

Approved: 4-26-95
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:05 a.m. on March 20, 1995 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Kim Perkins, Committee Secretary

Conferees appearing before the committee: Mark Marney, United We Stand of America
Harold Stocking, Tenth Amendment Society
Marshal Dye, Tenth Amendment Society
John Michael, United We Stand
Roger Mundy, Tenth Amendment Society
Janet Chubb, Office of the Secretary of State

Others attending: See attached list

Sen. Oleen announced that the committee would continue its discussion from Friday, March 17, 1995 regarding **SB 375**, an act relating to the distribution of the Kansas Statutes Annotated. Sen. Oleen introduced Janet Chubb from the office of the Secretary of State. Janet Chubb distributed a list of the breakdown of the sets of statute books received by each department (Attachment 1). Janet Chubb specifically addressed those departments which are allotted an unlimited amount of books and stated that the findings showed that no one was taking advantage of the unlimited allotment. Sen. Oleen stated that it would appear that all the departments are aligned every year with the books they request but also noted that Legislative Administrative Services had requested additional books this year and questioned Janet Chubb for any known reason. Janet Chubb referred the question to Jan Sacks from the office of the Secretary of State. Jan Sachs stated that she would review the request.

Sen. Oleen opened the hearing on **HCR 5008**, a concurrent resolution memorializing Congress to cease imposing mandates on the states which are beyond the scope of Congress' constitutionally delegated powers under the 10th amendment to the Constitution of the United States. Sen. Oleen stated that the committee had written testimony in support of the resolution from Representative Kent Glasscock, primary sponsor of the resolution (Attachment 2).

Sen. Oleen introduced Mark Marney, United We Stand of America, to speak as a proponent to **HCR 5008** (Attachment 3). Sen. Oleen asked Mark Marney to explain the position of United We Stand in regard to **SCR 1606**, which calls for a conference of the states. Mark Marney stated that they were against the conference of the states because the language is too vague, and he believed that the agenda of the organizers is indeed to make structural changes to the United States Constitution. Sen. Oleen asked if Mark Marney were aware of the amendments added to **SCR 1606** specifically outlines that the conference of the states cannot be used as a constitutional convention and Mark Marney stated that he was aware of the amendment but that he did not believe the amendment was enough of a guarantee.

Sen. Oleen called on Harold Stocking, Tenth Amendment Society, to speak as a proponent to **HCR 5008** (Attachment 4). Sen. Oleen asked Harold Stocking to explain the organization of the Tenth Amendment Society and Harold Stocking explained that the society was organized in order to increase the awareness in Kansans of the tenth amendment. Sen. Walker referenced a statement in Harold Stocking's testimony which said that the states were losing their rights and asked Mr. Stocking to explain some of those specific rights which have been lost. Harold Stocking stated that the War Powers Act was an infringement on states rights. Sen. Gooch asked Harold Stocking to expand on the question by Sen. Walker and Harold Stocking cited the tragedy in Waco, Texas as an example.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:00 a.m. on March 20, 1995.

Sen. Oleen introduced Marshal Dye, Tenth Amendment Society; John Michael, United We Stand; and Roger Mundy, Chair of the Tenth Amendment Society (Attachments 5, 6, & 7). Sen. Oleen asked Roger Mundy to explain the position of the Tenth Amendment Society in regard to SCR 1606 and Roger Mundy said that he would prepare and distribute a position statement to the committee (Attachment 8).

Sen. Oleen called for further discussion, and seeing none the meeting was adjourned at 12:00 p.m.

The next meeting is scheduled for March 21, 1995.

LEGISLATIVE POST AUDIT
UNLIMITED DISTRIBUTION

SUPREME COURT LAW LIBRARY

YEAR	SUPPLEMENT SET	VOLUME 5-5A	VOLUME	VOLUME	VOLUME	VOLUME	COMPLETE SET
1993	53	53					
1994	51	3-3A 52	4-4A 5				
1995	50	4-4A 50					

STATE LIBRARY

Year	Supplement Set	Volume 5-5A	Volume	Volume	Volume	Volume	Complete Set
1993	40	40					
1994	40	3-3A 40					
1995	41	4-4A 40					1

REVISOR OF STATUTES

Year	Supplement Set	Volume 5-5A	Volume	Volume	Volume	Volume	Complete Set
1993	28	28					
1994	30	3-3A 29	General Index 2	Const. Sup. 2	2-2A 2		
1995	27	4-4A 26					

LEGISLATIVE RESEARCH

Year	Supplement Set	Volume 5-5A	Volume	Volume	Volume	Volume	Complete Set
1993	29	29					
1994	29	3-3A 29					
1995	29	4-4A 29					

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Attachment 1*

LEGISLATIVE POST AUDIT

Year	Supplement Set	Volume 5-5A	Volume	Volume	Volume	Volume	Complete Set
1993	8	8					
1994	8	3-3A 8					
1995	9	4-4A 9					

LEGISLATIVE ADMINISTRATIVE SERVICES

Year	Supplement Set	Volume 5-5A	Volume 1-1A	Volume 4-4A	Volume 6-6A	Volume	Complete Set
1993	30	31	2	1	2		
1994	30	3-3A 30	6A 1				
1995	50	4-4A 48	Ind. Sup 1				2

JUDICIAL BRANCH

Year	Supplement Set	Volume 5-5A	Volume	Volume	Volume	Volume	Complete Set
1993	452	451					1
1994	458	3-3A 455					3
1995	463	4-4A 463					1

WASHBURN UNIVERSITY

Year	Supplement Set	Volume 5-5A	Volume	Volume	Volume	Volume	Complete Set
1993	60	60					
1994	60	3-3A 60					
1995	60	4-4A 60					

KANSAS UNIVERSITY

Year	Supplement Set	Volume 5-5A	Volume	Volume	Volume	Volume	Complete Set
1993	60	60					
1994	60	3-3A 60					
1995	60	4-4A 60					

KENT GLASSCOCK
1521 SHARINGBROOK
MANHATTAN, KANSAS 66502
(913) 537-9156

STATE CAPITOL, ROOM 115-S
TOPEKA, KS 66612-1504
(913) 296-7642



COMMITTEE ASSIGNMENTS
CHAIRMAN: LOCAL GOVERNMENT
MEMBER: ECONOMIC DEVELOPMENT

HOUSE OF
REPRESENTATIVES

Testimony in Support of
HCR 5008 before the Senate
Committee on Federal and State Affairs
March 20, 1995

Mr. Chairman and Members of the Committee:

I am pleased to appear before you today as a principal sponsor of HCR 5008. I appreciate this opportunity to share with you why I believe HCR 5008 is worthy of your favorable consideration.

The Tenth Amendment in its twenty-eight words sets forth our nation's founders' concept of federalism. It states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People." Clearly, a federal government of limited, specifically delegated powers was envisioned. Unfortunately, current realities clash with the framer's intent. Kansas must now lend its voice to the chorus of other states, as together, we take back our government from the federal monster. The passage of HCR 5008 sends a clear message that a new federalism, true to spirit and intent of the Tenth Amendment, is needed to restore the states

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to their rightful role in governing the nation.

While many nations in the rest of the world are decentralizing power the American federal system continues to move in the opposite direction, with the behavior of the federal government becoming increasingly coercive. Despite the resurgence of the States during the 1980's the federal government continues to surround, permeate and drive most aspects of state and local government in the 1990's.

For too long, Washington operatives have held a nationalist outlook, viewing states merely as administrative units to carry out federal programs rather than co-equal partners in the federal system.

States are not merely delivery mechanisms for federal programs. They are not simply another special interest group. States created the national government. States have constitutional standing. The founders of this country expected states to stand up for their rights and to compete with the national government for power.

In fact, James Madison, described how states would oppose any intrusion of federal power. In The Federalist No. 46, he wrote that "ambitious encroachments of the federal government on the authority of the States governments would not excite the opposition of a single State, or a few States only. They would be signals of general alarm. Madison's

words serve as a prophetic voice anticipating the legislation you are considering today.

Some may question why we should consider the resolution now before you. I recognize such a resolution does not have the force of law. This resolution is, however, the proper method for our State's elected legislature to express our collective desire for a realignment of our federal system. Profound change is now taking place in our nation's congress. A balanced budget amendment and limitations on federally imposed, but unfunded, mandates are receiving promising consideration. Our own Senator Kassebaum is advocating a return of power to the states as Chairman of the U.S. Senate's Committee on Labor and Human Resources. From California to New Jersey the States are collectively beginning to sound what Madison referred to as the "general alarm." We must add our support to this alarm and reassert the rightful role of the states in our federal system. A valuable opportunity exists in our current political climate -- I believe this resolution if enacted will not merely fall on deaf ears in our nation's capitol. Instead, it will serve as our state's clarion call for action.

The Tenth Amendment is part of our Bill of Rights. As such, it reminds us that government may exercise only those powers delegated to it by a free citizenry and that the federal government may exercise only

those powers delegated to it by the Constitution.

Just as Govenor Graves invited us to “rediscover our heritage” during his State of the State message, I am inviting each of us also to rediscover the simple meaning of the Tenth Amendment. In that rediscovery we must recognize that the constitution is a living document relevant to the present needs of our nation, yet constant in its allocation of rights and power. The time to restore the States to their rightful role in our federal system is long overdue. Let’s start now. Let’s start here. Let’s start up HCR 5008.

UNITED WE STAND AMERICA

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3-20-95

Bill Number: HCR 5008

Testimony From: Mark Marney, State Chairman, United We Stand America-KS.

To: Senate Federal and State Affairs Committee

Ladies and Gentlemen of the committee, the servant has become the master. The Federal Government which was created by the States to essentially act as our agent, at our direction and for our benefit has turned into our ruler, our keeper and our worst enemy. The federal government that was created to have very limited powers and a very narrowly defined jurisdiction, has now become a government that controls virtually every aspect of our lives.

Tocqueville said, "The American republic will endure until politicians find they can bribe the people with their own money." This Process began in 1913 with the adoption of the 16th Amendment to the U.S. Constitution. This amendment gave the federal government the power to tax our income. In turn it gave the government the income needed to expand its powers into areas that would have shocked the Constitutions' original framers. It so far surpasses the worst fears of the anti-Federalists that one can safely assume that if their generation had known the Constitution would lead to this, not a single state would have voted for it.

The U. S. Constitution left the bulk of jurisdiction to the states. Today the federal government has reduced states powers to cosmetic, administrative subdivisions of itself. Americans elected to local and state offices soon discover that because of federal laws, federal rules and federal court orders, there are fewer and fewer decisions for them to make.

For us to suppose that a man or woman elected to federal office is somehow smarter and wiser than his neighbor is absolute non-sense. For us suppose that officials far distant from the problem can solve it better than the people in its immediate vicinity is also non-sense. To argue that one solution imposed on 50 states is more likely to work than 50 separate approaches to a problem is to commit the fallacy of the dictator. Obviously the more individual brains working on a problem, the more experiments conducted, the more likely one is to find the answer. That is the genius of the Constitutional system which the states have allowed to be abandoned in favor of a large, centralized, socialist government.

This centralized federal government suffers from the same core problem that afflicted ancient Rome. It has undertaken the job of micro-managing the lives of a very large and diverse group of people spread over a large geographical area. It can't be done. Be

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cause successful centralized government is impossible, it inevitably degenerates into one that is authoritarian and dictatorial.

We are here today to begin the process of reestablishing sovereignty of the State of Kansas by the use of the 10th Amendment to the Constitution. We have the power to make Kansas what the people of Kansas want Kansas to be and not what Washington wants Kansas to be. **But we have to exercise that power.**

The federal government is putting the country in debt at the rate of over \$14,000 per second. I testified in January to the house committee concerning this same resolution that the United States is technically bankrupt and the only thing the United States has left is the ability to borrow money. An article in the latest Businessweek magazine tells of how investment money is fleeing the U.S. and of how unless the U.S. Government commits to a concrete plan of reducing the deficit and the debt, loans will be harder and harder to come by. In other words we can not count on other countries to continue to finance our debt.

United We Stand America of Kansas strongly urges this committee to recommend passage of HCR 5008, The Tenth Amendment Resolution. It is said that the ultimate test of a moral society is the kind of world it leaves to its children. I ask that you look into the eyes of your children and grandchildren. You will see we have not a second to lose. The sovereignty of the State of Kansas must be restored now.

Thank You.

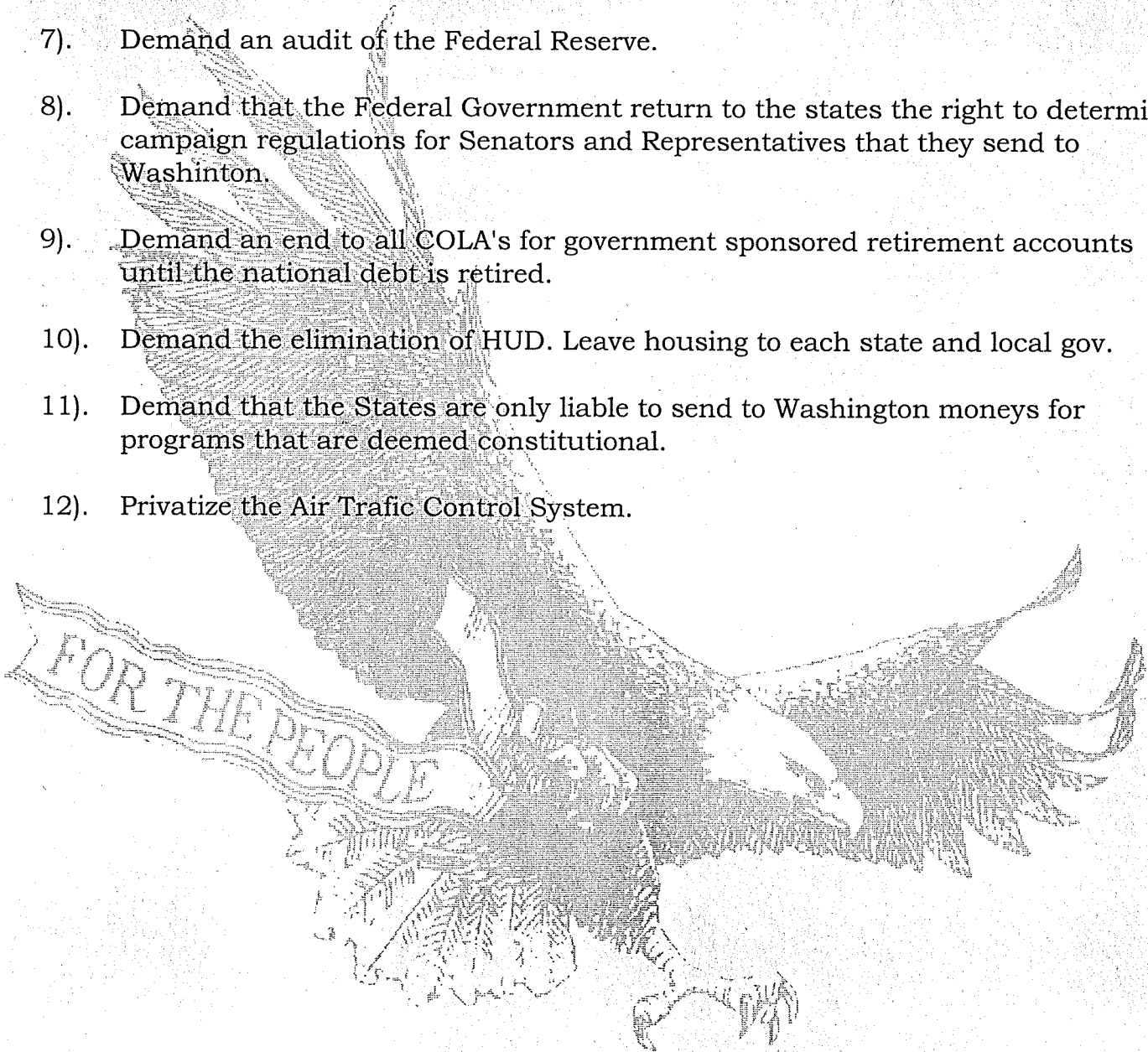
SUGGESTED CHANGES THE STATES SHOULD DEMAND OF THE FEDERAL GOVERNMENT

- 1). Demand the privatization of the Social Security System. Send control to the states.
 - A). Leave people over 55 in the present system
 - B). People under 55 quit paying into the presents system. Retain present benefits. Require them to start paying the same percentage into private retirement accounts.
 - C). All new entrants into the work force must put a fixed percentage into a approved private retirement account.
- 2). Close Veterans Hospitals and mainstream those patients into the private health care system.
- 3). Demand the elimination of the Department of Education.
- 4). Demand the privatization of the Medicare System.

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- 5). Demand an end the taxpayer-coerced funding of the National Endowment of the Arts.
- 6). Demand an elimination of the Department of Transportation. Set up a much smaller agency to regulate safety.
- 7). Demand an audit of the Federal Reserve.
- 8). Demand that the Federal Government return to the states the right to determine campaign regulations for Senators and Representatives that they send to Washinton.
- 9). Demand an end to all COLA's for government sponsored retirement accounts until the national debt is retired.
- 10). Demand the elimination of HUD. Leave housing to each state and local gov.
- 11). Demand that the States are only liable to send to Washington moneys for programs that are deemed constitutional.
- 12). Privatize the Air Traffic Control System.



UNITED WE STAND AMERICA

Madam chairwoman
Member of the committee
Ladies & Gentlemen

Thank you for this opportunity to share my belief and support for the Tenth Amendment Resolution.

My name is Harold F. Stocking Jr. I'm just a machinist wishing to share a few thoughts with you today:

December 15, 1991 marked the 200th anniversary of the ratification of the U.S. Bill of rights. Now, as we near the 21st century, - the turning of the 2nd millennium - we should be celebrating the advances of liberty and freedom guaranteed and secured to us by the American Constitution. Instead, a few of us are becoming aware that our rights are gone. To be sure, the Bill of rights still exists as a document; but the rights and freedoms it guarantees have been done away with by our government. This has been done by a steady, slow, gradual process. Our Founding Fathers warned us that the price of liberty is Eternal Vigilance. They also warned us that power corrupts and that government cannot be trusted to safeguard our rights. Those who are entrusted with power have a tendency to misuse and abuse that power and will gradually become corrupt. Our failure to heed those warnings has resulted in the erosion of our freedoms. What most of us fail to understand is that if government could be trusted with power, we wouldn't need a Constitution and a Bill of Rights.

Although government promotes itself endlessly as our indispensable "protector" and principle guardian of our constitutional rights, it's not true. Nevertheless, that self-promotion has effectively conditioned most Americans to believe our Constitutional rights are respected and vigorously protected by government and public servants. Unfortunately, only a few people realize that government does not protect our rights. It has been in constant search for technical loopholes in the law to circumvent and abrogate those rights. Our inclination to trust government is dangerously misguided, and our ignorance of our rights encourages government to abuse those rights.

Today, a few of us are beginning to learn how our legal system is supposed to work and then discovering, to our dismay, that the system of law established by our Constitution is no longer in operation. Instead, our government has secretly imposed on us a system of law that is contrary to the freedom of principles guaranteed by those documents.

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Then we discover that the courts will not honor our rights. Legislators, State and Federal, pass laws in complete disregard for the rights and liberties secured by our Constitution. The police and the executive branch of government blindly enforce these laws. The judicial branch, - the courts - uphold these laws and , we the people, being ignorant of our rights, blindly accept these encroachments on our freedoms. It is not difficult for the government to deny, ignore and violate the right of a few knowledgeable citizens who know their rights while most of us sit passively by ignorant of what is going on. But as the number of aware citizens grows it will become more and more difficult for them to do so.

The founding fathers recognized the relationship between any government and its citizens is at best adversarial; individual rights (freedoms) are inversely proportional to government power. The more power the government has, the less rights you have. Government cannot grow in size or power except at the cost of our individual rights and freedom. The founding fathers also realized that all governments seek to expand their powers and are therefore driven to diminish their citizens rights. Hence, the Constitution was written to both limit government and maximize our individual rights.

In truth, the American constitution is essentially an "antigovernment " document. The constitution's principle purpose is not simply to specify our individual rights, but to shield us from the single organization that will always pose the greatest threat to those rights (not the redcoats, Communists, third world countries): but our own government. That's why we have three branches of government, checks and balances, elections every two years, the right to jury trials, and the right to keep and bear arms--each political mechanism was designed to empower the public to restrict government and thereby to protect the people against all government's inevitable urge to tyranny.

If the principle enemy of any people is their own government, and if the principle defender of the American is the American constitution, then it follows that the first enemy of our government is the constitution. Government understands this conflict, but tries to conceal it from the public by claiming to be the only interpreter and protector of the constitution. But if only the government interprets the constitution, then those interpretations are typically biased to empower government -- the constitution's archenemy -- at the expense of the people.

Given the conflict between government and our constitution, it follows that:

- 1) the government is not interested in protecting the constitution,
- 2) although the government used the constitution to legitimize itself, it's principle interest is in enlarging its powers and thereby "Destroying" the constitution;
- 3) that the Only party able to truly protect and defend your rights is YOU."

Those of us seeking to pass the "Tenth Amendment Resolution" know it has no weight in law but is a wake-up call for Washington that Kansas Legislators & Kansans know how to run their own business. Therefore it is my prayer you will pass the resolution.

Respectfully

A handwritten signature in cursive script that reads "Harold F. Stocking Jr.".

Harold F. Stocking Jr.

To: Committee on Federal And State Affairs

Esteemed Representatives:

Something has been happening in the United States that many view with alarm. Federal agents have giving themselves authority that has not been delegated by the States and no open application has been given to the States.

We are here today to resolve this problem, to pass this resolution, to strengthen, defend or reestablish rights of State sovereignty as plainly stated and given to us by our Constitution.

The Constitution gives the State legislature vastly more power than any other branch of government.

Yet, Congress finds itself in the position of being incapable of taking action because over the years Congress itself transferred what was Congressional powers to the executive branch of government and to private interests.

The solution is to reinstate the Constitution, all of it.

This resolution is one step on the road back to Constitutional government.

Some people believe we need a Contract With America. We already have one ... it's the United States Constitution.

It is to this Constitution, this legal, binding Contract With America that our elected officials take their oath or affirmation to protect and uphold this duty owed to the American people.

The Constitution does not change its meaning from day to day. It is not a living document, as some would have us believe, subject to ingenious interpretation by the divine right and motives of bureaucrats.

The Constitution means what it says and says what it means.

It is time to work on proven solutions, rather than reinventing the wheel. We should be investing our time in reading and learning from what our forefathers wrote. Their words and wisdom are already in place and should and would guide us through any challenge if we would only let them.

Their words do not require ingenious interpretation, just common sense.

Their words recognize that we have Unalienable rights (it is not spelled with *In*; it's spelled with *Un*). Unalienable rights are the rights that our creator has given us. Nevertheless, inalienable means incapable of being surrendered or transferred.

And it is with this particular word, unalienable, that we are brought to the decision facing you today ... how to keep our rights from being surrendered or transferred.

As Ben Franklin was walking out after signing the Constitution, a lady asked, "What kind of government did we get?" He responded, "A Republic, Madame — if you can keep it." What Ben Franklin and the other founding fathers feared we are facing today — we have been allowing our rights to be surrendered or transferred.

But there is a solution ... *The Tenth Amendment*.

When the federal government tried to mandate that the State of New York accept radioactive waste for disposal, New York pleaded in court that they were exempt from the mandate under the *Tenth Amendment* and the court affirmed the *Tenth Amendment* protection.

Therefore, by a state proclaiming their sovereignty, that state is in the position to select those mandates they will follow, now by choice, not by edict. A sovereignty resolution (a *Tenth Amendment Resolution*) does not stop any state from participating in any program they choose, but frees them from having to claim, *It's a federal mandate. We have to do it.*"

Thank you,



M.G. Dye

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Attachment 5

20 March, 1995

Federal and State Affairs Committee Kansas Senate

Ladies and Gentlemen, distinguished Senators of the Sovereign, Free, and Independent State of Kansas!
I am speaking to you today in support of the 10th Amendment resolution that is before the Senate.

Many people today believe that the U.S. Congress have become the quintessential foils for a rich and powerful elite ruling class. Some people believe that 60 years of continued federal usurpations have turned once sovereign states into *colonies*, and a once free and proud people into *villians and serfs* of a *feudal* government. The bureaucrats in the Federal city (most of which have never set foot in our State) call us "the fly-over people". They want to bind our people by statutes in all cases whatsoever, eliminating the common sense of our own common law. We are important to them only as a source to raise revenue.

Today we are subject not to our own laws devised by free government of the *republican form*, but rather by the *arbitrary mandates* of magistrates and bureaucrats. If we are to insure the sovereignty of our people, our State legislature must find the courage to challenge federal encroachments and stand up for the rights of the people, rights paid for by the *treasure, blood, and toil* of our ancestors.

If there is one state in the federal compact that should pass the 10th Amendment Resolution, it's Kansas! Kansas was founded upon the great principle of **popular sovereignty**. My family was one of the first families to move into the Kansas territory in the 1850's, my great-grandfather fought to abolish the competition of slave labor at \$0.10/day and to *preserve the Union* of sovereign, free, and independent States. Today we face the challenge of peon labor from China and Mexico at \$2.00/day, and a new world order with the goal dissolving the American Union as it's now constituted.

The sovereignty of Colorado, Kansas, and Missouri are of no importance to the belt-way elite, but they will spend millions to insure the sovereignty of European States like Laviva, Estonia, and Litivania.

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(Attachment 6)

We must defend our **Bill of Rights** from federal encroachments. The first person to make public the need for a Bill of Rights was Richard Henry Lee of Virginia, when just 10 days after the Grand Convention in Philadelphia ended he moved in Congress Assembled, "that the new Constitution of the United States be bottomed upon a Bill of Rights, clearly and precisely stating the principles upon which this Social Compact is founded." He insisted that a Bill of Rights was necessary, "to protect the just rights of Mankind from the silent, powerful, and ever active conspiracy of those who govern."

Perhaps Thomas Jefferson said it best, "The natural progress of things is for liberty to yield and government to gain ground."

Before the **Bill of Rights** had been ratified as part of the Constitution the resolves of the Kentucky and Virginia Legislatures of 1798 (written by Thomas Jefferson, the father of the Declaration of Independence, and James Madison, the father of the Constitution) clearly defined the **duty** of States to **interpose** and arrest the progress of deliberate, palpable, and dangerous exercise of powers not granted by the Constitution, and that all acts manifested by the Federal Government to enlarge its powers by forced constructions are not law, but are altogether null and void and of no force.

Defending the **Bill of Rights** is not a Republican or Democratic issue, it's not a liberal or conservative issue, it's the difference between liberty and despotism.

The 9th Amendment of the **Bill of Rights** guarantees the people of Kansas certain **natural rights**, to life, liberty, and property. I am sure that our people will defend their liberty and their property with their life against despotic government with the same vigor of our ancestors.



John A. Michael
United We Stand America of Kansas, 4th District

Attachment: Kentucky Resolutions (resolves I and VII)
Virginia Resolutions December 21, 1798

JEFFERSON

The Kentucky Resolutions

In June and July, 1798, the Federalist-controlled Congress passed four laws known as the Alien and Sedition Acts. The Republicans were outraged, but they also realized that the laws were politically unpopular and they began a campaign of criticism against them. Jefferson was Vice President at the time and chose not to oppose the Alien and Sedition Acts publicly. He secretly worked against them, however, and prepared the initial draft of the Kentucky Resolutions,* which were adopted by the legislature of that commonwealth in November, 1798.

Resolved, that the several States composing the United States of America, are not united on the principles of unlimited submission to their General Government; but that by compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself, the residuary mass of right to their own self Government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each State acceded as a State, and is an integral party, its co-States forming as to itself, the other party: That the Government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that as in all other cases of compact among parties having no common Judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

VII. Resolved, that the construction applied by the General Government (as is evinced by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress a power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence, and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their power by the Constitution—That words meant by that instrument to be subsidiary only to the execution of the limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken, as to destroy the whole residue of the instrument: That the proceedings of the General Government under colour of these articles, will be a fit and necessary subject for revisal and correction at a time of greater tranquility, while those specified in the preceding resolutions call for immediate redress.

*Nathaniel S. Shaler, *Kentucky: A Pioneer Commonwealth* (Boston: Houghton, Mifflin and Company, 1885), pp. 409-16.

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IN THE HOUSE OF DELEGATES,
FRIDAY, December, 21, 1798.

First. Resolved, That the General Assembly of Virginia doth unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression either foreign or domestic; and that they will support the Government of the United States in all measures warranted by the former.

Second. That this Assembly most solemnly declares a warm attachment to the Union of the States, to maintain which it pledges all its powers; and that, for this end, it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that union, because a faithful observance of them can alone secure its existence and the public happiness.

Third. That this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact; as no further valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are parties thereto have the right and are in duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them.

Fourth. That the General Assembly doth also express its deep regret that a spirit has in sundry instances been manifested by the Federal Government to enlarge its powers by forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases (which having been copied from the very limited grant of powers in the former Articles of Confederation, were the less liable to be misconstrued), so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases; and so as to consolidate the States by degrees into one sovereignty, the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute, or, at best, a mixed monarchy.

Fifth. That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution in the two late cases of the "Alien and Sedition Acts," passed at the last session of Congress; the first of which exercises a power nowhere delegated to the Federal Government, and which, by uniting legislative and judicial powers to those of [the] executive, subverts the general principles of free government, as well as the particular organization and positive provisions of the Federal Constitution; and the other of which acts exercises, in like manner, a power not delegated by the Constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto,—a power which, more than any other, ought to produce universal alarm, because it is levelled against the right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right.

Sixth. That this State having by its convention which ratified the Federal Constitution expressly declared that, among other essential rights, "the liberty of conscience and of the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry or ambition, having, with other States, recommended an amendment for that purpose, which amendment was in due time annexed to the Constitution,—it would mark a reproachful inconsistency and criminal degeneracy if an indifference were now shown to the palpable violation of one of the rights thus declared and secured, and to the establishment of a precedent which may be fatal to the other.

Seventh. That the good people of this Commonwealth, having ever felt, and continuing to feel the most sincere affection for their brethren of the other States, the truest anxiety for establishing and perpetuating the union of all, and the most scrupulous fidelity to that Constitution, which is the pledge of mutual friendship, and the instrument of mutual happiness, the General Assembly doth solemnly appeal to the like dispositions of the other States, in confidence that they will concur with this Commonwealth in declaring, as it does hereby declare, that the acts aforesaid are unconstitutional; and that the necessary and proper measures will be taken by each for co-operating with this State, in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively, or to the people.

Eighth. That the Governor be desired to transmit a copy of the foregoing resolutions to the Executive authority of each of the other States, with a request that the same may be communicated to the Legislature thereof; and that a copy be furnished to each of the Senators and Representatives representing this State in the Congress of the United States.

Attest: JOHN STEWART.

1798, December 24.

Agreed to by the Senate: H. BROOKE.

A true copy from the original deposited in the office of the General Assembly.

JOHN STEWART, *Keeper of Rolls.*

Ladies and gentlemen of the Senate Federal and State Affairs Committee of the sovereign state of Kansas, I come before you, happy that as a common Kansan, I can come before you and speak to you. I come in the hope that I might share something very common with you, for I am a common man. I hold no college degree. I have no influence. I have no wealth. I am just a carpenter in the great state of Kansas.

There is a great movement common everywhere today. It crosses all borders. It is now found in all cultures, growing by the hour. Although it is not common knowledge, it is easy to see. It is an awakening like never seen before in all history. It is a longing in the hearts of common people everywhere. It is a demand for liberty, for independence, for freedom. We have seen it appear at the four corners of the earth. In Tianamen Square, the Chinese students, while pulling a crude statue of liberty with them, chanted the words of our own Thomas Jefferson as they bravely faced the tanks of the tyrants of China. They did this just to tell the world of their demand for liberty. The people of Chechenya, even after a merciless bombing of civilians by Moscow's war machine, declare that they will never surrender. They will suffer anything for their independence. The black people of South Africa rejoiced in the end of apartheid and though I believe the election of supposedly former communists will bring them more grief, all the common people wanted was "Uhuru", or freedom, and a voice in their government.

Here at home the same awakening is occurring, in part, in the form of the 10th Amendment resolutions that have been passed and that are being introduced in state legislatures all across America. Common Americans know that their rights are being taken away and their voices being ignored in Washington, D.C. But we will be heard and we will not be defeated, because we share the same desire as all common people in the world. As certain as our common faith in God, there will be a new world order. But it will not be the new world order that our 'would be masters' dream of. It is the promised land that our founding fathers fought for, that will be found the world over. Any of our 'would be masters' will not enter in as masters, but only as equals before the law.

The 10th Amendment Resolution presents us with an unique opportunity to peacefully restore our rights and liberty. I ask you to be regarded as friends of the common people

Sen Fed & State
3-20-95
Attachment 7

and support this historic resolution. You have it in your hands to lead us to that place our fore fathers foresaw. If the power of the State of Kansas is not reasserted this way, you yourselves will find that you have become mere pawns in the hands of the federal government, or worse, an international government. And though it may be of no consequence to the powerful, it seems to me that it would be a great loss to the world and to history that a common man and the millions of common people like me, lost their voice, their sovereignty, and their rights in the heart of America because the once sovereign state of Kansas would not act to protect them. To those of you who fear losing your campaign contributions if you stand up for me, what good will it do you or your family and children, or your state to become a stooge of the federal government? You are our single best hope to peacefully rein in the unconstitutional excesses of a federal government meant only to be your agent, not your master or even your co-equal partner. Other states have taken the lead in this movement, let's not be last to show our spirit. Kansas has a proud history for freedom, it was one of the first places in America to choose to fight rather than allow the state to become a slave state at its birth. Will Kansas die as a slave state? I will not believe it. Let us write the not so ironical history, that Kansas was one of the states that saved the United States, by joining the great movement of states reasserting their constitutional sovereignty, and by protecting the rights of its most common citizens.

Thank you for hearing me.

Roger Mundy
10th Amendment Society

Kansas Tenth Amendment Society's
POSITION PAMPHLET
On the Conference of the States
(3-18-95)

Sen Fed & State
3-20-95
Attachment 8

KANSAS TENTH AMENDMENT SOCIETY

P.O. Box 1026 • Wichita, KS 67201 • (316) 524-5024

Dear Kansas Legislator:

It is with great concern that the *Kansas Tenth Amendment Society* has assembled the following information. We trust this information will show you why we and a very great many other groups are opposed to the "Conference of the States" and Resolution SCR 1606.

Although Kansas SCR 1606 has language attempting to prohibit its formal delegates from calling a constitutional convention, "it is essential to keep in mind that the *Conference of the States* could define its objectives for itself and could reject preexisting limitations on its authority, just as the 1787 convention abandoned the limitations imposed on it by the Articles of Confederation," according to professors of constitutional law and Supreme Court Justices (see attached Pages A, B & C).

All the elements necessary to fulfill the requirements for calling for and then convening a constitutional convention will be in place once the appropriate number of states have passed the resolution. Once this happens, any attempts to limit its scope by any governmental body outside of the convention will be impossible (see attached Pages A, B, C, D & G).

Some states are in fact actually calling for a constitutional convention in their resolutions or have language in their resolutions setting the stage for a constitutional convention (see attached Page E). The harsh reality is that the greater the number of states participating in the conference, the greater the likelihood of a constitutional convention being convened.

By simply attending the conference, Kansas would be encouraging other states to attend, also. Thereby, Kansas could be instrumental in bringing about a constitutional convention, even though it is NOT THE WILL of the legislature or the people of Kansas.

It IS THE WILL of several groups that have a well-established history of being in favor of a very different form of government than our democratic republic. These groups are advocating a much stronger Federal government, while parading themselves as champions of states' rights and the constitution. The strong Federal government they are advocating (a co-equal partnership with the states) dramatically diminishes the rights of the states and of the people.

Through an avalanche of paperwork (which is commonly referred to in legal circles as a *paper blizzard*) and a convoluted network of para-governmental agencies funded by both private foundations and the government (for example: Housing and Urban Development, the U.S. Treasury, the Spelman Rockefeller Fund and the Ford Foundation), these groups have orchestrated in their own words "a sustained effort to address the imbalance in our federal system." This imbalance, they feel, can be corrected by raising the Federal government up to the status of a co-equal partner with the states, rather than its present station in life as an agent of the states (or a servant). We give these groups an "A+" in *tactical maneuvering* (See attached Page F).

The current justification for the "Conference of the States" is a *balanced budget amendment and unfunded mandates* (See attached Page G). Instead of a dangerous "Conference of the States," we recommend that the states exercise their sovereign powers and take action to prevent the Federal Government from continued misuse of funds collected from the people of Kansas and entrusted to the Federal Government. This can be accomplished by establishing escrow accounts and holding such funds as leverage to force the Federal Government into putting its fiscal house in order and into obeying the constitutional limitations of its powers as a servant of the states.

The problems that we face today are not due to a faulty Constitution or Bill of Rights. Obeying and enforcing these noble documents would lead to the cure of our nation's ills. The truth is that the Federal Government is constantly in violation of the Constitution and the Bill of Rights -- in particular the Tenth Amendment. It is not surprising therefore that the groups sponsoring the Conference of the States have advocated rewriting the Tenth Amendment and Article V of the Constitution. *If one can't abide by the rules, they usually want to change the rules.*

Please do all you can to keep Kansas from participation in this most dangerous "Conference of the States." We would be happy to supply you with any reference materials you desire upon request.

Most Sincerely,

A handwritten signature in cursive script that reads "Roger Mundy". The signature is fluid and elegant, with a large initial 'R' and a long, sweeping tail on the 'y'.

Roger Mundy
Chairman
Kansas Tenth Amendment Society

A

The Florida State University
Tallahassee, Florida
College of Law

March 10, 1995

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

Dear Mr. Thorn:

This is in response to your inquiries regarding HCR 1401, which calls for the convening of a "Conference of the States" and would authorize Florida's participation in such a conference. As professors of constitutional law at the Florida State University College of Law, we are extremely troubled by the possibility that this proposed Conference could be construed as an application for a constitutional convention under Article V of the United States Constitution. Such a convention could evolve into a wholesale assault on our Constitution, and lead to proposals for destroying our present constitutional system. The history of the 1787 constitutional convention indicates that once a constitutional convention is convened, the delegates to that convention could expand the agenda of the convention beyond its original purposes, dictate their own rules for the ratification of the convention's proposals, and therefore circumvent the fairly strict requirements of Article V. Moreover, again using the 1787 experience as our model, no external authority -- neither Congress, the courts, nor states that disagree with the convention's proposals -- would have the legal authority to reject the convention's decisions if the convention itself deemed those decisions binding on the entire country.

Our conclusions about the dangers of the "Conference" proposed in HCR 1401 are not mitigated by the ambiguous phrasing of the proposal, not by the final subsection stating that the Concurrent Resolution "does not constitute an application by the Legislature of the State of Florida for the calling of a federal Constitutional Convention within the meaning of Article V of the United States Constitution." It is essential to keep in mind that the "Conference of the States" could define its objectives for itself, and could reject preexisting limitations on its authority, just as the 1787 convention abandoned the limitations imposed on it by the Articles of Confederation. The broad language of the Concurrent Resolution authorizes the Conference to "reform the Federal Government" and authorizes Conference delegates to "propose, debate and vote on elements of an action plan to restore checks and balances between the states and the national government." These broad mandates could easily be construed by the Conference as providing it the authority to fundamentally revise our existing constitutional structure.

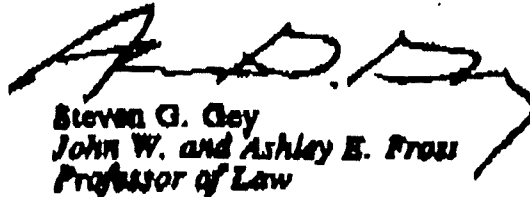
It is the strange (and dangerous) nature of a constitutional convention that it defines its own objectives and sets the guidelines for its own success. Once a constitutional convention begins, the only limit on its power is political. The federal courts have consistently refused to entertain questions regarding the legitimacy of

8-4

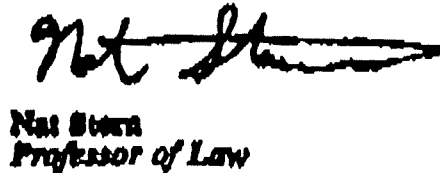
constitutional amendments (see *Coleman V. Miller*, 307 U.S. 433 (1939)). Therefore, a new constitutional convention presents the disturbing prospect of many different political bodies -- the Conference, the existing federal government, dissenting states -- all vying for preeminent political authority, without the possibility of judicial review to settle the dispute peacefully. This is truly a recipe for a constitutional crisis, and the destabilizing effects of such a crisis would reach into every aspect of our political, legal, and economic life.

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

Sincerely,



Steven G. Gey
John W. and Ashley E. Frow
Professor of Law



Nat Stern
Professor of Law

B

February 15, 1995

State Supreme Court decisions state "The members of a Constitutional convention are the direct representatives of the people (1) and as such, they may exercise all sovereign powers that are vested in the people of the state. (2) They derive their powers, not from the legislature, but from the people; (3) and, hence, their power may not in any respect be limited or restrained by the legislature. Under this view, it is a Legislative Body of the Highest Order (4) and may not only frame, but may also enact and promulgate a Constitution. (5)

From Corpus juris secundum (16C.J.S. 9)

- (1) Mississippi (1892) Sproul v. Fredericks II So. 472
- (2) Iowa (1883) Koehler v. Hill 14 N.W. 738
- (3) W. Virginia (1873) Loomis v. Jackson 6 W. Va., 613
- (4) Oklahoma (1907) Frantz v. Autry 91 P. 183
- (5) Texas (1912) Cox v. Robison 150 S.W. 1149

"There is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the convention would obey. After a convention is convened, it will be too late to stop the Convention if we don't like its agenda. The meeting in 1787 ignored the limit placed by the Confederation Congress 'for the sole and express purpose.' "According to Supreme Court Chief Justice Burger in a letter to Phyllis Schlafly date June 22, 1988.

C

US Supreme Court Justice Ruth Bader Ginsberg has stated: "I find nothing in the Constitution that would limit what a Convention called to propose Amendments might do."

Colorado State Senator Charles Duke, who spearheaded the 10th Amendment State Sovereignty says:

"Our present Constitution gives us all rights we need for states to reclaim their sovereignty. There is no need for a new Constitution. Calling a Conference of the States is a constitutionally dangerous act to take. A meeting of states, fully sanctioned by state legislatures, has the power to turn such a conference into a Constitutional Convention by resolution. It would mean the death of our present Constitution."

D

PG 1

TEXAS DELEGATION WILL PETITION FOR A CON-CON AT THE COS

First, let's set the stage. In the same article previously mentioned in the Montgomery County Observer (Pennsylvania)... *"Leavitt says the current leadership in Congress 'is very friendly to the idea (COS)'. He says Senate Republican leader Bob Dole and House Speaker Newt Gingrich have expressed an interest in having Congress send a delegation" (to the COS).*

Returning to the Texas resolution for participation in the COS - the 5th "resolved" says - *"That the conference agenda extend also to common language to be used in STATE PETITIONS to the U.S. CONGRESS for a CONSTITUTIONAL AMENDMENT CONVENTION UNDER ARTICLE I."* Does that leave any question as to the intent of the orchestrators of the Conference of States? They intend to use Article V to call for a Con-Con. Now... if Dole and Gingrich send a Congressional delegation to the COS, when the states' delegations petition Congress for a Con-Con does it stand to reason the Congressional delegation, representing and acting on behalf of the U.S. Congress, will have the power to convene a Constitutional Convention?

Remembering that the same money which funds the CCS as funds CSG and ACIR, these final quotes from CCS' book "Reforming American Government" should dispel any further doubts. - *"FUNDAMENTALLY, THIS IS TO ALTER THE WHOLE BALANCE OF THE AMERICAN CONSTITUTION."* Harold Laski, page 142

"LET US FACE REALITY. THE FRAMERS HAVE SIMPLY BEEN TOO SHREWD FOR US. THEY HAVE OUTWITTED US. THEY DESIGNED SEPARATED INSTITUTIONS THAT CANNOT BE UNIFIED BY MECHANICAL LINKAGES, FRAIL BRIDGES, TINKERING. IF WE ARE TO 'TURN THE FOUNDERS UPSIDE DOWN' - TO PUT TOGETHER WHAT THEY PUT ASUNDER - WE MUST DIRECTLY CONFRONT THE CONSTITUTIONAL STRUCTURE THEY ERECTED...." James M. Burns, page 160

CHANGES WILL BE BROUGHT ABOUT BY LEADERSHIP, AS IN THE DRAFTING AND ADOPTION OF THE CONSTITUTION OF 1787". James M. Burns, page 162

YOUR STATE LEGISLATORS MUST HAVE THIS INFORMATION - MEET WITH THEM PERSONALLY IF POSSIBLE. OUR CONSTITUTION, AMERICAN SOVEREIGNTY, AND THE FREEDOM OF ALL AMERICANS HANGS IN THE BALANCE. THE CONFERENCE OF STATES MUST NOT TAKE PLACE - NOT IN PHILADELPHIA ON OCTOBER 24TH THIS YEAR (THE 50TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UN) - NOT EVER. STATE LEGISLATURES THAT HAVE PASSED THE RESOLUTION SHOULD BEGIN RESCISSION PROCEDINGS IMMEDIATELY.

This information was compiled by the Council on Domestic Relations, P.O. Box 138, Carlinville, Illinois 62626 - phone 217-854-4008 fax 217-854-4343 24hour Recorded ActionMessage 217-854-7504

For a packet of the documents to which we referred in this article (except Leavitt's position paper) send \$5 donation to: 10th Amendment Committee, 4116 Clemson Blvd., Anderson, S. Carolina 29621 - Committee Director is Bob Charron 803-261-7326

For a complete packet of documents, including Leavitt's position paper, Gov. Allen's Executive Order 37, Attachment B, The Virginia Resolve, various newspaper articles, etc. (over 50 pages) send \$10 donation to: M.K. Fields, 14 Pochahantus Path, Front Royal, Virginia 22630

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CONFERENCE OF STATES TO CALL FOR CONSTITUTIONAL CONVENTION

Texas' Resolution for the Conference of States says they'll petition the U.S. Congress for a "constitutional amendment convention" under Article V of our Constitution

The Texas Resolution for Participation in the Conference of States is the first we've seen with this particular language. Note: 1st thru 4th "whereas" - they say our framers of the Constitution and Bill of Rights intended a system where federal gov't and states were to be "EQUAL PARTNERS". The CSG obviously relies upon state legislators not knowing the Constitution or the history of the making of America. Our founders argued vehemently in the Constitutional Convention of 1787 about the dangers of a central government usurping powers not delegated by the Constitution. Article 1, Section 8, clauses 1-18 list the defined and limited powers of the federal government.

The Constitution wasn't ratified by all states until the Bill of Rights was added to leave no room for guessing or wondering "who's the boss?". We, the sovereign people, created government, the state government represents us and the federal government is our agent... period. It is not, nor was it ever intended to be an equal partnership, or "co-sovereigns", which is one of the oxymorons they've used in many of their papers dealing with the COS. "Sovereign" means "having no higher or outside authority; preeminent". There is no such thing as a co-sovereign. **The intent to create an equal partnership would bring the states down to a level of subordination to the federal government... or extinction.**

3rd "whereas" - Inferring that the 10th Amendment was the least most important article in the Bill of Rights, added maybe as an afterthought to "appease anti-federalist sentiment".

4th "whereas" - "Experimental democracy"? Article 4, Section 4 in our Constitution guarantees to every state in this union a "Republican form of government". Maybe they intend to experiment the states out of existence?

5th "whereas" - "Unfunded mandates" ... not the issue. The 10th Amendment State Sovereignty Resolution addresses all mandates outside of the Constitutionally delegated authority to the U.S. Government. That will take care of the unfunded mandates and begin to turn the power back to the states. Oklahoma Representative, Charles Key's State Sovereignty Act will put the "teeth" into the resolution.

"Leadership" in the states. In article after article we hear how "state leaders" are going to fix this problem. We hope the state legislators, as individuals and as a governing body, have noticed this and question just what role is intended for them in this deceitful maneuver by Governors and legislative leaders.

6th "whereas" - Discusses the 1989 report from the CSG - (Council of State Governments) and ACIR - (Advisory Commission on Intergovernmental Relations). In this report (4 pages of which are included) the "proposals for restoring greater balance to America's system of federalism" are proposed amendments to our Constitution. You'll see on page 3 of this report the proposals are:

First, to add the following words to the Tenth Amendment - - *"Whether a power is one reserved to the states, or to the people, shall be decided by the Courts"*. The orchestrators and proponents of the COS say they want to restore federal balance and reclaim states' rights. Under our present Tenth Amendment states do not have to sue the federal government in matters of sovereignty. The Constitution is loud and clear as to where the power lies. Adding this language to our Tenth Amendment would be to give the federal government, through the Supreme Court, unimaginable power over the states... and most importantly over the sovereign people.

The second proposal in this report would be to provide for state-initiated amendment proposals, by adding the following to Article V: *"Whenever three-fourths of the legislatures of the several states deem it necessary, they shall propose amendments to this Constitution that, after two years, shall be valid to all intents and purposes as part of the Constitution, unless disapproved by two-thirds of both Houses of Congress within two years of the date the amendments are submitted to Congress."*

E

LI8030C

LEGISLATIVE INFORMATION SYSTEM 74(R)
BILL TEXT REPORT
HCR 18 INTRODUCED VERSION

DATE: 02/13/91
TIME: 12:00:11
PAGE:

RESOLVED, That the 74th Legislature of the State of Texas hereby authorize a delegation to represent Texas at a Conference of the States for the purpose of reexamining this nation's system of federalism and devising means to constitutionally reassert the principle of state sovereignty; and, be it further

RESOLVED, That the governor and presiding officers of the legislature have authority to determine the size, composition, membership, and chair of the Texas delegation to the conference; and, be it further

RESOLVED, That Texas agree to parliamentary rules adopted by the conference, provided that those rules entitle each state delegation, regardless of size, to one vote, and provided that each vote by the Texas delegation be in accordance with the majority of its members present and voting internally within the delegation; and, be it further

RESOLVED, That the conference agenda extend, if supported by participants, to the drafting of one or more potential amendments to the United States Constitution reaffirming and strengthening state sovereignty under the American system of federalism; and be it further

RESOLVED, That the conference agenda extend also to common language to be used in state petitions to the United States Congress for a constitutional amendment convention under Article V of the United States Constitution, incorporating within that language the text of any amendments drafted by the Conference of the States for consideration by the constitutional amendment convention; and, be it further

OVER

LI8030C

LEGISLATIVE INFORMATION SYSTEM 74(R)
BILL TEXT REPORT
HCR 18 INTRODUCED VERSION

DATE: 02/13/95
TIME: 12:00:14
PAGE: 4

RESOLVED, That the Texas delegation report fully on the proceedings of the conference to the Texas Legislature and the governor, including any action plan, constitutional amendment drafts, or constitutional amendment convention petitions receiving the support of conference participants; and, be it further

IT DOESN'T MENTION THEY WILL HAVE THE OPPORTUNITY TO PARTICIPATE - JUST RECEIVE A REPORT?

RESOLVED, That copies of this resolution be forwarded to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the members of the Texas delegation to the congress, and to the presiding officers of the legislatures of the other 49 states.

1940'S BEHIND THE COS AND WHAT DO THEY BELIEVE?

F

This is not surprising though, in light of the fact that Paul Weyrich, a founder of ALEC (and the Heritage Foundation which endorsed the NAFTA and GATT/WTO) said in an article he wrote entitled "A Conservative's Lament" (Washington Post, 3-8-87) "*Our national strategy is outdated, dysfunctional and insupportable.... It is time for a new national grand strategy.... There is a basic contradiction between the structure of our government and our role as a great power. Our government was designed not to play great-power politics but to preserve domestic liberty. The Founding Fathers knew a nation with such a government could not play the role of great power.... As conservatives, we have to help the nation face a stark choice: either modify our institutions of government to play the game of great power, or move back toward our historic, less active foreign policy. Our current system institutionalizes amateurism. Unlike European parliamentary democracies, we have no "shadow cabinet," no group of experts who are groomed by their party for decades before they take high office.... If we are going to be a serious nation, we need a serious system... we need some type of shadow government....*"

In December last year at the ALEC orientation conference for freshman legislators, Senator Charles Duke was told in a 'sovereignty meeting' that they were adopting the 10th Amendment State Sovereignty Resolution as a model resolution. Instead, they recently adopted a resolution endorsing the Conference of the States. It can easily be confused with Duke's resolution though, because four of the "whereas" paragraphs are word-for-word as that of the 10th Amendment Resolution. Was this done deliberately to mislead, deceive and confuse? The danger in the ALEC organization is that its leadership apparently wants to rewrite our Constitution and they claim a membership of nearly 3,000 of our 7,500 state legislators.

COMMITTEE on the CONSTITUTIONAL SYSTEM - CCS

Another organization, which appears to be loosely (or maybe not so loosely) connected with ALEC is the Committee on the Constitutional System, which published a book entitled "Reforming American Government". The CCS also wants a parliamentary government for America. On page XVI of RAG they mention that "Financial support has come from the FORD FOUNDATION, the BROOKINGS INSTITUTION, and the ROCKEFELLER FOUNDATION". Richard Thornburgh, former Governor of Pennsylvania and President George Bush's Attorney General, in the 80's (and possibly still today) served on the Board of the CCS and is co-Chairman of the NTU which trains legislators at ALEC conferences. U.S. Senator Bob Dole's name also appears on a list of Legislative Advisors to the NTU. They all want to rewrite our Constitution.

As well as funding the CCS, the FORD and ROCKEFELLER FOUNDATIONS funded the drafting of a "proposed Constitution for THE NEWSTATES OF AMERICA". The Center for the Study of Democratic Institutions spent 10 years, at a cost of \$2.5mil per year and completed the document only after 40 preliminary drafts. In this proposed constitution there are no state governments because there are no states... only ten regions with 'overseers' - appointed bureaucrats. (Maybe this was the reason for Hazlitt's statement about a "fantastic rotten-borough system" and why they want to soften the amendatory process in Article V of our Constitution.)

ROCKEFELLER - FORD - CARNEGIE FOUNDATIONS FUND CSG and ACIR

The same money that brought us the proposed Constitution for the Newstates of America and which funds the Committee on the Constitutional System, also funds the ACIR and the Council of State Governments - the planners and orchestrators of the CONFERENCE OF STATES. As reported in the Montgomery County Observer, 2-15-95... "*ROCKEFELLER MONEY from the tax-exempt SPELMAN FUND put CSG on its feet in 1930. That original \$40,000 grant conditioned on Henry W. Toll becoming CSG's director, was the first of many appropriations by the tax-exempt ROCKEFELLER-SPELMAN fund. Later financial boosters included the tax-exempt CARNEGIE CORPORATION. Today, CSG is on the verge of remaking all fifty state legislatures.*"

8-11

This federal resolution is necessary to fulfill Article IV the requirements of a conference into a convention. (See back side of this sheet)

G

III

104TH CONGRESS
1ST SESSION

S. RES. 82

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

IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, FEBRUARY 29), 1995

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

RESOLUTION

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

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

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

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

— OVER —

8-12



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

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

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

