APPEARING ON WHICH PROPOSAL: __ HJR 10 DO YOU: SUPPORT?____ AMEND?____ OPPOSE?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: COTSELET PRANSON, DATE: 3-19-0
ADDRESS: RIE 38 Box 2252 A
PHONE: 222-6428 SEMAN STATE COMM.  EXHIBIT NO. 44
REPRESENTING WHOM? muself  EILL NO. HIS REPRESENTING
APPEARING ON WHICH PROPOSAL: HJR 10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: A printe grasse a convention to Amy changes or
Court that most to be considered alreade, have within the
existing constitution an avenue of persont of The dangers of
gening up our constitution to the possibility of any changes
thist some group may desire to see in its structure and such
a move, cenurise, dangerous, & a threat & every freedom
ue hold sacred
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :	MARX	IRWIN			DATE: 3-1	4.87
ADDRESS:_	BOX	217 EMI	GRANT MT.	59027		
PHONE:	333 -	4773				
REPRESENT	ING WHO	M? SELF				
APPEARING	ON WHI	CH PROPOSAL:	HJR-10	<u> </u>		
DO YOU:	SUPPOR	T?	AMEND?		PPOSE?	<u>.</u>
COMMENT:	A co	NSTITUTIONAL	- CONVENT	ON 15 N	OT NECE	SSARY.
T7+15	15 100	BROAD A	N OPPORTU	NITY FOR	. POLITICA	AL .
MALCO	NTENT	3 TO PER	EVERT OUR	COUNTRY	'S BASIC	STRUCTURE.
THERE	15 ALR	EADY AN	EXISTENT F	ROCESS	FOR BRI	UGING
			PECIFICALLY			
			16 SUCCESS			•
17.43	V1/6 -	DANT MES	SS WITH IT	711		
WE HT	1 4 2	,	•	^ .		
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	<u> </u>					······································
				:	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·
PLEASE I	LEAVE AM	Y PREPARED !	STATEMENTS WI	ITH THE CO	MMITTEE S	ECRETARY.
				weeter •	95	

NAME: Sherri Houston DATE: 3/14/87
ADDRESS: Rt 38 2332 Livingston Mt 59047
PHONE: 272-6452
REPRESENTING WHOM? Self
appearing on which proposal: $\mu J R / O$
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: I Strongly Oppose this bill
as I feel it would leave 45
open to total rewriting of our
constitution and the 655 of
the things our forefathers wanted
for us. It has worked for 200yr
If it not Broken why fix it,
I fee! that requiring a balanced and
by law would not necessarily print
the money from the right arteas.
The wrong places could be cut.
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SEMATE	Star of the	
Chabit	110. 76	
Francisco P	3-16.81	
	HJK10	

NAME: Deborah //am	DATE: 3-14-87
ADDRESS: Rt 38 Box 2246 Liv	ing Ston, M+ 59047
PHONE: 406) 222-8016	
REPRESENTING WHOM? myself + my famil	
APPEARING ON WHICH PROPOSAL: H JR 10	
DO YOU: SUPPORT? AMEND?	OPPOSE? 1
COMMENT: I appose this resolution	
I feel as a constitutional o	
recessary. An ammendment	to the constitution
recessary. An ammendment can be made without a con	statutional convention
I feel a constitutional c	
be was do not all	and Was
be very dangerous and the	0 1 00
constitution could be chan	
and in wais that would	& or could
cut back considerably o	on the type of
life T wish to live h	are in The
Ilailed States I believe	in the constitution
the war that it is I fe	el es energles t
	god and can
10 belance the braget is	allitar and can
PLEASE LEAVE ANY PREPARED STATEMENTS WITH T	HE COMMITTEE SECRETARY.
PLEASE DERVE AND	SCHAFE STATE ADMIN.
	= 10 4 1
	3-16-51
	EIL BO. HIK10

NAME: VIRGINIA GALLAHER DATE: 3-14-87	ال
ADDRESS: Box A, Livingston, MT 59047	
PHONE: 406-222-8300	
REPRESENTING WHOM?	
APPEARING ON WHICH PROPOSAL: HJR10	
DO YOU: SUPPORT? AMEND? OPPOSE?	•
COMMENT: I oppose bill HJR10 because I feel that	
to protect our freedoms. I believe the Constitution	
is a divine document which ultimately is our	o-r
protection.	
	200
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETAR	
10. 98 10. 3.16-5:1. 11. NO. HJK10	_

NAME: Robert Worobec DATE: 3/14/87
ADDRESS: Box 433 Corwin Springs
PHONE: 848-7441
REPRESENTING WHOM? Self
APPEARING ON WHICH PROPOSAL: HURIO
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: Dodon't believe the present leader ship
in our country is up to the unmance responsibility
and challenge inherent in a constitutional,
convention. O feel we already have an adequat
means to provide a balanced budget - the process
of amendment. There is absolutely no justifi-
last in for maning the door to every medial
interest group in the country to try to establish
their own particular views as Caw, which
in my oring on a convention would lead to.
Please reject this motion!
- 1 same rejecte and many many
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
79 MAX 3-16-5-1
BILL NO. 1/3/2/0

STATEMENT PREPARED BY ROYER G. WARREN OF LAKESIDE, MONTANA, TO BE PRESENTED TO THE MONTANA SENATE STATE ADMINISTRATION COMMITTEE ON MARCH 16, 1987, IN OPPOSITION TO THE PASSAGE OF HJR 10.

DATE 3-16 S-1 BILL NO. #13 K 16

MY NAME IS ROYER G. WARREN. I RESIDE IN LAKESIDE.

I APPEAR TODAY IN OPPOSITION TO HJR 10.

BY THE TIME THIS STATEMENT IS PRESENTED AT THIS HEARING IT IS ESTIMATED THAT THE SUBJECTS "RUNAWAY CONVENTION," AND "WHY A CONSTITUTIONAL CONVENTION INSTEAD OF THE USUAL METHOD OF AMENDING THE CONSTITUTION?" WILL HAVE BEEN AMPLY EXPRESSED, SO I SHALL REFRAIN FROM DISCUSSING THESE PARTICULAR IMPORTANT ISSUES.

MY OPPOSITION DOES NOT ISSUE FROM A VESTED OR SPECIAL INTEREST. MY CRITICISM OF HJR 10 IS SIMPLY THAT THE EFFORT IS MISDIRECTED, OR, PERHAPS, MISDIRECTING. IN MY MIND, IT IS INCONCEIVABLE THAT A CONSTITUTIONAL AMENDMENT COULD BE AN EFFECTIVE VEHICLE TO RETARD THE SPENDING OF A PROFLIGATE CONGRESS; WHAT WITH ACCOUNTING PRACTICES BEING AS MALLEABLE AS THEY ARE, AND A JUDICIAL SYSTEM THAT IS SYMPATHETIC WITH THE PASSIONS OF CONGRESS, AS THAT SAME CONGRESS DANCES TO THE TUNE OF SPECIAL INTERESTS INSTEAD OF THE GENERAL WELFARE REFERENCED IN THE CONSTITUTION.

IT IS NOT A CONSTITUTIONAL AMENDMENT THAT IS NEEDED TO BALANCE THE NATIONAL BUDGET; IT IS SIMPLY COMPLIANCE WITH THE CONSTITUTION AS IT IS ALREADY WRITTEN. I REFER, OF COURSE, TO ARTICLE I, SECT. 8, CLAUSE 5 AND ITS COMPANION, ARTICLE I, SECT. 10, CLAUSE 1, BOTH OF WHICH ESTABLISH A MEDIUM OF EXCHANGE IN SPECIE, OR A SPECIE-BACKED, FULLY-REDEEMABLE CURRENCY. RHETORICAL CONSTRAINTS ON SPENDING HAVE OBVIOUSLY BEEN INEFFECTIVE IN THE RECENT PAST; PHYSICAL CONSTRAINTS, AS THE AUTHORS OF THE CONSTITUTION RECOGNIZED THROUGH BITTER EXPERIENCE, ARE REQUIRED TO CONTROL THE FRIENDS OF FIAT CURRENCY AND ETHEREAL CREDIT. IT IS, AS WAS PREDICTED, THIS LACK OF CONTROL THAT HAS INDUCED OUR PRESENT FISCAL DILEMMA.

ONE MUST ASK AT THIS HEARING TODAY: IF THE COURTS AND THE CONGRESS, IN THEIR COUNTLESS DETOURS AROUND THE MONETARY POWERS AND DISABILITIES OF THE U.S. CONSTITUTION, HAVE LED TO THE FISCAL CALAMITY WE NOW EXPERIENCE AT ALL LEVELS OF GOVERNMENT, HOW CAN WE BE CERTAIN THAT THEY WILL NOT BYPASS ANOTHER RHETORICAL CONSTRAINT -- A CONSTITUTIONAL AMENDMENT -- WITH EQUAL EASE?

SO LONG AS OUR FIAT MONETARY SYSTEM CONTINUES; SO LONG AS OUR BANKING SYSTEM IS A FRACTIONAL RESERVE AFFAIR; AND SO LONG AS CONGRESS SUPPORTS THESE SYSTEMS, AND THE COURTS CONSIDER THEM CONSTITUTIONAL, I CONTEND THAT A CONSTITUTIONAL CONVENTION TO ESTABLISH A BALANCED BUDGET AMENDMENT IS AN EXERCISE IN FUTILITY, AS WELL AS A MOVE FRAUGHT WITH UNCERTAINTY AND CONCEIVABLE DANGERS TO OTHER CONSTITUTIONAL PROTECTIONS WHICH, FORTUNATELY, HAVE NOT YET ERODED AWAY.

IN EFFECT, MEMBERS OF THIS COMMITTIEE, HJR 10 SEEKS THE WRONG CURE FOR THE DISEASE. HJR 10 IS A PLACEBO -- THE REAL CURE IS ALREADY ON THE BOOKS, IF CONGRESS WOULD ONLY HAVE COURAGE ENOUGH TO ACKNOWLEDGE IT.

I URGE YOU TO DEFEAT THIS RESOLUTION.

(Complete corroboration of my remarks regarding monetary policy can be found in the study of Constitutional Law by Edwin Vieira, Jr. entitled "Pieces of Eight: The Monetary Powers and Disabilities of the United States Constitution.)

NAME: ROYER	G. WARR	EN	DATE: 3-16	-87
ADDRESS:	Box 303	LAKESIDE	MT 59922	
PHONE:			5XMBIT 80. <u>/ly</u> Date <u>3./l</u> .81	
REPRESENTING W			BILL NO. HZKIO	
		L: HJR-	10	
			OPPOSE? V	
COMMENT:		_		
			,	

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :	Cant	Wilso	N		DATE:	3/16/87
		178				
PHONE :	406	- 965 - 30	032			
REPRESENT	ING WHOM?_	Montana	LAbone	rus D	istric	+ Counci,
APPEARING	ON WHICH	PROPOSAL:	1-1~	IR-1	0	
DO YOU:	SUPPORT?_	A)	MEND?	(	OPPOSE?	<u> </u>
COMMENT:			·			
Hu	COE COUR	do Not udation ever	NEE	O Yo	y ()	hangs ountry
	won	CUER	R			
			offin and an activation and activation of the contract of the			
	/					
PLEASE	LEAVE ANY	PREPARED STAT	TEMENTS W	SSHATE STAT	T AMMIL	
				EXHIBIT NO	16.37	
				Ellie HU.		-

NAME: Gene Wood	DATE: 3/16/87
ADDRESS: 221 14 Rice Hae	Glendme
PHONE: 365-4230	
REPRESENTING WHOM? Self	
APPEARING ON WHICH PROPOSAL: HJR10	
DO YOU: SUPPORT? AMEND?	OPPOSE? X
COMMENT:	
PLEASE LEAVE ANY PREPARED STATEMENTS WITH	THE COMMITTEE SECRETARY SERVER STATE ASSIST.  EXHIBIT TO 165.

BILL NO. 4/3/2/0

NAME: EMERY E. BENDEON DATE: 3-16-87
ADDRESS: 3330 So. 3Rd W. MISSOULA Mt
PHONE: 728-0051
REPRESENTING WHOM? FAMILY AND BUSINESS
APPEARING ON WHICH PROPOSAL: AGAINST CON-COW
DO YOU: SUPPORT? AMEND? OPPOSE? 465
COMMENT: No CHAWGE TO US CONSTITUTION
WANTED WITHOUT 3145 THE VOTE OF
THE POPULATION OF THE CITIZENS.
WE HAVE THE DREADFUL EFFECTS
OF A NEW CONSTETION IN 1972
HERE IN MONTANA. MOST OF
MONTANA'S PROBLEMS TODAY STARTED
IN THE New CONSTITUTION OF 1972
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  SERVE RELIE ADMIN.  EXERCIT NO. 103
2.//.3/
BILL NO 1/3 K 10

NAME: PEVVY	Minow	DATE: 3-16-8
ADDRESS:	•	
PHONE:		
REPRESENTING WHOM?	1 Tederation	Teachers
APPEARING ON WHICH PR	OPOSAL: H5 [6	) <u></u>
DO YOU: SUPPORT?	AMEND?	OPPOSE?
COMMENT:		
		·
	· · · · · · · · · · · · · · · · · · ·	
PLEASE LEAVE ANY PR	EPARED STATEMENTS WITH T	HE COMMITTEE SECRETARY.
	AMA TANG BIL	104 3-16-5-1 L NO. HIJE LO

NAME: Arthur H. McCurdy	DATE: 3-16-87
ADDRESS: 1730 Chotean Helena, MT	59601
PHONE: 443->464	A Company of the Comp
REPRESENTING WHOM? Self	EMMENT NO. 105  DATE: 10
APPEARING ON WHICH PROPOSAL: HTR 10	BILL NO. HSK 10
DO YOU: SUPPORT? AMEND?	OPPOSE? X
COMMENT: Mr. Chairman members of	The committee, I am adamantly
comments about HJR 10 although	I wish to make a few many could be made.
(1) There are afternatives to	
resolve our budget probl	oms.
2) To vote for this propes	al requires you to admit
that the American represe	intative system has failed
	ted representatives cannot do
what they are elected to	do. I do not believe the
American system has for	iled
(3) The proponent say a Convent	in will be limited cannot guarantee
a consention would be limited.	The consentian delegates establish
what the convention will or will	not do. In addition.
(Y) In addition it seems a waste	hat do. In addition, of money and time to have a constitutional
	S WITH THE COMMITTEE SELECTIONS.
contintion, since another volo c	f the state's will be required
to ratify whatever the conv	entin products.
To conclude, why open sando	rais box with a constitutional

•				
NAME: <u>S</u>	arah A Bo	vel	DATE:	3/14.87
ADDRESS:	520 8th Ave	Helena Stildesist	and to vote of	574 S Rodney
PHONE:	42-1562		SELATE STATE ABMIN	
REPRESENTIN	G WHOM?SU		DATE 3-16-5 BILL NO. +15-K	
APPEARING O	N WHICH PROPOSAL	: HORIC		
DO YOU: S	UPPORT?	AMEND?	OPPOSE?_	<u> </u>
COMMENT:	3 hu attrancy a	ud citizen 1	must ligist	<u></u>
They Str	and apposition	to 1412-10	It is Sing	Dy J
Macroeco	nauva uto t	he tederal c	I neithfour I	Le Starth
	authorian lies			
	uend he is	godes to the	e deringul,	and will
Jeru hall		ability to ev		
Durdle	. there is no	leason to b	clieve a a	on-con
Corll	to limited	as appart	e of this	s Repollution
Meg.				· ·
PLEASE LE	AVE ANY PREPARED			
leave =	This fer-	the lean	0-1.h	weit
a to				•

(This sheet to	be used by	those testi	fying on	a bill.)	
ME: James	Bma	Cauley		_DATE: 3/	16/87
1E: James  DRESS: Bö	× 376	Bo	uldes	MT.	
ONE: 22	5-367	) [		- Northwest Employed	
PRESENTING WHOM	i? self		VEHKA ZTAG	1 NO. 107 3-16-5	10
ONE: 22, PRESENTING WHOM PEARING ON WHIC	CH PROPOSAL:	HJM	BILL I	10. 11)1	10
YOU: SUPPORT					
OMMENT:					
					· · · · · · · · · · · · · · · · · · ·
				<del></del>	
PLEASE LEAVE AN					

(This sheet to be used by thos	se testifying	g on a bill.)	
ME Jack R. Mehl	Phose	DATE://	Mar 19
DRESS: BOX 175	Clane	y 596.	34
IONE:		O SENATE STATE LET EXHIBIT RO/O	7 m g
EPRESENTING WHOM?	(	DATE 3 /6 BILL NO. H3	5-57 R70 _
PPEARING ON WHICH PROPOSAL:	HJ.R.	10	
O YOU: SUPPORT?AM	END?	OPPOSE?	
OMMENT:			
			**************************************
			`
	<del></del>	· · · · · · · · · · · · · · · · · · ·	-
PLEASE LEAVE ANY PREPARED STATE	EMENTS WITH	THE COMMITTEE	SECRETARY.

(This sheet to be used by those testifying on a bill.) NAME: Wally Vlarpowski DATE: 3-14-87
ADDRESS: 60/ So. Washington Brooks PHONE: 782-7932 REPRESENTING WHOM? Montana Nestorea. BILL NO. HJK10 APPEARING ON WHICH PROPOSAL: HTR-10 DO YOU: SUPPORT? ____ AMEND? ___ OPPOSE? I wish to spend sublish at the COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

AME: Bob Davies	DATE: 3-15-87
DDRESS: Box 3634 Bozeman	
HONE: 586-6500	SENATE STATE ASMIN.
	2 11 40.1
PPEARING ON WHICH PROPOSAL: HJR 10	
O YOU: SUPPORT?AMEND?	OPPOSE? X
OMMENT:	
	·
PLEASE LEAVE ANY PREPARED STATEMENTS WITH	H THE COMMITTEE SECRET.

ME: Jawrence Ward	DATE: 3-16-87
DRESS: 3600 Valley Du	LAMON IN THE LOT
ONE: 227-6192	DATE 3-16 5.1  BILL 110. 1-13/6/0
PRESENTING WHOM? Alloiting	cers of the United States
PEARING ON WHICH PROPOSAL:	
YOU: SUPPORT?	AMEND? OPPOSE? X
DMMENT:	

(This sheet to be used by those	cestifying on a bill.
Little (	
JAME: Betty Turner	DATE: 3/16/81
ADDRESS: Clester, M+	
PHONE: 292-3500	
REPRESENTING WHOM? Suff & U	ery person in the US
APPEARING ON WHICH PROPOSAL:	// V
DO YOU: SUPPORT?AMEND	<b>\</b>
COMMENT: He people who	wrote the Constitution
11 //	those who oppose
Othe great Constitu	tion we have are
not Christian Go	do people!
PLEASE LEAVE ANY PREPARED STATEME	
	SANTE OF THE STATE
	CYRETY 110. 113.
	DATE 3-16-5-7 BILL 110. 4/3 K 10
	MIL 80 _ +13 K 10

NAME: Robert W. Boucher DATE: 3	-16-87
ADDRESS: PP/BOX107	
PHONE: 278-3909	
REPRESENTING WHOM? All Cityleus	
APPEARING ON WHICH PROPOSAL: Joseph & HETR /	0
DO YOU: SUPPORT? AMEND? OPPOSE?	<del>X</del>
COMMENT:	
	<del></del>

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ERIMAE STATE 1900A.

OMTE 3-16-5-7

OMTE 40. 435-K-10

NAME: JOE ELLISON DATE: 3-16-1887
ADDRESS: 79 GRUSER EST, CLANCY
PHONE: 933-5582
REPRESENTING WHOM? SELF
APPEARING ON WHICH PROPOSAL: H8J10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENTS!) as shown in article V of the Constitution
there are no francision for limiting a con con.
2) Congress has amended the constitution 2 4 Jenes
in the Past. Let's send our congressional members a strong message to balance the budges pas in the Past
strong message to balance the budget pas in the last
3) The Legal system + Constitutional sabolare disagree
as to whater a con con can be limited of our sugre
Court has never ruled on this, (4) as con con by
its om defistion is a sourcey & oly - It's
Puple.
THIS IS A DANGEROUS MOVE & I STRONG.
APPEAL TO YOU TO VOTE AGAINST THIS AIC
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
SENALE STATE STATE
DATE 113. 114. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 115. 10. 10. 115. 10. 10. 115. 10. 10. 10. 10. 10. 10. 10. 10. 10. 10

5HL 80__

NAME: Gerald G	3. Louis	DATE: 3-16-87
ADDRESS: R+ 18JX	16th White	hall, M.T. 59759
PHONE: 586-2849		
REPRESENTING WHOM?	self	
APPEARING ON WHICH PROP	POSAL: HTR1	<u> </u>
DO YOU: SUPPORT?	AMEND?	OPPOSE?
through a bala	mention repres	l'of fixed perpositifit the velviole of a of all.
		<u> </u>
	<del> </del>	
PLEASE LEAVE ANY PREI	PARED STATEMENTS WI	TH THE COMMITTEE SECRETARY.  2.16-5-1  2.16-5-1  BILL 110. 1131210

NAME: Bob Crane DATE: 3-16-8
ADDRESS: 2040 Oro Fino Drive, Helena
PHONE: (406) 443-2250
REPRESENTING WHOM? Freedom Church
APPEARING ON WHICH PROPOSAL: HJR/O
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: Although I suggest a balanced budget,
this is both on innefective and very
this; chath an innefective and very dangerous approved to try and accomplish it.
We have omended the constitution
a number of times for various reasons using the
method called for by the constitution itself.
If a constitutional amondment were the best
way to approved the balanced budget issue, then
it should be gurround in the so-to and condrolled
postion as has been done in the gost in
amending the National Constitution.
Our Church offices the Con Con
unanimously and in the strongest manner.
lenanimonsing and in Jose shorter
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
ORMANI STATE ASMAIL
DATE # KE 10
DATE HELIO

(This sheet to be used by those testifying on a bill.) DATE: 3-16-87 APPEARING ON WHICH PROPOSAL: AMEND? OPPOSE? DO YOU: SUPPORT?____ COMMENT: PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Walt Dupeas DATE: 3-16-8
ADDRESS: 8585 Hwy 35 Big Fork, mt. 59911
PHONE: 406 837-575/
REPRESENTING WHOM? Self
APPEARING ON WHICH PROPOSAL: H.S. R 10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: There are to many ways
to balance buget. We can cut our
spending or increase Taxes!!!
what will it be?
I can see taxes mised so high
That vone of us can live.
we have Gracer Rudman 10
halance bugget Now.
I am againt HIRID also been
of the many purposals to change to
a alamentary government and other bragion
changes
Sinerly
Weltbupea
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
and the second of the second o

MEL 110 45K10

(This sheet to be used by those testifying on a bill.)
NAME: 1955 Novich DATE: 3/16/87 ADDRESS: 2046 So. 104 Mula.
ADDRESS: 2046 So. 10 4 Mala.
PHONE: 549-7229
REPRESENTING WHOM? . Church Court. dens.
APPEARING ON WHICH PROPOSAL:
DO YOU: SUPPORT? AMEND? OPPOSE?
· Oi
COMMENT: 10te NO
My Counteraken Jak
Cho here
mej brælle alle
Directul in Red Claure
Toler One 3 yrs-
THOON AXIO
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
BILL NO. 1/2 K 10

(This sheet to be used by those testifying on a bill.)
NAME: RAYMOND F BABB DATE: 16 MARS
ADDRESS: PO. BOX 605 - BIEFORK MT
PHONE: 837-4230
REPRESENTING WHOM? SELF-
APPEARING ON WHICH PROPOSAL: HJR-10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: SUPPOSEDLY THE OPPONENTS WOULD HAVE EQUAL TIME TO DEBATE
THIS ISSUE- WEDID NOT HAVE
THE PROPONENTS, AND PAID POLITICAL ACTION AGITATORS F-ROM OUT OF STATE, WERE STILL SPEAKING AT 11/30 PM.)
STILL SPEAKING AT 11/30 PM.)  T DROVE NEARLY 200 MILLES TO SPEAK
AND WAS NOT GIVEN TIME!
THE OPPONEATS WERE CHOPPED OFF AT 12:15
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
SAUTO MATE I MATE
DATE 3-16-5-1

BILL NO HJX 10

NAME: DENNIS R WILSON	DATE: 3-15-87
ADDRESS: 2715 BUVEBELL DR. MISS	souca, M.
PHONE: 251-4195	
REPRESENTING WHOM? PRIVATE CITIZEN	
APPEARING ON WHICH PROPOSAL: NOT APPEAR	
DO YOU: SUPPORT? AMEND?	
comments: Whether one supports a new or conversely a balanced budget - the when the ligal establishment cannot the 'limits one possible.	s dea is forlish
The limits the fossible.	
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

3.16.J.1 BILL NO. 11316.10

NAME: Mayorie ann Lombard DATE: 3-16-87
ADDRESS: 209 W. Calendar Dot 1-4A
PHONE: 1-222-7547
REPRESENTING WHOM? mystate, myself, my Constitution
APPEARING ON WHICH PROPOSAL: 10
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENT: Olean let's not open ourselves
to a CON CON, without any rules  I procedures, & with such a rish-
factor involved forts manipulation
by special interest groups.
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY  DATE  11 TR 10  EILL 100. 11 TR 10

Committee Menshers O yes note on the Con Con doesn't say its going to lower the deficate It says it will balance the kudget, which can be done by rawing takes. Or the law Can be circumvented by declaring an under attack is the basic trust of our Constitution- the doctrine of seperation of powers, the systems of checks and balances which our founding fothers devised as a way to prevent a total dictatorship on typansy from taking over our Constitutional Depublic. Sincerely Beter W. Boucher Bernice J. Boucher NN/BOX 101 Conrad, Mit. 59425 Ontabled and Climionated at the ballot Bol. 3-165-1

NAME: RAYMOND E. GRAHAM	DATE: MAR 16/87
ADDRESS: 603 4TE AUE S.W.	GREATFALLS, NOWTANA 59404
PHONE: 425-9115	
REPRESENTING WHOM? CASCADE	CONKRY THA.A.
APPEARING ON WHICH PROPOSAL:	
DO YOU: SUPPORT?	AMEND? OPPOSE?
COMMENT:	
WILL GIVE COMMITTEE	MEMBERS WRITTEN STATEMENT
	Control of 1994 Anna 1997
	1).y
	BILL NO. 113 16 10

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

## DEAR SIR 5:-

I ASK THAT YOU VOTE ACAINST H, J.R WO 10 WHICH IN THE OPINION OF MAINY OF US IS AN ATEMPT TO SUBVERT THE CONSTITUTION BY THE RADICAL RIGHT WHO SEEM TO SEEK A DICTATOR SITIP

THESE SUBVERSIVE PEOPLE WANT TO TEAR OP THE
CONSTITUTION THE WHOLE DOCUMENT AND REWRITE
IT TO SUIT THEIR PURPOSES IN THIS CASE OUR
BILL OF RIGHTS WOULD PROBABLY GO DOWN THE DRAIN.

THE WAY TO AMEND THE CONSTITUTION BY CUSTOM

HAS ALREADY BEEN ESTABLISHED. FOR EXAMPLE

AN ADMENDMENT WAS VOTED ON BY THE STATE

FEGIBLATURES GIVE WO MEN THEIR RIGHTTO VOTE.

AND DURING WURLD WAR BEEN ONE AN AMENDMENT

WAS RATIFIED TO OUTLAW ALCOHOLIC BEVERACES

WHY DOES NT THE STATE SENATE SUBMIT A RESOLUTION

ASKING CONCRESS TO SUBMIT AN ADMENTMENT

REQUINING A BALANCED FEDERAL BUDGET?

HING. 10 IS A DANGEROUS CAN OF WORMS!

AS OUR THIRD PRESIDENT SAID QUOTE THE TIME

TO GUARD ACAINST TYRMINY IS BEFORE IT SHALL

GOTTEN HOLD OF YOU"

PLEASE VOTE AGAINS [HIR PO AS

DICTATORSHIP

FIRE ITIS NOW PROPOSED.

your Sincerely

P.O. Box 1652 Bozeman , Mt. 59771

March 6, 1987

Senator Paul F. Boylan Senator Dorothy Eck Senator Sam Hofman Capitol Station Helena, Montana 59620

175 3 16-8-1 111 110 H3 K10

Dear Senators:

Whereby our Forefathers have guaranteed our freedoms and rights in the U.S. Constitution and deemed it necessary to divide our --federal government into three branches with each having its distinct powers creating a system of checks and balances, so one branch could not overpower another.

And whereby James Madison stated that preservation of liberty requires that the three great departments should be separate and distinct, and that "frequency of elections is the cornerstone...of free government."

Whereby the U.S. Constitution has been amended 26 times in the past by 2/3 of both houses, and has never been amended by means of a Constitutional Convention, and therefore, no precedence having been set for the convention process.

And whereby members of power elitest groups have been planning and scheming to undermine the freedoms of the American people by bringing in "The Newstates Constitution" which not only takes away our freedom, but changes our form of government to a totalitarian - State.

We the undersigned do hereby, strongly recommend a NO VOTE on HJR-10 which calls for a Bicentennial Constitutional Convention. Former Chief Justice Earl Warren, who is considered to be one of the foremost authorities on Constitutional law has said, that there is no way to muzzle a convention and limit it to one amendment.

Therefore, since having a Balanced Budget Amendment does not, in anyway, guarantee a balanced budget, specially since fiat money is being printed at epidemic rates without the backing of the --gold standard, we the undersigned implore you to vote NO on this -serpentine, and heinous attempt to undermine our freedoms.

NAME

ADDRESS

TELEPHONE

11. Ifna J. Whitehell P.O. Box 1652, Bozaman 9771 587-1100

2. Wayne J. Patter 79851 Hallatin RD. Bozaman Mt. 587-1648

3. Catalina Bave 566 No Rouse B3, Wt 587-139

2. 1121/21 2016 365 TO Rouse B3, Wt 5860019

PETITION ON HJR-10 7. Florence Wilson 3049 Lourdough Road 3
8 malcolin Milellangh B15 w Cutur Bonaman net.
59715 TELEPHONE 587.0280 9. From McCallangle 515 W. Cutty 7-5807 587-5807 Byenan, Mt. 10. Donald Keath Fo. boy 1953 Bozemeno, mt 414. N. Montauca Bozemans (7597) II, the Hales 2101 Spring crais Dir . 2. Kulsand He Homen Pitsi : - 2000, 11. 11 econ 504 10 86,46/6 BEZEMAN, INT 14. Karberne donne 189 Launtal Lone Bezeman not 26. 35 Suit 430 S. TRITCY BOZEMAN MY 27. HIRON Marki Beginson 552 8704 60 x 24 15. Morriso Capinomen 1214 W. Koen WH 16. Tigung Tr. Kasis 17. Scholer Box 902 BOZEMAN MI Edith Bacon Box 1352 Bozeman, Mont. July M. O Coull Tox 909 BOZEMAN, MT. Miller Enne 301 M. Vellowstone Bozeman MT. Larry Brence Cen Dai Mill Iron, Mr Son Sit No Will Iron, Mr Son Sit No Will Iron, Mr Son Mill Iron, Mr. Son 23, ; W. 814 20 626 7 Delver Stones Bezenne, xel.

PETITION ON UNK-IO VOTE NO NAME Kelly J. Thebault ADDRESS TELEPHONE 2220 W. Main #61 Bozeman, mr 586-1699 Box SS Hammon Hall Boyeman, Mt. Stacy Farmer 994-3417 Cathum Jacobson 1814 Remington \$103 Bureman, MT 586-7157 and rellector I Park Plazako 586-5262 Gozeman, MT 59715 Scott Croft 1601 West Olive #6 5869399 Bozen 201, MT 59715 Box A Corwin Springs, mt 590à1 Werthe June 232-6438 sil of sullot 1207 8 Main ST. 714 1263. MT 59715 587-2171 Charles W. Vander gas 411 71.17 th Stue 587-3780 I Eleanor Chanderpas 411 ho 17th Steep 587-3786 Felix Battle 509 St. 41h ano. 587-2195 (Un) AL SOSTRIN 715 W. LAMME Lon Lee 222 S. Tracy Bozeman, MT. 586-2120 Bill Michno 16/6 Durston Boyenun Mt 59715 587-4964 Stry E Clothick 79979 GALLATIN RS

## PETITION ON HJR-10

VOTE NO

69. Lysla King

TELEPHONE ADDRESS NAME 587-7722 19979 Gallatin Rd Bozeman, MT 59715 42. Mary Choclicek 587-0628 43. Widald Frence 2002 Spring Creek R.d. Boxlo 245, Brown, MI 1315 W Karl #10 11 44. Linda Sharpa 45. Ellen Tschache 302 N. Dand, MT 59715 46. Lauren thorahan P.O. Box 184 Borman, MT 59715 47, Kelly Francine P.O. BOX 184 Bozeman, MT 58715 48. mark Etasline 933 S. Traces, Bozeman, MT 59715 586-2120 208 Rinding Pl. Bozeman, NIT 59715(586-67) 49. Barbara III. Lee 50. Pelieux Ree Behrent 2200 W. Dekerson #86 51. @ Levis Knop 941 Aus E, Brunus, 1117 54102 52. Themas (1) butternon # 60 KOUNTZ CT, BOTEMAN, MT 59715 53 Junily Pope 522 Dell Pl. Bozeman, MT 59715 587-0688 54. Chris Jur 1242 Thomas Drive Bozenan, nt 5975 587-709 55 Farily & Miller 1302 S. 30 BOZEMAN, MT 59715 587-638 on John & Roy > 1. Junetry D. Hindomaad The way the second 1151E. Baseline Rd. Belgrade, MT. 59714 . It we Prison 9034 Gallatin, Bilgrade, MT 59714 521 Canyon View Bozeinan, MT 59715 Area . Evenience - Contract 1019 S. Bezoman #1 Bozoman, MT59715 19 J. Bozeman #1, Bozeman, MT 59715 "FOX Bozemen Mr 557 59715 Black Bozeman Montana 59715

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119F Jeelia Martin-Bozeman, Mt 59715 11. Haun I Dutchlu 586-1499 Why direct Po 411/2 W. Hayes 13 Kin Mal. 417 /2 S. 10th 586-7254 823 S. 3 M 14 Calleen Bud 587-5620 410 Nunderson ? Dand A. Thomas 586-7305 76 Cheryl LBrown 12 Seon D. Cartes P.O Box 6473 208. L. Grants T. 586-2472 586-3691 994-3661 6 GARDNER PARK UNION 18 Studyen 80 But Mongold
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80 But Silet 327 S. Boyeman 586-3794 20 TAI GO #13 1-1346 586-8703 82 Breto & forces 31 Bens Billmos, MA 251-5765 84 Robert of Stephenson 209 So 15151 209 So 1515 HI 586-8839 6-1013 86. Charles & Leining. 87. John Barret Shelf allsgher 88. Robert Fisher Allsgher 90. D. D. Jutt 586-3881 none 1224 So 15th P.O. Box 6362 727 South 13th Ave none 587-2892 1207 E. Main #20 625 N. Heclges 994-2577 101 E Brangan 507-0055 2618 Spring CREK Dr 19. Crant Blogho 587-2255 1757 Stayerach Is, Marbattan 92 Lela Jane Curtis 282-7353 586-3184 9 Steven Miceria P.O. Box 5264 Botemen 94 Euslie Donay 96 Diane M. Milsen Hos @ 00/2./~ PO 514 Bozeman 587-0393 #108 1000 N. 17th St. Somemon Mt. 586-0328 408 1/2 N. 6th 1823 M. College 9 Nou S. Hildenstah 587-2682 586-9573 10 Les Wohlen 1112 W. Alderson Bozeman, MT 586 - 2392 1 Michael Kopey & 15 E. Curtier, Bozeman, ut 587-2432 I dana Weber 1207 E. main 14. Cleronin Dertoens 586-3511 517 5.3rd 10. Jana m. Johnson 517 5.300 10. Rosa mc of 2my 425E, aspen Bozaman, montan 59715