MEMBERS PRESENT

Chairman Dini
Mr. Marvel
Mr. Fitzpatrick
Dr. Robinson
Mr. Craddock
Mr. Jeffrey
Mr. Getto
Mr. Bedrosian
Mr. Bergevin

GUESTS PRESENT

See Guest List attached

* * * * * * *

Chairman Dini called the meeting to order at 8:00 A.M.

SJR 8 - REQUESTS CONGRESS TO CALL CONVENTION FOR PROPOSING AMENDMENT TO CONSTITUTION OF THE UNITED STATES TO REQUIRE BALANCED BUDGET IN THE ABSENCE OF NATIONAL EMERGENCY

Senator Gibson, one of the sponsors of the Joint Resolution, advised the Committee he had distributed to them copies of the information they had accumulated in the study of the justification of the Resolution. Senator Gibson stated the resolution was part of a nation-wide campaign inaugurated by the National Taxpayers Union two years ago in an effort to curtail and contain the run-away inflation of our country by controlling and eliminating the deficit spending of our national government which is felt to be one of the prime contributors to that inflation. Senator Gibson stated as of this date 26 or 27 of the required 34 states have passed this resolution in nearly the form before the Committee. He stated a similar resolution passed the Nevada Legislature in the last session; it was vetoed by Gov. O'Callghan because of his concern in regard to the impact of a convention. Senator Gibson advised the authority for the resolutions comes from Article V of the Constitution. Senator Gibson stated what they are asking for in SJR 8 is that Congress look to its responsibility to propose modification of the Constitution; in other words, the real thrust is to get Congress to act. Senator Gibson stated it was his hope there would be no Constitutional Convention and Congress would be motivated to propose an amendment which would take care of the problems that they feel would develop out of a Convention proposed

amendment and then submit it to the states for their ratification.

A general discussion ensued between Committee members and Senator Gibson running the gamut from world trade, balancing the budget, and Constitutional amendments.

MYLAN ROLOFF, Member, Legislative Committee, N.O.W.

Mrs. Roloff read from a prepared statement which had been distributed to the Committee, a copy of which is attached hereto and made a part hereof. Mrs. Roloff's statement was in opposition to SJR 8.

The testimony on the resolution was then concluded and Chairman Dini announced that no action would as yet be taken.

SB 42 - EXTENDS TIME FOR DIVISION OF COLORADO RIVER RESOURCES OF THE DEPT. OF ENERGY TO ISSUE BONDS

DUANE SUDWEEKS, Administrator, Div. of Colorado River Resources

LEE BERNSTEIN, Deputy Administrator

JIM LONG, Financial Manager

Mr. Sudweeks had a prepared statement and read the same into the record, a copy of which is attached hereto and made a part hereof. He stated he was in support of the Bill which amends Chapter 462, Statutes of Nevada, 1975, and seeks approval enabling the State of Nevada to buy 105,000 acres of federal land near Boulder City to be held until Commissioners can make a decision if they want to purchase the land for the County. He also stated it could be used as the site for a new county airport and it also extends the state's option to issue bonds to buy the land. He advised the Committee that the Dept. of Interior first indicated in 1958 that it was interested in selling the land but has not yet exercised its option because there is no viable method yet of disposing of the land. He also stated the land was suited for industrial purposes. He also advised the Committee it was the recommendation of the Division that the words "water and "water rights" be deleted from the Bill in both places it is set forth.

Chairman Dini stated he didn't see why it was necessary to delete the words. He stated he didn't see where it would hurt, make them or break them, either way.

Dr. Robinson asked if the purchase were made would it be purchased in the name of the Colorado River Commission or in the State of Nevada and Mr. Sudweeks responded it would be property of the State of Nevada. He stated anything they do would be in the name of the State of Nevada.

AB 385 - SETS ACCRUAL RATE OF ANNUAL LEAVE FOR STATE EMPLOYEES HIRED ON OR AFTER 7/1/79 AND WHO HAVE LESS THAN THREE YEARS SERVICE

ROBERT GAGNIER, Executive Dir. SNEA

Mr. Gagnier stated he did not want to testify on the Bill but would request that it be sent to Ways & Means explaining that it was part of a 5-Bill package on an agreement reached between the organization and Governor List; of the five Bills four are in Ways & Means and this Bill should be referred to Ways & Means.

ROGER LAIRD, Employee Relations Officer, State Personnel

Mr. Laird stated they had no objections to the Committee referring the Bill to Ways & Means.

Mr. Bergevin moved that AB 385 be referred to Ways & Means Committee, seconded by Mr. Getto, and unanimously carried.

Chairman Dini stated the Committee would hold up on SB 42 for a few days until Assemblyman Jeffrey could get back to them with some additional information.

There being no further business to come before the meeting, the same was adjourned.

Respectfully submitted,

Sandra Shatzman
Assembly Attache

Constitutional Convention Poses Questions

Although the United States has not held a national constitutional convention in 192 years, the threat of the states calling another convention has become a useful political tool in the 20th century.

Since the Constitutional Convention of 1787, nearly 400 petitions have been submitted by the states for constitutional conventions. But no constitutional convention has been called because no movement for a convention has resulted in applications from the required two-thirds of the states on any one subject.

That failure, however, has not prevented the thwarted convention applications — most of which have been submitted since 1900 — from having an impact on the American political system. Calls for constitutional conventions have become an effective mechanism to prod Congress to act. In the last 80 years requests for constitutional conventions on specific subjects have preceded the Congress on its own submitting four constitutional amendments and passing one major legislative program.

The current drive by the National Taxpayers Union for a constitutional convention to consider a mandatory balanced federal budget amendment may have a similar effect on the 96th Congress. The NTU claims 27 of the required 34 states have applied for a convention.

"A new political wave has been sweeping across America, and it is beginning to break over Washington," Rep. Peter W. Rodino Jr., D-N.J., said Feb. 8 in announcing that he would hold hearings — perhaps within two or three months — on proposals pending in Congress to ban deficit budgets by the federal government.

—By Charles W. Hucker

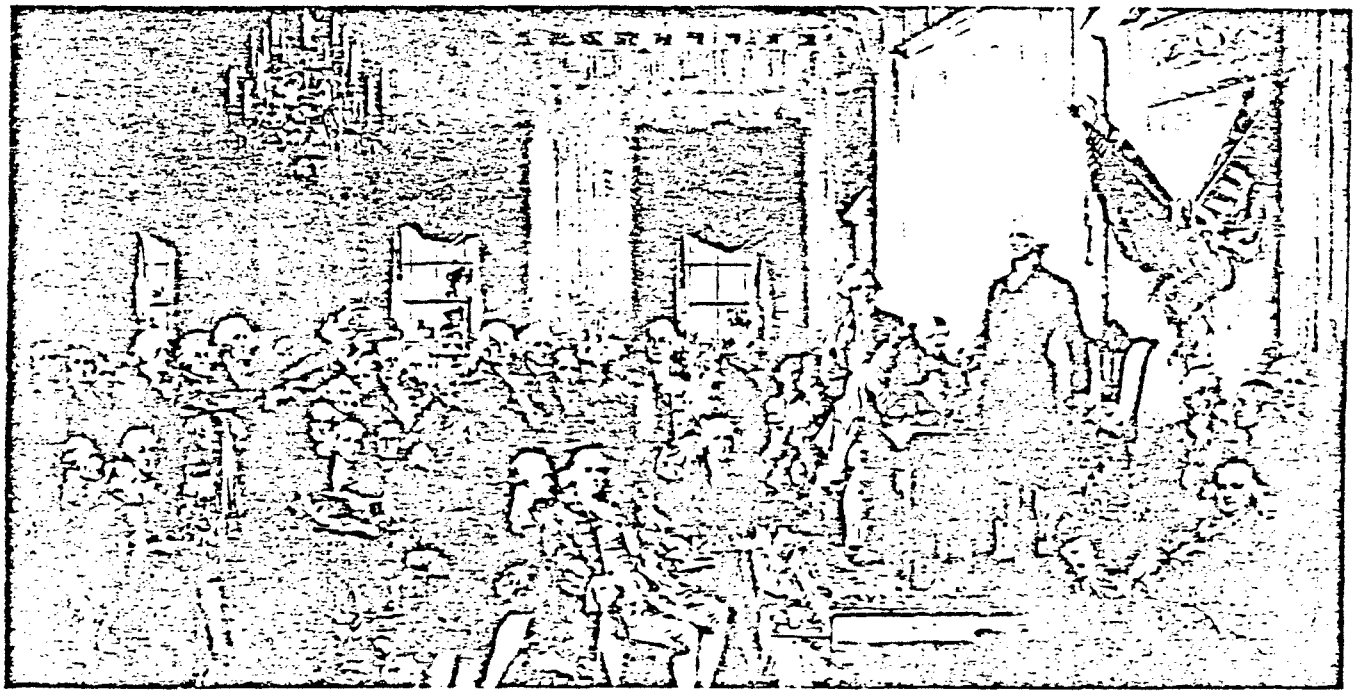
Spur to Action

Part of the prodding effect of requests from the states for a constitutional assembly results from a fear of the unknown. There are few, if any, clear answers to myriad legal questions that would surround the calling of a convention to propose amendments to the Constitution.

Apprehension that such a convention would become a runaway and propose rewriting the country's fundamental law prompts some legislators to seriously consider proposals states want added to the Constitution. Not all legal scholars, however, believe that a constitutional convention is such a fearsome prospect, but that does not detract from the motivating effect of state convention calls.

The direct election of U.S. senators is the most notable example of how a constitutional convention drive by the states helped spur Congress to propose an amendment on its own. In the 1890s public sentiment grew for popular election of senators instead of election by state legislatures.

In 1900 the House voted 240-15 in favor of submitting a direct election amendment to the states, but the Senate still would not act. That failure provoked states to call for a constitutional convention to propose the direct election amendment. As state convention calls approached the required two-thirds by 1912, the Senate — with many of its



Signing the Constitution in 1787. Will there be a second constitutional convention?

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members by then designated in preference primaries — relented and the direct election amendment was submitted by Congress to the states.

Action by Congress submitting constitutional amendments to repeal Prohibition, to limit a president to two terms and to provide for presidential succession in case of the chief executive's disability was in each instance preceded by national convention calls from a handful of states. In the late 1960s and early 1970s more than a dozen states asked for a constitutional assembly concerning a federal revenue sharing program. Congress established revenue sharing by statute in 1972.

While other political forces also were at work in each of these cases, the constitutional convention calls provided Congress with concrete evidence of serious interest in these issues among the states.

Amendment Methods

The convention route is one of two basic methods provided in Article V of the Constitution for originating amendments. One is for two-thirds of both chambers of Congress to submit amendments to the states and the second is for two-thirds of the states to call for a convention which would submit amendments to the states. All 26 amendments to the Constitution have been proposed under the first method.

The Constitution also provides for two methods of ratification — either by legislatures in three-fourths of the states or by special conventions in three-fourths of the states. The convention ratification method has been used only once — to approve the 21st amendment that repealed Prohibition. *(Article V text, this page)*

The proceedings of the 1787 federal convention suggest that the delegates did not view the national convention method of originating amendments simply as a mechanism to prod Congress to act. The convention method was inserted late in the 1787 convention's deliberations to provide an alternative to Congress controlling completely the offering of changes in the Constitution. *(1787 convention background, CQ Guide to Congress p. 217)*

Constitutional Uncertainties

Every time a drive for a constitutional convention approaches support from the two-thirds of the states required, questions and fears are brought out of hibernation. Arguments on the disputed points are spirited because the debates of the 1787 federal convention, Supreme Court cases and congressional procedures offer only limited guidance.

U.S. 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 Congress. . . ."

The details of calling a new constitutional convention are perplexing not only to modern-day politicians and legal scholars. They also were puzzling to former President James Madison, a member of the 1787 federal convention. Madison told his fellow delegates that he had no objection to providing for a convention to propose amendments, "except only that difficulties might arise as to the form, the quorum etc. which in constitutional regulations ought to be as much as possible avoided."

Birch Bayh, D-Ind., chairman of the Senate Judiciary Committee's Constitution Subcommittee, has spoken of the balanced budget convention drive as threatening "a constitutional crisis." Don Edwards, D-Calif., chairman of the House Judiciary Committee's Civil and Constitutional Rights Subcommittee, also is alarmed by the specter of a constitutional assembly.

"We've had only one constitutional convention and it tore up the Articles of Confederation."

—Rep. Don Edwards, D-Calif.

"There is no assurance that [a constitutional convention] could not be a runaway," Edwards told Congressional Quarterly. "We've had only one constitutional convention and it tore up the Articles of Confederation."

But that trepidation is not shared by a special constitutional convention study committee of the American Bar Association (ABA). The committee's report, which was adopted in August 1973 by the ABA, said the convention method of proposing amendments could be "an orderly mechanism of effecting constitutional change when circumstances require its use."

"The charge of radicalism does a disservice to the ability of the states and people to act responsibly when dealing with the Constitution," the ABA report continued. In any event, the work of a "runaway" convention would require the approval of three-fourths of the states.

Several 20th century drives for constitutional conventions gained substantial support from the states. Each time questions were raised about how such an assembly would operate.

Some have claimed that the effort for a constitutional convention on direct election of senators obtained the necessary two-thirds (31 of 46 states in 1911), but it is unclear whether that actually occurred. One academic study has identified 30 states that made applications for a constitutional convention from 1901 to 1911. An 1895 resolution by the Wyoming Legislature apparently was a request for passage by Congress of a direct-election amendment rather than an application for a convention on the subject.

From 1906 to 1916, 26 states requested a constitutional convention to propose an amendment prohibiting polygamous marriages.

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Long Countdown for Constitutional Convention

The National Taxpayers Union lists 27 states as having called for the assembling of a national constitutional convention to propose a balanced federal budget amendment.

The NTU count includes Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Mississippi, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia and Wyoming.

Idaho, which approved a convention application Feb. 13, is the most recent addition to the list. The Senate and the House of the Iowa Legislature have passed applications in different forms and now must reconcile them. The NTU does not count the 1957 application of Indiana.

The total listed by NTU is seven short of the 34 states required to convene a constitutional assembly, but several factors make the calling of such a covention less imminent than it might first seem.

First, the validity of several of the applications listed by the NTU are subject to challenges in Congress. Second, at least three states say that their applications would become void if Congress on its own proposes a balanced budget amendment.

One of the state's whose current application might be contested as invalid is Nevada. Its 1977 convention resolution was vetoed by the governor.

NTU officials concede that the application of North Dakota may have validity problems because it does not specifically ask Congress to call a convention and because no provision was made for it to be sent to Congress. An effort is under way in North Dakota to pass an application that repairs the defects.

Several applications, particularly Delaware's, might be challenged because they appear to attempt to limit a constitutional convention to considering only certain specific language. A study by a special American Bar Association committee concluded that it would be invalid to take away from a convention its deliberative function.

If Congress were to submit its own balanced federal budget amendment, it appears that several state applications would no longer be in effect. The resolutions of both Kansas and South Dakota state that their calls "shall no longer be of any force" if Congress submits such an amendment. The Tennessee application says if the Congress approves a balanced budget amendment prior to 60 days after 34 states apply for a convention then the convention is unnecessary and should not be held.

The NTU count is not accepted in all quarters of Congress. The staff of the Senate Judiciary Committee's Constitution Subcommittee reported on Feb. 6 that it found in its files only 16 applications that appeared to be in good order. But that number did not include documents from the five states that have passed convention requests since Jan. 1.

Although the NTU last summer listed 22 states as requesting a convention, the drive did not receive widespread national attention until California Gov. Jerry Brown said Jan. 8 that he favored a convention if Congress did not approve its own balanced budget amendment.

While Brown's comments brought the drive more notice, the attention is likely to focus greater scrutiny on the merits of a balanced budget amendment itself and on the convention method to achieve that goal.

—By Charles W. Hucker

In the 1940s and 1950s a substantial drive was made to call a convention to deal with the limitation of federal taxes, but a number of states repealed their applications.

By one count 33 states (one short of the necessary two-thirds) had applied by 1969 for a constitutional convention to allow at least one house of each state legislature to be apportioned on a basis other than population, such as geography or political subdivisions.

That drive prompted former Sen. Sam J. Ervin Jr., D-N.C. (1946-1974), to introduce legislation in 1967 that would establish procedures for calling and running a constitutional convention. The Ervin legislation did not pass. *(Background, 1967 CQ Almanac p. 461)*

Ervin again introduced the procedures bill in 1969, but no action was taken.

The North Carolina senator had better luck in 1971 when it passed the Senate by an 84-0 vote. The House did not act on the bill. *(Background, 1971 CQ Almanac p. 758)*

In 1973 the Senate passed the Ervin procedures bill by a unanimous voice vote, but again the House took no action.

Bills similar to Ervin's have been introduced in the 96th Congress, but so far have not aroused great interest from key legislative leaders. An aide to Bayh said it "would be putting the cart before the horse" to hold hearings on a convention procedures bill before scheduling hearings on balanced budget amendment proposals themselves.

Edwards also is reluctant to have his civil and constitutional rights subcommittee explore the procedures bills. "We have never felt it was significant enough to hold hearings," Edwards said.

Edwards also fears that passage of a procedures bill would encourage the push for a constitutional convention. "Anything that encourages this sort of utilization of Article V is unwise," he said.

The ABA's special committee endorsed congressional action to enact a statute dealing with convention procedures, but criticized several items in the Ervin bill.

Legal Questions

The legal questions spawned by constitutional convention drives provoke little agreement as to their answers. Some questions have given rise to diametrically opposed answers that often appeal to the same precedents. Among the constitutional uncertainties:

Valid Call. What constitutes a valid call for a convention by the required two-thirds of the state legislatures?

There appears to be little dispute that the petitions of the state legislatures must specifically ask Congress to call

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a national convention for proposing amendments. A legislature's resolution stating merely that it favored a certain amendment or asking Congress to submit an amendment to the states would not be sufficient, according to the ABA.

The ABA study doubted that an application would be valid if it proposed a specific amendment, giving the convention no function other than to approve or disapprove its specific proposal. Yale law professor Charles L. Black Jr. contends that the Founding Fathers intended any convention called under Article V to be without limitation, and that applications calling for a convention limited to a specific subject are not valid in that light.

The question also arises whether applications must be identical in their wording and, if not, how similar must they be. And if conventions may be limited to one subject area, how closely worded must the applications be in order to be considered valid?

The validity of a state's application could be thrown into doubt if it had not passed both chambers of the state legislature in the same form or if it was not properly certified by state officials.

A state's application also might have trouble being counted as valid if the resolution were not sent to Congress. "We cannot count what we don't have," commented a staff aide to Bayh's Constitution Subcommittee.

Time Periods. In what time period must the required two-thirds of the states submit their resolutions?

The Constitution says nothing about this, but the Supreme Court has upheld the right of Congress to set time periods for ratification of amendments it has proposed. A 1973 Senate Judiciary Committee report on the Ervin bill said that the applications for a convention should be "contemporaneous," but it is unclear what period would fit that standard.

State Rescission. Can a state rescind its own previous call for a convention?

The Constitution is also silent on this question, but the Ervin bill and the ABA study both endorse the right of states to rescind their applications.

Congress' Role. If the required two-thirds of the legislatures apply for a national constitutional convention is Congress obligated to call the convention?

Once the previous three questions are answered in the context of a particular convention drive, this question would become easier for Congress to answer. If Congress determined it had received valid applications from two-thirds of the states, the explicit languange of the Constitution suggests that Congress would have no choice but to call the convention.

However, Congress' determination whether it had valid applications from two-thirds of the states might be challenged, and it is unknown whether the courts would consider Congress the final judge of those petitions.

It has been argued that the phrase in Article V "shall call" may be interpreted as "may call" for all practical purposes because the courts are not likely to try to enforce the obligation if Congress wishes to evade it.

Convention Scope. Does Congress have the power to limit the scope and authority of a constitutional convention called by the states?

This is probably the most debated question surrounding the calling of a constitutional convention and the one on which opinions are the most vehement and divided.

The ABA study and the 1973 Senate Judiciary Committee report support the view that Congress can limit the subject matter in convening a convention.

"A failure to provide for such limitation would be inconsistent with the purposes of Article V and, indeed, would destroy the possibility of the use of the convention method for proposing amendments," the 1973 Senate committee report says.

That view apparently is supported by most of the state legislatures. Virtually all state applications for conventions made in the 20th century have been limited in subject area. Indeed, one state currently calling for a convention on a balanced federal budget specifically declares that its application is null and void if Congress does not limit a convention to that subject.

Attorney General Griffin B. Bell also believes that Congress can place limits on a constitutional convention.

Yale's Black and others take a totally opposite view. Black believes that the language of Article V refers to a convention "for proposing such amendments as to that convention seem suitable for being proposed," in other words, an illimitable convention.

The 1787 federal convention has been cited as an example of a body that exceeded its authority. Congress, acting under the Articles of Confederation, called the 1787 convention "for the sole and express purpose of revising the Articles of Confederation." Instead the convention scrapped the articles and proposed a new constitution.

The 1973 Senate Judiciary Committee report argues that the events of 1787 are not a good precedent for a modern-day convention exceeding its authority. The Senate committee report notes that the Articles of Confederation did not have a satisfactory means of amendment (unanimous approval of the states was required) and Congress approved the new constitution when it submitted it to the states for ratification.

Representation. How would delegates be apportioned among the states for a constitutional convention?

Again the Constitution is silent on this point. At the 1787 convention each state had only one vote, but there were differing numbers of delegates from the various states. Ervin initially favored this idea, but later changed his bill to provide for a convention giving each state the number of delegates that equaled its senators and representatives in Congress, and allowing each delegate one vote.

However, the ABA study criticized that method as being out of line with the one man-one vote rulings of the Supreme Court and suggested that each state could have the number of delegates that equaled its members of the House of Representatives.

Choosing Delegates. How would delegates be chosen?

This question could be answered by Congress or left to each state to decide. The Ervin bill provided for two delegates to be elected at-large in each state and one to be elected from each congressional district.

The question also arises whether members of Congress would be eligible to run for the delegate positions. Article I, Section 6, of the Constitution prohibits members of Congress from "holding any office under the United States." However, the ABA study said it did not believe that provision would be a bar to members of Congress being delegates to a constitutional convention.

Procedural Bills

Four bills introduced in the 96th Congress attempt to provide answers to some of the legal and procedural questions surrounding a constitutional convention. The bills have been introduced by Sen. Jesse Helms, R-N.C., (S 31;

(Constitutional Convention continued on p. 279)

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tion, or asked Congress to pass a constitutional amendment to require a balanced budget.

According to Bonner, NTU began to actively engage in building grass-roots coalitions five years ago. "For awhile we naively thought we could just spill the beans and tell the story of government waste, but it didn't work."

So more recently NTU has sought instead to "find operatives and activists in various communities" who are willing to work with the national organization.

In a typical state, NTU will work with one of its stronger affiliates, picking one or two strong leaders to present the case for the convention to state legislators. NTU may also encourage its members in the state to write letters, make phone calls or visit key members in the legislature. And the national organization may run newspaper ads to generate public support for a local effort. In some states, such as California, the mail and lobbying effort were targeted at key members of committees responsible for the constitutional convention measure.

NTU rarely funds local organizations to any large extent, although it provided $2,400 to start a group in Oregon and has loaned money to other organizations to keep them afloat.

The California Campaign

One exception to NTU's standard approach is California, where the organization has 20,000 members. NTU set up an office there in July 1978 to lobby the state legislature for the constitutional convention. That office is designed to work with the Santa Barbara-based Local Government Center, an NTU-funded research affiliate that makes recommendations on how local governments can cut spending. Bonner estimated NTU would spend $30,000 to $40,000 on its California effort. "California is where skateboards and Hula-Hoops come from. If California does something there's a good chance the rest of the country will follow."

California may indeed be a turning point. NTU counts 27 state legislatures that have voted for a constitutional convention. Both NTU and its opponents are devoting considerable resources to the battle now being fought in the Ways and Means Committee of the California House. There, Speaker Leo McCarthy, D, has positioned himself against the governor in a fight that is viewed not only as a bellwether for states yet to take up the issue but as a test of Brown's strength as a presidential candidate.

Brown's support for the convention route has been a key factor in focusing national attention on the issue. But Brown's support is viewed as a mixed blessing by convention advocates who would normally welcome support from such a high visibility public figure.

"It would have been better to let a sleeping dog lie," said Bonner, acknowledging that NTU would like to have gotten closer to the required 34 states before the national media began examining the issue. "There was no point in heating things up. When Brown announced, we had to go more public."

Brown not only focused attention on the issue in the nation's most populous state, but generated the first wave of serious criticism of the proposal at the national level by economists, congressmen and other tax and spending limitation groups. And Brown may have made it more difficult for state legislators to support what until then had been a relatively easy vote. Now with serious questions being raised about the dangers of a constitutional convention, legislators may be more reluctant to approve the proposal. ■

Constitutional Convention

(continued from p. 276)

Rep. Robert McClory, R-Ill., (HR 84), and Rep. Henry J. Hyde, R-Ill., (HR 500 and HR 1964).

The bills are similar to each other and to the Ervin bill that passed the Senate in 1971 and in 1973. The 1973 Senate committee report on the Ervin bill said the legislation was needed "in order to avoid what might well be an unseemly and chaotic imbroglio if the question of procedure were to arise simultaneously with the presentation of a substantive issue by two-thirds of the state legislatures. Should Article V be invoked in the absence of this legislation, it is not improbable that the country will be faced with a constitutional crisis the dimensions of which have rarely been matched in our history."

But Black of Yale contends that such legislation would be "both unconstitutional and unwise." Black believes it would be unconstitutional on the basis that one Congress cannot bind a later Congress on questions of constitutional law and policy. He also argues that it would be unwise because the conditions of the future are unknowable.

All four bills would require state legislatures, when calling for a constitutional convention, to specify the nature of the amendment to be proposed. None of the bills requires approval by a state's governor of its application for a convention.

The bills provide for the states to transmit applications to the President of the Senate and to the Speaker of the House. Applications would remain effective for seven years and states would be permitted to rescind their applications.

When applications on one subject were received by Congress from two-thirds of the states, the four bills would require each chamber to determine whether the applications were valid. If there were a proper number of valid applications, Congress would be required to pass a concurrent resolution calling for the convening of a convention, designating the place and time of the convention and the subject of the amendments to be considered.

The bills all specify that each state would elect two delegates at-large and one from each congressional district in the state.

All the bills except HR 1964 provide for the convention to submit proposed amendments to the states by a simple majority vote of the convention delegates. HR 1964 calls for a two-thirds vote. That is the same requirement contained in the 1971 and 1973 bills passed by the Senate. The ABA study criticized this requirement, stating it was of questionable validity for Congress to attempt to regulate the internal proceedings of a constitutional convention.

The four bills allow Congress to prohibit a convention-initiated amendment from being submitted to the states that is outside the subject named in the call.

All the bills provide for Congress to be the final arbiter of questions about the validity of state applications for constitutional conventions and about whether a convention-initiated amendment exceeded the subject of the convention's call. The bills would prohibit any court from reviewing Congress' decisions in those areas. Identical provisions in the Ervin bill were criticized by the ABA study as too far-reaching. Instead, the ABA proposed the right of limited judicial review in cases where the findings of Congress were "clearly erroneous." ■

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Background Paper 79-12

AMENDMENT OF THE U.S. CONSTITUTION BY THE CONVENTION METHOD

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AMENDMENT OF THE U.S. CONSTITUTION
BY THE CONVENTION METHOD

I

Background

The U.S. Constitution has never been amended as a result of a constitutional convention. There has never been a convention called. Therefore, no one can say with absolute certainty what the exact form of convention calls must be, how delegates would be selected or how the convention would operate. There are, however, a number of authorities on the Constitution who have given opinions both on the way a convention would work and on the advisability of a convention. In addition, the U.S. Senate twice passed legislation providing for procedures for a convention. Those bills offer guidance to Congressional thinking. It seems appropriate first to look at what the framers had to say.

In the Federalist No. 43, Madison said:

> "That useful alterations [in the Constitution] will be suggested by experience, could not but be foreseen. It was requisite therefore that a mode for introducing them should be provided. The mode preferred by the Convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable; and that extreme difficulty which might perpetuate its discovered faults. It moreover equally enables the general and the state governments to originate the amendment of errors as they may be pointed out by the experience on one side or on the other."

In Federalist No. 85, Hamilton said:

> In opposition to the probability of subsequent amendments it has been urged, that the persons delegated to the administration of the national government, will always be disinclined to yield up any portion of the authority of which they were once possessed. * * * I

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> think there is no weight in the observation just stated. * * * [But] there is yet a further consideration, which proves beyond the possibility of doubt, that the observation is futile. It is this, that the national rulers, whenever nine states concur, will have no option upon the subject. By the fifth article of the plan the congress will be obliged, "on the application of the legislatures of two-thirds of the states (which at present amounts to nine) to call a convention for proposing amendments, which shall be valid to all intents and purposes, as part of the constitution, when ratified by the legislatures of three-fourths of the states, or by conventions in three-fourths thereof." The words of this article are peremptory. The congress "shall call a convention." Nothing in this particular is left to the discretion of that body.

Clearly Madison and Hamilton saw the convention method as a safety valve for those subjects on which Congress would not initiate action but about which there was considerable concern in at least two-thirds of the states. In fact, it has tended to work that way. There have been over 350 applications, representing every state, calling for a convention on one subject or another. Nevada has done this 12 times on five subjects. Texas with 15 calls, leads all states. Many of the states have used conventions for revisions of their own constitutions. There have been about 200 state constitutional conventions. The 17th amendment providing for the direct election of senators was proposed by Congress when the call for a convention was only two states short. In 1967, the call for a convention to offset in some way the effects of the several one man-one vote decisions of the Supreme Court fell only two states short. Many issues raised by calls for a convention have been disposed of by the normal amendment procedure. The Bill of Rights, prohibition and limit to presidential terms are only three examples.

II

How Would the Convention Process Work?

It was the reaction of the states to reapportionment that caused Senator Sam Ervin to introduce a bill to establish

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ground rules for the convention method of amendment proposal. That was S 2307 of 1967. It was not until 1971 that a similar bill, S 215 passed the Senate 84-0. The House took no action. The Senate passed S 1272 in 1973 (see Appendix B). Again, it died in the House and no subsequent action has been taken. It is anticipated that a similar bill will be introduced this year by Senator Bayh's Constitution Subcommittee of the Senate Judiciary Committee. In a conversation with Senator Ervin, we learned that he still strongly favors such legislation and that he intends to urge the North Carolina legislature to pass a resolution calling for a convention on a balanced budget.

The 1967 hearings on Ervin's bill brought together many of the foremost constitutional scholars who offered their understandings of Article V. Unfortunately, it is a subject on which great and respected legal minds differed. Any analysis of the several questions that everyone asks on this issue can only report on the weight of opinion. There are no sure, definitive opinions. A listing of the major questions follows with a conclusion, where possible, on the weight of opinion. The conclusions are not those of the Research Division but rather of the American Bar Association's Special Constitutional Convention Study Committee.

1. If the legislatures of two-thirds of the states apply for a convention limited to a specific matter, must Congress call the convention?

   The Constitution provides for a convention on a limited subject or a general convention. In either event, Congress' duty to call the convention is mandatory.

   In the absence of statutory guidance, of course, there is room for disagreement as to whether the requisite number of state petitions are sufficiently similar to be calls for the same purpose. The Federalist Papers quoted as well as Madison's record of the Debates of the Convention all attest to the mandatory nature of Congress' responsibility.

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2. If a convention is called, is the limitation binding on the convention?

Congress has the power to make available to the states a limited convention when that is the type convention applied for. Such legislation could not prevent a call for a general convention as there is nothing in the history of Article V that would support a precluding of a general convention if the states petitioned for one. In the case of a call for a particular subject, Congress would have to define the subject at least to the extent necessary to determine if the several petititons were all on the same subject.

3. What constitutes a valid application which Congress must count and who is to judge its validity?

The approach used in S 1272 is endorsed by the ABA. That bill would require the passage of a resolution by the state legislatures calling for a convention to propose one or more amendments. The resolution would be passed in the same manner as a statute in each state, except the governor would not have the right to veto. The ABA believes that Congress' judgment as to validity should be reviewable by the courts. S 1272 gives Congress sole authority. This is a matter of preference. The ABA does not say that the S 1272 approach is unconstitutional. A resolution would have to make it clear that a convention was being called for. A call for a convention simply to vote a proposal up or down would not likely be valid. A convention would have to have latitude. The late Professor Bickel of Yale strongly supported the latter point and Professor Phillip Kurland of the University of Chicago concurs.

4. What is the length of time applications for a convention will be counted:

There is nothing in the history of Article V to answer this question. It is a political judgment. In S 1272, 7 years was set as the limit for a state resolution to be considered active.

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5. How much power does Congress have as to the scope of a convention; as to procedures such as the selection of delegates; as to voting requirements in the convention; as to refusing to submit to the states for ratification the product of a convention?

Congress could establish the scope of a convention consistent with the resolutions calling for the convention but no more than that.

The ABA believes that delegates would have to be apportioned on a one man-one vote basis, such as seats in the House of Representatives. Other authorities cite the original constitutional convention and its votes by state. On balance, it seems that population will have to play a major role. S 1272 gives each state delegates equal to its senators and representatives, thus following the Electoral College model. Delegates would be elected one from each congressional district and two at-large in each state under S 1272.

Opinion is divided over whether the convention could be required to propose an amendment by more than a majority. The ABA feels that the voting rules of a convention must be left to the convention. S 1272 requires a two-thirds vote to propose an amendment, making the requirement analogous to that for Congress in proposing an amendment.

Expert opinion is divided on whether or not Congress has any discretion in sending an amendment proposed by convention to the states for ratification. S 1272 allows Congress, by concurrent resolution, to disapprove of an amendment outside the scope of the convention and to refuse to send it out for ratification.

6. What are the roles of the President and state governors in the amending process?

In Hollingsworth v. Virginia, the Supreme Court confirmed the prevalent practice saying in regard to the President, "* * * he has nothing to do with the proposition or adoption of amendments to the Constitution."

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Most constitutional opinion agrees that this observation applies in the convention method too. The President will have a role in the approval of a bill setting up procedures for a convention, just as he would on any bill.

The experts are similarly agreed that state governors would have no role either in resolutions calling for a convention or in the ratification of amendments sent to the states. S 1272 specifically excludes governors from any role in the process.

There is no certainty as to whether or not a state may rescind its call for a convention. The ABA thinks it should be able to and the Senate in S 1272 made such a provision allowing a recission at any time prior to the receipt by Congress of petitions from two-thirds of the states. After that, recission would not be allowed.

7. Are issues arising in the convention process justiciable?

In S 1272, the Senate provided to Congress the sole role in deciding all questions arising under the convention method. It is not clear whether such an approach would, in fact, preclude a role for the courts. It is especially doubtful that the courts could be excluded if Congress refused to act in the face of the requisite number of apparently valid petitions for a convention.

8. Who is to decide questions of ratification?

Congress, under Article V, has the power to decide whether ratification will be by state legislature or state convention. Only for the repeal of prohibition were state conventions used.

III

Conclusion

In the absence of legislation passed by Congress, there are many questions about the amendment by convention method that

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must remain unanswered. S 1272 at least offers a guide to probable congressional thinking and its provisions are referred to extensively in the foregoing. It is clear that Congress must convene a convention if two-thirds of the states petition. Few other matters on the subject are clear. Based on S 1272, it appears that Congress could define the subject matter of the convention, determine how delegates would be chosen and what the internal rules of the convention would be. It could also refuse to submit to the states a proposed amendment that was outside the guidance provided by Congress as to subject. Finally, Congress would determine how a proposed amendment would be submitted for ratification; by state legislatures or state conventions.

On advisability of a constitutional convention, opinions cover the full spectrum. Among those in the negative is political scientist C. Herman Pritchett saying:

> These unknowns are so serious that it would be well for Congress to adopt general implementing legislation before it is faced with a valid convention call. However, it would be preferable not to use the convention method at all. The principal support for the convention device has come from interests sponsoring proposals which could not gain congressional approval. It is an alternative attractive to manipulators of opinion who find it more congenial to work in the recesses of fifty state legislatures than in the glare of the congressional spotlight. The national interest in the amending process is best protected by leaving the responsibility for proposing amendments in the halls of Congress.*

The framers of the Constitution, of course, put the convention method in to guard against a situation in which the national government had a certain vested interest in conflict with the interests of the people or the states. In the hearings on S 2307, the predecessor of S 1272, Senator Roman Hruska said:

*Pritchett, C. Herman, The American Constitution, 3rd Ed. (McGraw-Hill, New York, 1977), p. 27.

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Much in the manner of Chicken Little skittering to and fro telling all who would listen the sky is falling, much alarm has been expressed at what a Constitutional Convention might do. "The Bill of Rights will be repealed," "the Supreme Court will be abolished," are just two of the more irrational alarms being trumpeted from the rooftops by some who have felt compelled to exclaim rather than reason.

Fears of this kind have no foundation in reason, logic, or experience. They should be dismissed.

I think it is more important to recognize a Constitutional Convention for what it is and what it can do. First, it is a perfectly valid method of proposing amendments to the Constitution. It is a right reserved to the States and guaranteed by article V of the Constitution. The fact that we have never had one does not diminish the right of the people to have one if they wish.

As to what a Constitutional Convention might do to existing rights or to governmental structure, it could do nothing more than what the Congress has authority to do--it can propose amendments to the Constitution. Alone, it can make no change in the Constitution; it can change no rights. In the final analysis, three-fourths of the States, a total of 38, either by legislative action or by State convention, must ratify any amendment the Convention might propose before it becomes a part of the Constitution. Precisely the same procedure that applies to amendments proposed by the Congress must be observed so far as ratification is concerned.*

*Senate Judiciary Committee, Subcommittee on Separation of Powers, Ninetieth Congress, First Session, Hearings on S 2307, October 30 and 31, 1967, p. 220.

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SOURCES

American Bar Association, Special Constitutional Convention Study Committee, Amendment of the Constitution: By the Convention Method Under Article V (American Bar Association, Chicago, IL., 1974).

Black, Charles L., Jr., "Amending the Constitution: A Letter to a Congressman," The Yale Law Journal, Vol. 82, No. 2, December 1972.

Harvard Law Review, "Proposed Legislation on the Convention Method of Amending the United States Constitution," unsigned note, Harvard Law Review, Vol. 85, No. 8, June 1972.

Pritchett, C. Herman, The American Constitution, 3rd Ed. (McGraw-Hill, New York, 1977).

Senate Judiciary Committee, Subcommittee on Separation of Powers, Hearings Before the * * *, S 2307, Oct. 30-31, 1967 (U.S. Government Printing Office, Washington, D.C., 1968).

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APPENDIX A

As of January 30, 1979, the following states had passed resolutions calling for a constitutional convention to propose an amendment on balanced budget:

Alabama
Arizona
Arkansas
Colorado
Delaware
Florida
Georgia
Illinois
Kansas
Louisiana
Maryland
Mississippi
Nebraska

Total 25

New Mexico
North Carolina
North Dakota
Oregon
Oklahoma
Pennsylvania
South Carolina
Tennessee
Texas
Utah
Virginia
Wyoming

The following have resolutions introduced:

Alaska
California
Idaho
Indiana
Iowa

Total 9

Montana
Nevada
South Dakota
Vermont

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APPENDIX B

The underlinings and strike-throughs in S. 1272 represent the recommendations for changes made by the American Bar Association's Special Constitutional Convention Study Committee.

93rd Congress
1st Session
S. 1272

IN THE SENATE OF THE UNITED STATES
March 19, 1973
Referred to the Committee on the Judiciary
Passed the Senate July 9, 1973

A BILL

To provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Federal Constitutional Convention Procedures Act".

APPLICATIONS FOR CONSTITUTIONAL CONVENTION

SEC. 2. The legislature of a State, in making application to the Congress for a constitutional convention under article V of the Constitution of the United States on and after the enactment of this Act, shall adopt a resolution pursuant to this Act stating, in substance, that the legislature requests the calling of a convention for the purpose of proposing one or more amendments to the Constitution of the United States and *stating the nature of the amendment or amendments to be proposed.*

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APPLICATION PROCEDURE

SEC. 3. (a) For the purpose of adopting or rescinding a resolution pursuant to section 2 and section 5, the State legislature *shall follow the rules of procedure that govern the enactment of a statute* by that legislature, but without the need for approval of the legislature's action by the governor of the State.

(b) Questions concerning the adoption of a State resolution cognizable under this Act shall be [determined]
~~determinable~~ by the Congress of the United States ~~and its decisions thereon shall be binding on all others, including State and Federal courts~~.

TRANSMITTAL OF APPLICATIONS

SEC. 4 (a) Within thirty days after the adoption by the legislature of a State of a resolution to apply for the calling of a constitutional convention, the secretary of state of the State, or if there be no such officer, the person who is charged by the State law with such function, shall transmit to the Congress of the United States two copies of the application, one addressed to the President of the Senate, and one to the Speaker of the House of Representatives.

(b) Each copy of the application so made by any State shall contain—

(1) the title of the resolution;

[(2) *to the extent practicable a list of all state applications in effect on the date of adoption whose subject or subjects are substantially the same as the subject or subjects set forth in the application;*]

[3]
~~(2)~~ the exact text of the resolution signed by the presiding officer of each house of the State legislature; and

[4]
~~(3)~~ The date on which the legislature adopted the resolution; and shall be accompanied by a certificate of the secretary of state of the State, or such other person as is charged by the State law with such function, certifying that the application accurately sets forth the text of the resolution.

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[(c) Upon receipt, an application shall be deemed valid and in compliance with article V of the Constitution and this Act, unless both Houses of Congress prior to the expiration of 60 days of continous session of Congress following the receipt of such application shall by concurrent resolution determine the application is invalid, either in whole or in part. Failure of Congress to act within the specified period is a determination subject to review under section 16 of this Act. Such resolution shall set forth with particularity the ground or grounds for any such determination. The 60-day period referred to herein shall be computed in accordance with section 11(b) (2) of this Act.]

[d]
~~(e)~~ Within ten days after receipt of a copy of any such application, the President of the Senate and Speaker of the House of Representatives shall report to the House of which he is the presiding officer, identifying the State making application, the subject of the application, and the number of States then having made application on such subject. [Within the 60-day period provided for in Section 4(c),] the President of the Senate and Speaker of the House of Representatives shall jointly cause copies of such application to be sent to the presiding officer of each house of the legislature of every other State and to each Member of the Senate and House of Representatives of the Congress of the United States, [provided, however, that an application declared invalid shall not be so transmitted.]

EFFECTIVE PERIOD OF APPLICATION

SEC. 5 (a) An application submitted to the Congress by a State, unless sooner rescinded by the State legislature shall remain effective for seven calendar years after the date it is received by the Congress, except that whenever within a period of seven calendar years two-thirds or more of the several States have each submitted an application calling for a constitutional convention on the *same subject* all such applications shall remain in effect until the Congress has taken action on a concurrent resolution pursuant to section 6, calling for a constitutional convention.

(b) A State may rescind its application calling for a constitutional convention by adopting and transmitting to the Congress a resolution of rescission *in conformity with the procedure specified* in sections 3 and 4, except that no such rescission shall be effective as to any valid application made for a

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constitutional convention upon any subject after the date on which two-thirds or more of the State legislatures have valid applications pending before the Congress seeking amendments on the same subjects.

Questions concerning the recission of a State's application shall be determined by the Congress of the United States ~~and its decisions shall be binding on all others including State and Federal courts~~.

CALLING OF A CONSTITUTIONAL CONVENTION

SEC. 6. (a) It shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives to maintain a record of all applications received by the President of the Senate and Speaker of the House of Representatives from States for the calling of a constitutional convention upon each subject. Whenever applications made by two-thirds or more of the States with respect to the same subject have been received, the Secretary and the Clerk shall so report in writing to the officer to whom those applications were transmitted, and such officer thereupon shall announce on the floor of the House of which he is an officer the substance of such report. It shall be the duty of such House to determine that there are in effect valid applications made by two-thirds of the States with respect to the same subject. If either House of the Congress determines, upon a consideration of any such report or of a concurrent resolution agreed to by the other House of the Congress, that there are in effect valid applications made by two-thirds or more of the States for the calling of a constitutional convention upon the same subject, it shall be the duty of that House to agree to a concurrent resolution calling for the convening of a Federal constitutional convention upon that subject. *Each such concurrent resolution shall* (1) designate the place and time of meeting of the convention, and (2) *set forth the nature of the amendment or amendments for the consideration of which the convention is called.* A copy of each such concurrent resolution agreed to by both Houses of the Congress shall be transmitted forthwith to the Governor and to the presiding officer of each house of the legislature of each State.

(b) The convention shall be convened not later than one year after adoption of the resolution.

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DELEGATES

SEC. 7. (a) A convention called under this Act shall be composed of as many delegates from each State as it is entitled to Senators and Representatives in Congress. In each State two delegates shall be elected at large and one delegate shall be elected from each congressional district in the manner provided by State law. Any vacancy occurring in a State delegation shall be filled by appointment of the Governor of each state.

(b) The secretary of state of each State, or, if there be no such officer, the person charged by State law to perform such function shall certify to the Vice President of the United States the name of each delegate elected or appointed by the Governor pursuant to this section.

(c) Delegates shall in all cases, except treason, felony; and breach of the peace, be privileged from arrest during their attendance at a session of the convention, and in going to and returning from the same and for any speech or debate in the convention they shall not be questioned in any other place.

(d) Each delegate shall receive compensation for each day of service and shall be compensated for traveling and related expenses. Provision shall be made therefor in the concurrent resolution calling the convention. The convention shall fix the compensation of employees of the convention.

CONVENING THE CONVENTION

SEC. 8. (a) The Vice President of the United States shall convene the constitutional convention. He shall administer the oath of office of the delegates to the convention and shall preside until the delegates elect a presiding officer who shall preside thereafter. Before taking his seat each delegate shall subscribe to an oath by which he shall be committed during the conduct of the convention to refrain from proposing or casting his vote in favor of any proposed amendment to the Constitution of the United States relating to any subject which is not named or described in the concurrent resolution of the Congress by which the convention was called. Upon the election of permanent officers of the convention, the names of such officers shall be transmitted to the President of the Senate and the Speaker of the House of Representatives by the elected presiding officer of the convention. Further proceedings of the convention shall be conducted in accordance with such rules, not inconsistent with this Act, as the convention may adopt.

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(b) There is hereby authorized to be appropriated such sums as may be necessary for the payment of the expenses of the convention.

(c) The Administrator of General Services shall provide such facilities, and the Congress and each executive department and agency shall provide such information and assistance, as the convention may require, upon written request made by the elected presiding officer of the convention.

PROCEDURES OF THE CONVENTION

SEC. 9. (a) In voting on any question before the convention, including the proposal of amendments, each delegate shall have one vote.

(b) The convention shall keep a daily verbatim record of its proceedings and publish the same. The vote of the delegates on any question shall be entered on the record.

(c) The convention shall terminate its proceedings within one year after the date of its first meeting unless the period is extended by the Congress by concurrent resolution.

(d) Within thirty days after the termination of the proceedings of the convention, the presiding officer shall transmit to the Archivist of the United States all records of official proceedings of the convention.

PROPOSAL OF AMENDMENTS

SEC. 10. (a) Except as provided in subsection (b) of this section, a convention called under this Act may propose amendments to the Constitution by a vote of *two-thirds of the total number of delegates to the convention.*

(b) No convention called under this Act may propose *any amendment or amendments of a nature different from that stated* in the concurrent resolution calling the convention. Questions arising under this subsection shall be determined ~~solely~~ by the Congress of the United States ~~and its decisions shall be binding on all others, including State and Federal courts~~.

APPROVAL BY THE CONGRESS AND TRANSMITTAL TO THE STATES FOR RATIFICATION

SEC. 11. (a) The presiding officer of the convention shall, within thirty days after the termination of its proceedings, submit to the Congress the exact text of any amendment or amendments agreed upon by the convention.

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(b) (1) Whenever a constitutional convention called under this Act has transmitted to the Congress a proposed amendment to the Constitution, the President of the Senate and the Speaker of the House of Representatives, acting jointly, shall transmit such amendment to the Administrator of General Services upon the expiration of the first period of ninety days of continuous session of the Congress following the date of receipt of such amendment unless within that period both Houses of the Congress have agreed to (a) a concurrent resolution directing the earlier transmission of such amendment to the Administrator of General Services and specifying in accordance with article V of the Constitution the manner in which such amendment shall be ratified, or (B) a concurrent resolution stating that the Congress disapproves the submission of such proposed amendment to the States because such proposed amendment *relates to or includes a subject which differs from or was not included among the subjects named or described in the concurrent resolution* of the Congress by which the convention was called, or because the procedures followed by the convention in proposing the amendment were not in substantial conformity with the provisions of this Act. No measure agreed to by the Congress which expresses disapproval of any such proposed amendment for any other reason, or without a statement of any reason, shall relieve the President of the Senate and the Speaker of the House of Representatives of the obligations imposed upon them by the first sentence of this paragraph.

(2) For the purposes of paragraph (1) of this subsection, (A) the continuity of a session of the Congress shall be broken only by an adjournment of the Congress sine die, and (B) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the period of ninety days.

(c) Upon receipt of any such proposed amendment to the Constitution, the Administrator shall transmit forthwith to each of the several States a duly certified copy thereof, a copy of any concurrent resolution agreed to by both Houses of the Congress which prescribes the time within which and the manner in which such amendment shall be ratified, and a copy of this Act.

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RATIFICATION OF PROPOSED AMENDMENTS

SEC. 12. (a) Any amendment proposed by the convention and submitted to the States in accordance with the provisions of this Act shall be valid for all intents and purposes as part of the Constitution of the United States when duly ratified by three-fourths of the States in the manner and within the time specified.

(b) Acts of ratification shall be by convention or by State legislative action as the Congress may direct or as specified in subsection (c) of this section. For the purpose of ratifying proposed amendments transmitted to the States pursuant to this Act the *State legislatures shall adopt their own rules of procedure.* Any State action ratifying a proposed amendment to the Constitution shall be valid without the assent of the Governor of the State.

(c) Except as otherwise prescribed by concurrent resolution of the Congress, any proposed amendment to the Constitution shall become valid when ratified by the legislatures of three-fourths of the several States within seven years from the date of the submission thereof to the States, or within such other period of time as may be prescribed by such proposed amendment.

(d) The secretary of state of the State, or if there be no such officer, the person who is charged by State law with such function, shall transmit a certified copy of the State action ratifying any proposed amendment to the Administrator of General Services.

RECISSION OF RATIFICATIONS

SEC. 13. (a) Any State may rescind its ratification of a proposed amendment by the same processes by which it ratified the proposed amendment, except that no State may rescind when there are existing valid ratifications of such amendments by three-fourths of the States.

(b) Any State may ratify a proposed amendment even though it previously may have rejected the same proposal.

(c) Questions concerning State ratification or rejection of amendments proposed to the Constitution of the United States, shall be determined ~~solely~~ by the Congress of the United States ~~and its decisions shall be binding on all others, including State and Federal courts.~~

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PROCLAMATION OF CONSTITUTIONAL AMENDMENTS

SEC. 14. The Administrator of General Services, when three-fourths of the several States have ratified a proposed amendment to the Constitution of the United States, shall issue a proclamation that the amendment is a part of the Constitution of the United States.

EFFECTIVE DATE OF AMENDMENTS

SEC. 15. An amendment proposed to the Constitution of the United States shall be effective from the date specified therein or, if no date is specified, then on the date on which the last State necessary to constitute three-fourths of the States of the United States, as provided for in article V, has ratified the same.

JUDICIAL REVIEW

[SEC. 16. (a) Determinations and findings made by Congress pursuant to the Act shall be binding and final unless clearly erroneous. Any person aggrieved by any such determination or finding or by any failure of Congress to make a determination or finding within the periods provided in this Act may bring an action in a district court of the United States in accordance with 28 U.S.C. § 1331 and 28 U.S.C. § 2201 without regard to the amount in controversy. The action may be brought against the Secretary of the Senate and the Clerk of the House of Representatives or, where appropriate, the Administrator of General Services, and such other parties as may be necessary to afford the relief sought. The district courts of the United States shall have exclusive jurisdiction of any proceedings instituted pursuant to this Act, and such proceedings shall be heard and determined by three judges in accordance with 28 U.S.C. § 2284. Any appeal shall be to the Supreme Court.]

EXHIBIT

Northern Nevada NOW
P.O. Box 1265
Sparks, Nevada 89431

Testimony of Mylan Roloff
Legislative Committee Member
Northern Nevada Chapter
National Organization for Women

Mister Chairman and members of the Committee;

My name is Mylan Roloff and I am a member of the Legislative Committee for the Northern Nevada chapter of the National Organization for Women (NOW). In that role I am here today to speak against Senate Joint Resolution 8.

I would like to begin my statement with a quotation from Laurence H. Tribe, a professor of law at Harvard University This quotation illustrates the major concern of those who question the need of a constitutional convention. "If and when a new convention is called, its potential for radical change will be hard to confine; there are numerous opinions about what such a convention could and could not do, but there are no precedents, and there can be no confident answers."[1]

It seems that most people, including the Senators who introduced this Resolution, are concerned about an unlimited or general convention. On page two of SJR 8, lines 3 through 8, you can find an attempt to deal with this Constitutional Pandora's box. I believe that lines 3 through 8, however, may lull Nevadans into a false sense of security. We cannot have our cake and eat it too. Once the Nevada Legislature sends SJR 8 to the National Congress, how are we to continue our control? Once Nevada has called for a Constitutional convention, it is up to the Congress to interpret the request. Congress will decide if the request is valid and the Nevada Legislature will no longer have any say in the matter. Consider the following quotation from Charles L. Black, professor of Jurisprudence at Yale Law School. "It seems to me that the most natural meaning of the words 'a Convention for proposing Amendments' is 'a convention for proposing such amendments it decides to propose' -- that is, a general convention -- and that

EQUAL RIGHTS AMENDMENT: **Section 1.** Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. **Section 2.** The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. **Section 3.** This amendment shall take effect two years after the date of ratification

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the importation of a limitation not in the text is quite unwarranted... I have said enough to show that the weight of argument and history is on the 'unlimited convention' side." [2]

What is Nevada to do if the Congress acts in the manner described by Professor Black? Are we going to walk out of the convention in protest and leave the constitutional decisions to the other 49 states? Are we to bring suit against the Congress for misinterpretting SJR 8 and could we win such a suit? Somehow I feel the answers to these questions are all no.

While the issue of a general or limited convention dominates the debate on SJR 8, there are other issues. Primary among them is the role the Judiciary branch of government will play in establishing the fiscal policy of this country. By placing an amendment in the Constitution on budgeting, have we opened the door to the federal courts ruling on the Constitutionality of any given budget? Have we opened the door to class action suits against the federal government by groups who feel left out of the budget?

The points I have discussed thus far have dealt with the impact of a convention on the Constitution and on our form of government. Now let's turn our attention to the effect of a convention on the state of Nevada. Also, the effect Nevada can have on such a convention.

How will Nevada's delegates to the convention be selected? Will Nevada make this decision or will the National Congress? How many delegates will Nevada have? Will the delegates be versed in fiscal matters and will they be heard among all of the delegates from the other states? Will Nevada have any real impact or voice at such a convention?

There are also fiscal matters of concern to Nevadans. What will the impact of a balanced federal budget be on this State? How much federal money will Nevada lose and will the State realistically be able to pick up the burden? What will this convention cost the taxpayer?

I have asked these questions in the rhetorical sense because I do not know the answers. But I do feel there is a need for answers. I also feel there is a great danger in Nevada having so few delegates as to be overwhelmed by the larger states and special interest groups.

I must admit that in this era of tax revolt, Proposition 13, and Question 6; I rather feel like the Greek messenger bearing bad news. Of course we all want tax relief, of course we all want better economic planning, and of course we all want more prudent federal spending. The question is, however; Is SJR 8 worth the risk it poses to the United States Constitution? Just as I began with a quotation from Laurence Tribe, I would like to end with one. "I believe it should be reserved for an occasion on which Congress itself seems to present an intolerable threat to the states. Short of such a crisis, attempts to amend the Constitution should be limited to efforts to persuade Congress to propose amendments."[3]

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1. Testimony of Laurence H. Tribe, Professor of Law, Harvard University, given before the Massachusetts House and Senate, April 4, 1977 (Emphasis added)

2. Amending the Constitution: A Letter to a Congressman, Charles L. Black, Yale Law Journal, Vol. 82, No. 2, December 1972 (Emphasis added)

3. Laurence H. Tribe, Ibid.

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Constitutional Amendment By Convention: An Untried Alternative

As a basic document granting powers to the national government and protecting the rights of its citizens, the U.S. Constitution has stood the test of time. It has served the nation well as the framework for a governmental system that has had to deal with many varied events and crises in our history.

Still, the framers of the Constitution understood that even the best-crafted document in the world would need to be modified occasionally to meet changing societal needs. They therefore provided amending procedures that offer two routes for *proposing* amendments and two routes for *ratifying* them, as Article V describes:

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 State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

So sound was the work of the framers that the Constitution has in fact been amended only twenty-six times.* Congress, as Article V directs, has chosen the method of ratification for each amendment. *All* 26 amendments adopted and the pending 27th one were acted upon under the first alternative in Article V—they were proposed by Congress after approval by two-thirds of each house.

All amendments except the 21st were ratified by the legislatures of three-fourths of the states after Congress submitted the amendments for approval. The 21st, repealing Prohibition which had been established by the 18th, was approved by ratifying conventions in three-fourths of the states.

The alternative procedure for proposing amendments—a constitutional convention called by Congress on application of two-thirds of the states—has *never* been used. However, periodically a move for an amending convention gains momentum, usually fueled by groups motivated by a single issue. The groups may be opting for this amending route because they are unable to get "their" amendment approved by the needed two-thirds of each house of Congress or may for other reasons prefer to work thrcugh state legislatures rather than Congress.

A current move for an amending convention once again is focusing public attention on this untried alternative. The impetus has come from groups dissatisfied with a 1973 Supreme Court decision guaranteeing women freedom of choice in deciding about abortions.

The prospect of a convention called to propose amendments to the U.S. Constitution raises very grave questions, the answers to which are clouded in legal debate and political uncertainty. A brief look at the experience the nation has had in dealing with petitions for an amending convention—limited though it is—may be useful before considering some of these unanswered questions. (Readers should distinguish between an amending convention for the U.S. Constitution and state constitutional conventions for changes in state governmental structure. The latter are common in state political history.)

Background

Although the convention method for proposing amendments has never been used, since the nation's beginning more than 300 applications on varying subjects have gone to Congress from state legislatures asking for amending conventions. But applications on any one subject have never reached the requisite number. Sometimes pressure for an amending convention has been used as a tactic to try to get Congress to approve an amendment; such seems to have been the case with direct election of U.S. senators. Sometimes support on an issue has been so spotty that only a few legislatures have applied to Congress for a convention on that issue. In other instances, the timeliness of an issue has faded and it has dropped from the national political scene.

Among the issues that have prompted convention applications, besides those already mentioned, are world government, school prayers, revenue sharing, school busing, taxes (various aspects), presidential tenure and treaty procedures. Not every application has been tied to a single subject. Some twenty have called for a general constitutional convention.

The most widely supported effort to use the alternative amending method came in the 1960s over the issue of equitable apportionment of state legislatures. In 1964 the Supreme Court ruled that both houses of state legislatures had to be apportioned on the basis of population. In opposition to this ruling, thirty-two states (just two short of the required two-thirds) applied to Congress for an amending convention to allow state legislatures to have the seats in one house apportioned on a basis other than population, for instance, along county lines.

Because it is the closest the U.S. has ever come to using this method, the prospect generated wide public debate and discussion of this amending method. As legal scholars, members of Congress and concerned citizens made state legislators aware of the

*Five other amendments were approved by Congress but not ratified by the states. The 27th amendment—the Equal Rights Amendment—is still pending.

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Washington, D.C. 20036

DEPARTMENT OF ENERGY

DIVISION OF COLORADO RIVER RESOURCES

Testimony Regarding Senate Bill No. 42 -
Assembly Committee on Government Affairs

March 1, 1979

Mr. Chairman and Committee members, I am Duane Sudweeks, Administrator of the Division of Colorado River Resources. With me are Lee Bernstein, Deputy Administrator, and Jim Long, Financial Manager. I am testifying today in support of Senate Bill No. 42 which amends Chapter 462, Statutes of Nevada, 1975.

By way of background, the Federal Government presently owns approximately 105,000 acres just south of Boulder City, known as the Eldorado Valley. On March 6, 1958, the 85th Congress approved Public Law 85-339, which gave the State of Nevada the option to purchase that land upon compliance with the provisions of the terms thereof. The 1957 Nevada Legislature approved legislation to acquire that land and the responsibility for such purchase was given to the Colorado River Commission, now known as the Division of Colorado River Resources.

In March, 1968, the Colorado River Commission, with the approval of the Eldorado Valley Advisory Group created by the Eldorado Valley Development Law, NRS 321.390 to 321.470, submitted an Application to the Secretary of the Interior (for Transfer and Conveyance) in accordance with the terms of Public Law 85-339. To date

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no formal approval for the transfer has been received from the Secretary of the Interior. Once the Secretary approves our Application for Transfer, the Division, acting on behalf of the State of Nevada, will have one year in which to purchase the 105,000 acres at the old appraised value of $1,233,100.

Chapter 462, Statutes of Nevada, 1975, provides a final alternative or backup method to provide funds for purchase of the land, funds to enable a comprehensive land planning project and to provide other necessary administrative funds including interest capitalization for a three-year period.

The General Obligation Bonds would be sold and used for these activities only as a last resort should other methods of acquisition fail. Repayment to bondholders will be made from revenues received from sales of land, or if the land should be retained as a State land bank past the maturity date of the bonds, repayment would then become an obligation of the State.

The low cost derived from the early appraisal of Public Law 85-339 lands places the cost on the State of Nevada at less than $12.00 per acre, and we believe that substantial revenue above the purchase price and other costs is highly probable.

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This matter was on the agenda of the meeting of the Eldorado Valley Advisory Group which met on January 11, 1979. A copy of the minutes of that meeting is attached to my prepared testimony which you have received. By their motion approved at that meeting, it was recommended that the Division seek legislation which would extend the acquisition authorization an additional 15 years. Senator Wilbur Faiss and Assemblyman Nash Sena are both members of that Advisory Group.

We seek this legislation to continue to protect the interests of the people of the State of Nevada in the acquisition of lands which we believe to be a valuable natural resource asset. Should the Secretary of the Interior take action on our Application for transferring these lands, the State must be in a position to purchase the land and have the legislative authority to fund the acquisition. Inasmuch as our current legislative authority to fund the acquisition of these lands expires on May 15, 1980, it is imperative that this acquistion authorization be extended.

Senate Bill 42 was introduced in the Senate on January 18, 1979, and was referred to the Government Affairs Committee. During the hearing, the Committee recommended further amending the Bill to read that this land could be sold by the Administrator of the Division of Colorado River Resources only after receiving the approval of the legislative commission. The Division had no

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objection to this amendment. We would, however, like to point out that Section 6 of Chapter 462 provides all contracts entered into pertaining to this Act must be executed or otherwise approved by the Governor.

However, the amendment as prepared by the Legislative Counsel Bureau came out as follows in Section 4, Subsection 2: "The Administrator may dispose of land, water or water rights only after receiving the approval of the legislative commission." We assume that the words "water or water rights" were added because they are mentioned in Section 4, Subsection 1 (b) which reads that the Administrator of the Division may: "Acquire, hold, maintain, improve and, if he receives the approval required by subsection 2, dispose of properties appertaining to the federal lands to be acquired, including without limitation, water and water rights for the benefit and welfare of the people of the state;".

We wish to call your attention to the following facts:

1. There are no water or water rights that go with the transfer of these lands from the Federal government, and no mention of any such rights is made in P. L. 85-339.
2. Any water or water rights associated with the land would by statutes fall under the jurisdiction of the State Engineer.

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3. If additional Colorado River water or water rights, beyond those presently available, are required for the development of this land, they must be granted by contract by the Secretary of the Interior in accordance with the Supreme Court decree of the United States in the case of Arizona v. California dated March 9, 1964.

It is therefore the recommendation of the Division that the words "water and water rights" be deleted from the Bill from both places where so set forth.

The Bill would then read as follows:

Section 4, Subsection 1 (b): Acquire, hold, maintain, improve and, if he receives the approval required by subsection 2, dispose of properties appertaining to the federal lands to be acquired [, including without limitation, water and water rights] for the benefit and welfare of the people of the state;

Section 4, Subsection 2: The Administrator may dispose of land [, water or water rights] only after receiving the approval of the legislative commission.

Mr. Chairman and Committee members, I again seek your support in the passage of S. B. 42 with our recommended amendment and wish to thank you for the opportunity of appearing before your Committee. My colleagues and I will be pleased to answer any questions you may have.

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ATTACHMENT to Testimony Regarding Senate Bill 42 -

Assembly Government Affairs Committee March 1, 1979

ELDORADO VALLEY ADVISORY GROUP
MEETING NO. 71

January 11, 1979

Eldorado Valley Advisory Group meeting, 9:00 a.m., January 11, 1979, Division of Colorado River Resources office, Suite 318, La Plaza Business Center, 4220 South Maryland Parkway, Las Vegas, Nevada

Members of the Eldorado Valley Advisory Group present:

Lorna Kesterson, Chairman
Jan MacEachern, Vice Chairman
Wilbur Faiss, Secretary
Daniel Fitzpatrick
Nash Sena
Arleigh B. West

Eldorado Valley Advisory Group members absent:

Thomas Brown
Marvin Leavitt
Richard Ronzone

Others present:

Duane R. Sudweeks, Administrator,
Division of Colorado River Resources
Leon Bernstein, Deputy Administrator,
Division of Colorado River Resources
Gail Erickson, Administrative Aide,
Division of Colorado River Resources

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The meeting was called to order by Chairman Lorna Kesterson at 9:00 a.m.

1. Conformance to Open Meeting Law. Mr. Sudweeks stated that in compliance with the Open Meeting Law, the notice of this meeting and agenda were distributed to those on the regular mailing list. In addition, a notice was posted in the Clark County Courthouse, City of Las Vegas City Hall, State of Nevada Bradley Building, Boulder City City Hall, and the Division of Colorado River Resources office.

2. Approval of Minutes. Mr. Sudweeks recommended approval of the minutes of the meeting held on September 21, 1978, a copy of which had been previously distributed to the Advisory Group. Mrs. MacEachern moved that these minutes be approved, Mr. Sena seconded the motion, carried unanimously, and so order by the Chairman.

3. Holiday Filing. Mr. Sudweeks stated that Staff had been advised that an action for a temporary restraining order was filed by the Attorney General's office on June 22, 1978. District Court Judge John Mendoza granted a preliminary injunction on August 25, 1978. The matter is now scheduled for trial on January 29, 1979, at which time it is hoped that the company will be permanently enjoined from doing business in the State of Nevada, and that civil and/or criminal penalties will be imposed upon the principal participants.

Mr. Sudweeks also reported that the resolution passed by the Advisory Group at their September 21, 1978, meeting, and subsequently forwarded to appropriate offices, produced several responses. Those that were aware of the activities of Holiday Filing Service expressed appreciation of our concern, and those that were not aware of the company and/or its activities were grateful for calling it to their attention.

4. Legislation Pertaining to Acquisition of Eldorado Valley Lands. Mr. Sudweeks gave a quick review of the background pertaining to the Eldorado Valley. On March 6, 1958, the 85th session of Congress passed Public Law 85-339, known as the Eldorado Valley Act. This act gave the State of Nevada the option of purchasing approximately 105,000 acres in the Eldorado Valley. Thereafter, the Legislature of the State of Nevada passed the Eldorado Valley Development Law, which is contained in Chapter 321, Nevada Revised Statutes. This law authorized the Administrator of the Division of Colorado River Resources to acquire the land set aside in the aforementioned public law, which was designated as the Transfer Area.

Mr. Bernstein gave a review of the Transfer Area master plan, as shown on the official map dated February, 1968, and pointed out various areas originally designated as airport, residential, industrial, resources/conservation, and State public use areas. The 105,000 acres is subject to many restrictions for entire

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development due to water availability. Some recent inquiries about Eldorado Valley land tend to favor development as an International Trade Zone, since Nevada is a free port state, and development of this type would be more feasible since ground disturbance and water requirements would be minimal.

A. Extension of Time of Present Bonding Authority and Other Changes. Mr. Sudweeks reviewed Public Law 85-339, which gave the State of Nevada a ten-year option to acquire title to any land within the Transfer Area. Initially, it stipulated that filing of an application for the conveyance of title to any land within the Transfer Area, received by the Secretary of the Interior from the State, would have the effect of extending the period of segregation of such lands until the application was finally disposed of by the Secretary. In order to maintain the State's option to acquire these lands, the Division, acting on behalf of the State of Nevada, filed a development plan and an application on March 1, 1968.

The 1975 Nevada State Legislature passed Senate Bill 565, contained in Chapter 462, Nevada Revised Statutes, which authorized the Division to sell bonds during a period of five (5) years from May 15, 1975, said bonds not to exceed the amount of Two Million Dollars ($2,000,000) for the purpose of acquiring lands in the Transfer Area. That authorization expires May 15, 1980, which is before the legislative session in 1981, and it is essential that the 1979 Legislature now extend the five-year period.

Bill Draft Request No. S-335 has been prepared by the Legislative Counsel Bureau, which makes two minor changes: It actually puts the Division into the right department, i.e., from the Department of Conservation and Natural Resources, to the Department of Energy, and; changes the original five (5) years to ten (10) years, giving an additional five-year period in which to obtain title. Staff recommended approval of Bill Draft Request No. S-335, extending the time of bonding authority to May 15, 1985.

B. Alternative Actions. Discussion was held regarding the advisability of the State of Nevada purchasing these lands outright from existing State funds now available. It was felt that such authorization from the Legislature was improbable since the option to purchase whenever necessary was already available to the DCRR. Further discussion regarding amending the current BDR to indicate a 15-year extension of the bonding authority instead of the proposed 5-year extension, was conducted and Messrs. Faiss and Sena indicated they would contact the Legislative Counsel Bureau for a legal interpretation as to whether the wording could be changed without too much delay before the proposed legislation is introduced. Mr. Sudweeks indicated that DCRR would also be in contact with the Legislative Counsel Bureau in this regard.

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Mr. Sena made the motion that the proposed BDR No. S-335 be approved in concept, and as amended, Mr. West seconded the motion, carried unanimously, and so ordered by the Chairman.

5. Next Meeting Date. The next meeting was tentatively scheduled for May 25, 1979, at 9:00 a.m., with an alternate date of May 18, 1979, selected.

There being no further business, the meeting adjourned at 9:55 a.m.

Wilbur Faiss, Secretary

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(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 42

SENATE BILL NO. 42—COMMITTEE ON GOVERNMENT AFFAIRS

JANUARY 18, 1979

Referred to Committee on Government Affairs

SUMMARY—Extends time for division of Colorado River resources of department of energy to issue bonds. (BDR S-335)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT to amend the title of and to amend an act entitled "AN ACT relating to acquisition of certain federal lands in Eldorado Valley; authorizing the division of Colorado River resources of the state department of conservation and natural resources on behalf of the State of Nevada to acquire certain federal lands in the Eldorado Valley and to issue securities therefor; relating to the acquisition, maintenance, improvement and disposition of properties appertaining to such federal lands; otherwise concerning such securities and properties, revenues, taxes, pledges and liens pertaining thereto by reference to the State Securities Law; and providing other matters properly relating thereto," approved May 15, 1975.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2 of the above-entitled act, being chapter 462, Statutes of Nevada 1975, at page 715, is hereby amended to read as follows:

Sec. 2. "Division" means the division of Colorado River resources of the [state] department of [conservation and natural resources.] *energy.*

SEC. 2. Section 4 of the above-entitled act, being chapter 462, Statutes of Nevada 1975, at page 716, is hereby amended to read as follows:

Sec. 4. *1.* The division, on the behalf and in the name of the State of Nevada, may by order of the administrator of the division, following a report by the administrator which advises the legislative commission of any proposed purchase of land and terms of such purchase between the Secretary of the Interior and the division acting on behalf of the state:

(a) Acquire, hold, maintain and improve the federal lands;

(b) Acquire, hold, maintain, improve and, *if he receives the approval required by subsection 2,* dispose of properties appertaining to the federal lands to be acquired, including without limitation,

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water and water rights for the benefit and welfare of the people of the state;

(c) Acquire the federal lands, wholly or in part, directly by contracts with the Federal Government which comply with the prerequisites enumerated in P.L. 85-339, March 6, 1958; 72 Stat. 32, and NRS 321.400 to 321.460, inclusive.

(d) Borrow money and otherwise become obligated in a total principal amount of not exceeding $2,000,000 to defray wholly or in part the cost of acquiring the federal lands, including but not limited to, the cost of paying the interest on said principal amount for a period not to exceed 3 years from the date of issue, and issue state securities to evidence such obligations.

2. The administrator may dispose of land, water or water rights only after receiving the approval of the legislative commission.

SEC. 3. Section 5 of the above-entitled act, being chapter 462, Statutes of Nevada 1975, at page 715, is hereby amended to read as follows:

Sec. 5. 1. Subject to the limitations as to maximum principal amounts in section 4 of this act, the division may issue to defray the costs of the project, or any part thereof, at any time or from time to time after the effective date of this act, but not after [5] *20* years from the effective date thereof and in accordance with the provisions of the State Securities Law:

(a) General obligation bonds and other general obligation securities payable from taxes, the payment of which securities is additionally secured with net pledged revenues;

(b) Revenue bonds and other securities constituting special obligations and payable from net pledged revenues; or

(c) Any combination of such securities.

2. Nothing in this act shall prevent the division from funding, refunding or reissuing any outstanding state securities issued by the division at any time as provided in the State Securities Law.

3. Subject to existing contractual obligations, the net revenues pledged for the payment of state securities by the division may be derived from the sale of all or any part of the federal lands to be acquired by the division on behalf of the State of Nevada with the proceeds of the securities to be issued hereunder.

SEC. 4. The title of the above-entitled act, being chapter 462, Statutes of Nevada 1975, is hereby amended to read as follows:

AN ACT relating to acquisition of certain federal lands in Eldorado Valley; authorizing the division of Colorado River resources of the [state] department of [conservation and natural resources] *energy* on behalf of the State of Nevada to acquire certain federal lands in the Eldorado Valley and to issue securities therefor; relating to the acquisition, maintenance, improvement and disposition of properties appertaining to such federal lands; otherwise concerning such securities and properties, revenues, taxes, pledges and liens pertaining thereto by reference to the State Securities Law; and providing other matters properly relating thereto.

GUEST LIST

NAME (Please print)	REPRESENTING	IF YOU WISH TO SPEAK Pro	Con
LEON BERNSTEIN	DIV. COL. RIV. RESOURCES		
Jim Long	" " " "		
Duane E. Sudweeks	" " " "		
Lee Cooke	KNI		
HYLAN ROLOFF	NAT'L ORG FOR WOMEN		✓