
# League of Women Voters of Minnesota Records

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League of Women Voters
Education Fund

# Memorandum

1730 M Street, NW
Washington, DC 20036
(202) 429-1965

TO: State and Local League Presidents and DPM Subscribers

FROM: Margaret S. Davis, Trustee

DATE: September 23, 1986

RE: The LWVEF's Project on the Bicentennial of the U.S. Constitution

I am pleased to announce that the League of Women Voters Education Fund has received partial funding for our planned bicentennial project. As League leaders will recall from previous communications, the LWVEF is cooperating with Project '87, a joint venture of the American Political Science Association and the American Historical Association, in a bicentennial program of six public forums on constitutional issues with companion citizen outreach opportunities, including pass-through funding for selected Leagues for related activities. We have received funding from the Ford Foundation for two of the six forums, and will continue to seek funding for the others.

The two forums, to be held in 1987, will be on the following subjects:

I. "The Intention of the Framers" will commemorate the Bicentennial of the Constitutional Convention, which began on May 25, 1787. The forum is to be held in Philadelphia, at Independence National Historical Park, on May 24, 1987.

II. "The Design of Government" will honor James Madison, the completion of the Constitutional Convention and submission of the Constitution to the states for ratification, September 28, 1787. It is to be held in Virginia, October 1987.

Leagues will soon be advised fully on how they can utilize project materials and how they can apply for the limited number of pass-through grants that are part of the project. For now, the Trustees are delighted that at least two of the forums and related activities will be a reality and we want to share the good news.

Leadership of project: LWVEF Chair Nancy Neuman has appointed Trustee Margaret S. Davis as Bicentennial Project Chair, and Trustee JoAnn Price to the project committee. Mary Stone, LWVEF Director of Research and Citizen Education, is the staff person responsible.

Project description: Each forum will feature a panel of constitutional experts engaged in a stimulating and probing discussion of the constitutional issue before a live, invited audience. Project '87 will

arrange for the forum panels and videotaping of forums. LWVEF Chair Nancy Neuman will introduce each program. For each forum, the LWVEF will prepare a discussion guide, work with the host League to invite an audience, and assist interested Leagues in conducting citizen outreach in their communities. The host League at each forum site will receive a stipend from the project to cover the League's expense in involving a representative cross section of the state and community as the audience. The discussion guide will be available to all Leagues and other organizations. Also, Project '87 will make videotapes of each forum widely available. Both the discussion guide and videos will be geared toward helping Leagues and other organizations to educate other citizens about the meaning and importance of the U.S. Constitution. We hope that these critical inquiries into our Constitution and its history will be so arresting that they will be televised, but we have no guarantees on that yet.

Interested Leagues may wish to use the materials--print and video--in their own bicentennial celebrations. Also, we will share news about bicentennial events and resources as the project progresses.

In addition to these activities, for each forum the LWVEF will be able to fund five "exemplary" state or local League projects that can serve as models for other groups that want to conduct a citizen outreach bicentennial project. For each such exemplary project, the LWVEF can provide a pass-through stipend of up to $1,200 to cover the League's expenses. The pass-through grants will be awarded to the ten Leagues, using criteria that include innovation, creativity and geographic representation.

Details about the project and application forms for the pass-through grants for the League exemplary projects will be available later this year. Consider this an early alert -- we know there is tremendous League interest in the Bicentennial of the U.S. Constitution and we are very pleased to begin this important effort with funding from the Ford Foundation.

P.S. Here is a list of the remaining four forums for which we are still seeking funding:

"National Expansion and Federalism" would commemorate the Bicentennial of the Northwest Ordinance in July 1787; planned for Ohio in summer of 1987.

"The Consent of the Governed" would celebrate the inauguration of George Washington as the first elected leader of the United States under the new Constitution; planned for New York, February 1989.

"To Protect These Liberties" would commemorate the Bicentennial of the date on which Congress sent the Bill of Rights to the states for ratification; planned for Massachusetts in September 1989.

"Race and the Constitution" would commemorate the history of the struggle for racial justice under our Constitution; planned for Georgia, 1989.

LEAGUE OF WOMEN VOTERS OF MINNESOTA
555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

Testimony before the
House Judiciary Committee
Re HF 9: Constitutional Convention
by Nancy Crippen, Government Lobbyist
League of Women Voters of Minnesota
Wednesday, March 20, 1985

The League of Women Voters has some concerns and questions that have not been adequately answered by the proponents of a constitutional convention.

The last constitutional convention, called in 1787 to amend the Articles of Confederation, completely disregarded the purpose for which they were called and proceeded to draft our present Constitution. That same Constitution has weathered almost 200 years quite well and has been used as a model for constitutions adopted by other countries. Since there is no precedent, a constitutional convention today could do anything it had the votes to do. This leads to one of many so far unanswered questions. What kind of convention majority should be required to adopt a proposed amendment? - a simple majority? - two thirds? - three-fourths? - unanimous? How would delegates be chosen? allocated by the number of seats in the House? - each state having one vote? - or the electoral college model? Must all applications for a convention be limited to the single issue for which it was called, or could it deal with any matter the convention chose, thus opening a Pandora's Box and very possibly destroying the Constitution which has served us so well.

We urge the Minnesota Legislature to proceed slowly before adopting HF 9. We must safeguard our hard-won basic freedoms and recognize the evolutionary process by which they have developed. Should we put these basic freedoms at the mercy of an uncharted and very possibly uncontrollable convention, no matter what our views are on a balanced federal budget amendment or any other single issue which has prompted such resolutions?

Files

# LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

To: Members of Judicial Administration Subcommittee
From: Erica Buffington, Government Co-chair
Re: HF 124
Date: April 13, 1981

The League of Women Voters does not have a position on calling a constitutional convention, either in support or opposition. However, we do have some concerns and questions that have not been adequately answered by the proponents of a constitutional convention.

The last constitutional convention, called in 1787 to amend the Articles of Confederation, completely disregarded the purpose for which they were called and proceeded to draft our present Constitution. That same Constitution has weathered almost 200 years quite well and has been used as a model for constitutions adopted by other countries. Since there is no precedent, a constitutional convention today could do anything it had the votes to do. This leads to one of many so far unanswered questions. What kind of convention majority should be required to adopt a proposed amendment? - a simple majority? - two-thirds? - three-fourths? - unanimous? How would delegates be chosen? - allocated by the number of seats in the House? - each state having one vote? - or the electoral college model? Must all applications for a convention on a given issue be submitted to the same Congress? Would such a convention be limited to the single issue for which it was called, or could it deal with any matter the convention chose, thus opening a Pandora's Box and very possibly destroying the Constitution which has served us so well.

We urge the Minnesota Legislature to proceed slowly before adopting HF 124. We must safeguard our hard-won basic freedoms and recognize the evolutionary process by which they have developed. Should we put these basic freedoms at the mercy of an uncharted and very possibly uncontrollable convention, no matter what our views are on a human life amendment or any other single issue which has prompted such resolutions?

File

LEAGUE OF WOMEN VOTERS OF MINNESOTA
555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

February 27, 1981

Geri Rasmussen
Planned Parenthood of Minnesota
1965 Ford Parkway
St. Paul, Minnesota 55105

Dear Ms. Rasmussen:

Ruth Armstrong asked me to write to you regarding the League's position on the constitutional convention issue.

The League of Women Voters of Minnesota and the League of Women Voters of the U.S. does not have a position on the calling of a constitutional convention, either in support or opposition. However, we do have some concerns and questions that have not been adequately answered by the proponents of a constitutional convention. We have testified in various committees, stating our concerns and asking questions that up to this point have not been answered to our satisfaction.

Some of our questions are: can a constitutional convention be limited to a single issue or could it deal with any matter it chooses? Must all applications for a convention on a given issue be submitted to the same Congress? How would delegates be selected and how would votes in the convention be allocated?

We will continue to voice our concerns and raise questions whenever the issue is raised.

Sincerely,

Erica Buffington

Erica Buffington
Government Co-chair

B:M

NOV 0 1979

LEAGUE OF WOMEN VOTERS OF MOORHEAD
721 Tenth Street South
Moorhead, Minnesota 56560

November 5, 1979

Erica Buffington, Government Co-Chair
League of Women Voters of Minnesota
555 Wabasha
St. Paul, MN 55102

Dear Erica,

I am enclosing a copy of the statement which I presented to the hearing of the House Judiciary Committee on H.F. 43 last Tuesday. Anne Dickerson, our government chair, had prepared the statement.

There were not many people at the hearing and so there was time for questions. I was asked why the League had not studied the issue of a balanced budget and I explained the process for adopting study items. I did point out that we had a new Current Focus--The Balanced Budget: A Closer Look, and indicated that I would check with you to see if we could not supply copies for the committee. Our local league will provide copies for our legislators--Senator Sillers and Representatives Hoberg and Valan. Can the LWVMN provide copies for the committee?

Thank you for the information you provided on a constitutional convention. That made presenting the statement an easier task.

Sincerely yours,

Judy Bailey

Judith E. Bailey, President
League of Women Voters of Moorhead

# LEAGUE OF WOMEN VOTERS OF MOORHEAD

Moorhead, Minnesota 56560

October 30, 1979

To: The House Judiciary Committee Hearing on H.F. 43

From: Judy Bailey, President of the League of Women Voters of Moorhead

The League of Women Voters does not have a position supporting or opposing the calling of a constitutional convention. However, we do have some questions which we would like to have considered before any decision is made on H. F. 43.

Since a constitutional convention has not been used to propose amendments to the Constitution since 1789, the policies and procedures of such a convention are not established. Many questions need to be considered. Most important is the question of whether such a convention would be limited to a single issue or would be able to deal with any issue it might choose. Related questions dealing with the role of Congress in calling and/or supervising such a convention and with the method of choosing delegates should also be considered.

We urge the Minnesota Legislature to proceed slowly and to consider all the ramifications of a constitutional convention before adopting H.F. 43.

To: Members of Judicial Administration Subcommittee
From: Erica Buffington, Government Co-chair
Re: HF 124
Date: April 13, 1981

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The last constitutional convention, called in 1787 to amend the Articles of Confederation, completely disregarded the purpose for which they were called and proceeded to draft our present Constitution. That same Constitution has weathered almost 200 years quite well and has been used as a model for constitutions adopted by other countries. Since there is no precedent, a constitutional convention today could do anything it had the votes to do. This leads to one of many so far unanswered questions. What kind of convention majority should be required to adopt a proposed amendment? - a simple majority? - two-thirds? - three-fourths? - unanimous? How would delegates be chosen? - allocated by the number of seats in the House? - each state having one vote? - or the electoral college model? Must all applications for a convention on a given issue be submitted to the same Congress? Would such a convention be limited to the single issue for which it was called, or could it deal with any matter the convention chose, thus opening a Pandora's Box and very possibly destroying the Constitution which has served us so well.

We urge the Minnesota Legislature to proceed slowly before adopting HF 124. We must safeguard our hard-won basic freedoms and recognize the evolutionary process by which they have developed. Should we put these basic freedoms at the mercy of an uncharted and very possibly uncontrollable convention, no matter what our views are on a human life amendment or any other single issue which has prompted such resolutions?

# Constitutional Amendment By Convention: An Untried Alternative

CURRENT FOCUS

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 through 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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serious uncertainties surrounding this untried alternative, the drive for an amending convention ran out of steam (although one more state applied, another one withdrew its original application).

Once again, the prospect of an amending convention looms, as groups in some states press their legislatures to ask Congress to call a convention for amending the Constitution to overturn the Supreme Court abortion-rights decision. By April 1978, at least ten states had sent to Congress applications for such an amending convention. Further, resolutions calling for such a convention have been introduced in over twenty other state legislatures. Now, as in the sixties, concerned citizens and legislators are discussing basic questions about this alternative amending process, quite aside from the particular issue involved. Materials published during the sixties controversy are therefore relevant once again.

## Unanswered questions

"The convention route to proposing constitutional amendments is uncharted," as law professor Arthur Bonfield tersely stated (*Michigan Law Review,* 1968). The record of the framers of the Constitution on this amending method is fragmentary. The wording of this alternative in the Constitution is vague. Historical guidelines are virtually nonexistent. It is little wonder that the periodic emergence of the possible use of this method stirs such doubts in experts' minds. The questions that emerge provoke differing answers by legal commentators.

*What constitutes a valid application to Congress by a state legislature for an amending convention?* Scholars don't agree. Some maintain that applications from the state legislatures merely have to be on the same subject or same "grievance." Other experts, however, think that all applications from state legislatures on a subject have to have substantially the same wording in order to be counted by Congress as a call for an amendment on that subject. Nor is there agreement on the specific form of the application, although most experts think this matter should be left up to individual legislatures.

*If the required two-thirds of the state legislatures do adopt a resolution calling for a constitutional convention, is Congress obliged to call one?* Again, experts disagree. Most point to the language of Article V, which says Congress "shall call a convention for proposing amendments" on application of the requisite number of legislatures. However, as one authority noted, if Congress were to fail to call such a convention, redress might not be available in the federal courts, if the courts ruled this a "political" question not suitable for judicial settlement. If that is true, then the only redress for those citizens or legislatures that felt aggrieved would be at the polls when members of Congress are elected.

*Must all applications for a convention on a given issue be submitted to the same Congress (to the 95th, for example)?* This issue of the timeliness of the petitions from the states is also unsettled. Some experts think that the seven-year period sometimes allotted for ratification of an amendment is a suitable outside limit for receipt of the applications by Congress. Others point out that, if Congress itself wants to propose an amendment, it must do so within the two-year life span of a Congress. They feel that proposals from states for a convention should have the same strictures. Still others suggest up to three years, since this is the possible time period required to get a convention application passed by each state legislature, inasmuch as some meet only every other year. The shorter time period places on those seeking a convention the burden of demonstrating the strength of their support.

*If an amending convention were called, could it be limited to a single issue or might it deal with any matter it chose?* In the minds of those concerned that a convention to amend the U.S. Constitution would open up a "pandora's box," this question is perhaps the most critical. As with the other questions, the answer is unclear because the procedure is unused, uncharted and thus, to many, uninviting. Many authorities think that a convention could and should indeed be limited to the subject on which it was called. They reason that it would not be legitimate to open up a constitutional convention to any other topics, because support for those subjects would not have been demonstrated in two-thirds of the states, as required in Article V.

Others think that, once convened, a constitutional convention could not be limited in its scope. Some, such as Yale law professor Charles Black, could imagine no other cause for using this alternative process than the desire for a general convention, since the option of having Congress propose and approve all the "piecemeal" amendments has always proved satisfactory to the needs of the country (*Yale Law Journal,* 1972).

*How would delegates be selected and how would votes in the convention be allocated?* These questions, too, defy easy answers. Most experts agree that delegates to an amending convention would be elected, but by what specific means is not clear. Neither is it clear how the votes in a convention would be allocated. For example, the American Bar Association stated in 1974 that the only equitable apportionment of convention votes would be on the basis of population. They suggested that the standard applied to the allocation of seats in the U.S. House of Representatives would be a useful guide. Others have proposed that each state should have one vote, a method unattractive to those in large population centers. Still others have suggested using the electoral college model, whereby the votes for each state would equal the sum of its senators and representatives. This allocation, of course, would repeat the distortions that exist in the electoral college vote.

*What would be Congress' role in this amending method?* Most scholars would agree that Congress is responsible for weighing the timeliness of various applications and ruling on whether the required number have been received. Many, but not all, experts feel Congress has further supervisory responsibilities in the process as well—to set some procedures for calling and conducting a convention and to specify how and when delegates would be selected, where and when they would meet, how they would submit any agreed-upon amendment to Congress for transmittal to the states for ratification, etc. But the experts do not agree on the specifics of these procedures, nor do they agree on what kind of convention majority should be required to adopt a proposed amendment—a simple majority or two-thirds. They do not even agree about whether Congress or the convention should establish these procedures.

Professor Black wrote in 1972 that no Congress should seek to bind a future Congress by passing a law to establish any of these procedures. He argued that existing political issues at the time should determine how a convention would be set up and what its procedures would be and that only an affected Congress should enact them. Further, he said that to enact procedures for a convention in the abstract would be to invite their use.

The debate over Congress's role vis-a-vis a constitutional convention is not academic. In the 90th and 91st Congresses and again in the 95th, bills have been introduced to establish procedures about a convention. The earlier bills did not muster sufficient support to pass Congress, even during the apportionment controversy.

*Would disputes over calling a convention and over its procedures be reviewable by federal courts?* Again, no agreement exists. Whether the federal courts could rule might depend on the nature of the dispute, who would be bringing a suit, and against whom.

A final thought provides additional perspective on the matter of constitutional change: "The Constitution we now have is much more than the few hundred words of the Philadelphia draftsmen. It is the entire fabric of usage, understanding, political behavior, and statutory implementation, erected on that base and compounded with the glosses of many judicial decisions" (R.M. Carson, *Michigan Law Review,* March 1968). That being the case, it is easy to understand why the possibility of using an amending method never tried in our 200-year history produces a climate of uncertainty and uneasiness. □

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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.)

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*Must all applications for a convention on a given issue be submitted to the same Congress (to the 95th, for example)?* This issue of the timeliness of the petitions from the states is also unsettled. Some experts think that the seven-year period sometimes allotted for ratification of an amendment is a suitable outside limit for receipt of the applications by Congress. Others point out that, if Congress itself wants to propose an amendment, it must do so within the two-year life span of a Congress. They feel that proposals from states for a convention should have the same strictures. Still others suggest up to three years, since this is the possible time period required to get a convention application passed by each state legislature, inasmuch as some meet only every other year. The shorter time period places on those seeking a convention the burden of demonstrating the strength of their support.

*If an amending convention were called, could it be limited to a single issue or might it deal with any matter it chose?* In the minds of those concerned that a convention to amend the U.S. Constitution would open up a "pandora's box," this question is perhaps the most critical. As with the other questions, the answer is unclear because the procedure is unused, uncharted and thus, to many, uninviting. Many authorities think that a convention could and should indeed be limited to the subject on which it was called. They reason that it would not be legitimate to open up a constitutional convention to any other topics, because support for those subjects would not have been demonstrated in two-thirds of the states, as required in Article V.

Others think that, once convened, a constitutional convention could not be limited in its scope. Some, such as Yale law professor Charles Black, could imagine no other cause for using this alternative process than the desire for a general convention, since the option of having Congress propose and approve all the "piecemeal" amendments has always proved satisfactory to the needs of the country (*Yale Law Journal,* 1972).

*How would delegates be selected and how would votes in the convention be allocated?* These questions, too, defy easy answers. Most experts agree that delegates to an amending convention would be elected, but by what specific means is not clear. Neither is it clear how the votes in a convention would be allocated. For example, the American Bar Association stated in 1974 that the only equitable apportionment of convention votes would be on the basis of population. They suggested that the standard applied to the allocation of seats in the U.S. House of Representatives would be a useful guide. Others have proposed that each state should have one vote, a method unattractive to those in large population centers. Still others have suggested using the electoral college model, whereby the votes for each state would equal the sum of its senators and representatives. This allocation, of course, would repeat the distortions that exist in the electoral college vote.

*What would be Congress' role in this amending method?* Most scholars would agree that Congress is responsible for weighing the timeliness of various applications and ruling on whether the required number have been received. Many, but not all, experts feel Congress has further supervisory responsibilities in the process as well—to set some procedures for calling and conducting a convention and to specify how and when delegates would be selected, where and when they would meet, how they would submit any agreed-upon amendment to Congress for transmittal to the states for ratification, etc. But the experts do not agree on the specifics of these procedures, nor do they agree on what kind of convention majority should be required to adopt a proposed amendment—a simple majority or two-thirds. They do not even agree about whether Congress or the convention should establish these procedures.

Professor Black wrote in 1972 that no Congress should seek to bind a future Congress by passing a law to establish any of these procedures. He argued that existing political issues at the time should determine how a convention would be set up and what its procedures would be and that only an affected Congress should enact them. Further, he said that to enact procedures for a convention in the abstract would be to invite their use.

The debate over Congress's role vis-a-vis a constitutional convention is not academic. In the 90th and 91st Congresses and again in the 95th, bills have been introduced to establish procedures about a convention. The earlier bills did not muster sufficient support to pass Congress, even during the apportionment controversy.

*Would disputes over calling a convention and over its procedures be reviewable by federal courts?* Again, no agreement exists. Whether the federal courts could rule might depend on the nature of the dispute, who would be bringing a suit, and against whom.

A final thought provides additional perspective on the matter of constitutional change: "The Constitution we now have is much more than the few hundred words of the Philadelphia draftsmen. It is the entire fabric of usage, understanding, political behavior, and statutory implementation, erected on that base and compounded with the glosses of many judicial decisions" (R.M. Carson, *Michigan Law Review,* March 1968). That being the case, it is easy to understand why the possibility of using an amending method never tried in our 200-year history produces a climate of uncertainty and uneasiness. □

LEAGUE OF WOMEN VOTERS
OF MINNESOTA
PHONE (612) 224-5445
555 WABASHA • ST PAUL, MINNESOTA 55102

# action

CONSTITUTIONAL CONVENTION RESOLUTION

TO: Local League Presidents, Action Chairs

FROM: Erica Buffington, Government Co-chair
Joyce Lake, Action Chair

RE: LWVMN reaction to possible resolutions calling for a Constitutional Convention

DATE: January 14, 1980

There is good reason to believe that a resolution supporting the calling of a constitutional convention to pass an amendment to the US Constitution requiring a balanced federal budget or any other controversial issue may be presented at precinct caucuses this February.

The LWVUS and LWVMN does not have a position on the calling of such a convention -- either in support or in opposition. If you decide to speak on the issue, speak only as an individual and make clear that League has no position. However, there is something that Leaguers can do and this is to raise questions about the seriousness of the prospect of using this method of amending the Constitution and the many unanswered questions about it that constitutional experts have raised.

Thirty-four state legislatures are required to petition Congress in order to call a constitutional convention. As of the spring of 1979 thirty (30) states had passed such resolutions or petitions.

The last constitutional convention, called in 1787, to amend the Articles of Confederation, completely disregarded the purpose for which they were called and proceeded to draft our present constitution. That same constitution has weathered almost 200 years quite well and has been used as a model for constitutions adopted by other countries.

Since there is no precedent, a constitutional convention today could do anything it had the votes to do. This leads to one of many so far unanswered questions. What kind of convention majority should be required to adopt a proposed amendment? -- a simple majority -- two-thirds? -- three-fourths? -- unanimous? How would delegates by chosen? -- allocated by the number of seats in the House? -- each state having one vote? -- or the electoral college model? Would such a convention be limited to the single issue for which it was called or could it deal with any matter the convention chose, thus opening a Pandora's box and very possibly destroying the constitution which has served us so well.

On the matter of requiring a balanced federal budget, more unanswered questions arise. On substantive economic points:

--To what extent would a balanced budget cut inflation?
--Could the federal budget be cut without cutting federal services and programs?
--Would a balanced federal budget requirement limit the government's ability to stabilize the economy, or would it cause or deepen a depression?

On the procedural, constitutional points:

--Will the variously worded state petitions be counted towards the required 34?
--Will the petitions force Congress to send a balanced budget amendment to the

(over)

states for their ratification or to call a constitutional convention?
--If there were to be an amendment, what should it say?

We must safeguard our hard-won basic freedoms and recognize the evolutionary process by which they have developed. Should we put these basic freedoms before an uncharted and very possibly uncontrollable convention, no matter what our views on a balanced budget or any other single issue?

Xerox news release
only for Bd

DEC 11 1978

YWCA

The Women's Center of St. Paul

65 East Kellogg Boulevard St. Paul, Minnesota 55101 612/222-3741

December 7, 1978

League of Women Voters
of Minnesota
555 Wabasha
St. Paul, MN 55102

Dear Madam:

At its November Board meeting, the YWCA Board of Directors took action against a Constitutional Convention. We urge you to study the implications of such an unprecedented convention for which there are no guidelines. Please read the attached press release from the National YWCA and St. Paul's YWCA. We must not allow even a potential erosion of human rights.

Sincerely,

Patricia Harpole

Patricia Harpole
President
YWCA Board of Directors

PH/lm

YWCA

The Women's Center of St. Paul

65 East Kellogg Boulevard St. Paul, Minnesota 55101 612/222-3741

November 29, 1978

Contact: Maura Berres
222-3741

FOR IMMEDIATE RELEASE

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National Board, YWCA Opposes Constitutional Convention as Threat to Civil Liberties and Civil Rights, Asks for Member Opposition Throughout U.S.

Opposition to the calling of a Constitutional Convention as a threat to the Bill of Rights and the 14th Amendment was voted by the National Board of the YWCA at the final session of its meeting in New York City.

More than 60 members of the Board from all parts of the United States went on record as opposing such a Convention, and voted to alert their 400-plus member Associations throughout the country to "oppose vigorously" enabling legislation which may be introduced into their state governing bodies.

Calling for state-level action by member Associations in contacting their state legislators, Sara-Alyce Wright, executive director of the National Board, noted that calling a Constitutional Convention by this means is contingent on approval from 34 states and that 14 states (Arkansas, Delaware, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, Pennsylvania, Rhode Island, South Dakota and Utah) have already voted for it.

Elizabeth Genne', president of the YWCA of the U.S.A., said that while the National Board supports the legal option of abortion as a matter of freedom

- More -

of religion and conscience, its opposition to a Constitutional Convention "is grounded in our even more fundamental concern for the preservation of all our civil liberties and for the elimination of racism." The convention, while being called to propose an amendment outlawing abortion, could not be confined to one issue, she said.

"There are no constitutional or legal guidelines establishing the means of choosing delegates to such a convention, setting the mode of its organization, the funding for it, the time limits on its existence, the scope of its activities, or the rules which would govern it. In the absence of such guidelines, it would be operating in an atmosphere of constitutional crisis."

The National Board envisions that such a convention might to "irreparable harm to the fundamental structure of our society and might destroy many of the gains so painfully won in the long struggle of blacks and other minority citizens for full equality under the law."

The Board of Directors of the St. Paul YWCA resolved, at its meeting on November 20, to support the position of the National YWCA in opposing a Constitutional Convention. Board members suggested the following actions be taken to express concern on this issue: (1) letters to the Minnesota State Legislature; (2) letters to other women's organizations and any other groups concerned with human rights; (3) letters to all Minnesota state YWCAs; (4) informing the YWCA membership through its Newsletter; (5) monitoring the Minnesota State Legislature for discussion on this issue; and (6) organizing a strategy group to coordinate any action taken by the St. Paul YWCA.

Anyone interested in joining the St. Paul YWCA to oppose this issue can call Maura Berres, 222-3741.

# # #

League of Women Voters of the United States 1730 M Street, N.W., Washington, D. C. 20036 Tel. (202) 296-1770

# memorandum



TO: State and Local League Presidents

This is going on DPM

FROM: Judith B. Heimann, Government Director

DATE: April 1978

RE: CURRENT FOCUS Constitutional Amendment by Convention: An Untried Alternative

The enclosed CURRENT FOCUS deals with questions raised by the prospect of amending the U.S. Constitution through convention called on application of 2/3 of the state legislatures.

Many Leagues have expressed concern about efforts in their states to pressure the state legislatures to apply to Congress for a constitutional convention. The supporters of this method of amending the Constitution are usually motivated by a single issue, such as the federal government's deficit spending or the Supreme Court's decision on freedom of choice for women in deciding about abortions. Leagues that have expressed concern about the prospect of a single-issue amending convention -- whatever the issue -- have asked us whether there is any national League position that they can use to oppose calls for such a convention. The answer is no. There is no national position on calling for a convention -- either in support or in opposition.

However, there is something that Leagues can do (as some already have) and that is to raise questions in their communities and states about the seriousness of the prospect of using this amending method and the many unanswered questions that constitutional experts have raised. Asking basic questions is a citizen education function that the League is ideally suited for.

We recognize that not every state faces this issue. However, you may want to know that as of April 1, at least ten states have applied to Congress for an amending convention on the abortion issue: Arkansas, Indiana, Kentucky, Louisiana, Massachusetts, Missouri, New Jersey, Rhode Island, South Dakota, and Utah. Pennsylvania may soon be added to the list. This CURRENT FOCUS will be a useful guide for discussion of the issue, either publicly or for individual reference for interested citizens.

Please let us hear from you if you have any further questions.

File


# LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445


Testimony presented to the
House Judiciary Subcommittee
by Joyce Lake, Lobbyist
League of Women Voters of Minnesota

The League of Women Voters does not have a position on calling a constitutional convention, either in support or opposition. However, we do have some concerns and questions that have not been adequately answered by the proponents of a constitutional convention.

The last constitutional convention, called in 1787 to amend the articles of confederation, completely disregarded the purpose for which they were called and proceeded to draft our present constitution. That same constitution has weathered almost 200 years quite well and has been used as a model for constitutions adopted by other countries. Since there is no precedent, a constitutional convention today could do anything it had the votes to do. This leads to one of many so far unanswered questions. What kind of convention majority should be required to adopt a proposed amendment? - a simple majority? - two-thirds? - three-fourths? - unanimous? How would delegates be chosen? - allocated by the number of seats in the House? - each state having one vote? - or the electoral college model? Would such a convention be limited to the single issue for which it was called or could it deal with any matter the convention chose, thus opening a Pandora's Box and very possibly destroying the constitution which has served us so well.

We urge the Minnesota Legislature to proceed slowly before adopting H.F. 43. We must safeguard our hard-won basic freedoms and recognizing the evolutionary process by which they have developed. Should we put these basic freedoms at the mercy of an uncharted and very possibly uncontrollable convention, no matter what our views on a balanced budget or any other single issue which has prompted such resolutions?