

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2359 SCOMM 99 HOUSE SPEC. WORLD TRADE. . RELATIONS, 1995-1996 654

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March 3, 1995

VIA FACSIMILE (916-445-9754)

TO: SENATORS LEWIS and ROGERS AND HONORABLE MEMBERS OF THE
CALIFORNIA SENATE

Re: SCR-9/The Conference of the States

Dear Senators Lewis and Rogers:

I have been informed by Colorado State Senator Charles Duke of the following information and have been authorized by him to release same to the California Senate.

Senator Duke was contacted last week by Utah Governor Mike Leavitt, who has been leading the charge for convening the Conference of the States. Governor Leavitt contacted Senator Duke in order to reach a compromise on this issue. Senator Duke indicated to Governor Leavitt that he was not against a meeting of legislators and governors but rather was against the sanctioning of state delegations by legislative resolutions. Governor Leavitt indicated that this was unacceptable because "we need the power of the legislative resolutions."

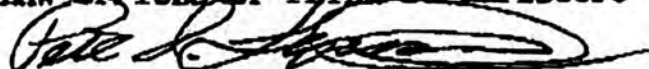
Senator Duke has been testifying around the country on this issue, and most recently last Wednesday and Thursday in the Maryland House of Delegates (SJR-13) and Pennsylvania House of Representatives (SCR-12). Senator Duke's testimony yesterday in Pennsylvania caused the House Intergovernmental Affairs Committee to table SCR-12 until further notice. In addition, the Council of State Governments (promotes the Conference of the States) scheduled an emergency meeting today in Harrisburg, Pennsylvania.

I believe it is imperative that Senator Duke testify to the Senate regarding the matter with Governor Leavitt and the Conference of the States. I will also make myself available to testify on Monday or any other date the Senate wishes for me to testify.

Senator Duke's telephone numbers: home: (719) 481-9289 or Capitol: (303) 866-4835/4866. My home telephone: (619) 440-1703.

Very Truly Yours,

LAW OFFICES OF PETER D. LEPISCOPO



Peter D. Lepiscopo

CONGRESS FORWARDS THE CONSTITUTION TO THE STATES

James Madison to George Washington

New York, September 10, 1787

objection
I found on my arrival here that certain ideas unfavorable to the Act of the Convention which had created difficulties in that body, had made their way into Congress. They were patronised chiefly by Mr. R.H.L. and Mr. Dane of Masss. It was first urged that as the new Constitution was more than an Alteration of the Articles of Confederation under which Congress acted, and even subverted these articles altogether, there was a Constitutional impropriety in their taking any positive agency in the work. The answer given was that the Resolution of Congress in Feby. had recommended the Convention as the best mean of obtaining a firm *national Government*; that as the powers of the Convention were defined by their Commissions in nearly the same terms with the powers of Congress given by the Confederation on the subject of alterations, Congress were not more restrained from acceding to the new plan, than the Convention were from proposing it. If the plan was within the powers of the Convention it was within those of Congress; if beyond those powers, the same necessity which justified the Convention would justify Congress; and a failure of Congress to Concur in what was done, would imply either that the Convention had done wrong in exceeding their powers, or that the Government proposed was in itself liable to insuperable objections; that such an inference would be the more natural, as Congress had never scrupled to recommend measures foreign to their constitutional functions, whenever the public good seemed to require it; and had in several instances, particularly in the establishment of the new Western Governments, exercised assumed powers of a very high & delicate nature, under motives infinitely less urgent than the present state of our affairs, if any faith were due to the representations made by Congress themselves, excluded by 12 States

JAMES MADISON TO GEORGE WASHINGTON 43

in the Union, and confirmed by the general voice of the people.—An attempt was made in the next place by R.H.L. to amend the Act of the Convention before it should go forth from Congress. He proposed a bill of Rights—provision for juries in civil cases & several other things corresponding with the ideas of Col. M.—He was supported by Mr. Mc—Smith of this State. It was contended that Congress had an undoubted right to insert amendments, and that it was their duty to make use of it in a case where the essential guards of liberty had been omitted. On the other side the right of Congress was not denied, but the inexpediency of exercising it was urged on the following grounds. 1. that every circumstance indicated that the introduction of Congress as a party to the reform, was intended by the States merely as a matter of form and respect. 2. that it was evident from the contradictory objections which had been expressed by the different members who had animadverted on the plan, that a discussion of its merits would consume much time, without producing agreement even among its adversaries. 3. that it was clearly the intention of the States that the plan to be proposed should be the act of the Convention with the assent of Congress, which could not be the case, if alterations were made, the Convention being no longer in existence to adopt them. 4. that as the Act of the Convention, when altered would instantly become the mere act of Congress, and must be proposed by them as such, and of course be addressed to the Legislatures, not conventions of the States, and require the ratification of thirteen instead of nine States, and as the unaltered act would go forth to the States directly from the Convention under the auspices of that Body—Some States might ratify one & some the other of the plans, and confusion & disappointment be the least evils that could ensue. These difficulties which at one time threatened a serious division in Congs. and popular alterations with the yeas & nays on the journals, were at length fortunately terminated by the following Resolution—*"Congress having recd. the Report of the Convention lately assembled in Philada., Resold. unanimously that the said Report, with the Resolutions & letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by*

RESOLUTION**URGING THE PENNSYLVANIA STATE LEGISLATURE TO REJECT
SENATE RESOLUTION NO. 12.**

WHEREAS, there is currently pending before the Rules Committee of the State House of Representatives Senate Resolution No. 12 which authorizes the appointment of official State delegates to a Conference of the States to be held in Philadelphia October 22 - 25, 1995, and

WHEREAS, much concern has been expressed by organizations and groups as diverse as the Pennsylvania AFL-CIO, Pennsylvania Jewish Coalition, National Rifle Association, American Civil Liberties Union and members of the Legislative Black Caucus that the appointment of such delegates might be interpreted as an Application for the convening of a Federal Constitutional Convention, and

WHEREAS, Philadelphia would welcome the opportunity to serve as the host city for the Conference of the States; and

WHEREAS, legislative authorization and appointment of official State delegates is not required for successful conferences and meetings and only serves to cause serious questions and concerns as to possible motivation and ultimate purposes of such appointments, including concerns of converting the Conference of the States into a Constitutional Convention; therefore

BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF PHILADELPHIA hereby calls upon the Pennsylvania State Legislature to reject Senate Resolution No. 12; and

RESOLVED further that a copy of this resolution shall be forwarded to Governor Thomas Ridge.

COUNCILMAN DAVID COHEN

March 16, 1995

RAMONA BARNES

PLEASE CONSIDER THE ATTACHED
SRES 82 FROM 104TH CONGRESS
WHICH THE STATED GOAL IS
TO AMEND THE CONSTITUTION.

ALSO ATTACHED IS A OPION
OF PROFESSORS OF LAW FROM
FLORIDA STATE UNIVERSITY

STEVEN O GAY
NAT STURN

I AM NOW OPPOSED TO A
CONFERENCE OF THE STATES
AND HOPE TO PERSUADE YOU
AND MY REPRESENTATIVES
ALSO.

THANK YOU

Bob Fanning
CHICKALOON ALASKA

FAX 745-3179

To petition the States to convene a Conference of the States to consider a Balanced Budget Amendment to the Constitution. (Introduced in the Senate)

SRES 82 IS

104th CONGRESS

1st Session

S. RES. 82

To petition the States to convene a Conference of the States to consider a Balanced Budget Amendment to the Constitution.

IN THE SENATE OF THE UNITED STATES

March 2 (legislative day, February 22), 1995

Mr. Brown (for himself and Mr. Helms) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

To petition the States to convene a Conference of the States to consider a Balanced Budget Amendment to the Constitution.

Whereas Article I of the Constitution of the United States of America provides that the Congress is vested with the authority to lay and collect taxes, to pay the debts of the United States, to borrow money on the credit of the United States, and to appropriate money from the Treasury;

Whereas for the past quarter century Congress has been unable to balance the Nation's budget in any year;

Whereas the President of the United States has submitted a budget which increases the deficit in future years;

Whereas Members of Congress have been unable to agree on language for an Amendment to the Constitution which would require a balanced budget; and

Whereas Congress has therefore attempted to deny the several States of the United States the opportunity

to vote on a Constitutional Amendment requiring a balanced budget: Now, therefore, be it

Resolved, That Congress hereby petitions the several States of the United States of America to convene a Conference of the States for the express and exclusive purpose of drafting an Amendment to the Constitution of the United States requiring a balanced budget and prohibiting the imposition of unfunded mandates on the States, and that such States then consider whether it is necessary for the States to convene a Constitutional Convention pursuant to Article V of the Constitution of the United States in order to adopt such Amendment.

APR 06 '95 11:51

03/20/1995 18:10

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P.4/5

SPEAKCULTAMERICA

PAGE 02



The Florida State University
Tallahassee, Florida 32306-1440

College of Law

March 10, 1995

Mr. Eric J. Thorn
Legislative Analyst
State Legislative Office
323 The Capitol
Tallahassee, FL 32399-1300

Dear Mr. Thorn:

This is in response to your inquiries regarding HCR 1401, which calls for the convening of a "Conferenc of the States" and would authorize Florida's participation in such a conference. As professor of constitutional law at the Florida State University College of Law, we are extremely troubled by the possibility that this proposed Conference could be construed as an opportunity for a constitutional convention under Article V of the United States Constitution. Such a convention could evolve into a wholesale assault on our Constitution, and lead to proposals for destroying our present constitutional system. The history of the 1787 constitutional convention indicates that even a constitutional system. The history of the 1787 constitutional convention could spread the agenda of the convention beyond its original purposes, dislodge their own rules for the modification of the convention's proposals, and therefore circumvent the fairly strict requirements of Article V. Moreover, again using the 1787 experience as our model, no external authority--either Congress, the courts, nor states that disagree with the convention's proposals--would have the legal authority to reject the convention's decisions if the convention itself deemed them absolutely binding on the entire country.

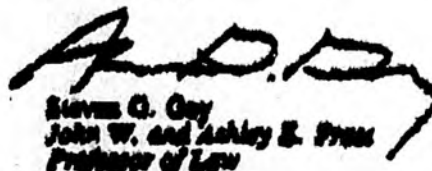
Our conclusions about the dangers of the "Conference" proposed in HCR 1401 are not mitigated by the ambiguous phrasing of the proposal, nor by the final subsection stating that the Concurrent Resolution "does not constitute an application by the Legislature of the State of Florida for the calling of a Federal Constitutional Convention within the meaning of Article V of the United States Constitution." It is essential to keep in mind that the "Conference of the States" could define its objectives for itself, and could reject presiding limitations on its authority, just as the 1787 convention abrogated the limitations imposed on it by the Articles of Confederation. The broad language of the Concurrent Resolution authorizes the Conference to "return the Federal Government" and authorize Conference delegates to "propose, debate, and vote on elements of an action plan to restore checks and balances between the states and the national government." These broad mandates could easily be interpreted by the Conference as providing it the authority to fundamentally revise our existing constitutional structure.

It is the strange (and dangerous) nature of a constitutional convention that it defines its own objectives and sets the guidelines for its own success. Once a constitutional convention begins, the only limit on its power is political. The federal courts have consistently refused to entertain questions regarding the legitimacy of constitutional amendments (see *Coleman v. Miller*, 307 U.S. 433 (1939)). Therefore, a new constitutional convention presents the disturbing

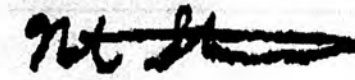
prospect of many different political bodies--the Conference, the existing federal government, dissenting states--all vying for preeminent political authority, without the possibility of judicial review to settle the dispute peacefully. This is truly a recipe for a constitutional crisis, and the destabilizing effects of such a crisis would reach into every aspect of our political, legal, and economic life.

We emphatically urge the Florida legislature to reject HCR 1401, or at the very least to postpone decision on the Concurrent Resolution until the legislature has given careful and detailed consideration to the many potentially disastrous implications that accompany even an ambiguous call for a constitutional convention. The United States Constitution is the greatest political document since the Magna Carta. Much of this country's strength and international moral authority are attributable to the Constitution's careful balancing of rights, responsibilities, and powers. Joining a "Conference of the States" as defined in HCR 1401 is the first, critical step down a very slippery slope toward upsetting that balance. We urge you to resist taking that step.

Sincerely,



Steven G. Gay
John W. and Ashley E. Frank
Professor of Law



Neil Stein
Professor of Law

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2039
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 28, 1995

SUBJECT: Conference of the States (HJR 20)

TO: Representative Barnes, Chair House Special Committee on World Trade and State/Federal Relations

FROM: Tamara Brandt Cook *TBC*
Director of Legal Services

HJR 20 calls for the convening of a Conference of the States under the auspices of the Council of State Governments and for the appointment of a delegation to represent Alaska at that conference. You have provided me with a copy of an "Alert" and asked me to respond. As I understand the contents of the "Alert," it is asserted that the Conference of the States will amount to Constitutional Convention.

Under Article V of the United State Constitution, a constitutional convention is called by Congress "... on the application of the legislatures of two thirds of the several states. . . ." HJR 20 itself does not call for a constitutional convention. It is not even addressed to Congress. While it is possible that the question of trying to persuade state legislatures to call for a constitutional convention could be considered during the Conference of the States, the conference itself does not amount to a constitutional convention because it was not called by Congress and the required number of states have not applied to Congress for a convention.

TBC:klb
95-105.klb

04/06/95

17:48:56

TCN: 50478

DATE & TIME: 04/06/95 15:30 TO 17:30 STATUS:5 IN PROG.

**** ORDER SUMMARY ****

SPONSOR: SSTA SENATE STATE AFFAIRS

CHAIRS: SHARP

PURPOSE: PUB PUBLIC HEARING

LEGISLATIVE

CONTACT: RUTH SKIDMORE TEL#: (907)465-4522

CHAIRING SITE: JUNEAU

CAPITOL

CAP211

TOLL FREE: (800)478-7612 DIAL-UP:

LIO: (800)478-9908

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED

3 MINUTE LIMIT

TESTIMONY WILL BE TAKEN WITH A 3 MINUTE LIMIT.

SPONSOR REMARKS(LIO): BACKUP MATERIAL:N MEETING IN PROGRESS:N MAX. SITES:15

BACK-UP = DJT

OTHER SITES MAY ADD THRU THE JNU LIO.

NIK VTS CONFIRMES 3/24.

TCN REQUESTED ON 04/06/95 AND HAS 6 UPDATES

**** AGENDA ****

1 HJR 20 CONFERENCE OF THE STATES

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	716 W 4TH, #200	LOCATION STAFF
BAR BARROW	COURTHOUSE #305	LOCATION STAFF
DJT DELTA JCT.	JARVIS CTR. #210	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
GLN GLENNALLEN	COMMUNITY LIB.	LOCATION STAFF
HOM HOMER	126 W PIONEER #4	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP211	LOCATION STAFF
MAT MATSU	165 E PARKS HWY.	LOCATION STAFF
SEW SEWARD	2001 SEWARD HWY	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF
TOK TOK	MP 1314 AK. HWY	LOCATION STAFF

**** VOLUNTEER & OFFNET SITES ****

SOL NIK NIKISKI

UNDETERMINED

TIM NAVARRE

(907)283-4470

PARTICIPANTS IN:ANCHORAGE

ANC

1	KOTIN THOMAS	TSFY. HJR 20
	PO BOX 90906	ANCHORAGE AK 99509 (907)345-7438
2	BOB GRIFFIN	TSFY. HJR 20
	PO BOX 77-0889	EAGLE RIVER AK 99577 (907)244-3416
3	JOANNE SWANNER	TSFY. HJR 20
	240 PETTIS	ANCHORAGE AK 99515 (907)344-5151
4	ROCKY FRANK	TSFY. HJR 20
	1601 WOLVERINE	ANCHORAGE AK 99504 (907)333-8883
5	ROBERT KOTTRE	TSFY. HJR 20
	921 W 56TH AVE	ANCHORAGE AK 99518 (907)561-8736
6	C.R. LEWIS	TSFY. HJR 20
	1500 POST RD	ANCHORAGE AK 99501 (907)276-3624
7	SANDOR MANYOKY	TSFY. HJR 20
	3900 E 112TH	ANCHORAGE AK 99516 (907)344-4108
8	RANDY BEILFUSS	UNABL HJR 20
	11241 DAVE LANE	ANCHORAGE AK 99515 (907)344-0384
9	SUSAN MANYOKY	TSFY. HJR 20
	3900 E 112TH	ANCHORAGE AK 99516 (907)344-4108
10	DEANNA CRESAP	TSFY. HJR 20

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PARTICIPANTS IN:ANCHORAGE

ANC

	22135 AURORA BOREALIS	ANCHORAGE	AK 99567 (907)688-1090
11	CHARLES MCKEE		TSFY. HJR 20
	PO BOX 143452	ANCHORAGE	AK 99514 (907)000-0000
12	SAMUEL HAYWOOD		TSFY. HJR 20
	2221 MULDOON RD NO 561	ANCHORAGE	AK 99504 (907)333-6930
13	KENNETH SMITH		TSFY. HJR 20
	4705 E 112TH	ANCHORAGE	AK 99516 (907)346-3374
14	LILLIAN VILLWOCK		TSFY. HJR 20
	PO BOX 210027	ANCHORAGE	AK 99521 (907)333-2217
15	BARBARA FIX		TSFY. HJR 20
	PO BOX 3681	PALMER	AK 99645 (907)746-5800
16	ARLI MASTER		TSFY. HJR 20
	1502 G ST	ANCHORAGE	AK 99501 (907)272-9415
17	BOB ECKSNES		TSFY. HJR 20
	11806 WILDERNESS DR	ANCHORAGE	AK 99506 (907)345-4405
18	MILTON SMITH		UNABL HJR 20
	241 JEFFERSON AVE	ANCHORAGE	AK 09957 (248)238-0005
19	ROBERT GIGLER		UNABL HJR 20
	7447 OBRIEN ST	ANCHORAGE	AK 99507 (907)344-5469
20	BILLY TOIEN	LIBERTARIAN	PART UNABL HJR 20
	4518 E 3RD AVE NO 3	ANCHORAGE	AK 99508 (907)338-5476
21	RALPH WINTEROWD II		UNABL HJR 20
	6901 E TUDOR, STE 7	ANCHORAGE	AK 99507 (907)269-7001
22	ROY WHITTEN		OBSV. HJR 20
	3700 SPENARD	ANCHORAGE	AK 99503 (907)561-1582
23	MARY LOFLAND		OBSV. HJR 20
	4061 EDINBURGH	ANCHORAGE	AK 99515 (907)248-3740
24	TANDY LOFLAND		OBSV. HJR 20
	4061 EDINBURGH	ANCHORAGE	AK 99515 (907)248-3740
25	GAYLORD HERMAN		UNABL HJR 20
	3605 ARCTIC BLVD 1453	ANCHORAGE	AK 99503 (907)562-2161
26	TO OBSERVE		OBSV. HJR 20
			AK (907)000-0000
27	TO OBSERVE		OBSV. HJR 20
			AK (907)000-0000
28	TO OBSERVE		OBSV. HJR 20
			AK (907)000-0000
29	TO OBSERVE		OBSV. HJR 20
			AK (907)000-0000
30	TO OBSERVE		OBSV. HJR 20
			AK (907)000-0000
31	TO OBSERVE		OBSV. HJR 20
			AK (907)000-0000
32	TO OBSERVE		OBSV. HJR 20
			AK (907)000-0000

PARTICIPANTS IN:BARROW

BAR

1 MR.	MARK AMES	SELF	TSFY. HJR 20
	P.O. BOX 368	BARROW	AK 99723 (907)852-5527

PARTICIPANTS IN:DELTA JCT.

DJT

1 MR.	PATRICK DALTON		TSFY. HJR 20
			AK (907)000-0000

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PARTICIPANTS IN:DELTA JCT. DJT

2 MR. BERNARD GOODNO

TSFY. HJR 20

AK (907)000-0000

PARTICIPANTS IN:FAIRBANKS FBX

1 MR. LADD MCBRIDE
2 MS. MARY LINTHICUM
3 MS. KATHLEEN WEDEMEYER
4 MS. MARY OSTROWSKI
5 MR. GREGORY GARRELS
6 MR. MICHAEL WEDEMEYER
7 MR. ART GRISWOLD
8 MR. PAT COOK
9 MR. DAVID DOHNER
10 MR. TOM SCARBOROUGH
11 MS. JOY COOK
12 MS. CARLA VON RON CEILIER
13 MS. PATRICIA GRISWOLD

TSFY. HJR 20
AK (907)000-0000
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AK (907)000-0000

PARTICIPANTS IN:GLENNALLEN GLN

1 MR JULIAN_PAUL WEIR
P O BOX 275 GLENNALLEN
2 MR ED KNOEBEL
P O BOX 84 GLENNALLEN
3 TO OBSERVE

TSFY. HJR 20
AK 99588 (907)822-3902
TSFY. HJR 20
AK 99588 (907)822-3208
OBSV. HJR 20
AK (907)000-0000

PARTICIPANTS IN:HOMER HOM

1 MR. DAVID BENTLEY
41955 SPENCER DR HOMER
2 MR. JIM RODERICK
PO BOX 916 HOMER
3 MR. JACK POLSTER
HOMER
4 MR. KEITH ELKINS
68170 CENTURION DR HOMER
5 MR. JOHN GLANVILLE
PO BOX 1792 HOMER
6 MR. LARRY SLONE
1204 OCEAN DR #1 HOMER
7 MS. KATHLEEN MOORE

TSFY. HJR 20
AK 99603 (907)235-7389
TSFY. HJR 20
AK 99603 (907)235-4070
TSFY. HJR 20
AK 99603 (907)000-0000
TSFY. HJR 20
AK 99603 (907)235-6053
TSFY. HJR 20
AK 99603 (907)235-7703
TSFY. HJR 20
AK 99603 (907)000-0000
TSFY. HJR 20

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PARTICIPANTS IN:HOMER

HOM

	4631 KACHEMAK BAY DR	HOMER	AK 99603 (907)235-7959
8 MR.	BROTHER ASAIAH		OBSV. HJR 20
	PO BOX 504	HOMER	AK 99603 (907)000-0000
9	UNKOWN DID NOT SIGN IN		OBSV. HJR 20
			AK (907)000-0000

PARTICIPANTS IN:JUNEAU

JNU

1 SEN	B	SHARP	CHAIR	TSFY. HJR 20
			JNU	AK (907)000-0000
2 SEN	L	LEMAN		TSFY. HJR 20
			JNU	AK (907)000-0000
3 SEN	R	PHILLIPS		TSFY. HJR 20
			JNU	AK (907)000-0000
4	TO	OBSERVE		OBSV. ALL ITEMS
5	TO	OBSERVE		OBSV. ALL ITEMS
6	TO	TESTIFY		TSFY. ALL ITEMS
7 SEN	D	DONLEY		TSFY. HJR 20
			JNU	AK (907)000-0000

PARTICIPANTS IN:MATSU

MAT

1 MR	DAN	GIFFORD		TSFY. HJR 20
			AK	(907)000-0000
2 MR	SHAYNE	HOLMES		TSFY. HJR 20
			AK	(907)000-0000
3 MS	LAURA	WINEINGER		TSFY. HJR 20
			AK	(907)000-0000
4 MR	CARMIE	GILBERT		TSFY. HJR 20
			AK	(907)000-0000
5 MR	ROBERT	PONTIUS		TSFY. HJR 20
			AK	(907)000-0000
6 MR	ANTHONY	MCNABB		TSFY. HJR 20
			AK	(907)000-0000
7 MR	CLYDE	BEUTLER		TSFY. HJR 20
			AK	(907)000-0000
8 MS	BARBARA	BROADWATER		OBSV. HJR 20
			AK	(907)000-0000
9 MR	ROBERT	LINCOLN		TSFY. HJR 20
			AK	(907)000-0000
10 MS	BARBARA	SWALLOW		TSFY. HJR 20
			AK	(907)000-0000
11 MS	GRETCHEN	O'BARR		TSFY. HJR 20
			AK	(907)000-0000
12 MR	DICK	STOFFEL		TSFY. HJR 20
			AK	(907)000-0000
13 MR	MIKE	NELSON		TSFY. HJR 20
			AK	(907)000-0000
14 MR	DAVE	RATZ		TSFY. HJR 20
			AK	(907)000-0000
15 MR	RICHARD	STUDER		TSFY. HJR 20
			AK	(907)000-0000
16 MR	DONALD	GRABER		TSFY. HJR 20
			AK	(907)000-0000
17 MR	JOHN	THOMAS		TSFY. HJR 20

04/06/95

17:48:56

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PARTICIPANTS IN:MATSU

MAT

18 MR	DAVID	CRAWFORD	AK	(907)000-0000
			TSFY.	HJR 20
19 MR	ROBERT	GABEL	AK	(907)000-0000
			TSFY.	HJR 20
20 MR	MIKE	GABEL	AK	(907)000-0000
			TSFY.	HJR 20
			AK	(907)000-0000

PARTICIPANTS IN:SEWARD

SEW

1 MR.	BEN	SUDDATH	SELF	OBSV.	HJR 20
	PO BOX 1209		SEWARD	AK 99664	(907)000-0000

PARTICIPANTS IN:KEN/SOL

SOL

1 MR.	CHARLES	DICKSON	SELF	TSFY.	HJR 20
	PO BOX 2018		SOLDOTNA	AK 99669	(907)262-6020
2 MR.	LEON	QUESNELL	SELF	TSFY.	HJR 20
	516 HEMLOCK AVE		KENAI	AK 99611	(907)283-4152
3 MS.	SUSAN	ROSS	SELF	TSFY.	HJR 20
	PO BOX 198		KASILOF	AK 99610	(907)262-5479
4 MR.	LEONARD	EFTA	SELF	TSFY.	HJR 20
	PO BOX 353		KENAI	AK 99611	(907)283-7670
5 MR.	WESLEY	NEWCOMB	SELF	TSFY.	HJR 20
	PO BOX 1001		STERLING	AK 99672	(907)262-3135
6 MR.	PETE	HOGGENBOOM	SELF	TSFY.	HJR 20
	PO BOX 198		KASILOF	AK 99610	(907)262-5931
7 MS.	DAWN	CLEMENTS	SELF	TSFY.	HJR 20
	PO BOX 198		KASILOF	AK 99610	(907)283-5931
8 MR.	W.K.	BREWIES	SELF	TSFY.	HJR 20
	PO BOX 1389		KENAI	AK 99611	(907)283-4070
9 MR.	SEYMOUR	MILLS	SELF	TSFY.	HJR 20
	PO BOX 51		STERLING	AK 99672	(907)262-9289
10 MR.	GARY	SUPERMAN	SELF	TSFY.	HJR 20
	PO BOX 8425		NIKISKI	AK 99635	(907)776-8448
11 MR.	BRAD	TURKINGTON	SELF	TSFY.	HJR 20
	PO BOX 2889		SOLDOTNA	AK 99669	(907)776-5870
12 MR.	BRIAN	HOOGENBOOM	SELF	TSFY.	HJR 20
	PO BOX 198		KASILOF	AK 99610	(907)283-5931
13 MR.	KELLY	PERKINS	SELF	TSFY.	HJR 20
	PO BOX 1936		SOLDOTNA	AK 99669	(907)262-6663

PARTICIPANTS IN:TOK

TOK

1 MR.	MAURICE	STOUT		TSFY.	HJR 20
	PO BOX 279		TOK	AK 99780	(907)000-0000
2 MS.	REBECCA	STOUT		OBSV.	HJR 20
	PO BOX 279		TOK	AK 99780	(907)000-0000

**** UPDATES ****

01	03/22/95	10:56:14	ANNOUNCING TELECONFERENCE
02	03/22/95	14:24:22	GLENNALLEN ADDED ON
03	03/23/95	12:01:52	SEWARD ADDED ON
04	03/24/95	16:14:34	TOK ADDED ON
05	03/27/95	10:54:17	HOMER ADDED ON
06	04/03/95	14:21:11	BARROW ADDED ON

**Suggested Language for Amendments to the Resolution of
Participation**

(7) Adoption of this Resolution does not constitute an application by the Legislature of _____ for the calling of a federal Constitutional Convention within the meaning of Article V of the United States Constitution.

-or-

(7) The Conference of the States may not be convened as a federal Constitutional Convention under Article V of the United States Constitution.



THE COUNCIL OF STATE GOVERNMENTS WESTERN OFFICE
 121 SECOND STREET 4TH FLOOR SAN FRANCISCO CA 94105 • TELEPHONE (415) 974-6422

TELECOPIER COVER SHEET

WESTERN STATES

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AMERICAN SAMOA

COMMONWEALTH OF THE
NORTHERN MARIANA
ISLANDS

GUAM

DATE:

March 9

NUMBER OF PAGES (INCLUDING THIS COVER SHEET):

4

TO:

Wayne Malone

RECIPIENT'S TELECOPY TELEPHONE NUMBER:

907-465-4565

FROM:

Cathy Shetty

COMMENTS OR SPECIAL INSTRUCTIONS:

Per our conversation this morning.

*This letter went only to Senate leadership and
Senate Tim Kelly as Chair of your legislative
services.*

*I doubt it is anything new to you but you
may want to share it with Joe Ambrose
as he is aware of what's coming.*

*Thank you so much for all your help during
this ~ you definitely made my job easier!*

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WHILE THE ACTION PLAN WOULD NOT BE BINDING ON THE FEDERAL GOVERNMENT, IT WOULD BE IMPOSSIBLE FOR CONGRESS OR THE PRESIDENT TO IGNORE IT. THIS CONFERENCE WOULD RECEIVE NATIONAL AND INTERNATIONAL MEDIA ATTENTION, AND ACTIONS TAKEN WOULD HAVE TO BE CONSIDERED BY THE FEDERAL GOVERNMENT.

THE CONFERENCE WOULD OCCUR NO LATER THAN NINE MONTHS AFTER A TOTAL OF 26 STATES PASS RESOLUTIONS LIKE THE ONE BEFORE YOU TODAY.<<<<<<<<<<

SEVEN STATES, INCLUDING KENTUCKY, UTAH, ARKANSAS, DELAWARE, IOWA MISSOURI AND VIRGINIA HAVE ALREADY APPROVED THE RESOLUTION, AND IT IS UNDER CONSIDERATION BY MOST OTHER STATE LEGISLATURES THIS YEAR.

UNDER THE TERMS OF THE RESOLUTION, THE GOVERNOR AND FOUR LAWMAKERS, TWO FROM EACH HOUSE, WOULD BE VOTING DELEGATES AT THE CONFERENCE. IF EACH OF THE FIFTY STATES SENDS A DELEGATION, THERE WOULD BE A TOTAL OF 250 VOTING MEMBERS.<<<<<<

THIS NATIONAL INITIATIVE IS BEING ORGANIZED BY THE COUNCIL OF STATE GOVERNMENTS IN COOPERATION WITH THE N-C-S-L AND THE NATIONAL GOVERNOR'S ASSOCIATION.<<<<<<<<<<

IT ENJOYS SUPPORT FROM ALL
POLITICAL PARTIES, AND IS BACKED
BY THE KNOWLES ADMINISTRATION.

**THE RESOLUTION IS AN IMPORTANT
STEP TOWARD RESTORING THE
BALANCED SYSTEM OF GOVERNMENT
ENVISIONED BY THE TENTH
AMENDMENT, AND I ASK THAT YOU
VOTE TO MOVE IT FROM
COMMITTEE.<<<<<<<<<<<<**

THANK YOU.

SPONSOR STATEMENT
BEFORE THE HOUSE FINANCE COMMITTEE

FEBRUARY 28, 1995
RAMONA BARNES, CHAIR
HOUSE SPECIAL COMMITTEE ON
WORLD TRADE AND STATE/FEDERAL RELATIONS

HJR 20 AUTHORIZES THE STATE OF
ALASKA TO SEND AN OFFICIAL
DELEGATION TO A CONFERENCE OF THE
STATES TO BE HELD DURING
1996.<<<<<<<<<<<

THIS CONFERENCE WOULD BE THE
FIRST FORMAL MEETING OF THE FIFTY
STATES SINCE 1786.<<<<<<<<<<<

DELEGATES FROM ALL FIFTY STATES
WOULD DEBATE AND VOTE ON AN
ACTION PLAN DESIGNED TO RESTORE
THE CHECKS AND BALANCES BETWEEN
THE STATES AND THE FEDERAL
GOVERNMENT.<<<<<<<<<<<

THE ACTION PLAN WOULD BE
FORWARDED TO INDIVIDUAL STATES
FOR APPROVAL AND WOULD NOT BE
BINDING ON THE FEDERAL
GOVERNMENT.

WHILE IT'S ACTIONS ARE NOT
BINDING, THIS CONFERENCE WOULD
RECEIVE NATIONAL AND
INTERNATIONAL MEDIA ATTENTION,
AND THE ISSUE OF STATES RIGHTS
UNDER THE TENTH AMENDMENT WOULD
BE IN THE FOREFRONT.....

THE CONFERENCE WOULD OCCUR NO
LATER THAN NINE MONTHS AFTER A
TOTAL OF 26 STATES PASS
RESOLUTIONS LIKE THE ONE BEFORE
YOU TODAY.<<<<<<<<<<

A DOZEN STATES, INCLUDING KENTUCKY, UTAH, ARIZONA, ARKANSAS, DELAWARE, IOWA, MISSOURI, OHIO, SOUTH DAKOTA, WYOMING, IDAHO AND VIRGINIA HAVE ALREADY APPROVED THE RESOLUTION, AND IT IS UNDER CONSIDERATION BY MOST OTHER STATE LEGISLATURES THIS YEAR.

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GOVERNOR'S ASSOCIATION.<<<<<<<<<<

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STEP TOWARD RESTORING THE
BALANCED SYSTEM OF GOVERNMENT
ENVISIONED BY THE TENTH
AMENDMENT, AND I ASK THAT YOU
VOTE TO MOVE IT FROM
COMMITTEE.<<<<<<<<<<<<<<<

WITH US TODAY IS THE PRESIDENT OF
THE COUNCIL OF STATE
GOVERNMENTS, MR. ANDREW GROSE,
AND I'VE ASKED HIM TO SAY A FEW
WORDS ABOUT THE CONFERENCE....

5

Wayne in Rep. Barnes office

from Chris Schwarz CSC 606 244 8162

Status Report on 2-23-95

Party control

■ States that have passed a resolution in both chambers: (12 states)	Governor	Senate	House
Arizona	Rep.	Rep.	Rep.
Arkansas	Dem.	Dem.	Dem.
Delaware	Dem.	Dem.	Rep.
Idaho	Rep.	Rep.	Rep.
Iowa	Rep.	Dem.	Rep.
Kentucky	Dem.	Dem.	Dem.
Missouri	Dem.	Dem.	Dem.
Ohio	Rep.	Rep.	Rep.
South Dakota	Rep.	Rep.	Rep.
Utah	Rep.	Rep.	Rep.
Virginia	Rep.	Dem.	Dem.
Wyoming	Rep.	Rep.	Rep.

■ States that have passed the resolution in at least one chamber: (10 states)

Colorado Senate
Georgia House
Indiana Senate
Minnesota House
Montana Senate
New York Senate
North Dakota House
Oregon Senate
Pennsylvania Senate
Tennessee House

■ States that have introduced the resolution in at least one chamber: (23 states)

Alaska
California
Connecticut
Hawaii
Illinois
Kansas
Maryland
Mississippi
Michigan
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
North Carolina
Oklahoma
Rhode Island
South Carolina
Texas
Vermont
Washington

West Virginia
Wisconsin

■ States where introduction is pending (five states)

* Alabama
* Florida
* Louisiana
Maine
Massachusetts

* These legislatures have not convened as of 2-17-95.

The Conference of the States

A state movement demands equal partnership with the federal government.

State legislatures across the country this year will consider convening a Conference of the States to fix an imbalance of power between the states and the federal government.

The Conference will take place when 26 states approve an identical resolution calling for it.

A bipartisan group of four governors and dozens of officials from almost every state approved the idea Dec. 4 at a meeting of the Governing Board of The Council of State Governments, a 61-year-old non-profit, nonpartisan institution.

"We have moved from the talk stage to the action stage," said Gov. Ben Nelson, a Democrat from Nebraska and the outgoing president of CSG. "It is time for us to move even further here today. States, counties and cities need to have the authority to take care of the issues close to their people."

A Conference of the States would attempt to shore up the powers of the states in the federal system, a problem state leaders say has intensified in the last two decades. Examples of this problem include a growing number of underfunded and unfunded mandates from Congress, expansion of the federal bureaucracy and the restraints that federal laws place on state attempts to improve services, like health care and welfare.

Republican Gov. Mike Leavitt of Utah quoted passages from James Madison's Federalist Papers during the meeting as he urged state officials to pass the plan. "James Madison might well have known that a meeting like this might need to oc-

cur," he said. "... That there would be a need for states to band together."

The proposal to convene a Conference of the States was approved almost unanimously in a voice vote after state officials questioned Govs. Nelson and Leavitt about the idea: How would it work? Who would participate? What is the next step?

The Conference of the States would work like this: States will receive a proposed resolution supporting the idea for introduction in their legislative chambers. When a majority of legislatures passes the resolution, a steering group will convene the Conference, probably in the fall of 1995. Each state that passes the resolution will send a five-member delegation consisting of the governor and a bipartisan mix of legislators. If the governor from that state were unwilling or unable to attend, then a fifth delegate would be elected.

Delegates to the Conference will debate remedies that states could use to correct the imbalance of power and then adopt an action plan. Remedies could range from legislative to legal strategies to possible constitutional solutions. The plan then will be sent back to state legislatures for ratification.

At the very least, the Conference of the States will be a good opportunity for states to get the word out about what they have accomplished, officials said.

"States really have become the engines of innovation and change," said CSG Executive Director Dan Sprague. "Every state has revised its constitution, updated its ethics laws and lives within its means. People need to hear how states have become

leaders in reinventing government."

Concerns about the Conference of the States were raised by Wisconsin Sen. Fred Risser, who said he was concerned the process might become an opportunity for special interest groups to further their goals. "Unless you can convince me," he said, "I am quite apprehensive."

In response, Leavitt said that any action proposed by the Conference of the States would have to be approved by three-quarters of the state legislatures before it could become an official statement of that body. "If 75 percent approve it," he said, "then I think it is wise."

Leavitt said there were three things that could kill the Conference of the States, which he termed deadly sins:

- If the Conference becomes a partisan issue, then it will fail. Of the four governors at the CSG meeting who spoke in favor of the plan, two were Democrats and two were Republicans.

- If the Conference became tied to an issue like gun control, abortion or school prayer, then it would fail. Supporters have been careful to say that this effort is not an attempt to turn back the clock. Rather, it is an attempt to correct the imbalance so that government is more efficient.

- And if the Conference becomes tied to any group or personality, then it would not succeed.

After reciting these deadly sins, Leavitt looked to the dozens of state officials gathered at the table. He said, "The time has arrived. This may be a historic moment."

CSG will continue to communicate with state leaders about the next steps for the Conference of the States. □

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

NO. _____
BILL VERSION: HJR 20
PUBLISH DATE: _____

Revision Date: _____
Title: Relating to unfunded federal mandates
and the Conference of the States.
Sponsor: Representative Barnes
Requestor: Representative Barnes

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Council and Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	11.0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	11.0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
----------------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	11.0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	11.0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

It is anticipated that 4 members of the Legislature would represent the State of Alaska at the Conference of the States.

Prepared By: Karla Schofield, Deputy Director
Division: Administrative Services

Phone: 465-3852
Date: 1/26/95

Approved By: Pamela A. Varni, Executive Director
Agency: Legislative Affairs Agency

Pamela A. Varni

Date: 1/26/95

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSIONBILL NO. HJR 20

Revision Date: _____

Title: A Resolution "Relating to unfunded federal mandates and the
Conference of the States."Sponsor: Representatives Barnes, Grussendorf, Foster, Mulder

Requestor: _____

Department Affected: Office of the GovernorBRU: Executive OperationsComponent: Executive OfficeCOMPONENT SERIAL NO. 0006

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN						
-----------	--	--	--	--	--	--

FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact - costs for the Governor or designee to participate in a Conference of the States will be paid by existing operating funds.

Prepared by: Michael A. Nizich, Director
Division: Division of Administrative ServicesPhone: 465-3876Date: 1/26/95Approved by Commissioner: Jim Ayers, Chief of Staff
Agency: Office of the GovernorDate: 1/26/95

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State Lies



KEY ISSUES IN THE STATE LEGISLATURES

Front and Center In '95

OFFICE OF STATE
GOVERNMENT
LIAISON
AFL-CIO

As a result of the GOP state legislative landslide of last November, organized labor and working families may be in for tough times in the months and years ahead in the 50 state legislatures.

This prediction is borne out in the results of a recently completed state legislative survey sent by the AFL-CIO Office of State Government Liaison (OSGL) to all state AFL-CIOs. Its purpose was to determine the labor and other key public policy issues that would arise in the 1995 session of the State Legislatures and to gauge possible GOP points of attack on state labor laws and programs.

Based on the survey results, what union members and workers can expect as the 1995 state legislative sessions get into high gear are:

- 1) Broad scale attacks on long standing state labor laws;
- 2) Major efforts to enact state right-to-work statutes;
- 3) Anti-public employees initiatives aimed at bargaining rights, pensions, collection of union dues and privatizing jobs;

4) New initiatives to cripple organized labor through one-sided, anti-labor campaign finance "reform" legislation.

Concerning the primary points of attack, the survey indicates that:

- **43 states** — 90 percent of those reporting — will face privatization efforts aimed at state (and perhaps local) services.

- **Over 38 states** expect to see continued efforts to weaken state workers' compensation and unemployment insurance laws.

- **37 states** — nearly 80 percent of those responding — foresee attempts by the GOP to

legalize or liberalize the use of prison labor.

- **Over 30 states** anticipate efforts to weaken state collective bargaining protections or reduce benefits under public employee retirement systems.

- **30 states** responding to the survey may see some action — mostly anti-worker — on drug testing legislation.

- **Over 25 of those states** with prevailing wage laws expect efforts to repeal or weaken them.

Regarding other public policies, the major issues likely

Continued on page 4

In this issue:

- 2 ➤ **Son of Con Con** — The Proposed "Conference of the States."
- 3 ➤ **Breaking Out All Over** — "Right-to-Work" Battles.
- 5 ➤ **The Laws of '94** — State Labor Law Roundup.
- 7 ➤ **Doctors vs. Managed Care** — The "Any-Willing-Provider" fight.

MARCH/APRIL
1995



Right-To-Wreck Back Again

State Ties

STATE TIES is published by the office of State Government Liaison, Department of Organization and Field Services, AFL-CIO. Reader comments, information and subscription requests should be forwarded to:

STATE TIES
Office of State
Government Liaison
AFL-CIO
815 16th Street, N.W.
Washington, D.C. 20006
(202) 637-5282

Lane Kirkland—
President

Thomas R. Donahue—
Secretary-Treasurer

From the opening gun of the 1995 State Legislatures, the National Right to Work Committee has stepped up their attacks on unions with the introduction of an avalanche of "right-to-work" (RTW) bills. But union members, led by their state AFL-CIOs, have mobilized fierce grassroots opposition. As a result, right-to-workers have met with little success while pro-labor forces have already scored significant victories.

For those unfamiliar with the issue, "right-to-work" legislation - which is in effect in 21 states - allows a state to exercise option 14b of the National Labor Relations Act to prohibit labor and management from negotiating a union security agreement even if workers want it. Union security requires employees, who gain the benefits of collective bargaining, to share in the costs of union representation, contract administration and service from the union. Without union security, "freeloaders" refuse to pay their fair share, thereby financially crippling the union and rendering it unable to represent workers. A recent study by the AFL-CIO shows the obvious - unions are

weakest in RTW states and workers' wages are over \$4300 less than in free bargaining states. That's why its often called right-to-work for less.

As of this writing, a variety of RTW bills have been introduced in nearly a dozen states.

In **Montana**, early in the session legislators appeared to be moving fast towards a floor vote on "right-to-work". However, on the morning of the scheduled House vote, nearly 500 workers and their families—some driving hundreds of miles over snow-covered roads—cramped the committee room to oppose the measure. Opposition by GOP Governor Marc Racicot also helped seal the bill's fate as the committee voted by a 13-5 margin to reject the bill. Six of seven committee Republican legislators opposed it. In **New Mexico**, "Right-to-work" bills met a similar fate as they were also voted down by House and Senate committees following an effective lobbying campaign by the state AFL-CIO. In **Colorado**, the GOP Senate killed a "right-to-work" bill by a 18-16 margin, while a bill introduced in the House has gone nowhere. Democratic Governor Roy Roemer had pledged to veto any RTW legislation. In **New Hampshire**, Republican state senators defeated a "right-to-work" bill by a 13-9 floor vote in a state where killing "right-to-work" far less legislation seems to have become an annual ritual.

In **Oklahoma**, where the issue has come and gone for the last 10 years, RTW looks to be a major battle. The Democratically-controlled House caved in and approved by a 73-23 vote an amendment to an unrelated bill allowing a "right-to-work" ballot question to go to the voters this fall. Prospects for passage of this bill in the Senate are less likely, but the Republican Governor has pledged to put the issue on the ballot if the Legislature does not support "right-to-work". In **Maryland**, for the first time in recent memory, a "right-to-work" bill was introduced and a House hearing was held, but the committee defeated it by more than two-to-one margin. In **Rhode Island**, where RTW is a rarity, a hearing is scheduled. In **Kansas**, a bill to require annual re-authorization of dues check-off for union

Continued on page 8



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Conservative Agenda at the Forefront in 1995

Continued from page 1

to be considered by the state legislatures in 1995 are:

• **Tax Cuts** — The revenue picture for the states is the best in ten years with both sales and income tax revenue on the rise due to the economy. In fact, state spending overall grew by 5 percent in 1994, and is projected to continue at that rate through fiscal 1995. As a result, only ten

states instituted midyear budget cuts in 1994, down from the 35 states that did so in 1992. Ironically, the "Clinton recovery" may give GOP governors the fiscal wherewithal to deliver on their campaign promises to cut taxes. GOP governors will

be looking to cut business taxes, to supposedly improve the "business climate" and spur economic development. Across-the-board personal income tax reductions are also likely in some states.

• **Government Reorganization** — Was another major GOP theme during the fall campaign. The Republican version of reinvention will include downsizing, deregulating and, as mentioned previously, privatizing. Nearly 40 state AFL-CIOs identified this issue in the AFL-CIO survey, as likely to be a major agenda item in their state legislature.

• **Crime and Punishment** — Will again get a heavy emphasis, as it did in 1994 but this time a major focus will be on juveniles, with both sentencing reform and school safety dominating the debate. Truth in sentencing, enhanced penalties for gun related crimes, and prison construction funding round out this debate.



• **Welfare Reform** — The states won't wait for the "feds" version of reform. Workfare, limits on child support, "two years and you're out" and others will continue to dominate this agenda.

• **Health Care** — Thirty-eight state federations indicated that this issue will remain active. State initiatives will continue, although they will likely focus on incremental "market based" reforms and not address comprehensive overhaul. Efforts to control Medicaid expenditures will also be a priority. On other issues, previously passed state employer mandates are under attack in Oregon and Massachusetts, while the "Docs" are pushing "any willing provider" legislation to open up closed panel medical plans. Tax subsidized medical savings accounts are also on the agenda.

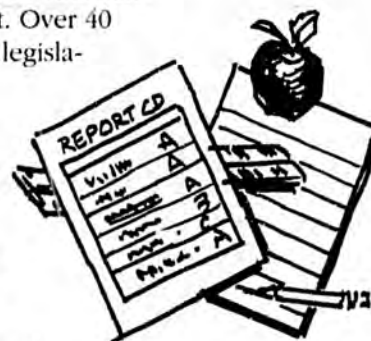


• **Education** — School financing and so-called "school choice" (charter schools and vouchers) appear to be on the top of the list. Over 40 states responding to the AFL-CIO legislative survey also pinpointed state initiatives on school-to-work proposals as part of the educational agenda for 1995. Efforts to restore some of the funding for state higher education programs eroded during the recession will also get attention.

• **Job Retraining** — With federal initiatives underway, 35 state federations expect to see state legislative action to restructure state job training programs.

Other major issues likely to be in the forefront of the state legislatures include gaming and gambling, tort reform and anti-regulatory "Takings" legislation.

For a copy of the results of the OSLG survey, contact Mike Gildea at 202-637-5176.



New State Labor Laws in 1994

New state laws on prevailing wages, work-related family issues, employee leasing firms, whistleblower protections and employment discrimination topped the list of labor issues addressed by state legislatures in 1994 according to a new report by the U.S. Department of Labor (DOL). Among the major issues highlighted by the report:

Wage and Hour Laws

The annual report (which excluded worker's compensation and unemployment insurance issues), showed that state prevailing wage laws were one focus of legislative attention throughout 1994. In a major battle over prevailing wage, an **Oregon** ballot measure proposing to repeal that state's prevailing wage law was soundly defeated. On legislation, **Delaware** and **Ohio** both increased the contract dollar amount to which their state prevailing wage laws apply, as well as changing their debarment provisions prohibiting violators from bidding on contracts.

Prevailing wage rates in **Wyoming** will get an annual adjustment as these wages will now rise with inflation. A new **Rhode Island** law will allow second place bidders to bring civil suits against contractors that are awarded contracts but are later found not to be paying prevailing wages. **Connecticut** lawmakers provided for the creation of a database on construction contractors who bid on state funded projects. In court action, a U.S. Court of Appeals overturned portions of a 1993 U.S. District Court decision that held the **Pennsylvania** prevailing wage law to be invalid and unenforceable because it was preempted by federal law.



On minimum wage, **Vermont** was the only state to take action to raise its minimum wage rate. Three other jurisdictions, **Arkansas**, **Puerto Rico**, and **Washington** all had rate increases due to actions taken in previous years.

Regarding hours of work, in **Idaho**, longer daily hours are now permitted for work in underground mines. In **Kentucky**, a flex-time bill permitting work of up to 10 hours a day if agreed to in advance or if allowed in a collective bargaining agreement. **West Virginia** workers with a workday of 6 or more hours are now receiving at least 20 minutes for a meal break, and meal period requirements were revised in **New York**.

Family Issues

In the **District of Columbia**, a law was enacted requiring employers to provide workers with up to 24 hours of leave annually to attend or participate in their children's school-related events. **California** has a similar law in their state which was amended in 1994 to broaden the scope of activities for which the leave may be used. Two other states, **Alabama** and **New Mexico**, passed resolutions encouraging employers to provide this type of leave to their employees.

On other work-related family issues, **Maryland** state employees were authorized to use accrued sick leave for child care following the birth or adoption of a child. **Kansas** passed a law calling on state agencies to make payments to their employee benefit programs to ensure that adequate monies will be available to



employees exercising their rights under the Federal Family and Medical Leave Act.

Thanks to work by many state labor federations, child labor had been a major area of legislative activity over the last two years, but in 1994 the issue receded. One notable exception was a law in **California** that significantly strengthening prohibited hazardous occupations provisions. The legislation also raises civil penalties for violations, prohibits most door-to-door sales for children

under age 16, raises the legal age for employment in street

trades, and reduces permitted hours of agricultural employment for certain minors.

Employee Leasing

To stop abuse by employee leasing firms or "temp agencies", the states continued to pass laws regulating their activity.

Following action by six states the previous year, 1994

saw **Idaho**, **New Hampshire**, and **Tennessee** pass laws providing for the licensing and regulation of temp agencies. In addition, these laws set forth the legal responsibilities that temp agencies have for their leased employees. Amendments to **Florida's** law strengthened licensing requirements, added grounds for disciplinary action, and clarified enforcement authority.

Whistleblowers and Discrimination

Several states passed laws to protect employees who report violations of the law by their employers. Whistleblower protections were extended to public employees in **Idaho** and **Massachusetts**, as well as certain public employees in **Alabama** and **Delaware**.

Employment discrimination issues were also on the minds of many state legislators last year as **Arizona** and **Kentucky** eliminated 70 as the upper limit for age discrimination cases. Meanwhile, **Florida** repealed a mandatory retirement age provision for Highway Patrol officers. In **Wisconsin**, the Legislature included workplace sexual harassment among the forms of employ-



ment discrimination covered under the state fair employment law. An expired law in **Mississippi** was enacted again, prohibiting discrimination for use of tobacco products during nonworking hours.

Drug and Alcohol Testing

Drug and alcohol testing of job applicants and employees continued to be a hotly-contested civil liberties issue. **Alaska**, **Delaware**, and **Georgia** continued the trend to allow school boards to require drug and alcohol testing of school bus drivers. **Virginia** lawmakers passed legislation requiring prospective law enforcement officers to pass drug tests. **Mississippi** reenacted their comprehensive law establishing procedures for testing by public and private sector employers. In **Arizona**, private sector employers, public utilities, and transit districts were authorized to require drug and alcohol testing of employees and job applicants within the terms of a written policy. In **Rhode**

Island, private sector employers and employers of law enforcement or correctional officers and firefighters may require job applicants to submit to blood or urine testing if the applicant has been offered a job conditioned on receiving a negative test result. Municipalities and State colleges in **Utah** were authorized to enact drug-free workplace policies and test current and prospective employees and volunteers for drug use.



Copies of the DOL Report as well as summaries on 1994 state legislative development in Workers' Compensation and Unemployment Insurance are available from Mike Pomeroy, 202 637-5058 (fax).



Son of Con Con

Just when you thought it had faded away ... it's baaaack! "Con Con" — aka Constitutional Convention — has returned, but this time in a different costume.

This new "Son of Con Con" would convene a Conference of the States to give fifty state delegations a platform to blast away at perceived constitutional problems between the federal government and the states. Originally the brainchild of Utah's conservative Republican Governor Mike Leavitt, the Council of State Governments (CSG) has now positioned itself as the organizational guru for this event. Also on the bandwagon are the National Governors Association (NGA) and National Conference of State Legislatures (NCSL).

After a majority of state legislatures have approved enabling resolutions calling for the Conference, proponents will move to convene the assembly (now tentatively scheduled for late October in Philadelphia.) It's clear from the background materials being circulated by CSG that tinkering with the Constitution is exactly what proponents have in mind. Among the amendments likely to get a hearing are proposals

to give the states expanded power to initiate constitutional amendments, restrict the power of the federal government, and give a super majority of states veto power over federal legislation. But once the door is opened, there's no telling how far this assembly will go. Keep in mind it was just this kind of States' conference that in 1786 led to the evolution of a U.S. Constitution just one year later in Philadelphia.

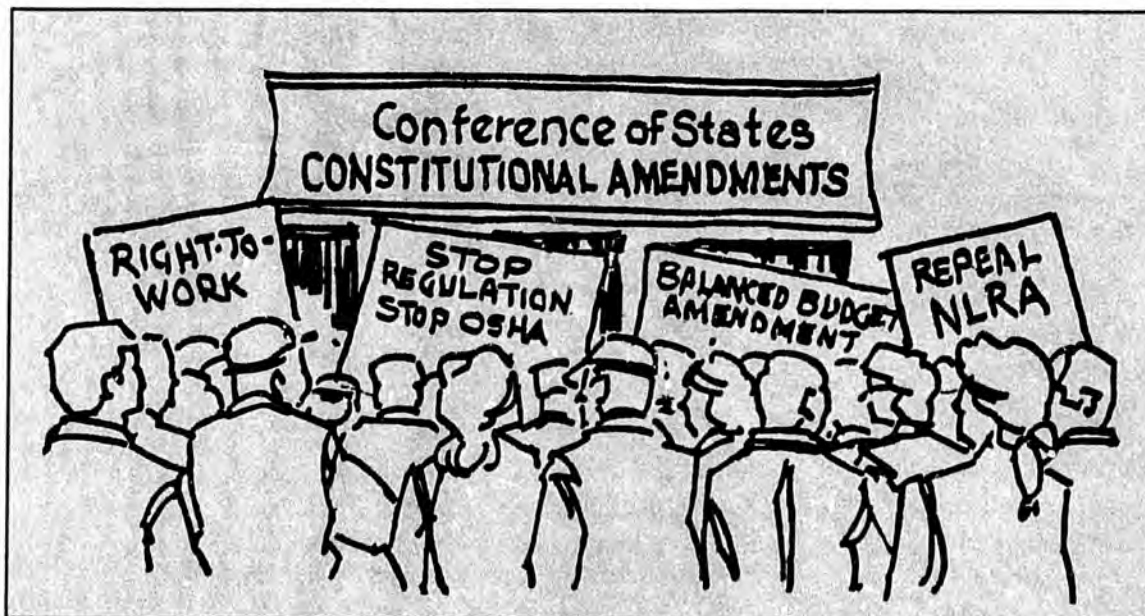
As soon as the Conference has finalized its recommendations, its package of proposals will be sent back to the states to be adopted by a super majority of them. If and when adopted, the proposals will then be presented to Congress in the form of a "States' Petition." Proponents infer publicly that if Congress ignores their petition, a Constitutional Convention could be the next step.

Son of "Con Con" has the potential to set in motion even more divisive constitutional confrontations that will dwarf those now underway in Congress over the balanced budget amendment, the line item veto, term limits and other GOP-led efforts to toy with the U.S. Constitution. While the proponents claim they will adhere to a spirit of bipartisanship, the configuration of the state

delegations now designated to attend this legislative conference (the Governor and three from each chamber), will likely mean that the Conference will be Republican by majority. Add to that the Democratically-controlled Southern delegations and it's a certainty it will be overwhelmingly conservative in philosophy.

Without a doubt, if this "Conference of the

Continued next page



Any-Willing-Provider

As the highly publicized move to enact national health care reform slowed to a halt, state legislatures found themselves confronted with another kind of health care "reform" movement. The issue: "any-willing-provider" legislation which pits managed care plans against doctor associations over whether to give all doctors the right to be admitted to a managed care network. What is at stake is the existing structure of managed care plans.

Managed care plans, which now provide coverage to at least 90 million Americans, use economies of scale and purchasing clout as a means of controlling costs. In turn, these plans select providers who abide by negotiated rates or set salaries so that they may enjoy a guaranteed number of patients, reduced overhead and administrative costs. As more and more employers turn to managed care, doctors outside these networks are becoming frustrated by their inability to participate in the managed care plan of their choice.

In an attempt to pry open closed networks, doctors across the country, through their state medical associations, are pushing hard in the state legislatures for "any-willing-provider" legislation. These proposals would allow any provider who is willing to abide by the terms and conditions of a network contract, to be admitted to any closed network in which they have a desire to partici-

pate. At the state level, the doctors' lobbying efforts are paying off.

As of June, 1994, seven states — **Washington, Idaho, Utah, Wyoming, Kentucky, Indiana and Virginia** — have enacted "any-willing-provider" laws that apply to all licensed providers. Seventeen states — **Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Kansas, Louisiana, Minnesota, Mississippi, New Hampshire, New Jersey, North Carolina, North Dakota, South Carolina, South Dakota, and Wisconsin** — have enacted limited "any-willing-provider" laws and twelve more states have legislation pending.

Although promoted by supporters as a means of establishing consumer protections and enhancing choice of providers, opponents say that "any-willing-provider" laws have the capability of crippling managed care arrangements. The key to successful plans, they say, is their ability to establish networks suitably sized for their membership, with an appropriate mix of primary care and specialty providers. As spiraling health care costs continue to strain budgets, managed care plans will continue to grow and the "any-willing-provider" fight will likely rage on.

The AFL-CIO Office of State Government Liaison has issued a more detailed STATE ADVISORY on the "Any-Willing-Provider" issue. For a copy, contact Mike Pomeroy at (202) 637-5282.

Continued from page 6

States" convenes, anti-government Republicans will have a field day launching still more attacks on the federal government, federal law and federal regulatory authority.

As of this writing, half of the states needed — including four Democratically controlled legislatures — have passed pro-conference resolutions. But in recent weeks, aided by state AFL-CIO

lobbying against the proposal, the rush to judgment on this issue has been slowed. A handful of states like Georgia, Maryland, New Hampshire, Oklahoma and West Virginia have refused to go along. However, the issue is pending in over twenty other state legislatures and the organizations supporting the Conference are working hard to make "Son of Con Con" a reality.

For more information on "Conference of the States", contact Mike Gildea at (202) 637-5176.



Right-To-Work Resurfaces

Continued from page 2

members was withdrawn by the sponsor after it was pointed out that it was preempted by a federal labor law.

Public employees, meanwhile, have become a prime RTW target in 1995. In **Idaho** - the last state to pass a private sector "right-to-work" law in 1986 - a bill to apply it to public employees was easily approved by GOP majorities in both Houses and signed into law by the Republican governor. In **Pennsylvania**, state Senate has passed a bill to repeal agency shop for state public employees, but hearings have not yet been scheduled. On the House side where it is likely to face stiffer opposition from legislators. In **Indiana**, a RTW bill for

school employees was passed by the Senate and is now before the House. A similar bill is pending in **Michigan** but action on it appears to be unlikely at this time. In **Oregon**, efforts are also underway to put the issue of "right-to-work" for public employees on the 1996 ballot where similar efforts had failed to qualify for the 1994 election. A petition is now being circulated for signatures. In addition, a Senate bill has been introduced that would eliminate agency shop or any form of union security from the 1973 Public Employee Collective Bargaining Act.

For updates on "right-to-work" and for further information, contact Ed Collins at (202) 637-5133.



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Legislative Council

REPRESENTATIVE
RAMONA L. BARNES
District 22

SPONSOR STATEMENT

FROM: Representative Ramona Barnes

DATE: January 26, 1995

RE: HJR 20
"Relating to unfunded federal mandates and the Conference of the States"

HJR 20 authorizes the State of Alaska to send a delegation to represent the people of Alaska at a Conference of the States. The delegates would debate and vote on an action plan to restore the checks and balances between the states and the national government.

The resolution notes that the conference will convene no later than 270 days after at least 26 legislatures adopt similar resolutions and that Alaska will be represented by five voting members consisting of the governor or a constitutional officer selected by him, and four legislators, two from each house selected by the presiding officer of that house. No more than two of the legislators selected may be from the same political party. Two alternate legislator delegates, one from each party, would also be selected.

The action plan to be voted on at the conference will be called a States' Petition. It will be presented to each state in the form of a resolution for ratification, then presented to Congress as the will of the states of the Union.

Since 1990 alone, the federal government has enacted at least 42 major statutes imposing expensive regulations and requirements on state and local governments. HJR 20 is an important first step toward reversing that trend and restoring the balanced system of government envisioned by the Tenth Amendment.

WESLEY E. NEWCOMB
P.O. Box 1001
Sterling, Alaska 99672
January 29, 1996

"THE CONFERENCE ORGANIZERS REALLY DON'T WANT
TO ASSUME ANY OF THE PROPER FUNCTIONS OF THE
FEDERAL SYSTEM. LOGICALLY, THEN THEY MUST
WANT TO FORMALIZE THE UNAUTHORIZED POWERS."

Con-Con Call page 8

The following people are adamantly apposed to Alaska participating in a
Conference of the States or calling for a Con-Con.

We would appreciate your position on those Two (2) Issues.

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KENAI, AK 99611

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STERLING, AK 99672

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MODEL FOR WITHDRAWAL OF RESOLUTION OF PARTICIPATION IN A
CONFERENCE OF THE STATES

SUMMARY - Rescinds prior action by withdrawal of call for conference of the states.

WHEREAS, the original support by (state) for calling a conference of the states was based upon the representation that it would be of no legal force; and

WHEREAS, The appointment of delegates by legislation to meet for federal purposes constitutes the consolidation of the highest legal force available in a society of free and sovereign people; and

WHEREAS, Such a convocation of a majority of the states, when authorized by state resolution would possess powers superior to Article V of the United States Constitution; and

WHEREAS, (resolution number) adopted in good faith by (state) does in fact constitute, by virtue of the very process, the mechanism for the consolidation of powers equivalent to a constitutional convention; and

WHEREAS, The intent of the (number) session of the Legislature, by the adoption of (resolution number), was to promote a meeting with legislators of the several states for an unofficial discussion of the state-federal relationship and to reassert the spirit of the Tenth Amendment; and

WHEREAS, The Council of State Governments and other intergovernmental organizations are free to meet for said purposes without state appointed delegations; and

WHEREAS, Every state is free to enforce its Tenth Amendment powers without any revision of the United States Constitution; and

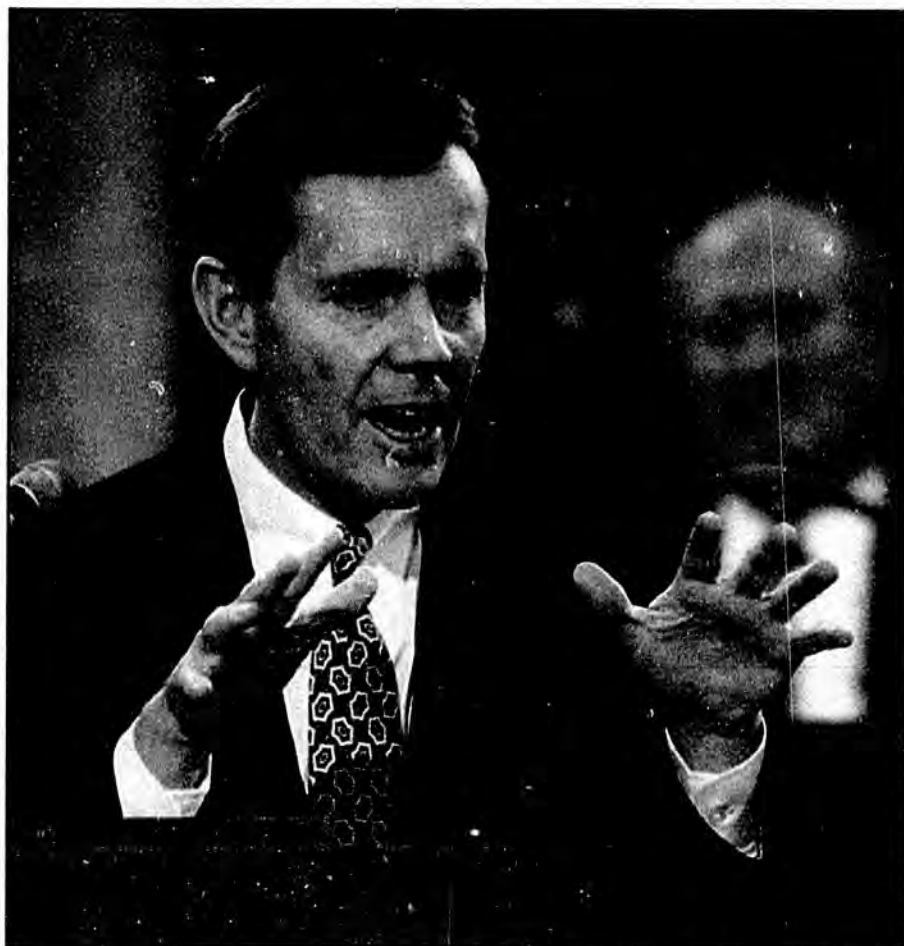
WHEREAS, The powers and purposes of the conference of the states were either misrepresented or misunderstood; now, therefore be it

RESOLVED BY THE LEGISLATURE OF THE STATE OF (STATE), That (resolution number) of the (number) session adopted (date) be and is hereby rescinded, the heretofore appointed delegation is withdrawn, and the Resolution rendered null and void and of no effect on this (day) of (month, year) ; and be it further

RESOLVED, That a certified copy of this resolution be forward to the Governor.

Con-Con Call

Beware Mike Leavitt's "Conference of the States"



Kristian Jacobsen/Deseret News

Leavitt has avoided calling his "Conference" a constitutional convention.

Utah Governor Mike Leavitt seems to think the United States Constitution is obsolete. He has teamed up with Governor Ben Nelson of Nebraska to set in motion the mechanism for making fundamental changes to our constitutional structure. A good deal of groundwork has already been laid for what the two governors have labeled a "Conference of the States," clearly one of the most startling and revolutionary developments of our time.

Governors Leavitt and Nelson are supported (if not led) by the Council of State Governments and the National Governors' Association, in cooperation with two other organizations, the National Conference of State Legislatures and the U.S. Advisory Commission on Intergovernmental Relations. Through these organizations elaborate plans have been devised in which these quasi-official groups have designated themselves "convenors" of a major conference to be held later this year, most likely in Phila-

delphia. This extraordinary affair is intended to emulate the historic convention of 1787 that drafted the U.S. Constitution. But lest there be any real opposition to the smooth-running movement, the governors and their "convenors" carefully avoid referring to the Conference as a constitutional convention (con-con).

Decisive Opposition

For the past 200 years, efforts to call a federal convention have been firmly opposed by legal scholars and citizens alike. Although a con-con is a legal mechanism established by the Constitution, it is an amendatory process that cannot be limited or controlled.

In spite of assurances by Governor Leavitt that the Conference of the States will not be a con-con, he openly advocated one in his first position paper and in public statements. The *Salt Lake Tribune* for April 25, 1994 reported:

On Thursday, the governor unveiled a proposal to gather support for an amendment to the U.S. Constitution giving states authority equal to the federal government's. He took his plan for an informal states' conference and a possible constitutional convention to the Western States Summit in Phoenix. The proposal is a manifesto that urges states to organize against their "subordinate status" under the current federal system.

Leavitt's speech was not well received by the audience. Here is the reaction of one state representative, Utah's Met Johnson, as quoted by the *Salt Lake Tribune*: "Mike got all wild and weird on us with this constitutional

D O N F O T H E R I N G H A M

convention speech in Phoenix. The Constitution isn't broken; we don't want to open it up.... This is about the federal government regulating us into oblivion, and when he talked about that constitutional convention stuff, he made a lot of Westerners really angry."

While a lot of Westerners were indeed angry and concerned, apparently no one at the intergovernmental level objected to the governor's con-con plan, which is to be presented to an unsuspecting public, not as a con-con, but as a Conference of the States. After the Western States Summit meeting, the *Salt Lake Tribune* reported that "Leavitt also said he has rewritten his position paper, deleting any reference to a constitutional convention, which he said had been misconstrued."

Although Mike Leavitt has toned down his speeches, his carefully written plan still comprises every ingredient needed to harness the powers of a federal convention. The choice of language makes the Conference seem harmless to many state legislators who have been quick to pass "Resolutions of Participation" that are being introduced in one state after another.

A constitutional convention is a meeting authorized by the several states and comprised of delegates appointed by their legislatures for the purpose of considering and adopting amendments to the federal Constitution. To avoid being presumptive concerning the role of this new convocation, we hereby quote from the "Action Plan" of the governors:

A Conference of the States would enable State representatives to consider, refine and adopt proposals for structural change in our federal system.

So isn't that the essence of a federal convention? Essence or not, the organizers are quick to deny they are hosting a constitutional convention, or even laying the groundwork for one. We agree that their conference is certainly not being called pursuant to Article V of the Constitution, which, in addition to defining the procedure that authorizes Congress to initiate amendments, establishes an alternate route (circumventing Congress) for state-initiated amendments. Yet, neither was the Convention

of 1787 called according to the established rules of the day. The original 13 states ignored the amendment process established in the Articles of Confederation. The delegates who attended the 1787 convention were vested with power by their state legislatures, power that extended far beyond their constitutional mandate.

Power of a Free People

Records of the 1787 Convention are clear about the consolidated authority of the states and the power the states vested in their delegates. New Jersey's William Patterson objected to the course the Convention was taking and said:

We are met here as the deputies of 13 independent, sovereign states, for federal purposes. Can we consolidate their sovereignty and form one nation, and annihilate the sovereignties of our states who have sent us here for other purposes?

Annihilation of state sovereignty, of course, did not occur; but other purposes most certainly did. The main point is that the 1787 Convention possessed that power, and the delegates exercised it. Is the consolidation of that power being attempted again in 1995 by Governor Leavitt and his Conference of the States? A realistic assessment indicates that a convention-empowered conference is exactly what is envisioned. But while the product of the Convention of 1787 turned out to be the most nearly perfect form of government yet devised, the result this time could be disastrous.

But what about the fact that Article V of the Constitution requires that two-thirds of the states apply for a convention in order for one to be called? The Conference of the States seeks only a majority of 51 percent. Again, the organizers of the planned Conference have obviously done their homework. History shows that a quorum of 51 percent was the minimum needed some 200 years ago to consider, propose, and adopt amendments to the federal system. Thus, our Founders met in Philadelphia and opened the Convention on May 25, 1787 with only seven (a simple majority) of the 13 states represented. That is precisely the minimum percentage wanted by the governors and

convenors in the process that is now under way.

The name of the summit to be held this year in Philadelphia — whether it is called a conference, convention, convocation, assembly, discussion, deliberation, or whatever — is of no consequence. But the *process* by which it is being set in motion, the formal appointment of its delegates, and the legal instruments that authorize it, amount to far more than a friendly meeting of state leaders. The organizers have latched onto a principle that is not well known by our citizenry: the consolidation and mobilization of the power inherent in a free people. Congress reaffirmed this principle in an extensive joint resolution in 1935: "The government of the United States is not a concession to the people from some one higher up. It is the creation and the creature of the people themselves, as absolute sovereigns." This concentration of collective right, formally assembled, portends the most serious of consequences.

Those inherent powers of the people when consolidated are superior in every respect to government. In 1911 Senator Weldon Heyburn of Idaho sounded a warning while debating the matter on the floor of the Senate: "When the people of the United States meet in a constitutional convention there is no power to limit their action. They are greater than the Constitution, and they can repeal the provision that limits the right of amendment. They can repeal every section of it because they are the peers of the people who made it."

"It is not a constitutional convention," Governor Leavitt now insists. But his assurance inspires little confidence after one reads the position papers of the intergovernmental groups he belongs to. In order to demonstrate the audacious nature of their "Action Plan for Balanced Competition in the Federal System," we print here their own summary of the grand scheme, with bracketed numbers and bold type added for emphasis:

[1.] **We propose a process that would consolidate and focus state power.** This process would culminate in an historic event called a *Conference of the States*.

[2.] **In each state legislature, a Resolution of Participation in a**

Conference of the States will be filed during the 1995 legislative session. The resolution authorizes the appointment of a bi-partisan, five-person delegation of legislators and the governor from each state to attend.

[3.] When a significant majority of the states have passed Resolutions of Participation, a legal entity called the Conference of the States, Inc., will be formed by the delegates from each state, acting as incorporators. The incorporators will also organize and establish rules, assuring that each state delegation receives one vote.

[4.] The actual Conference of the States would then be held, perhaps in a city with historic significance such as Philadelphia or Annapolis. At the Conference, delegations would consider, refine and vote on ways of correcting the imbalance in the federal system. Any item receiving the support of the state delegations would become

part of a new instrument of American democracy called a *States' Petition*. The States' Petition would be, in effect, the action plan emerging from the Conference of the States. It would constitute the highest form of formal communication between the states and Congress. A States' Petition gains its authority from the sheer power of the process the states follow to initiate it. It is a procedure outside the traditional constitutional process, and it would have no force of law or binding authority. But it must not be ignored or taken lightly because it symbolizes to the states a test of their relevance. Ignoring the petitions would signal to the states an intolerable arrogance on the part of Congress.

[5.] The States' Petition would then be taken back to the states for approval by each state legislature. If the Petition included constitutional amendments, those amendments would require approval by a super-majority of

state legislatures to continue as a part of the States' Petition.

[6.] Armed with the final States' Petition, the representatives of each state would then gather in Washington to present the Petition and formally request that Congress respond.

Convention Call

A reading of the bold type tells it all: This whole effort, labeled a "conference," is in reality a call for a constitutional convention. The "Action Plan" does indeed circumvent the constitutional process of Article V, but it very cleverly incorporates every ingredient necessary for a free people to change their form of government. Although in defiance of existing constitutional pro-

"The government of the United States is not a concession to the people from some one higher up. It is the creation and the creature of the people themselves, as absolute sovereigns."

cedures, the organizers apply a process based on the principle embodied in Paragraph 1: A free people are sovereign, and when acting through their state they can consolidate that power and reform their government. This principle was inherent in the founding of our nation and is obviously well understood by the designers of this dangerous plan.

Disclaimers woven carefully into the Action Plan, such as the assurance in Paragraph 4 that "it would have no force of law," are unwoven by the fact that a majority of the states are required to pass formal legislation, as in Paragraph 2, authorizing the meeting and appointing official delegates to attend the affair. There would be no need for legal instruments from the states if a delegation of legislators wanted to attend a conference that "would have no force of law."

We could sympathize with enthusiastic public servants who seek only to build the attendance of their meetings. But in this program there will be no meeting at all until (or unless) a majority attends, as required in Paragraph 3. But

if there were no pervasive reason for a majority to be there, the conference date could be set now, immediately. There would be no need to wait until 26 states are locked in. If only 49 percent attended, who would really care?

But the organizers do care, and it is of crucial importance to them because that majority will certify the power they seek in their convention, just as stated by South Carolina delegate Charles Pinckney at the Constitutional Convention of 1787: "The assent of a given number of the States shall be sufficient to invest them and to bind the Union as fully as if they had been confirmed by the Legislatures of all the States."

Paragraph 3 embodies another important precedent set by the first Convention: The establishment of a one-state, one-vote rule.

In Paragraph 4 we find the convening of a deliberative body, the core element of a convention, authorized to consider, refine, and vote on ways of "correcting" the federal system. System corrections are made only at the convention level. Here

the organizers are referring to the process of making fundamental, structural, constitutional changes in the federal system. As Paragraph 4 states, virtually all of the position papers of this movement refer to "correcting the imbalance in the federal system."

Violations by the federal government require nothing more than enforcement. States can assist in this enforcement by refusing to accept federal funding of unconstitutional programs and by refusing to implement unconstitutional unfunded mandates. But structural problems in the federal system, if they exist, can be corrected only by amendment, and, of course, that is what the Conference of the States is all about. In essence, the organizers' plan adheres to the Article V convention role of "proposing amendments." But their creation of a "new instrument," which they call a "States' Petition," is nothing more than the final document produced by the convention (that is, the "conference"). They modestly grant that their petition is "the highest form of formal communication

between the states and Congress." Yet if the scheme is actually carried out and amendments are adopted, it would be far more than a mere "communication." It would be the highest form of sovereign power that could be exercised by the states over Congress and over the entire federal government.

Document of Amendments

What the organizers call a States' Petition will in reality be the instrument

that contains the amendments to be added to the Constitution. It is difficult to find any reason for contriving a new term for this document except to imply that "there ain't nobody here but just us petitioners." Paragraph 5, in essence, defines the ratification process. The certified document of amendments (or their States' Petition) is to be sent to the states for approval by a super-majority. If acting under Article V they would need the approval of three-fourths of the

states. But then, inasmuch as this whole promotion relies on brass and audacity, the organizers would likely settle for whatever number of states seem inclined to ratify. In the previous constitution (the Articles of Confederation) a ratification of amendments was required by all 13 of the states. A precedent was set, however, when the Convention lowered the necessary ratification from 13 to nine states (three-fourths of the states).

Born of Wisdom: The Crafting

Signed on July 4, 1776, the Declaration of Independence proclaimed: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute a new Government, laying its foundation on such Principles...."

The foundation for that new government was originally the Articles of Confederation, which created a "perpetual Union between the states" known as the "United States of America." Under this confederacy, each state retained "its sovereignty, freedom, and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States...." Also, "the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state."

Although the basic principles embodied in the Declaration of Independence have endured, that original constitution, the Articles of Confederation, did not. It was short-lived because it failed to create sufficient order for the new union of states. The Articles were not inviolably observed by the states, nor was the union under their confederation perpetual.

When the states under this confederation began deliberations to remedy the defects in the Articles, they were at first primarily concerned with problems in the areas of trade and commerce. One such problem was a dispute between Maryland and Virginia over navigation rights on the Potomac River. In March 1785, George Washington hosted a meeting of delegates from Maryland and Virginia at his home. Gathering at this Mount Vernon Conference, the delegates recommended that the two states meet annually "for keeping up harmony in the commercial relations" between them. Maryland's delegates in approving this also decided to invite to the annual meetings delegates from two other neighboring states, Delaware and Pennsylvania. Virginia, however, recommended a meeting of all the states "to take into consideration the trade of the United States...." This led to the

Annapolis Convention, which in turn set the stage for the Philadelphia Convention that drafted the U.S. Constitution.

Held in September 1786, the Annapolis Convention was attended by delegates representing only five of the states. Because of the poor representation, the delegates decided not to proceed on what they called "the business of their mission." Instead, they suggested that "the power of regulating trade is of such comprehensive extent, and will enter so far into the general System of the federal government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of the Federal System." They therefore recommended a meeting of the states that could consider not only trade, but "such further provisions as shall appear to them necessary to render the constitution adequate to the exigencies of the Union...."

After evaluating the Annapolis Convention, the Continental Congress proposed that "a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation...." Although the scope of this meeting was to be broader than that of Annapolis, it was still limited to proposing amendments to the Articles of Confederation.

The Philadelphia Convention opened on May 25, 1787, when a quorum of delegates representing a majority of the states had arrived. Eventually, a total of 55 delegates representing all of the states except Rhode Island participated.

On June 19th, after debating various proposals, the delegates decided not to amend the Articles of Confederation, but to devise a new national government. From that point on, the assembly worked in violation of its own mandate. On September 17th, 39



Our Founding Fathers created

Madison's notes on the 1787 Convention express the consternation of at least one delegate who opposed reducing the number of states needed for ratification:

Mr. [Elbridge] Gerry urged the indecency and pernicious tendency of dissolving in so slight a manner, the solemn obligations of the articles of confederation. If nine out of thirteen can dissolve the compact, six out of nine will be just as

able to dissolve the new one hereafter.

Perhaps the organizers hope that those state legislators who, for the past 20 years, have steadfastly refused to call a convention, may not recognize the serious implications of this new effort. One way to obfuscate its convention-like process would be for the con-con advocates to use a lot of newly contrived terms — terms which appear harmless

to starry-eyed state legislators, but which are clear to the intergovernmental cabal pushing through the process.

Right now it is critically important to the Conference task force to get the Resolutions of Participation passed in at least 26 states as quickly as possible. It looks very much like a high-pressure power game because the resolutions are being thrown through statehouses like hardballs. Most

of Our Beloved Constitution

of the 42 delegates who were present signed the new Constitution. After the Continental Congress received the proposed Constitution, some representatives sought to censure the constitutional convention for failing to abide by its mandate that allowed merely for revisions of the Articles of Confederation. Those favoring censure, however, were not in the majority. On September 28th, Congress resolved to submit the Constitution to special state conventions for ratification. All 13 of the original states ratified it, the last to do so being Rhode Island on May 29,

1790. But the Continental Congress, on September 13, 1788, had already proclaimed the Constitution ratified by the required nine states and ordered the new government to convene on March 4, 1789.

The Constitution provided for a stronger federal government than had existed under the Articles of Confederation. But under the Constitution, as under the Articles, the federal government was still strictly limited to specified powers that were delegated to it. To assure that the federal government would not overstep carefully crafted

boundaries, the Founders methodically interwove into the Constitution a system of checks and balances that included:

- Dividing governmental powers between the national government and the autonomous state governments. This arrangement was unique in history and became known as Federalism.

- Granting only certain powers to the national government, while protecting the individual rights from infringement by any force, whether it be by government — foreign or domestic — or by the people themselves using the dictates of a collective majority. This system of government is known as a Constitutional Republic. It is not a democracy, a system in which majority rule is unrestrained.

- Separating the limited powers of the national government into three branches — Executive, Legislative, and Judicial — and further dividing the legislature into two chambers, the Senate and the House of Representatives.

The Constitution that the Founders so carefully crafted gave us something extraordinary: a government of law and not of men. Under such law, the God-given rights of the individual are sovereign and immutable. They may not be violated by government, no matter how compelling the reasons to do so may seem. Neither may the majority do so, acting through government for some supposed "greater good."

Such principles were not embodied in the Declaration of Independence and Constitution by accident. But the outcome could have been very different. The War for Independence could have ended in repudiation of rights, as was the case with the French Revolution. America's experience was different, however, because it was blessed with the rarest of leaders who had faith, wisdom, and character: the faith to recognize that rights come from God; the wisdom to understand that the proper role of government is simply to protect God-given rights; and the character to fashion a government based upon such principles.

Because the American people have gradually lost sight of our nation's founding principles, the federal government has been able to assume vast powers beyond those specifically delegated to it by the Constitution. Gradually, America is becoming like the despotic Old World from which the Founders declared our independence. However, even during this decades-long backward slide toward despotism, the Constitution has remained intact, providing a powerful beacon of hope for those who still recall the faith, wisdom, and character of the Founders.

So long as that beacon shines brightly, America will have a safe port to return to — and return she will, just as soon as sufficient numbers of her citizens become reacquainted with our founding principles. But dim or extinguish that beacon, and America — unable to find safe passage in the darkness — will most likely wreck herself on the collectivist shoals. This is why the Constitution must be preserved, and this is why today's unconstitutional abuses of power must never be granted the legitimacy of constitutionality. This is why — in this age of little understanding — a new constitutional convention must be avoided at all costs. ■

— GARY BENOIT



Government of law, not of men.

are being passed on voice votes, are given little or no committee hearing, and are being steamrolled through the voting chambers.

The bodies of all the Resolutions of Participation are the same for all states; they typically begin with the following statement of purpose:

Calling for a Conference of the States to be promoted and convened by the Council of State Governments for the purpose of restoring balance in the federal system and supporting [name of state]'s participation in such a Conference.

Shallow Understanding

Do the American people understand that their sovereign powers are set to be consolidated in an instrument that authorizes a private intergovernmental group to tinker with our federal system? And are the governors and state legislators so flattered by the national attention beckoned by this summit that they will vote for a Resolution of Participation without challenging it? Has no American official asked why he should vote for a measure that empowers a private group to serve as convenors of *any* kind of official meeting? Has no one questioned the provision that the Conference must be legally incorporated? Will 7,400 state legislators (or even half of that number) vote in favor of a measure that includes a clause stipulating that "at least twenty-six legislatures adopt this resolution without amendment"?

A vested interest in this measure runs rather conspicuously in the legislative leaders who have appointed themselves a seat at the Conference before the bills have even been introduced. Little do they comprehend the price our nation will pay if those short-sighted state legislators — and their pride-smitten governors — think they can fill the seats of Washington, Madison, or Hamilton at Independence Hall in Philadelphia.

Paragraph 6 is pure fluff. There is no need for a formal ceremony to present ratified amendments to Congress. A long-established rule holds that an amendment goes into effect on the day it is ratified by the legislature of the last necessary state. Two-hundred and fifty delegates need not appear in Washington and cower before Congress to obtain

its acceptance of constitutional amendments that originate through the consolidated force of the states.

Considerable ingenuity has gone into selling this affair to the states. Those who want structural change in our system have positioned themselves so that they appear to be rallying around the banner of the Tenth Amendment. A virtual explosion of articles, editorials, and voices

in praise of the Tenth Amendment have emanated from every clime and every persuasion. Establishment writers from George Will to David Broder have addressed the subject like tried and true "conservatives." Even President Clinton has joined in with the Tenth Amendment chorus.

Either by seizing the moment or by creating it, the Conference promoters have obtained an all-American launching pad for their upcoming extravaganza.

Comparing the Conventions

The following side-by-side comparison of state-originated alterations in the federal government shows the purposes and procedures of the proposed 1995 Conference of the States and the historic Constitutional Convention of 1787.

— 1995 — Conference of the States	— 1787 — Constitutional Convention
• The problem: Discord in the state/federal relationship and excessive federal power.	• The problem: Disunity between the states and insufficient federal enforcement power.
• Purpose: To consider and to propose changes in the state-federal relationship.	• Purpose: To consider and to propose changes in the state-federal relationship.
• Considerations: Structural and statutory changes.	• Considerations: Structural changes only.
• Type of Convocation: A deliberative body comprised of appointed delegates.	• Type of Convocation: A deliberative body comprised of appointed deputies.
• Conference authorized by formal resolutions of a majority of the states.	• Convention authorized by formal resolutions of a majority of the states.
• The states exceed their mandate under Article V and convene and adopt amendments without the consent of Congress.	• The states exceed their mandate in the Articles of Confederation and adopt a new form of government without the consent of the Continental Congress.
• Delegates appointed by the state legislatures.	• Deputies appointed by the state legislatures.
• A quorum to be comprised of 26 states (a simple majority).	• A quorum to be comprised of seven states (a simple majority).
• The Conference elects its own officers, organizes its committees, and makes its own rules and agenda.	• The convention elects its own officers, organizes its committees, and makes its own rules and agenda.
• Conference proposals are sent directly to the states.	• Convention proposals are presented to the Continental Congress.
• Amendment approval by a supermajority of the states.	• Amendment ratification by three-fourths of the states.

ganza. To many Western leaders the Tenth Amendment means getting the federal government out of their pockets and off their backs, as well it should. But in the East and North, where welfare-state programs abound, the Tenth Amendment is often used as an argument for having the federal government pay for its unconstitutional mandates. In the South it often means the restoration of states' rights. Such multi-purpose meanings of the Tenth Amendment are facilitated by repetitious reference to a patently false notion that "imbalance" in the state-federal relationship is a terminal illness that afflicts our nation.

Restoring "Balance"

At a recent meeting of the Council of State Governments, Governor Mike Leavitt declared:

Balance will only be restored in the way intended by Madison, Jefferson, and Hamilton when states take the initiative. As state leaders, with our allies in local governments, we must step up to our constitutional obligation and compete for power in the federal system. States have a place at the constitutional table. It is a proper role — in fact the obligation and stewardship — of states to be jealous and protective of their role and to fight for balance.

Surely Mr. Leavitt realizes that state and federal powers are purposely out of balance — and that the balance is tilted heavily in favor of the states — because our Founding Fathers planned it that way. The profound work of the Convention of 1787 gave only a few specified powers to the federal government, meaning that infinitely innumerable rights, powers, and privileges of the people remained at the state level. The United States Constitution, in its purest form, exemplifies the greatest *imbalance* in the history of human governance. Before the Constitution was ratified, Madison affirmed this planned imbalance in the state-federal relationship in *The Federalist Papers*, #45:

The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in

the State governments are numerous and indefinite.

The Conference of the States meets every requirement for a constitutional convention even though it has not been called pursuant to Article V of the Constitution. It would have the legal force of a free people if its proposals were adopted. It would make no difference whether Congress approved or not, since the whole people are superior to all institutions of government and have authority over them.

But should the Conference of the States actually get under way and take on the Constitution, it is hard to know what this constitutional powerhouse would actually do. After initially coming out for a strong state role, Leavitt backed off from that position, as noted in the April 25, 1994 *Salt Lake Tribune*: "Explaining that he had 'migrated ideologically' from a position of state primacy, Leavitt said he now can 'more fully appreciate the need for a federal government role' in areas such as environment, air quality, public lands and rivers."

Now that the wheels are set in motion for hundreds of state legislators to convene for the stated purpose of correcting the federal "imbalance," which cause will Leavitt embrace? Will he champion an increase or a decrease in federal powers? Please bear in mind that all federal powers are enumerated in the Constitution: Congress has 26 powers, the President has six, and the Supreme Court has only three.

So if the Conference takes powers from Washington, which of the enumerated (constitutional) powers will it take? Will the states take power over interstate commerce, the postal service, or the roads that connect the postal system? Will they take from Congress the power to coin money and regulate its value? Will the states deprive the federal government of the power to borrow money or to collect taxes? Is it likely that the states will take over the power to declare war and to raise and support armies? Will the states conduct foreign affairs, take command of the military forces, or assume the veto powers of the President?

These are vital questions, because — beyond these areas — the federal government has precious few powers. If the Conference is intent on making long-

term structural change in the state-federal relationship, then it must either *reduce or increase* federal powers.

Although Governor Leavitt offers only vague ideas on "restoring balance" and the kind of changes he envisions for the Constitution, it is not difficult to understand the kind of structural changes advocated by the Council of State Governments. In 1989, for example, it endorsed amending the Tenth Amendment as follows: "Whether a power is one reserved to the states or to the people shall be decided by the Courts."

This incredible proposal, the transfer of state power to the federal court system, should sound an alarm to any legislator contemplating a Conference of the States hosted by the Council of State Governments or by anyone else at this perilous time in our history.

Judging by the motivation of various state leaders, the Conference organizers really don't want to assume any of the *proper* functions of the federal system. Logically then, they must want to formalize the unauthorized powers — that is, they must want to *certify the unconstitutional powers of government, both state and federal*. They need a convention to do that. They need Resolutions of Participation and state-certified delegates to do that. They need the powers (pretended or otherwise) of a sovereign people to do that.

On the other hand, if the true goal of the organizers is to strip the federal government of its unauthorized powers, then a convention-empowered Conference of the States is not necessary. Accordingly, the resolutions being passed in the states have one main purpose and one only: to amend the Constitution to legalize that which is now unconstitutional; to usurp the undelegated powers of the people and delegate them to government.

The real motivation behind the Conference of the States is the very opposite of the avowed purpose, otherwise no high powered convocation would be needed. The states could announce their assertion of the Tenth Amendment in a telephone conference call, and divest themselves of federal usurpations by engaging only in those state-federal activities for which there is constitutional authority. The states, whether they meet or not, already possess the power to cast aside the unconstitutional shackles of the federal government. All the states need do

to escape federal oppression is to send the federal checks back to Washington with the following explanation:

We respectfully return checks paid out of the federal treasury for activities that the federal government has no constitutional authority to engage in or to impose upon the states as set forth in the Tenth Amendment of the Constitution of the United States.

Delegates from many states are signing on with the Conference because the federal government has mandated programs without providing the funding. Their intentions are quite clear: They want amendments that will force Uncle Sam to pay for their programs relating to welfare, the environment, health care, highways, land management, public school subsidies, poverty programs, housing, senior citizens, downtown parking, etc. Other than that, of course, they want the federal government to leave the states alone. Never mind that the mandates themselves should be eliminated.

If held, the Conference would likely adopt amendments that would make legal that which is now unconstitutional. Many states would probably agree to *increase* the power of the federal government by insisting that the federal government fund the programs it mandates.

Governor Mike Leavitt obviously realizes he made a tactical error in openly calling for a constitutional convention last year. But his ostensible retreat from that unpopular proposal, his mollification of those governors who want federal money for their own welfare-state programs, and his "ideological migration" in support of a greater role for the federal government, exemplify the consummate politician.

Insider Con

But these are not the Governor's first "migrations." In 1993 and 1994 he was one of eight state executives who participated in the National Education Goals Panel which helped compose the infamous *Goals 2000*. This is the pro-

gram which has radically accelerated the unconstitutional federalization of American education. Was the governor ignorant of his role in violation of the Tenth Amendment when he handed our children over to the feds? Is he really the anguished tribune of the Tenth Amendment, or is he instead a political opportunist, duly flattered and urged on by the intergovernmental crowd that has long sought radical changes in our form of government? The Utah governor has found a warm and willing reception among those who, since the 1960s, have worked to abolish the states and to establish in their place a federally managed regional government.

Leavitt exults that public sentiment is

The Conference organizers really don't want to assume any of the proper functions of the federal system. Logically, then, they must want to formalize the unauthorized powers.

growing for the big summit at Philadelphia, but we disagree. On the contrary, *media* sentiment is growing. Or perhaps better stated, the managers of mass media see a perfect forum of pigeons preparing the way for *their* agenda. Editors and writers who have spent their lives scoffing at the Constitution are playing this game with all they can muster. The pages of our liberal papers are brim with flag-waving commentary on the "rebirth of America," and the "new role" of the states as masters of the federal monster. Cartoonists are outdoing themselves with the big foot of Uncle Sam shown as being thwarted by a sword-swinging little state. But the question persists: Why have the champions of big government suddenly discovered the Tenth Amendment?

We offer this answer: Because the call for the convention-empowered Conference conveniently sidesteps Article V, and the only final judge of the Conference's actions will be the people themselves. If the American people can be carried away in a false euphoria over this enormous fraud, they will ratify amendments that will tear apart the very fabric of republican government.

For the most part, Americans do not comprehend the constitutional role of their government or their responsibilities regarding it. Polls taken in recent years indicate an appalling ignorance of our system among the great majority of Americans. According to a national survey sponsored by the Hearst Corporation in 1987 (the bicentennial year of the U.S. Constitution), 45 percent of the respondents mistakenly believed that the Marxist principle, "From each according to his ability, to each according to his need," is found in the U.S. Constitution, 49 percent mistakenly believed that the President can "suspend the Constitution in time of war or national emergency," and 75 percent mistakenly believed that the Constitution guarantees "a free public education through high school."

The Conference of the States is most emphatically not a proposal of the people; it is a highly sophisticated, well-financed production that is being sold to state officials on a false premise

and a deceitful promise.

Our immediate concern centers on the Resolutions of Participation being rushed through the statehouses of America. Every effort must be made to block them. Our nation's best informed citizens need to voice their opposition loudly and clearly. Governors and legislators who understand the Constitution and know it is not flawed must be willing to speak out in opposition to this elaborate plan to alter it. We must not permit the calling of a state-authorized Conference imbued with federal convention powers at this point in our history. ■

Reprints Available

Con-Con Call — Beware Mike Leavitt's "Conference of the States" first appeared in **The New American** for March 6, 1995. Additional copies of this copyrighted article are available at three copies for \$1.00, 100 for \$25.00, or 1,000 for \$200.00. Add 15 percent (\$2.00 minimum) of the order total for postage and handling. Order from: **The New American**, Reprints Dept., Appleton, WI 54913-8040.



Rep. Bauman
Kyce
APR 18 1995

JANE DEE HULL
Secretary of State

SECRETARY OF STATE
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ANNE L. LYNCH
Assistant Secretary of State

April 4, 1995

The Speaker of the House of Representatives
State Capitol
Juneau, Alaska 99811

Dear Mr. Speaker:

The Forty-second Legislature of the State of Arizona has passed House Concurrent Resolution 2015 and filed it in our Office March 31, 1995. The language in this resolution stipulates that we send a copy of the Resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House of Representatives and the President of the Senate of each state's legislature of the United States of America, and the Arizona Congressional Delegation.

Please find enclosed a copy of House Concurrent Resolution 2015.

Sincerely,

A handwritten signature in cursive script that reads "Jane Dee Hull".

JANE DEE HULL
Secretary of State

FILED

**Jane Dee Hull
Secretary of State**

State of Arizona
House of Representatives
Forty-second Legislature
First Regular Session
1995

HOUSE CONCURRENT RESOLUTION 2015

A CONCURRENT RESOLUTION

REGARDING THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND ASSERTING
THE SOVEREIGNTY OF THE STATE OF ARIZONA.

1 Whereas, the Tenth Amendment to the Constitution of the United States
2 reads as follows: "The powers not delegated to the United States by the
3 Constitution, nor prohibited by it to the States, are reserved to the States
4 respectively, or to the people."; and

5 Whereas, the Tenth Amendment defines the total scope of federal power
6 as being that specifically granted by the United States Constitution and no
7 more; and

8 Whereas, today the states are demonstrably treated as agents of the
9 federal government; and

10 Whereas, many federal mandates are directly in violation of the Tenth
11 Amendment to the Constitution of the United States; and

12 Whereas, the United States Supreme Court has ruled in New York v.
13 United States, 112 S.Ct. 2409 (1992) that Congress may not simply commandeer
14 the legislative and regulatory processes of the states; and

15 Whereas, a number of proposals from previous administrations and some
16 now pending from the present administration and from Congress may further
17 violate the United States Constitution;

18 Therefore

19 Be it resolved by the House of Representatives of the State of Arizona, the
20 Senate concurring:

21 1. That the State of Arizona hereby claims sovereignty under the Tenth
22 Amendment to the Constitution of the United States over all powers not
23 otherwise enumerated and granted to the federal government by the United
24 States Constitution.

1 2. That this serve as notice and demand to the federal government, as
2 our agent, to cease and desist, effective immediately, mandates that are
3 beyond the scope of its constitutionally delegated powers.

4 3. That the Secretary of State of the State of Arizona transmit copies
5 of this Concurrent Resolution to the President of the United States, the
6 Speaker of the United States House of Representatives, the President of the
7 United States Senate, the Speaker of the House of Representatives and the
8 President of the Senate of each state's legislature of the United States of
9 America, and the Arizona Congressional delegation.

PASSED BY THE HOUSE FEBRUARY 9, 1995 BY THE FOLLOWING VOTE: 42 AYES,
17 NAYS, 1 NOT VOTING.

PASSED BY THE SENATE MARCH 27, 1995 BY THE FOLLOWING VOTE: 25 AYES,
4 NAYS, 1 NOT VOTING.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 1995.



The Council of State Governments
3560 Iron Works Pike
P.O. Box 11910
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Name of Individual Denny DeWitt
Name of Firm/Person Rep. Eldon Mulder's office
Fax # (907) 465-3518 Office # (907) 465-2647
From Carla Blanton
Telephone (606) 244-8166
Number of Pages 6 Date Transmitted 1-23
Messages Here is the information you requested on
The Conference of the States.
I mailed additional information today. Please
let me know if you need anything else, and
continue to keep us posted on what Alaska
is doing regarding the Conference.
Carla Blanton

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Vol. 1 Issue 5

The Conference of the States alert

States are forging ahead; new language for the resolution approved

Jan. 18, 1995

Utah became the first state to pass a resolution of participation in The Conference of the States on Monday when Gov. Mike Leavitt signed the document authorizing the state to send a delegation to the historic Conference. The Iowa Senate passed the resolution Wednesday, according to state officials.

Other states across the nation also are acting quickly. As of Monday, more than a dozen states had introduced resolutions in at least one chamber, including: Arizona, Arkansas, Indiana, Minnesota, Montana, Nebraska, New Hampshire, Oregon, Texas, Vermont and Washington. These states represent a wide spectrum of different-sized states from every region. In addition to states that already have introduced the resolution, more than 10 states indicated the resolution will be introduced in one chamber this week. These include: Colorado, Delaware, Illinois, Kansas, Maryland, New York, Ohio, Pennsylvania, South Dakota and Wyoming.

Wording of the resolution

Because each legislature is run differently, many states have had legitimate questions about the wording of the resolution. Some states have asked if the wording of their resolutions of participation in The Conference of the States must be identical. Other states have asked if the size of the delegation the states will send to The Conference of the States is flexible.

The Steering Committee of The Conference of the States recognizes that each state has a different set of circumstances it must meet in order to participate, be they technical or political. For this reason the Steering Committee has endorsed minor changes in the language of the resolution of participation. This is what the changes will accomplish:

- States will be allowed to increase the size of their delegations to The Conference of the States to as many as seven members. A bipartisan flavor will be maintained by stipulating that at least one member of the delegation be from the minority party in each chamber.
- The resolutions will not have to be identical to convene The Conference of the States. Some states have had to make minor changes in the wording because of the rules of their chamber. This change in the resolution's language will allow for those minor changes while keeping the substance of the resolution intact.



A copy of the resolution with the new wording inserted is attached to this document. Should you have any questions about The Conference of the States or the wording of the resolution, please call The Conference of the States' Information Line (606) 244-8158.

RESOLUTION OF PARTICIPATION IN A CONFERENCE OF THE STATES

[Whereas clauses to be provided by individual states]

The following language needs to be incorporated into each state's resolution:

Now, Therefore, Be It Resolved:

That the following be adopted:

(1) A delegation of ~~five~~ NOT TO EXCEED SEVEN voting persons from the State of _____, shall be appointed to represent the State of _____ at a Conference of the States for the purposes described in Section (2) to be convened as provided in Section (3). The delegation shall ~~consist of five~~ NOT EXCEED SEVEN voting persons as follows: (a) the governor or, if the governor does not wish to be a member of the delegation then a constitutional officer selected by the governor; and (b) ~~four legislators, two~~ A NUMBER OF LEGISLATORS NOT TO EXCEED SIX: THREE from each house, OF WHICH AT LEAST ONE SHALL BE FROM EACH MAJOR POLITICAL PARTY, selected by the presiding officer of that house. ~~No more than two of the four legislators may be from the same political party.~~ Each presiding officer may designate two alternate legislator delegates, one from each party, who have voting privileges in the absence of the primary delegates.

(2) The delegates of The Conference of the States will propose, debate and vote on elements of an action plan to restore checks and balances between states and the national government. Measures agreed upon will be formalized in an instrument called a States' Petition and returned to the delegation's state for consideration by the entire legislature.

(3) The Conference of the States shall be convened under the § 501(c)3 auspices of The Council of State Governments in cooperation with the National Governors' Association and the National Conference of State Legislatures no later than 270 days after at least 26 legislatures adopt this A resolution without amendment OF PARTICIPATION.

(4) Prior to the official convening of The Conference of the States the steering committee will draft:

- (a) the governance structure and procedural rules for the Conference;
- (b) the process for receiving rebalancing proposals; and
- (c) the financial and administrative functions of the Conference, including The Council of State Governments as fiscal agent.

(5) The bylaws shall:

- (a) conform to the provisions of this resolution;
- (b) specify that each state delegation shall have one vote at the Conference; and
- (c) specify that the Conference agenda be limited to fundamental, structural, long-term reforms.

(6) Upon the official convening of The Conference of the States, the State delegations will vote upon and approve the Conference governing structure, operating rules and bylaws.

--end of the resolution --

2 January 1995



A note on media coverage

A total of 259 stories have been printed about The Conference of the States through Dec. 29. Overall, known media coverage has spanned 45 states and has included stories in *Newsweek*, *The Wall Street Journal* and the *Washington Post*.

Influential columnists David Broder, Neal Peirce and Walter Mears all have written at least one weekly column about The Conference of the States.

The Leaders' Edge

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Conference of the States

Restoring Balance in the Federal System FACT SHEET

I. OVERVIEW

- ♦ The call for a Conference of the States (COS) is attracting broad support from state officials as a way to drive home an important federalism message to the Congress and the American people.
- ♦ COS is a non-legal, yet formal process to convene a Conference of the States to develop an action plan to restore balance to the federal system.
- ♦ COS will be convened when a majority of states pass ^{Similar} identical resolutions of participation in COS.
- ♦ It is anticipated that each state will vote to send a five-member ^{to 7 members} delegation to COS -- the governor and four legislators -- two from each chamber and each party. Two alternate legislators, one from each party, also will be appointed in each chamber.
- ♦ It is expected COS will occur in the Fall of 1995 in a historically symbolic location such as Philadelphia. It will be the first formal meeting of the states since 1786.
- ♦ The end product of COS will be an agreed-to action plan, written in the form of a states' petition, specifying a set of statutory, legal and constitutional measures essential to an effective, balanced state-federal partnership.

II. DEFINING CHARACTERISTICS

- ♦ COS enjoys broad, bipartisan support from state leaders in both parties. It is guided by a national, bipartisan steering committee of state elected officials, under the auspices of The Council of State Governments, in cooperation with the National Governors' Association and the National Conferences of State Legislatures.
- ♦ COS is not a Republican or Democrat vehicle -- it is an initiative of, for, and by the states to advocate a balanced federal system -- with a strong, yet limited, federal government -- and with states (and local governments) handling a larger share of the domestic governance role.
- ♦ COS does not address or advocate any single or special issue interests. It does not speak to abortion or gun control, nor does it identify with any group or individual.
- ♦ COS is a forum for the states to formally, collectively, and responsibly define their rightful roles in the federal system, based upon past principles and the new governance challenges of the 21st century.

Convenor: The Council of State Governments in conjunction with the National Conference of State Legislatures and the National Governors' Association

♦ P.O. Box 11910 ♦ Lexington, KY 40578-1910

♦ 606/244-8000 ♦ 606/244-8001 fax

III. STATES AS AGENTS OF REFORM

- ♦ One of the most compelling aspects of COS is that it provides a clear opportunity for states to inform the American public that the states, along with local government, have become positive forces of governmental change and reform. There has been little or no public recognition of these facts:
 - All states have updated and modernized their constitutions in the last 30 or so years.
 - Most states have completely revised their ethics codes and standards in the last five years.
 - Most states have restructured, downsized and privatized key functions in the last few years.
 - Most states elect more women and minorities to office, as do local governments, than does the federal level. They are more representative of, and responsive to, citizens.
 - And, virtually all states are living within their budgetary limits. In contrast to the federal level, which has been overspending in recent years more than all 50 state general fund budgets combined.
- ♦ And, in domestic policy areas, states are the acknowledged leaders and innovators in:
 - Health care redesign; welfare reform; education restructuring; corrections policy; environmental innovation; and in many management areas - including TQM, customer service and benchmarking to improve accountability for outcomes and for efficiency.

IV. CONCLUSION

- ♦ Convening a Conference of the States provides an invaluable forum to develop an accurate picture of the states in action and to address a profound, structural distortion in the American political system.
- ♦ COS offers states and citizens an opportunity to revisit our founding governing principles and the appropriate state-federal structural balance best suited to American society in the 21st century.
- ♦ COS is a non-constitutional, non-binding vehicle for American states to reclaim their rightful, co-equal status in the federal system and to work closely with citizens on the public challenges ahead.

QUESTIONS?

Call The Conference of the States information line:
(606) 244-8158

Ramona

I'm thinking
of not offering
the amendment
so as not to
get into the
battle over
adding a bunch
of groups. What
do you think?
Sean

Rep. Barnes



The Council of State Governments
3560 Iron Works Pike
P.O. Box 11910
Lexington, KY 40578-1910

Name of Individual Rep. Baines
Name of Firm/Person _____
Fax # (____) 907 965-4565 Office # (____) _____
From Bill Voigt
Telephone (____) 606 244-8158
Number of Pages 2 + cover Date Transmitted 5/4
Messages CSG update
press release

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**Conference of the States Resolution,
Reported by The Council of State Governments, Lexington, KY
Status, May 3, 1995 4:00 p.m. EST
Current Legislative Session**

■ States that have passed a resolution in both chambers: (14 states)	Governor	Party control Senate	House
Arizona	Rep.	Rep.	Rep.
Arkansas	Dem.	Dem.	Dem.
Delaware	Dem.	Dem.	Rep.
Idaho	Rep.	Rep.	Rep.
Iowa	Rep.	Dem.	Rep.
Kentucky	Dem.	Dem.	Dem.
Missouri	Dem.	Dem.	Dem.
Nebraska (unicameral)	Dem.	nonpartisan	
Ohio	Rep.	Rep.	Rep.
South Dakota	Rep.	Rep.	Rep.
Tennessee	Rep.	Dem.	Dem.
Utah	Rep.	Rep.	Rep.
Virginia	Rep.	Dem.	Dem.
Wyoming	Rep.	Rep.	Rep.

■ States that have passed the resolution in at least one chamber: (7 states); tracking organization ()

Alaska House (CSG)	New Jersey Senate (CSG)
New York Senate (CSG/NCSL)	
Florida House (CSG/NCSL)	Pennsylvania Senate (CSG)
Texas Senate (NCSL)	
Michigan Senate (CSG/NCSL)	

■ States that have introduced the resolution in at least one chamber: (8 states)

Alabama Senate (4/18, NCSL)	
North Carolina House (CSG/NCSL)	
Rhode Island House (NCSL)	
Illinois House (CSG/NCSL)	
South Carolina House (NCSL)	
Washington House ———	
Nevada Assembly (CSG)	Wisconsin Senate (NCSL/CSG)

■ States where introduction is pending: (3 states)

Connecticut
Maine
Massachusetts (CSG)

■ States which have defeated, carried over, or not considered the COS resolution beyond committee or by another chamber: (18 states)

New Hampshire	West Virginia	Mississippi	Minnesota
North Dakota	Georgia	Montana	Louisiana
Oklahoma	New Mexico	Kansas	California
Vermont	Oregon	Colorado	Indiana
Hawaii	Maryland		

FOR IMMEDIATE RELEASE
April 26, 1995

FALL MEETING SET TO PLAN CONFERENCE OF THE STATES

Supporters of a national conference to debate the balance of powers between the federal and state governments will meet this fall to plan for a Conference of the States (COS), organizers announced today.

The Steering Committee had planned to hold an organizational meeting this summer, and had hoped to schedule the Conference this fall, but organizers agreed to wait until at least 26 states approve resolutions of participation. Since January, 14 states have adopted the resolutions, and 10 more states have adopted resolutions in either the House or Senate. Resolutions have been introduced in nine other states.

Organizers said the fall meeting will be open to all states and will provide an opportunity to review the impact of ongoing congressional and judicial decisions. The meeting also will be used to plan for the actual Conference, which could be scheduled in 1996.

Today's announcement resulted from an April 21 meeting of governors and state legislators serving on the COS Steering Committee, a bipartisan group charged with planning the Conference to encourage a state discussion about federalism.

"We are already seeing evidence that the initiative for the Conference is positively influencing the climate for a more balanced federal system," said Nebraska Gov. E. Benjamin Nelson, who co-chairs the Steering Committee with Utah Gov. Mike Leavitt.

"The purpose is to convene states in a historic way and send forth their collective action," said Gov. Leavitt. "Our long-term goal is to show the political potency of the states."

At the April 21 meeting, the Steering Committee voted to broaden its membership to more groups representing state legislators, including the American Legislative Exchange Council (ALEC) and the State Legislative Leaders Foundation. Sponsoring organizations for the effort currently include The Council of State Governments, which would convene the Conference, the National Conference of State Legislatures, and the National Governors' Association.

Supporters also said they planned to use the additional time now built into their plans to educate the public about how the Conference would work, who would be involved, and what solutions might be proposed.

"The fall meeting will allow states to take stock of how they would be affected by changes in the federal budget," said Ohio State Senate President Stanley Aronoff, CSG chairman-elect.

"We must maintain the long-term perspective," said Alabama Rep. Mike Box. "There is no quick and easy solution. States need to hold the Conference so that they can discuss ways to restore the balance of power between the state and federal governments."

For more information contact:

Elaine Stuart, The Council of State Governments, 606-244-8153, or e-mail, info@csg.org

Susan Seladones, National Conference of State Legislatures, 202-624-8678

Page Bolnest, National Governors' Association, 202-624-5331

8016 S. Grandview Ave.
Tempe, AZ 85284

March 28, 1995

Speaker of the House
Ramona Barnes
Alaska State Legislature
State Capitol
Juneau, AK 99811-1182

Dear Ms. Barnes:

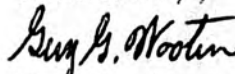
Reference the proposed Conference of the States. Enclosed are 2 essays that are pertinent thereto.

The two essays are taken from a number of RESPONSIBILITY papers which address the problems of our nation. They would be very useful for the organizational meeting in July and toward the agenda for the Conference in October.

I would be pleased to provide a disk containing the essays for your State's use. Please advise.

Enclosure

Sincerely,



Guy G. Wooten

Phone (602)820-0855
FAX (602)941-8065

Domestic Security. The lapses in our national security in the categories of structural, moral, and economic, spill over into domestic security. Here it is particularly apparent that the Republican "Contract with America", and the Democratic "New Covenant", fail to adequately or rightly or timely address: (1) the factors that have and threaten to further "degrade the quality of life of the People"; and, (2) the actions required to stem the tide of narrowing and begin the recoupment of "policy choices" needed to assure the domestic security of our nation.

The Bill of Rights (the first 10 Amendments to the Constitution) has been a preponderant impediment to maintaining domestic (and moral) security. Yes! this holiest grouping in our Constitution, this set of rules that is so frequently set high upon a pedestal, too often has proved to be a "Bill of Wrongs". This has come about through usurpation, conflicts among Rights and between the disparate beneficiaries of each, and looseness of interpretations.

Amendment Article [II]. The "establishment of religion" or "the free exercise thereof" have been in conflict for most of our history. It has led to the government essentially favoring a "godless state". It has precluded promising solutions to the inadequacy of our education systems, that need not be. It has foreclosed policy options that would likely reverse the immoral depths to which our society has been moving.

It has entailed the violation of the "property rights" clause of Amendment Article [VI], through restriction of tax revenues to public schools only. In 1995, a number of State legislatures continue to try to get past this unjust hurdle, to a degree, through enactment of school vouchers, and other means of encouraging open competition, and the freedom to exercise the right and responsibility of parents to provide the best moral and overall education of their children.

The "freedom of speech, or of the press", instead of contributing to "domestic tranquility" and promoting "the general welfare", has been used to tear the fabric of our families and otherwise to "degrade the quality of life of the people". The interpretations and applications of this right in 1995 are totally unrecognizable to how they were 50 to 60 years ago.

The "increase the penalties for child pornography" item in the Republican Contract with America is but a gnat to be swatted. We need to stop the immoral use of communication and entertainment media. We need to recoup the policy options that were deemed in accordance with this right only 2 generations ago.

Amendment Article [III]. The domestic security of the USA is subverted by the National Rifle Association, and others, who

blatantly misinterpret this "right of the people to keep and bear arms". Any junior high school student (now, or certainly 2 generations ago) could parse the single sentence of this Amendment, and identify this right as predicated upon the passe need for a militia.

The excessive availability of firearms; and the lack of thorough controls of their purchases and exchanges, registration, training, storage and safeguards, bearing and employment; cause exorbitant numbers of people to "be deprived of life, liberty, or property". Hence Amendment Article [III] is in direct conflict with Amendment Article [V]. Its consequences are contrary to the objectives cited in the Preamble to the Constitution.

The "stiffen punishment provisions in anti-crime bill" item in the Contract with America; and the Democratic resistance to Republican efforts, to pull supporters of the NRA into their coalition by compromising the Brady law; are mites. Only an all-out attack on Godzilla, the uncontrollability of guns, will bring a reduction in crime and violence, and cure this failure of our governments to provide domestic security.

Amendment Articles [IV], [V], [VI], and [VIII]. The clauses in these Amendments, for the most part, have to do with setting limits on how our governments can seek to obtain justice in criminal investigations, prosecutions, and punishments. With 206 years experience under our belt, since the Bill of Rights was defined for ratification by the States, it is time to update these provisions. The proper balance must be sought between the rights of individuals (innocent or guilty) versus the right of the people to have domestic security.

The "stiffen punishment provisions in anti-crime bill" item in the Contract with America is a step in the right direction, but exceedingly small. With millions of people world-wide longing to enjoy American citizenship, it is time that the responsibilities of present citizens be enforced. Those guilty of lesser crimes should be required to serve their full sentences. Those, who commit capital or other very serious crimes, and repeat offenders of serious crimes, should lose their citizenship and be banished forever from the USA after their incarcerations.

Amendment Article [VIII]. This provision, having to do with civil suits, is way out-dated and conflicts with justice. In particular, juries, under the present court system (which presumably has been constrained by the wording of VII), has proven to be injudicious in harm and punitive damage awards.

With our current market and insurance systems, it is the public (rather than the guilty party) that suffers the lion's share of personal injury, professional and product liability

awards. This occurs through higher service and product prices, higher insurance costs, and higher taxes.

The "make loser pay costs of lawsuits; limit punitive damages; reform product liability laws" items in the Contract with America can be greatly improved. First; for injury, pain, and suffering, a "quantitative" (rather than an "emotional") means of setting compensation must be prescribed. The duty of a lay jury should be limited to deciding responsibility; a competent panel of professionals, or other means, must assess the just settlement.

If punitive damages are warranted, the sin is against the public, not just the plaintive. The awards should be treated as fines imposed for pseudo-criminal conduct; they should be applied to appropriate public purposes. It may be that the punitive question should be tried and damages assessed as a tandem pseudo-criminal case. As for attorney compensations, percentage fees should be taboo. The legal profession should not be permitted "excess profits", any more than defense contractors or utilities. There will be weeping and gnashing of teeth. For much of the legal profession, this is their bread and butter (or, rather, caviar and champagne).

Amendment Article [IX]. This clause was intended to overcome the concern that unenumerated rights would be denied the people. Instead it has proven to be a wedge, particularly by the Supreme Court, to bypass the will of the people as prescribed for the Amendment process.

At the Constitutional Convention, inclusion of a Bill of Rights was thought unwise and was resisted. To assure ratification of the Constitution, a compromise was made by a commitment, to satisfy the concerns of some States, to tack on the Bill through Amendments. The concerned States had included Bills of Rights in their State constitutions, to preclude government actions that had occurred under British kings and Parliaments. It is understandable, that with a novel Constitution for an untried federal government, to which they were reluctantly ceding a great deal of power, they would insist on these Rights being an integral part.

Instead of being solely a guard against oppressive governments, the Bill has also been a bar to good and timely governance. It has been the source of disunity, moral and criminal permissiveness, and the collisions of the rights of some citizens against the rights of all others. This has been particularly true of the malgovernance applied through this vague, "unenumerated rights", Article [IX].

Amendment Article [X]. This reservation of powers (not delegated) to the States or to the people has been nearly

completely emasculated by encroachments of the federal government. Much of this has, perhaps, been a necessary consequence of a ever changing and challenging world. The vagueness of this clause must be eliminated.

It is quite clear that it is time to rewrite the Constitution, curing its shortcomings and the sources of non-compliance and non-enforcement. The reformed Constitution should be limited to structure, as had been preferred at the Constitutional Convention.

The Bill of Rights (et al) should be referenced in the Constitution, but specified as a non-vague law, which is amendable by the people through their Congress and President. The law should specify the RESPONSIBILITIES that match the RIGHTS. The special nature of the Bill of Rights could be retained by having the reference clause in the Constitution specify that amendments to the Bill would require a super-majority (2/3s or 3/4s) in the Congress as well as the normal signature of the President (with, obviously, no veto power). It could also specify that the initial version of the Bill would necessitate ratification by 3/4s of the States. There have been precedents.

Listen-up delegates to the proposed Conference of the States!

There are many other topics that could be addressed under the domestic security category.

Structural Security. In creating the structure (the Constitution) of the United States of America, our founding fathers discarded the teetering one strut limitations of the Articles of Confederation government. They did not rely on a wobbly two legged, nor an easily displaced three limbed building. These extraordinary architects chose a never seen before, novel design concept. The United States of America would be a solid edifice consisting of four sturdy columns. The big bad wolf, any big bad wolf, could huff and puff, but it could not blow the house down.

However there was a foreseen danger. The four columns had separate functions to perform, and each column was of a quite different configuration, each tailored to its particular *raison d'etre*. If one or more of the columns were to expand or contract or flex, the structure would be conditionally unstable. The proposed replacement government could prove to be as ineffective, and as dangerous to the security of the nation, as had been the loose confederation of independent States under the Articles.

So these far-sighted, master artificers conceived of trusses between and among the four columns. The trusses would assure that the columns remained separate, free to perform their individual functions, and prevented from overlapping and disruptive movement. The four columns are identified as the legislative Congress, the executive Presidency, the Judiciary, and the most intimate functionaries for the people -- the States. The trusses are, of course, the checks and balances.

Alas! The best laid plans of these eighteenth century patriots can be, have been, and are today, neglected, circumvented, abused, and usurped. As a result the Constitution of the United States of America is sadly in need of reform and/or enforcement. Let us look at a few examples evident with the 104th Congress and during the recent months of the waning term of the 42nd President.

The Republicans in the 104th Congress (as in a number of past Congresses) are pushing the Line Item Veto power for the President. Indeed, with the internal malpractices (and the against-the-intent-of-the-Constitution, power-wielding, committee system) of the Congress, it would likely be an improvement. But it is neither necessary nor a solution to the source of the problem. The Constitution provides the President with an adequate power to veto for cause a "pure" bill, every element of which has been constructed and adequately subjected to the one member/one effective vote in each House of the Congress -- the intent and essence of the Constitution.

The pity is that a third column of the Constitutional structure has had the checks and balances power to challenge these long existent malpractices and malorganization in the

Congress. As the foundational unit closest to the people, the States individually and in concert, could have stopped the "pork" and any other sneak provisions in any Congressional bill, before or after its enactment. It was anticipated that they would by Publius in 1787-88. James Madison wrote in Federalist No. 55: "I am unable to conceive that the State legislatures, which must feel so many motives to watch, and which possess so many means of counteracting, the federal legislature, would fail either to detect or to defeat a conspiracy of the latter against the liberties of their common constituents."

But until recently, the States had been beaten down so much by the other three columns, particularly by actions of the Supreme Court, that they had ceded much of their powers. This had been foreseen by an anonymous anti-federalist Brutus in a 1788 essay opposing ratification of the Constitution. He wrote: "The judicial power will operate to effect, in the most certain but yet silent and imperceptible manner, what is evidently the tendency of the Constitution: I mean, an entire subversion of the legislative, executive, and judicial powers of the individual states."

Had the States the gumption, and would devote the resources, they could have long since limited the malgovernance of the federal government. Two of the powers that they have not ceded are: (1) the force of State legislature resolutions on their Senators and Representatives in the Congress, and (2) the right of original jurisdiction (direct access to the federal Supreme Court).

Before the fact, each State legislature can ferret out pending Congressional bills (or elements thereof) which their constituents would oppose; then pass resolutions to that effect; and advise (direct?) their Washington representatives to vote accordingly in the Congress. After the fact, upon discovery of undesirable features of laws passed by Congress, by State legislature resolutions they can direct their Senators and Representatives to introduce and vote repeal bills. They can put full force and effect into the States' column, by taking a leaf from the thirteen Colonies of 1775-6. Establish versions of "Committees of Correspondence" to coordinate inter-States deliberation and simultaneous passage of resolutions sufficient for majority effect in Congress.

Use original jurisdiction to test the justice of the federal Supreme Court. A number of States can sue other States that have received "pork" by means of surreptitious acts permissible by the malpractices and malorganizations of the Congress.

With grit, We the People, through States' actions, can break the backs of these shortcomings of the federal government. At the same time the spines will be broken of the Political Action

Committees, lobbyists, and other special interest groups, who buy their influence through campaign contributions or marches on Washington.

There is hope. The States have now begun to show their mettle. A number of border States have sued the federal government for not carrying the burdens caused by the presence of illegal aliens -- unquestionably a federal responsibility. The States are rebelling against federal mandates that are imposed by federal legislation (or executive agencies' directives), without accompanying federal funding. More importantly, the States are beginning to act in concert.

A "Conference of the States" has been proposed, tentatively scheduled for October 1995. Organizers are asking State legislatures to pass resolutions to attend the Conference. On Valentine's Day, Arizona became the 10th State to authorize a delegation. Approval of 26 States is required to kick off the Conference. The purpose of the Conference is to "create a mechanism for states to battle the federal government on issues involving states' rights".

A number of State legislators were reluctant to authorize participation in the Conference. They "warned that the conference would fail if it became partisan, if it became linked with any single group or personality, or it was tied to a divisive issue such as abortion, gun control or prayer in schools". Others feared that such a conference might go too far, even ending up as a Constitutional Convention.

HALLELUJAH! Isn't that where we are? The Governors and State legislators are responsible for the security of the States. The State issues that have triggered the proposed Conference are merely manifestations of the fact that the security of each State is inseparable from solutions to the structural, moral, economic, domestic, and international insecurities of the nation as a whole.

The danger is that the politicians at the State levels, also being Republicans and Democrats, may put party above State. The proposed Convention is a means to by-pass the "pork", "patronage", and "power" life-bloods of the failed two-party system. We the People can hope, and require, that the Conference of the States be the counterpart to the Annapolis Convention of 1786. That "failed", last previous meeting of the States, led to the Constitutional Convention of 1787. What a brilliant success!

Urgent! From the Desk of Ralph

To: **Representative
Ramona Barnes,**

Thursday, April 6, 1995

Fax: 907 465-4565

Total pages: 9

Attn: RAMONA BARNES

I would suggest that you read this and we have much more info on this. I will assume that you are uninformed and hopefully you will change your mind. This vote is a litmus test on your stand on the Constitution of the United States. Thanks.

Ralph - if you would like more info, my direct number is 269-7001



*"We can sit here all day
until the person who has hidden the agenda speaks up."*

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PATRIOT PARTY of ALASKA

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We Americans are standing on the shoulders of intellectual statesmen that drafted the greatest document ever written to govern a free people. Only a few Americans appreciate and know what we now have and enjoy. And sadly even fewer Americans know what could be lost in a few days or weeks at the proposed COS.

Outline of Conference of States

Objective

1. Objective of "Conference of States Pictorial Summary" is at "States' Petition".
2. "A States' Petition gains its authority from the sheer power of the process of the states follow to initiate it. It is a procedure outside the traditional constitutional process, and has no force of law or binding authority." *Emphasis added*

Source - Pg 3 of "The Conference of the States An Action Plan For Balanced Competition in the Federal System" - in your state packet provided by Rep. Ramona Barnes.

Dangers of Conference of States

1. Why do they want our Legislative representatives to have force of law by a Joint Resolution if there objective is as stated above to have no force of law?

They are disingenuous and frankly are lying by their own documentation!

Once the COS is Convened

1. The wording of HJR20 is immaterial as when the conference of states is convened, the rules can be suspended, hence HJR 20 verbiage has no protective function against a Constitutional Convention (CON-CON).
2. The COS participants empowered by joint resolutions from their perspective States can ask for a CON-CON if they have 34 states (2/3) in agreement. There are two ways to get a CON-CON and this is one. The other is when 2/3 of the Houses of Congress to shall deem it necessary.
3. Ratification of the CON-CON amendments changes, removal, or complete dismantling of the United States Constitution is by one of two means and Congress shall determine which will be used. They are the following:
 - a. By the Legislatures of 3/4 of the several States
 - or b. Ratifying Conventions in 3/4 of the States

This COS once started is a Ratifying Convention if Congress says that it is, as it still has the power of the Joint Resolutions of each of the States.

4. This can not be stopped or changed once the COS changes into a CON-CON. The courts cannot and will not be able to change or stop this as it is deemed very correctly as political. Many court cases support this position.

United States Constitution Article V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate. *Emphasis added*

10th Amendment Solution

1. Passage of Resolution restating that Alaska is sovereignty, that the States are the principle, and the Federal Government is our Agent. This happened on February 15 with the passage of SJR7.
2. Passage of a Law defining all unfunded mandates are illegal. Attached is HB1874 from Oklahoma that has passed the House and should soon pass the Senate. Please use this as a example of what Alaska should immediately do!!!!!!

- Attachments
- a. HB1874 from Oklahoma
 - b. Senators Duke 10th Amendment Implementation Letter

Ralph Winterrowd II
Chairman

TO: ALL

FROM: Dan Druck, Council on Domestic Relations I'm sorry I'm two days late getting this out.....

The following bill passed the Oklahoma House "Revenue and Taxation Committee" unanimously on Tuesday, February 7th. Since then, the bill unanimously passed the House and is expected to pass the Senate with little problems. The bill's sponsor is Representative Charles Key. HB1874 is a spin-off of SB-52 from Senator Charles Duke's State Sovereignty Bill in Colorado. HB 1874 is stronger as it addresses all federal taxes withheld from the states. Our hats are off to Representative Keys and all members of the committee who voted for HB 1874! We deeply appreciate and acknowledge all grassroots networkers and state legislators in Oklahoma who are standing with Americans who work and pray for the preservation of our Constitution and American sovereignty.

This is a far cry from those states whose legislators sit and wait for "someone else to do it"; or especially the state legislators who are passing the Resolution for Participation in the Conference of States (bypassing committees, passing the resolution by 'voice vote' so their constituents won't know who betrayed them) because the "state leaders" want it. If other legislators follow the lead of Oklahoma we still have a chance to return Constitutional Government to America and restore states rights. Give a copy of HB1874 to your state legislator(s) and support its passage in your state. If not you..... then who?

Rep. Key's address is House of Representatives, State of Oklahoma, Room 508, Oklahoma City, Oklahoma 73105 if you'd like to write and thank him.

Council on Domestic Relations.

**HOUSE OF REPRESENTATIVES
1ST SESSION OF THE 45TH LEGISLATURE (1995)**

REVENUE AND TAXATION COMMITTEE

STAFF REPORT

Representative Howard Cotner, Chairman
Representative Ron Langmacher, Vice Chairman

Committee Substitute for House Bill 1874

SUBJECT: State Sovereignty Act
AUTHOR: Representative Key

PROVISIONS:

1. Creates the State Sovereignty Act.
2. Declares legislative intent that the U.S. Congress does not have the right under the federal Constitution to withhold from the States the benefits of federal taxes through unconstitutional mandates. States that the State of Oklahoma reasserts its claim of sovereignty.
3. Defines terms used in this act. Creates the "Federal Tax Fund" in the state treasury which shall be an escrow account. Specifies that any interest carried on the deposit of monies in the Fund along with any civil penalties associated with this act shall remain in the fund and shall not revert to the General Revenue Fund of the state at the end of any fiscal year. Provides that such interest shall be used to pay any necessary administrative costs incurred pursuant to this act and any excess interest and penalties shall be transferred to the State Transportation Fund.
4. Requires any person liable for any federal excise, income or liquor alcohol tax to remit the tax to the Oklahoma Tax Commission for deposit into the Fund.
5. Requires the State Treasurer to transfer at the end of each month the monies held in the fund less any interest earned to the Internal Revenue Service in payment of the tax obligation of those persons who remitted the tax to the Oklahoma Tax Commission.
6. Provides that if the federal government imposes any sanctions on the state for failing to enact legislation required by federal law which the Oklahoma Legislature deems to be unconstitutional, the State Treasurer shall not transfer any taxes held in the Federal Tax Fund. Provides procedures for the transferring of the monies if the sanctions are lifted within 90 days. Provides that if the sanctions are not lifted within 90 days, the state shall impose a surcharge on the monies in the fund to be used for payment to continue highway project funding.
7. Specifies that any person who fails to comply with this Act shall be subject to a civil penalty in an amount equal to 150% of the tax owed for each day the person fails to comply.
 4. Provides that this act shall apply to federal taxes to be collected after June 30, 1995.

EFFECTIVE DATE July 1, 1993 Emergency Clause

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1874 By: Key

COMMITTEE SUBSTITUTE

An Act relating to revenue and taxation; creating the State Sovereignty Act; Providing short title; providing definitions; declaring legislative intent; creating the Federal Tax Fund; providing for interest earned on certain monies; providing for remittance of certain taxes by certain persons; providing for transmission of certain monies to State Treasurer; providing certain duties of State Treasurer regarding transferring of withholding certain funds; providing for certain surcharge; providing for civil penalties; providing for deposit of Certain Penalties; providing for act to apply to certain taxes collected after certain date; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50200 of Title 68, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "State Sovereignty Act".

SECTION 2, NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50201 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature finds that the Tenth Amendment of the United States Constitution defines the total scope of federal power as being that Specifically granted by the federal constitution and no more. The Legislature recognizes that the United States Congress has the right to lay and collect taxes under the federal constitution. The Legislature finds, however, that the Congress does not have the right under the federal constitution to withhold from the States the benefits of those taxes through unconstitutional mandates.

B. The legislature further finds that the most unconstitutional mandates prohibit Oklahoma from implementing programs of excellence that would exceed federal expectations. Oklahoma has significant technical expertise in resource management in the areas of air, earth and water, but the persistent threat of sanctions renders that expertise ineffective.

C. In light of the continuing unconstitutional withholding of the benefits of the taxes, the State of Oklahoma hereby reasserts its claim of Sovereignty.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50202 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. As used in this act:

1. "Person" means natural persons, corporations, Partnerships, limited liability companies, associations and other legal entities;

2. "Excise tax" means any tax that forms a component of the highway users tax fund;

3. "Income tax" means any tax imposed by the federal government on any income earned by a taxpayer; and

4. "Liquor or alcohol tax", means any tax imposed by the federal government on any beer, liquor, wine or similar alcoholic beverage.

5. There shall be created in the State Treasury the "Federal Tax Fund", which shall be an escrow account. Any interest earned on the deposit of monies in the fund along with any civil penalties assessed pursuant to subsection F of this section shall remain in the fund and shall not revert to the General Revenue Fund of the state at the end of any fiscal year. The interest earned on the deposit of monies and any civil penalties shall be used to pay any necessary administrative costs incurred pursuant to this act and any excess interest and penalties shall be transferred to the State Transportation Fund.

C. Any person liable for any federal excise, income or liquor or alcohol tax shall remit the tax when due along with the federal taxpayer number of such person to the Oklahoma Tax Commission for deposit into the fund.

D. All monies collected pursuant to Subsection C of this section shall be transmitted to the State Treasurer who, as a fiduciary agent, shall credit the same to the Federal Tax Fund On behalf of the person that remitted the tax.

E. 1. Except as provided in Paragraph 2 of this subsection, the State Treasurer shall transfer at the end of each month the monies held in the Federal Tax Fund less any interest earned on the deposit to the Internal Revenue Service in Payment of the tax obligation of those persons who remitted the tax to the Oklahoma Tax Commission. As part of the transfer, the State Treasurer shall identify the federal taxpayer number and amount received from each person who remitted any tax to the Oklahoma Tax Commission.

2. If the federal government imposes any sanctions on the State of Oklahoma for failing to enact legislation required by federal law, which the Legislature deems to be unconstitutional, by withholding or reprogramming any federal-aid monies from, among other things, highway construction to highway safety or other programs, the State Treasurer shall not transfer any taxes held in the Federal Tax fund but shall retain the monies in the fund until such time as the sanctions are lifted. If the lifting of the sanctions occurs within ninety (90) days, the State Treasurer shall transfer the amounts held in the fund to the Internal Revenue Service within ten (10) days of the lifting of the sanctions. If the sanctions are not lifted within ninety (90) days, the state shall impose a surcharge on the monies in the fund to be used for payment to continue highway project funding.

F. Any person who fails to comply with this section shall be subject to a civil penalty in an amount equal to one hundred fifty percent (150%) of the tax owed for each day the person fails to comply with this section. Any civil penalties assessed under this section shall be deposited into the Federal Tax Fund established in this section,

G. The act shall apply to federal taxes to be collected after June 30, 1995.

SECTION 4. This act shall become effective July 1, 1995.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-6461 Jar 1/31/95

IMPLEMENTING THE "TENTH AMENDMENT - STATE SOVEREIGNTY RESOLUTION"

by: Colorado State Representative Charles Duke

In the many discussions across several states, questions have arisen concerning exactly how the "Tenth Amendment Resolution" will help. A few have also wondered, "What's Next?". Some insight might be gained if we look at the reasons the Resolution came to life. This discussion is primarily intended for legislators, but can be useful for those of you who are working to have it introduced in your state. It may help in your discussions with legislators who you are asking to sponsor or support the resolution.

The principal motivation came from the myriad of federal mandates which have been placed and are planned to be placed on the states. State legislatures feel they have little choice but to implement these mostly-unfunded mandates and pass the cost for implementation to the state taxpayers. For most state legislators, this is a very frustrating dilemma.

The Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the federal government may not usurp. Article IV, Section 4 says, "The United States shall guarantee to every state in this Union a republican form of government....", and the Ninth Amendment states that..."The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people". We have, through apathy and lack of will, allowed federal legislators and bureaucrats to assert their will over us and commandeer our funds for their own use....most of it today outside the authority granted to them by the Constitution.

When a state passes this resolution proclaiming its sovereignty, that state may then claim exemption to most federal mandates under the Tenth Amendment of the U.S. Constitution. This was what happened with *New York v. United States*, 112 S. Ct. 2408 (1992). The federal government was attempting to mandate that the State of New York accept radioactive waste for disposal. New York pleaded they were exempt from the mandate under the Tenth Amendment and the court affirmed the Tenth Amendment protection.

Thus, by having proclaimed sovereignty, a state is in the position to select those mandates they will follow, now by choice, not by edict. A sovereignty resolution does not preclude any state from participating in any program they choose, but the proponent may no longer claim, "It's a federal mandate. We have to do it". Each state legislator, in compliance with his/her oath of office, must then examine closely before passage, the Constitutionality of any law being considered.

Needless to say, the feds may be unimpressed with a statement of sovereignty and attempt to impose economic sanctions against the state, as has become their pattern over the years. In anticipation of this, each state should also create escrow funds for each federally-funded major program. That is, the states will collect the major sources of federal funds, such as gas tax and income tax, in behalf of the federal government and make monthly disbursements to the feds from these escrow funds but only if the funds are to be used for purposes which are allowed in the Constitution. The cost for maintaining this flow-through operation can be borne through the short term interest gained from the escrow accounts. It is easy to see the savings that are possible when the bureaucracies established on the federal level to dole out funds to the states are no longer needed. Additionally, the tremendous tax burden on all Americans can be eased because of the decreased spending. Should the feds then decide to place economic sanctions, generally meaning the withholding of certain funds, the state could then simply stop making the monthly

disbursement to the feds and retain the funds in the escrow accounts. When the matter is resolved, and it certainly will be, the disbursements could continue. This approach also allows the placing of surcharges on those federal payments in order to pay for the cost of implementing federal programs.

The exact mechanism for creating these funds will vary from state to state, but the idea is fairly universal. In most cases, the funds in question properly belong to the state in question to begin with. There are those who believe there is no such quantity as "federal funds" in the first place. Every dollar disbursed by the feds originated somewhere through the sweat of someone's labor. The sovereignty proclaimed by the state simply inserts the authority of the state, guaranteed by the U.S. Constitution, at a point to re-assert control which should never have been given over. This measure will then relieve the pressure of frustration from a federal government wildly out of control and move the decision process much closer to the people.

Should the feds decide to utilize their hired guns, the judicial system, in order to coerce obedience, sovereignty again allows the state to ignore orders of the court. The feds will not, in my opinion, go to more forceful coercions beyond the court system for fear of triggering their ultimate demise. They do not want this and neither do we. We are perfectly within our rights to proclaim protection from federal oppression by our United States Constitution. It was created with exactly these protections in mind.

Representative Charles Duke, Colorado

A note from the CDR...

Late in 1994, the Pennsylvania State Legislature passed the resolution unanimously through both the Senate and House. Representative Tom Armstrong has been the primary sponsor and lobbyist in this effort. We salute his commitment and intelligence in recognizing the importance of this action.

The state legislators in Pennsylvania have already begun to 'flex their muscles' in reasserting Constitutional rights and state sovereignty. The cities of Philadelphia and Pittsburgh had passed city ordinances banning weapons. The legislators realizing this was not only a violation of the U.S. Constitution but also the Constitution of the Commonwealth of Pennsylvania, passed legislation lifting the ban. The Governor vetoed the bill and the legislature over-rode his veto by a greater than 2/3rds vote.

The same happened with the federally mandated emission testing sites. The Governor had implemented the procedure to begin January, '95. The legislature passed a bill suspending the effectiveness for 90 days to reassess the Constitutionality of this mandate. Again, the Governor vetoed the bill, and again they over-rode the veto. If the majority of the state legislators have the courage to do so, this legislation will be repealed and the state will control, via privately owned and operated, testing sites. Americans have been inspired by the actions of the Pennsylvania legislature and are working with their respective state legislators to hopefully follow suit.

To petition the States to convene a Conference of the States to consider a Balanced Budget Amendment to the Constitution.

IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, FEBRUARY 22), 1995

Mr. BROWN (for himself and Mr. HELMS) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

To petition the States to convene a Conference of the States to consider a Balanced Budget Amendment to the Constitution.

Whereas Article I of the Constitution of the United States of America provides that the Congress is vested with the authority to lay and collect taxes, to pay the debts of the United States, to borrow money on the credit of the United States, and to appropriate money from the Treasury;

Whereas for the past quarter century Congress has been unable to balance the Nation's budget in any year;

Whereas the President of the United States has submitted a budget which increases the deficit in future years;

Whereas Members of Congress have been unable to agree on language for an Amendment to the Constitution which would require a balanced budget; and

Whereas Congress has therefore attempted to deny the several States of the United States the opportunity to vote on a Constitutional Amendment requiring a balanced budget: Now, therefore, be it

- 1 Resolved, That Congress hereby petitions the several
- 2 States of the United States of America to convene a Con-
- 3 ference of the States for the express and exclusive purpose
- 4 of drafting an Amendment to the Constitution of the
- 5 United States requiring a balanced budget and prohibiting
- 6 the imposition of unfunded mandates on the States, and
- 7 that such States then consider whether it is necessary for
- 8 the States to convene a Constitutional Convention pursu-
- 9 ant to Article V of the Constitution of the United States
- 10 in order to adopt such Amendment.

We were
duped -
HAVE BEEN
BACK - u
TO PRO
BUT
THIS
SAYS
IT
ALL

277 0413

FAX 277 2646 042 W 5th Ave 9501 LUCILLE CLARK

Rally -

13 Legs.
10 -
- End of Rally -

Fikes

{ Ladd The Bride -
Murry Lethbrum - 3rd Ave. - Can Language Trucks
No Difference - -
- RING: Kevin Thomas - H&R. 20 Dangerous, civil war. -
Bob Grifflid - Totally against H&R. 20
JIMMY SUMNER -

C.O.S. Dyle Holmes.

{ 50 Governors & Legislative Leaders Will
Run Amok. }

Jane Wyner - / - NRA Grass Roots
Coord. - NRA Opposes Conf of States -

Predicated on The Theory -
{ 50 gov's. Leg. Leadership
Leon Cannel - Kenai.

Susan Ross -
- Mark Ames - Barrow - / -
Julian Paul Wier - Glenrallen - opposed -
Ed Nobel - Glenrallen - opposed -
Morris Stout - TDK. 1) Steering Committee
COST

Domest gone
Dorley - what did
Shoop?
Phillips no
fellow - ?

David Bentley - Homer -

Deltor - HSR 20 New World Order - ~~Gov.~~ Call out
Tim Roderick - Homer - N.G. / Special
Leg. Session
TO
Succeed

Jack Pollster

Kathleen Wiedemeier - FBKS.

~~Gregory~~ Gregory Garrots -

Michael Wiedemeier -

~~Rex~~ CR. Lewis -- HSR 20 passage will consolidate
powers to Disband Govt. -

You will Release Sovereign powers in Philadelphia
you know nothing about - you could create an
entirely different country.

Rocky Frank: No one favors this - I'll
hold you accountable

Why Have Conf. of States

Why Const. Convention.

Robert Country. This will lead to a
CON-convention - you will Trash
our constitution -

Connie Gilbert -

Dan Gilbert - HSR 20 Dangerous -

Anthony McPAB. Dangerous - we're watching
you - if you liberals vote for this, you will Bear
the responsibility

Leonard Nafte. Why have this?

Gary Supernow - Nikiski - House got away w/ it
But I've met w/ my launcher & if this goes through
I'll introduce a Controversial Resolution to prohibit
you from attending this

{ Sam
Griswold

Soldotout { Gary Superman -
Seymour Mills - HJR 20 is Rotten -
Once The Con. States is called They
are a Sovereign Body - Sponsors of This
Should Be Removed from Office immediately.

Keith Elkins: HJR. 20 is an act
of war against The People & way to form
a New World order.

John Glenville - opposed -

Larry Stone - opposed - This Conference
will Turn into a convention -

Kathleen ~~Thoms~~^{more} - Homer - This Resolution is
A Reaction to 18th Amend. Movement -
New world order -

FBKs Art Griswold - N. Pole - Ak. ind. Prg.

We oppose HJR. 20 - Veterans: we fought
for this country - Pass This will Destroy us -
Really surprised Ramon, Didnt look into this
further

Pat Cook - Pass This other states
w/o Public Hearings -

David Donner - Cold Stream Valley -
Throw The BATE in Jail to make
A Statement -

Mr. Sander Munyokis - Leavitt is Dangerous -
Susan Munyokis - P.3. Line 15 -

Must
So:

Dennison Cressy. Chargin.

Oppose HTR 20 - It'll create a
Const. Convention -

~~Ct~~ ~~State~~ Matsuo

Barbara Swallow -

Why. correct Fed. impalment?

Why Org. want fed Govt to pay
for fed Mandates.

Why hurry these thru Legislatures -

Gretchen O'Brien - No

Mike Nelson - Who is funding CSO?

What is your intent.

[- { P. 1. Line 4 } - Working - - -
- Art 10 - -]

~~Wes Allen~~

K. Sold Brad Turkington - Kenai - Soldotna - Don't
Consider This -

FBKs - - Tom Scarborough - HTR 20 -

Opponent - This is not in best interest of

AK. Sen. Duke - Colorado is having a

Conference in Denver -

Doc Cook - C.S.O. - This is a National
monument - -

Ron Selous - FBKs. Kill This - 37 yrs
Resident

IF You Pass This w/o Consent you will Be
Even More corrupt Than you are Now -

This could Bring on Bloodshed.

Charles Tuckee - Atty.

Stromal Hayward - Repub. Atty. Dist 24 -

Kenneth Smith - We need People who will follow
Us: Alaska Constitution

Dave Rutz - Mat 50 - Con. Convention -

Richard Donald Grosser - Throw This Bill in

The Trash Kill This Bill for my Children -

Dr John Thomas - Chiropractor & Veteran - Don't

Destroy my Constitutional freedoms - Kill

This - Lets keep our Constitution -

David Crawford - God Made our Constitution

Don't Mess with it -

Lillian Villwock - "United we Stand At"

This gives States more Power than necessary -

Barbara Fix C. of States will lead to

Can can to Destroy The Const of US -

April 18th
Next Hearing

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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Juneau, Alaska 99801-2105

MEMORANDUM

February 28, 1995

SUBJECT: Conference of the States (HJR 20)

TO: Representative Barnes, Chair House Special Committee on World Trade and State/Federal Relations

FROM: Tamara Brandt Cook *TBC*
Director of Legal Services

HJR 20 calls for the convening of a Conference of the States under the auspices of the Council of State Governments and for the appointment of a delegation to represent Alaska at that conference. You have provided me with a copy of an "Alert" and asked me to respond. As I understand the contents of the "Alert," it is asserted that the Conference of the States will amount to Constitutional Convention.

Under Article V of the United State Constitution, a constitutional convention is called by Congress "... on the application of the legislatures of two thirds of the several states. . . ." HJR 20 itself does not call for a constitutional convention. It is not even addressed to Congress. While it is possible that the question of trying to persuade state legislatures to call for a constitutional convention could be considered during the Conference of the States, the conference itself does not amount to a constitutional convention because it was not called by Congress and the required number of states have not applied to Congress for a convention.

TBC:klb
95-105.klb

Rep. Barnes

RECEIVED

FEB 27 1995

K.

States organize convention to warn federal government they want power

By Steve Langdon
CONGRESSIONAL QUARTERLY

It won't be a constitutional convention, but it is meant to look like one. State leaders across the country are organizing a Conference of the States, at which they plan to map out a strategy for taking back power from the federal government.

The conference, planned for later this year, won't have the constitutional authority of a real convention. But it is designed to remind Congress that the states could easily organize one.

"I think that is implicit in it. It is a warning shot to them," says Bill Pound, executive director of the National Conference of State Legislatures.

Congress is currently trying to appease the states with an unfunded-mandates bill that would make it more difficult to impose regulatory or program burdens on state governments without providing funds to implement them. But

the states see that measure as just the first step in an overdue realignment of power.

"The 10th Amendment needs to be invigorated," says Mr. Pound. (For those who need a refresher course, that amendment says: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.")

Mr. Pound says the federal government is overstepping its boundaries in a number of areas, including welfare and the environment.

"There is a sense that a number of these things are not best solved by federal solutions," Mr. Pound says. For example, "I think there is universal support for clean air ... but not for a single set of national procedures for obtaining it."

On welfare reform, Mr. Pound says, "There are differing conditions and population mixes. States should have some flexibility."

Delegates to the planned conference will be the governors of all 50

states and the four top Republican and Democratic leaders of each state's legislature.

Utah's GOP governor, Michael Leavitt, whom Mr. Pound calls the "Founding Father" of the conference, says specific issues such as gun control and abortion will not be topics at the conference. Instead, delegates likely will debate possible amendments to the Constitution to strengthen the role of the states.

The National Governors' Association, the National Conference of State Legislatures and the Council of State Governments are organizing the conference. Four representatives from each group will meet in Washington on Friday to plan the procedures and rules of the convention.

Although many state legislatures have barely begun their sessions, resolutions calling for the conference already have been introduced in 26 of them.

• Distributed by Scripps Howard.

TONY KNOWLES, GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
WASHINGTON, D.C.

FAX

DATE: 1.30.95

TO: WAYNE MALONEY, REP. BAROES
OFFICE 455 4565

FROM: MARTHA STEWART 202.624.5989

Fax: 202-624-5857 PH: 202-624-5858

SUBJECT: _____

COMMENTS:

WAYNE → LET ME KNOW IF YOU WANT
OR NEED THE VERSION OF SL THAT
PLACED THE SENATE.ALSO ANYTHING ELSE YOU WANT INFO
ON.

THX

NUMBER OF PAGES (including this cover) : 3

MONDAY JANUARY 30, 1995

VOLUME 31, NUMBER 18

Congressional MONITOR



Senate to Open Balanced-Budget Debate

Byrd's strong opposition may determine duration of the struggle; House to tackle mandates bill and president's rescission powers

Hoping that work on the next major bill of the year will not be as time-consuming as the previous one, Senate Majority Leader Bob Dole, Kan., has

THIS WEEK scheduled opening debate this afternoon on legislation proposing a balanced-budget amendment to the Constitution.

It took the Senate 17 days to complete action on the unfunded mandates bill. Now, it's possible that it will take Dole even longer to reach a final vote on the balanced-budget measure in the face of determined Democratic opposition led by Robert C. Byrd, W.Va. No other legislation is scheduled for the Senate floor this week.

In the House, GOP leaders have scheduled floor action on two planks of their "Contract With America" — bills to enhance presidential authority to cut spending and to make it more difficult for the federal government to impose "unfunded mandates" on state and local governments.

The administration and key lawmakers will continue working on legislation to provide loan guarantees to bail Mexico out of its current economic and fiscal crisis, but no markup or floor action had been scheduled. Action could come on short notice if agreement can be reached to assure wavering lawmakers that U.S. interests are protected.

Here's what's on tap on Capitol Hill this week:

ECONOMICS AND FINANCE

BALANCED-BUDGET AMENDMENT

The Senate will begin work on the balanced-budget legislation (S J Res 1) this afternoon.

Forty-seven senators are co-sponsors of the measure, and a solid majority is expected to support it. But backers have two hurdles to overcome: The legislation, because it proposes a constitutional amendment, must be passed by a two-thirds vote. And, Byrd, the Senate's master parliamentary tactician who led the successful Senate fight against similar legislation last year, has vowed to mount a vigorous fight again this year.

The issue will also be a delicate test for new Senate Minority Leader Tom Daschle, D-S.D. He voted for the amendment last year, but says he is undecided this time around.

Late last week Senate Democratic leaders had rounded up the signatures of 42

continued on page 3

House Cast Historic Balanced-Budget Vote

GOP claimed a triumph in approval of constitutional amendment; Senate passed bill to curb 'unfunded mandates' on the states

The House's historic vote to pass a balanced-budget amendment to the Constitution eclipsed most of the other legislative action in Congress last week.

If approved by the Senate and then **LAST WEEK** ratified by at least 38 states, the new 28th Amendment would require Congress to operate an balanced budget by 2002.

The amendment is a central tenet of the House Republican "Contract With America," as is a bill passed by the Senate last week: It promises to curb so-called unfunded mandates, the requirements

which the federal government imposes on state and local governments without picking up the costs.

President Clinton delivered his third State-of-the-Union address, his first appearance before the Republican-controlled Congress. His 81-minute talk Tuesday night was a mostly conciliatory laundry list of centrist proposals, such as an overhaul of the welfare system and a package of tax cuts for the middle-class. He also proposed raising the minimum wage but did not offer specifics.

Elsewhere, the House Government Reform Committee approved legislation that would give the president more latitude to rescind all or part of appropriations bills.

A House Judiciary panel on Friday began marking up an anti-crime package that aims to change the context of the Democratic-backed crime law enacted last year.

ECONOMICS AND FINANCE

BALANCED-BUDGET AMENDMENT

The perennial battle to get a constitutional amendment requiring a balanced federal budget out of the House ended this

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AIRPORT ANGST. Republicans call it a potential budget cut, but airport officials say changing the Airport Trust Fund would amount to a tax hike.

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