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from Illinois. I must say that I admire the gentleman's persistence in what I hope will be a continued dead issue.

I certainly do not intend to degrade the memory of the distinguished late Senator from Illinois. Last year, despite the objections of a number of my fellow Hoosiers here in the House, an amendment was passed designating the "Paul H. Douglas Indiana Dunes Lake Shore." Fortunately, it died in the Senate.

There surely is a more appropriate memorial to Senator Douglas—perhaps in his own beloved State of Illinois.

I am confident that my colleagues from Indiana here in the House as well as in the other body will work in concert to oppose this Illinois intrusion on the work of hundreds of Indiana Hoosiers who labored long and hard to establish the dunes.

In the event this bill should surface, Indiana will seek reciprocity from the Illinois gang. I would offer a resolution renaming the windy city of Chicago in honor of one of Indiana's famed Senators. Under this proposed resolution Chicago would become Hartke, Ill., in honor of Senator Vance Hartke who served the people of Indiana in the other body for 18 years.

Surely renaming the Indiana Dunes has nothing to do with building President Carter's New Foundation. Therefore, I would expect him to veto it should it reach his desk. Failing this, we would launch our effort to rename Chicago.

**A CONSTITUTIONAL AMENDMENT TO REQUIRE A BALANCED FEDERAL BUDGET**

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, today many Americans are worried—and rightfully so—about the cost of living. They are concerned whether they will have enough money to buy groceries, whether they can afford a decent home and, after a lifetime of saving, whether they can even afford to retire.

I think most of us would agree that bringing inflation under control is one of the top priorities facing the 96th Congress. However, I would submit that anything short of decisive action on our part will fail to accomplish this goal.

Today, I am introducing a constitutional amendment which would require a balanced Federal budget. My amendment would phase in a balanced budget over 3 years by setting the maximum deficit at \$15 billion the first year, at \$10 billion the second year, and at \$5 billion the third year. Any subsequent deficit could only occur in times of war or national emergency—and then only with a two-thirds vote of both the House and Senate for each and every deficit year.

Even though recent polls show that an overwhelming majority of those surveyed favor a balanced budget, many State legislatures, with an eye toward the fate of similar balanced budget proposals in the past, are skeptical about the willingness of Congress to live within its means. To date, 24 States have joined

in calling for a constitutional convention to draft such an amendment and submit it to the States for ratification. Although I was instrumental in getting a resolution of this nature through the Colorado Legislature last year, clearly the better route would be for Congress to draft and pass a constitutional amendment mandating a balanced Federal budget.

I hope that my other colleagues agree with me that inflation is public enemy No. 1 and, therefore, support this amendment.

**A CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS OF OFFICE**

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remark.)

Mr. SHUMWAY. Mr. Speaker, today I am introducing a joint resolution proposing a constitutional amendment providing for the limitation of congressional terms of office, and for the lengthening from 2 to 4 years of the terms of Members of Congress. My proposal would limit Senators to two terms of 6 years each; Representatives to three terms of 4 years each.

The fact that a great number of similar proposals have been introduced in recent years, particularly during the 94th and 95th Congresses, and that many will undoubtedly be offered during the 96th Congress, is indicative of the increasing recognition by those of us in the Congress that, more and more, our constituents feel their interests could be more effectively and responsively represented if the terms of their officials in Washington were limited. In 1977, the Gallup poll showed that fully 60 percent of the American people supported such a measure. During my campaign for Congress this past year, I asked the people of California's 14th District for their views on this question; 67.5 percent responded that all Congressmen should be limited to 12 years in office. Even more conclusively, 73.2 percent asserted that most Congressmen have lost touch with the people back home.

Throughout the 19th century, it was quite uncommon for a Member of the House to serve for more than two terms. It was not until 1901 that, for the first time, less than 30 percent of the incoming Congress were not freshmen. In the years since, the average length of service has increased to the point where, today, the mean length of service is about five terms. While there may be some justification for the longer periods of service in this century because of the rise of the committee system and the increasing variety and complexity of the legislative issues taken up by Congress, it is also true that the perception of Congress as a desirable and attractive permanent career has grown dramatically. And it is for many of the same reasons that service in Congress has become so attractive that the American people have, to a large degree, lost faith in the ability and willingness of Congress to truly represent their best interests.

The demise of the committed citizen legislator is a serious threat to our tradition of representative democracy. Our Founding Fathers viewed the Congress as a body in which citizen legislators established the laws by which they and their fellow citizens chose to abide. It was not expected that individuals elected to Congress would remain in Washington for years on end; rather, it was felt that service in the Congress would be the same as a duty—not necessarily a pleasant one, but important if the experiment in democracy were to succeed.

We have strayed from this concept. Life as a Congressman has become so attractive that it has become increasingly difficult for us to remember just why we are here. Longevity in Washington has, in many instances, become an end in itself. My suggestion that the length of service be limited by law would, I believe, contribute to a revitalization of the Congress—a revitalization which is crucial given the problems and issues with which we are confronted today—while, at the same time, insuring that Members are closely attuned to the needs of our constituents.

Twelve years is time enough for any one of us to make our mark in Washington, to make the kind of contribution to the course of our Nation's affairs that our forefathers intended. While it can be argued with some justification that such a limitation would prematurely end the contributions of a few exceptional legislators—and the roll of those who have been outstanding Members of Congress for 12, 30, and even 40 years includes many of the leading figures in the history of our Nation—I nevertheless would argue that my proposal would provide an opportunity for many more outstanding Americans to apply their energy and talents for the benefit of their country than would otherwise be the case.

The most important reason for limiting the congressional term of office is, of course, to restore the confidence of the American people in Government. By providing for the regular turnover of congressional membership, we can make a lasting contribution in this area. Members of Congress would be chosen by their fellow citizens to represent them on a temporary basis—and would then return home to pursue their various chosen careers. We are American citizens first, Congressmen second—and the American people have every right to expect that we understand this basic fact.

We in Washington are not here to accumulate personal power. Nevertheless, given the nature of our responsibilities, our influence can be great. Unfortunately, such power and influence has, in recent years, all too often been abused. I can make no greater argument for urging my colleagues to support my resolution than to recall the words of James Madison who wrote in the *Federalist Papers*:

It is a received and well-founded maxim, that where no other circumstances affect the case, the greater the power is, the shorter ought to be its duration.

In conjunction with limiting the length of service in both the House and Senate, I am proposing that the con-

gressional term of office be increased from 2 to 4 years. My resolution provides that the House be divided into two classes, each to be elected alternately.

The requirement that we run for reelection every 2 years means most of us must begin campaigning almost immediately upon our initial elections. Given the burden of the legislative workload, as well as the many other demands on our time, such a requirement can only detract from the quality of service we are able to offer our constituents. Further, the congressional process is increasingly intricate and requires that a great deal of time be devoted to attaining a sufficient familiarity with it. A 4-year term, I believe, can satisfy these requirements; the 2-year term is, in most cases, just too short. In order to most effectively represent our constituents, we must have adequate opportunity to consider closely, evaluate, and then proceed—all with due caution and reflection.

The American people have demanded, and certainly deserve, an improvement in the quality of the work of Congress. They demand reform and, according to all the surveys of public opinion with which I am familiar, overwhelmingly support the 4-year term. My proposal is an attempt to meet this demand.

Mr. Speaker, recently I was honored for the first time with election to Congress. Throughout my campaign, the message I received most consistently and clearly from the people of the 14th Congressional District of California was that Congress was "out of touch," was "not in tune" with their problems and concerns. They believe their representatives should serve in Washington for a period long enough to make a contribution, but not for so long that they are forgotten. They also ask that, having invested their trust in us, that it not be abused—but, rather that they receive a fair return on their investment. The 4-year term would enhance this return.

Mr. Speaker, I would urge my colleagues to heed the voice of the people, and work to make Congress more responsive to it. The American people deserve no less. I believe my resolution is a needed step in this direction.

#### RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER laid before the House the following resignation from the Committee on Science and Technology:

WASHINGTON, D.C.,  
January 29, 1979.

HON. THOMAS P. O'NEILL,  
Speaker, House of Representatives,  
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: Since there has been some confusion regarding my committee assignments, I am enclosing copies of correspondence in which I indicated my preferences. Please see especially my letter dated December 7, 1978, in which I stated my desire to serve only on the Committee on Banking.

Therefore, I wish to resign as a member of the Committee on Science and Technology for the 96th Congress. I know that as a result of my resignation, I will forfeit my

seniority on the Science and Technology Committee.

Thank you very much for your help with this matter:

Best wishes,

STEPHEN L. NEAL,  
U.S. Congressman.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

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#### RESIGNATION AS MEMBER OF COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation as a member of the Committee on the District of Columbia:

WASHINGTON, D.C.,  
January 30, 1979.

HON. THOMAS P. O'NEILL, JR.,  
The Speaker, House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: Because of the extremely heavy demand on my time as Chairman of the NATO Subcommittee, and my other committee and legislative responsibilities, I will appreciate your accepting my resignation from the District of Columbia Committee.

I feel that it would be unfair to the other members, as well as the people of the District of Columbia, for me to continue to serve on the D.C. Committee.

It has been a pleasure for me to work with the members of that committee, and with the staff.

With kind regards,  
Very sincerely,

DAN DANIEL.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

#### RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

WASHINGTON, D.C.,  
January 30, 1979.

HON. THOMAS P. O'NEILL, JR.,  
Speaker of the House of Representatives,  
The Capitol.

DEAR MR. SPEAKER: As you no doubt are aware, earlier today the Democratic Policy and Steering Committee nominated me to fill the 25th vacancy on the Small Business Committee. As I had indicated to you, this assignment was my first preference for a secondary committee assignment. Therefore, I am delighted!

It is my understanding that I must submit to you my letter of resignation from the Veterans' Affairs Committee for transmittal to the House leadership and to Chairman Roberts. I have already personally discussed with Chairman Roberts the reasons for my leaving his committee, and while I never served as a standing member of the committee I was honored to have been chosen as a member of that body. Nevertheless, I feel that I will be much more effective to both my constituents and our country as a member of the Small Business Committee. I hope you will consider this resignation.

Should you need any further information or documentation from me to finalize resignation from the Veterans' Affairs Committee, please do not hesitate to advise me immediately.

Again, thank you for your assistance in helping me to obtain this assignment.

With warmest regards,  
Sincerely,

TONY P. HALL,  
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

#### DESIGNATING MEMBERSHIP ON CERTAIN STANDING COMMITTEES

Mr. FOLEY. Mr. Speaker, as chairman of the Democratic Caucus and by the authority of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 78) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 78

Resolution designating membership on certain standing committees of the House

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on the District of Columbia: GEORGE THOMAS (MICKEY) LELAND, Texas. Committee on Education and Labor: DON BAILEY, Pennsylvania.

Committee on International Relations: DAVID R. BOWEN, Mississippi; FLOYD J. FITHIAN, Indiana.

Committee on Judiciary: ABNER J. MIKVA, Illinois; MICHAEL D. BARNES, Maryland; RICHARD C. SHELBY, Alabama.

Committee on Post Office and Civil Service: DONALD JOSEPH ALBOSTA, Michigan.

Committee on Science and Technology: STANLEY LUNDINE, New York; ALLEN E. ERTEL, Pennsylvania; KENT HANCE, Texas.

Committee on Small Business: TONY P. HALL, Ohio.

Committee on Standards of Official Conduct: CHARLES E. BENNETT (chairman), Florida; LEE H. HAMILTON, Indiana; RICHARDSON PREYER, North Carolina; JOHN M. SLACK, West Virginia; MORGAN F. MURPHY, Illinois; JOHN P. MURTHA, Pennsylvania.

Mr. FOLEY (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER pro tempore (Mr. STUDS). Is there objection to the gentleman from Washington?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

WASHINGTON, D.C.,  
January 31, 1979.

HON. THOMAS P. O'NEILL, JR.,  
The Speaker, House of Representatives,  
U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to advise you that I wish to resign from my assignment on the Committee on the Budget.

Sincerely yours,

JOHN J. DUNCAN,  
Member of Congress.

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Commerce of the United States; and Dr. Rudy Oswald, director, department of research, AFL-CIO.

On Friday, February 9, 1979, the committee shall hold hearings in both the morning and the afternoon. At 10 a.m., the committee shall hear the testimony of two witnesses: The Honorable Alfred Kahn, Chairman, Council on Wage and Price Stability; and Dr. Barry Bosworth, Director, Council on Wage and Price Stability. On Friday afternoon beginning at 3 p.m. the committee shall hear the testimony of three witnesses: Mr. Donald V. Seibert, representative, the Business Roundtable; Mr. William J. Brodbeck, representative, National Association of Retail Grocers of the United States; and Mr. Boris H. Block, secretary/treasurer, United Electrical Workers.

Anyone interested in obtaining additional information about the committee's hearings should contact Steven M. Roberts, chief economist for the committee, at 224-7391.

SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT

● Mr. CRANSTON. Mr. President, the hearings before the Subcommittee on Child and Human Development, which I announced on January 23 will be held on child care (S. 4) on February 6 and 21, and on the ACTION Agency reauthorization (S. 239) on February 8, will begin on those dates at 9 a.m. and not at 9:30 a.m. as previously announced.●

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

● Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on Taxation and Debt Management of the Senate Committee on Finance will hold a hearing on February 5, 1979, on the status of foreign debts owed to the United States.

The hearings will begin at 10 a.m. in room 2221 of the Dirksen Senate Office Building. Witnesses to testify are Mr. C. Fred Bergsten, Assistant Secretary of the Treasury for International Affairs, and Mr. Julius Katz, Assistant Secretary of State for Economic and Business Affairs.

In January 1977, similar subcommittee hearings were conducted and, at that time, foreign debt owed the United States was over \$60 billion.

The subcommittee would be pleased to receive written testimony from those persons or organizations who wish to submit statements for the record. Statements submitted for inclusion in the record should be typewritten, not more than 25 double-spaced pages in length and mailed with five copies by March 9, 1979, to Michael Stern, Staff Director, Committee on Finance, room 227 of the Dirksen Senate Office Building, Washington, D.C. 20510.●

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

● Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on Taxation and Debt Management of the Senate Committee on Finance will hold a hearing on the administration's request to increase the statutory debt ceiling.

The Honorable W. Michael Blumenthal, Secretary of the Treasury, and Mr. James T. McIntyre, Director of the Of-

fice of Management and Budget, will testify on the public debt at 9:30 a.m., Tuesday, February 6, 1979, in room 2221, Dirksen Senate Office Building.

The permanent debt limitation under present law is set at \$400 billion, with a temporary additional limit of \$398 billion. The debt limit of \$798 billion is due to expire March 31, 1979.

The subcommittee would be pleased to receive written testimony from those persons or organizations who wish to submit statements for the record. Statements submitted for inclusion in the record should be typewritten, not more than 25 double-spaced pages in length and mailed with five copies by March 1, 1979, to Michael Stern, staff director, Committee on Finance, room 2227, Dirksen Senate Office Building, Washington, D.C. 20510.●

COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JACKSON. Mr. President, I would like to announce that the oversight hearing scheduled before the Committee on Energy and Natural Resources for Monday, February 5, 1979, at 10 a.m., on surface mining regulations, issued by the Department of the Interior, has been canceled.●

COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JACKSON. Mr. President, I would like to announce that the Committee on Energy and Natural Resources has scheduled hearings to evaluate the impact of the President's proposed budget for fiscal year 1980 on Federal programs and activities under the jurisdiction of the committee.

On February 7, 1979, Secretary of Energy James Schlesinger will appear before the committee to discuss the impact of the proposed budget on Federal programs of the Department of Energy.

On February 8, 1979, Secretary of the Interior Cecil D. Andrus and Assistant Secretary of Agriculture Malcolm Cutler will appear to discuss the proposed budget impact on the programs and activities of the Departments of the Interior and Agriculture.

Each of these meetings will take place in room 3110 of the Dirksen Senate Office Building, at 9:30 a.m.

Anyone wishing information about these hearings should contact Richard Grundy, senior professional staff member for energy at 202-224-9894.●

SUBCOMMITTEE ON ENERGY CONSERVATION AND REGULATION

● Mr. JOHNSTON. Mr. President, on Monday, February 5, 1979, the Subcommittee on Energy Conservation and Regulation of the Committee on Energy and Natural Resources will hold a hearing on the Department of Energy's plans for emergency energy conservation and gasoline rationing. The hearing will commence at 10 a.m. in room 3110, Dirksen Senate Office Building.

There is a clear danger that the current situation in the Middle East could worsen, and, if it does, the United States will suffer petroleum shortages. The Secretary of Energy has discussed this situation in a general way in hearings before the Committee on Energy and Natural Resources on January 17, 1979. At these hearings, the Secretary alluded

to various energy demand restraint measures which could be imposed to reduce domestic petroleum consumption in the event of a supply shortage. These measures included service station closings and, ultimately, gasoline rationing.

In my opinion, it is time that the Congress focused its attention on these measures. Emergency conservation plans were published in the Federal Register by the Ford administration on May 28, 1976. We have heard nothing more about them since. The Carter administration rewrote the gasoline rationing plan last year and published their proposed plan on June 28, 1978. Any of these plans, if implemented, would have a traumatic impact on the everyday lives of millions of Americans. It is, therefore, essential that we realize that, first, these plans may be imposed and second, that we have a responsibility to examine them very carefully. This is the purpose of the hearing on February 5. It will initiate a process which I hope will lead to a recognition of the seriousness of our energy situation and of the need for creative attention to devising reasonable solutions to our vulnerability to energy shortages.

Questions about this hearing should be addressed to Benjamin S. Cooper or James T. Bruce of the subcommittee staff at 224-9894.●

ADDITIONAL STATEMENTS ✓

SENATE JOINT RESOLUTION 10—  
CONSTITUTIONAL AMENDMENT  
TO BALANCE THE BUDGET

● Mr. ROTH. Mr. President, I am proud to once again sponsor legislation calling upon the Congress to initiate a constitutional amendment to balance the budget, specifically Senate Joint Resolution 10 introduced by Senator MCCLURE.

In the 94th and 95th Congresses, when I first supported a constitutional amendment to balance the budget, the issue was not very popular. During the past 4 years, however, State legislatures have supported the movement to urge the Congress to pass a constitutional amendment to balance the Federal budget. Twenty-four States have passed legislation calling for such a plan, with more State legislatures considering the question. I am proud to say that my own State of Delaware endorsed the plan in February 1976. It is reinforcing to see that a balanced budget amendment has been growing in popular appeal to such an extent that it is now embraced by a "born again" Gov. Jerry Brown.

Twenty-four States have sent a message to the Congress—the American people are fed up with runaway inflation and the Government's response: "Spend now and the people will pay later." The legislation I am sponsoring gives the Congress an opportunity to affirmatively respond to this message.

It has been 11 years since we have seen a budget surplus. It is even more frightening to look at the figures for the last 50 years—42 deficits, only 8 surpluses.

An impartial observer would be hard pressed to find evidence in such a sad

ate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed \$1,429,200, of which amount (1) not to exceed \$17,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practical date, but not later than February 29, 1980.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for disbursement of salaries of employees paid at an annual rate.

**SENATE RESOLUTION 44—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF "STUDY ON FEDERAL REGULATION, FRAMEWORK FOR REGULATION, APPENDIX TO VOLUME VI"**

Mr. RIBICOFF submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. RES. 44

*Resolved*, That the committee print of the Committee on Governmental Affairs entitled "Study on Federal Regulation, Framework for Regulation, Appendix to Volume VI" be printed as a Senate Document, and that there be printed four hundred and fifty additional copies of such document for the use of that committee.

**SENATE RESOLUTION 45—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF "STUDY ON FEDERAL REGULATION, VOLUME VI, FRAMEWORK FOR REGULATION"**

Mr. RIBICOFF submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. RES. 45

*Resolved*, That the committee print of the Committee on Governmental Affairs entitled "Study on Federal Regulation, Volume VI, Framework for Regulation" be printed as a Senate Document, and that there be printed one thousand additional copies of such document for the use of that committee.

**SENATE RESOLUTION 46—SUBMISSION OF A RESOLUTION OF DISAPPROVAL OF PROPOSED BUDGET AUTHORITY FOR THE COLUMBIA DAM AND RESERVOIR**

Mr. SASSER submitted the following resolution, which was referred to the Committee on Appropriations, the Committee on the Budget, and the Committee on Environment and Public Works, jointly, pursuant to order of January 30, 1975:

S. RES. 46

*Resolved*, That the Senate disapproves the proposed deferral of budget authority (Deferral No. D 79-52) for payment to the Tennessee Valley Authority Fund of \$15,000,000 for the Columbia Dam and Reservoir set forth in the special message transmitted by the President to the Congress on January 31, 1979, under section 1013 of the Impoundment Control Act of 1974.

**SENATE RESOLUTION 47—SUBMISSION OF A RESOLUTION RELATING TO THE FIRST CONCURRENT RESOLUTION ON THE BUDGET FOR 1980**

Mr. ROTH (for himself, Mr. DANFORTH, Mr. LUGAR, Mr. PROXMIRE, and Mr. STONE) submitted the following resolution, which was referred to the Committee on the Budget:

S. RES. 47

*Resolved*, That it is the sense of the Senate, that the first concurrent resolution on the budget for fiscal year 1980 reported by the Committee on the Budget of the Senate should set forth—

(1) an appropriate level of total budget outlays which is at least \$10,000,000,000 less than the total budget outlays proposed in the Budget submitted by the President for such fiscal year, and an appropriate level of total new budget authority necessary, together with other action recommended by the Committee, to achieve such reduction in total budget outlays.

● Mr. ROTH. Mr. President, on behalf of the Save Our Bucks (SOB) Task Force, I am submitting a Senate resolution calling on the Senate Budget Committee to establish in the first concurrent resolution on the budget that the appropriate level of total budget outlays be \$10 billion less than in the President's budget. This proposal calls for a 2-percent reduction in the President's budget for fiscal year 1980.

When I entered Government service in 1967, the Federal outlays were \$158.2 billion. This year's proposed outlays of \$532 billion indicate the runaway growth in the size and cost of the Government. Since 1967, Federal budget outlays have increased by an astonishing 237 percent.

Largely as a result of this increased spending, we now find ourselves faced with the difficult problem of inflation.

The budget approved last year was the highest in our Nation's history—\$494 billion. This year, the President's budget will set a new record—it calls for an increase to \$532 billion. This is an increase of 7.7 percent.

Last October, the President told the American people something they have known for a long time. The Government is a major cause of inflation. The President promised that the Government would "take the lead in fiscal restraint."

Now it is time for the President to practice what he preaches. It is time for the President to enforce his anti-inflationary measures on the Federal Government. If the President can tell the American people how much money they can earn, then the American people can tell the President how much of their hard-earned money the Government can spend.

The President was correct in saying that Government spending sets an example. I think a 7.7-percent increase in

1 year is the worst example we could have. It is an insult to the American people to demand in one breath that wages increase by less than 7 percent, and in another breath announce that the budget will increase by over 7 percent.

That is why I am proposing that the President's budget be reduced by an additional \$10 billion. In so doing, the budget would total \$522 billion, an increase of only 5.6 percent. If the President is serious about the Government setting an example, and I hope he is, then the best example I know of would be for the President's budget to be significantly below the 7-percent limit on wages the President has demanded of the American people.

For those who would criticize this reduction as being overly excessive, I would like to point out that it represents a 2-percent reduction from the President's proposed budget. I find it hard to believe that we cannot cut the President's budget by at least 2 percent. I am afraid to think of the consequences if we do not cut the President's budget.

Another advantage to my proposal is its relationship to the GNP. The President has set an ultimate goal that Federal outlays will not exceed 21 percent of the GNP. However, the President's budget would exceed the GNP by 21.2 percent. This proposed budget would be below the 21-percent goal, with budget outlays being 20.8 percent of the GNP.

For years the Government has been throwing money at our Nation's problems, and when that did not work the solution was to throw more money at our problems. In doing so, we have contributed to the biggest problem in this country—inflation.

I believe Government must begin to clean up its own house before it has any right to look the American people in the eye and demand that they cut back. Cutting the President's budget by \$10 billion is an important step in that direction.●

**NOTICES OF HEARINGS**

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, the Committee on Banking, Housing, and Urban Affairs will hold hearings on February 8 and 9, 1979 to consider legislation on the extension of the Council on Wage and Price Stability and an increase in authorization for the current year and the next 2 years. The hearings will be held in room 5302 of the Dirksen Senate Office Building.

That is a critical hearing and I am sure Members of the Senate will be interested in it, whether they are on the committee or not.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, on Thursday, February 8, 1979, the committee shall hold hearings at 10 a.m. and shall hear the testimony of three witnesses: The Honorable Henry C. Wallich, member, Board of Governors of the Federal Reserve System; Dr. Jack Carlson, chief economist, Chamber of

record indicating a Government concerned about excessive spending and doing something constructive about it.

Every year, the President and the Congress lose more control over ever-increasing budgets which result in an ever-increasing Federal debt. The budget approved last year was the highest in our Nation's history—\$494 billion. This year, the President's budget set a new record—it calls for an increase to \$532 billion.

Even more astonishing, the President's budget increases the national debt to almost \$900 billion—a \$900 billion debt which the American taxpayer is carrying on his shoulders. When I entered Government service in 1967, the American people were paying \$12.5 billion in interest alone on the Federal debt. By 1975, they were spending \$30 billion. We have now reached the sad state where the American people will be paying \$57 billion for the interest alone if the President's fiscal year 1980 budget is adopted. Even more outrageous, this \$57 billion ranks as the third highest spending program in the country. We only spend more on income security and national defense.

Whenever one talks of cutting back on Government spending, the critics inevitably start protesting that such measures are reckless, irresponsible, and a blow to representative government. Upon closer inspection, I find that those yelling the loudest have been receiving the most money from the Government.

We must ask ourselves when and where it will stop. It should have stopped long ago, but it did not. I am convinced that without the proper discipline, without a constitutional amendment calling for a balanced budget, it will not stop now. I am convinced that if the Congress and the President are compelled to face the issue, are compelled to balance the budget, then and only then will we have a balanced budget.●

#### THE DEATH OF NELSON A. ROCKEFELLER

● Mr. MUSKIE. Mr. President, I want to say a few words today about my friend Nelson A. Rockefeller. Nelson Rockefeller and I shared as many common experiences as we had differences. We were both in the State of Maine. We both were elected Governor. And we both aspired to the Presidency of the United States.

Nelson was born of great wealth. It bought him time. He devoted that time to the public service. He was, as much as any man I know, absolutely dedicated to the public service. He genuinely cared about the quality of our Government, the services Government provides and the opportunities available to the American people.

I knew Nelson best in the years in which we served together on the National Commission on Water Quality. That service began when he was Governor of New York and ended during his Vice Presidency. We disagreed from time to time but never with each others' motivation. Nelson brought the same enthusiasm and ardor to the efforts of that Commission as he did to everything else. He expected that the sheer force of his

effort and his personality would shape the outcome of the Commission, and to a large extent, it did.

He brought that same degree of commitment to the State of New York and to his national political effort. Nelson Rockefeller was a progressive in a party which vigorously promotes the status quo. As such, he was denied the chance to serve his country from the position in which he would have felt most effective.

As a Democrat I took some comfort, at the time, in the fact that he was denied the opportunity to create what surely would have been another great American political dynasty. As a friend and an admirer I feel a sense of sadness that this man did not have his chance at the helm.

Mr. President, I ask that two articles by the Associated Press in Maine, and an editorial in the Portland Press Herald of Tuesday, January 30, 1979, be printed in the RECORD.

The material follows:

#### ROCKEFELLER LOSS AFFECTS MAINE TOWN

(By John Halvorsen)

SEAL HARBOR.—The death of Nelson Rockefeller was felt especially keenly in this tiny community on Mt. Desert Island where he was born, later built a magnificent home and returned each summer.

Three generations of Rockefeller's have had ties to Maine, and the year-round residents of the area, many of them employees or former employees of the family, knew Nelson Rockefeller as a friendly, open man.

He was "an awful nice fella—everybody spoke well of him. He should have been president," said Harry Fernald, 77, who retired as Rockefeller's gardener seven years ago.

"Wonderful. The whole family was wonderful," said Robert F. DeRevere, 89, who worked for the Rockefeller family for 56 years, both at Tarrytown, N.Y., and Seal Harbor.

DeRevere's son, Robert E. DeRevere, who runs a garage in Seal Harbor, said townsfolk "regard the whole Rockefeller family as being a pretty model family . . . They did supply a good amount of work here on the island, kept the economy well-bolstered here for years."

Rockefeller's death "is going to be a real blow to this town," said Christia L. Skillin, who runs the only restaurant, which Rockefeller often visited in the last 20 years.

"He was a very nice man. We thought very much of him," Mrs. Skillin added. "He didn't make you feel as if he thought he was any better than you were."

His father, John D., Jr., had built a 99-room house long before, "The Eyrie," but it was torn down in the 1960s. The elder Rockefeller also donated 7,000 acres of land to create nearby Acadia National Park.

When Rockefeller built his own house, known as "The Anchorage," he is said to have stood on a point and told the architect, "I want this view and this one and this one."

The 21-room stone and glass house, viewed as ultramodern at the time, includes a doublelevel living room, a banquet-sized dining room, a balcony jutting out over the ocean, and a master bedroom with a ship ladder down to the heated ocean-water swimming pool.

Besides sailing and relaxing at his summer home, Rockefeller used it to host several fundraising events for the Maine GOP. In 1967 he put his private art collection, housed in a converted coal wharf at Seal Harbor, on public display for the first time.

He was vacationing here in August 1974 when he learned President Gerald R. Ford wanted him to be vice president.

Last spring, Rockefeller put the house up for sale. It was offered through Sotheby Parke Bernet Galleries of New York for "around \$1 million." But several local residents said they heard it had later been taken off the market.

Rockefeller's brother David, president of the Chase Manhattan Bank, and other relatives still have houses here.

Some of those who knew Rockefeller best still guard his privacy in death as they did when he was alive. One caretaker at his estate declined comment, and a man at the Seal Harbor General Store, who talked with Rockefeller "for sure last August," offered an explanation:

"Seal Harbor's a very private residential community, and we guard each other's privacy very jealously."

But others were less reticent. Nelson Leland, a retired school guidance counselor who is five years younger than Rockefeller, recalled playing with him on the town beach as youngsters. "You always felt special to be with a millionaire."

Leland's mother, now 86, was executive housekeeper for John D. Jr., "and when he died, she stayed there with Nelson and Happy." And when she retired, the Rockefeller family "gave her a new car and a year's salary. Anybody who worked for the Rockefeller's got a fine pension."

Leland recalls that Rockefeller "donated generously to the hospital fund, the library fund—anything that came up, he was right there. \* \* \*"

Rockefeller's fellow politicians remembered him, too. To former Maine Republican chairman John R. Linnell of Auburn, Rockefeller was "a very vibrant person to be around. He was full of enthusiasm" and "he could transmit his enthusiasm to other people."

Robert A. G. Monks of Cape Elizabeth, also a former state GOP chairman, was struck by Rockefeller's "sheer energy and gusto. Just extraordinary."

"I couldn't believe it when I read in the paper (of his death)," Monks added. "It's almost as if, with Rocky's energy, if he were going to die, he'd decide when and let us all know . . . He seemed to have a capacity to create his own reality."

Monks praised Rockefeller as a man "who was very committed to trying to make things work in America."

Gov. Joseph E. Brennan said Rockefeller "will be remembered for his life-long commitment to strengthening America's stature in the world community, a goal he pursued as both a public servant and a private citizen."

"He was a man of great wealth and privilege who chose to offer himself for public service when he could have followed more comfortable and less frustrating pursuits. He'll be remembered as a statesman and a patron of the arts. We of his native state join the rest of the nation in mourning his loss."

#### ISLANDERS REMEMBER ROCKY'S GENEROSITY

SEAL HARBOR, MAINE.—Nelson Leland remembers the two dozen roses Nelson Rockefeller gave Leland's mother one Christmas, and the big donations he made to the local hospital and library funds.

Robert E. DeRevere, who runs a garage in Seal Harbor, recalls how the Rockefeller clan helped "supply a good amount of work here on the island" by hiring dozens of people like his own father, who worked for the Rockefellers for more than 50 years.

And Christia Skillin remembers simply that Nelson Rockefeller, in numerous visits to her restaurant—the only one in town—"didn't make you feel as if he thought he was any better than you were."

Three generations of Rockefellers have had ties to this tiny community on Mount Desert Island, touching the lives of dozens of

local residents. The death of Nelson Rockefeller, whom they knew as a friendly, open man, had a particular impact on them.

He was "an awful nice fella—everybody spoke well of him. He should have been president," said Harry Fernald, 77, who worked as a gardener for Rockefeller.

Leland, a retired school guidance counselor, five years younger than Rockefeller, recalled playing with the future vice president on the town beach as boys. Despite the Rockefellers' wealth, I don't think we ever felt resentful."

Leland's great-aunt worked as executive housekeeper for about 40 years for Nelson's father, John D. Rockefeller, Jr. When she died, Leland's mother took over as executive housekeeper for John D. Jr. and his new wife. When he died, my mother stayed with Nelson and Happy."

When his mother, now 86, retired, the Rockefellers "gave her a new car and a year's salary," Leland said.

Rockefeller was born on Mount Desert Island in 1908 on his family's first visit to Maine. He built his own home in Seal Harbor in 1939, and returned to it every summer.

[From the Portland Press Herald, Jan. 30, 1979]

#### DEATH OF A MAINER

There is a story, perhaps apocryphal, that they tell about one of the Rockefeller brothers, perhaps Nelson, growing up on Mount Desert.

A local companion asked the youngster why he didn't have an automobile, and the Rockefeller boy replied indignantly, "Who do you think we are, Vanderbilts?"

Throughout his life Nelson Rockefeller wore his immense wealth easily and unostentatiously. It is not stretching matters greatly to suggest that those boyhood summers on Mount Desert may have nurtured and matured this special aspect of his character.

He was an engaging combination of the practical and the poetic, as evidenced by the twin passions of his life—politics and art collecting. His taste in both ran to the progressive, which served him well in the art world but frequently caused him grief in the political.

Three times he sought the presidency but each time he was denied the Republican nomination by the more conservative elements in his party. No one knows how well he would have done as president, but he would have brought to that office outstanding qualities of energy, imagination and leadership.

He was always graceful in victory and—like his nickname and his native state—rock-like in defeat.

We tend naturally to view momentous events in a parochial context, so while the rest of the world this week remembers Nelson Rockefeller as a New Yorker and a man of fabulous wealth, we prefer to recall him as a native Mainer and an admirable neighbor.

Rich as they come, of course, but no damn Vanderbilt. ●

#### THE NIMBUS OF MYTHS ABOUT DEFENSE

● Mr. STEVENS. Mr. President, during the next several months as Congress considers the President's proposed Department of Defense budget for fiscal year 1980, we are certain to again debate the old argument of guns versus butter. In anticipation of this controversy, I would like to share with my colleagues a timely article by Robert Debs Heinl, Jr., entitled "The Nimbus of Myths About Defense" in Sunday's, January 28 Washington Post.

The author carefully states and refutes some of the more common misconcep-

tions about military spending. In an appropriate conclusion, Mr. Heinl quotes Britain's Marshal of the Royal Air Force, Sir John Slessor, "The most important social service a government can render its people is to keep them alive and free." I ask that the article be printed in its entirety in the RECORD.

The article follows:

#### THE NIMBUS OF MYTHS ABOUT DEFENSE

While he was at the Pentagon, James Schlesinger had a favorite saying: "Each of us is entitled to his own opinion, but not to his own facts."

The vortex of the federal budget where facts and opinions become inextricably mixed is, as usual, the debate over how much we should spend for defense.

This should be no surprise: In a budget that approximates \$500 billion a year, a defense share in excess of \$120 billion, though less than one-quarter of the grand total, represents about two-thirds of the disposable money that budgeteers, Congress and competing constituencies can maneuver to suit particular objectives. The rest of the budget, over \$300 billion, amounts to fixed charges—debt service, Social Security, pensions, etc.—which are largely immune to the tugging and hauling that goes into a defense budget.

Thus, as in the defense debate, when opinions and facts get squashed together, the fusion process produces heat but not much light. The charged particles that fly in all directions are a series of myths about defense that have orbits and half-lives of their own.

Myth: The defense budget is "spiralling." This assertion would be true if a downward spiral were intended, but in this context it never is. In 1957, for example, we allocated 56 percent of the federal budget to defense; in this budget, the percentage is 23.1. In 1957, defense consumed 10 percent of the GNP; now it amounts to half that. Comparable declines over the past two decades can be measured in the defense share of all public spending, in the proportion of national labor force devoted to defense and in virtually any other indicator that can be marshaled.

But there is an upward spiral we need to notice. In the decade from 1967 to 1977, annual Russian expenditures for strategic nuclear forces rose from double what we spent to triple that amount today. We now spend about five percent of GNP for defense; the Soviet Union allocates 11 percent to 13 percent. In estimated dollar costs, Soviet defense outlays now exceed ours by 45 percent and the margin is widening or, perhaps, "spiralling."

Myth: The defense budget goes mainly for weapons.

A corollary myth is that alleged Pentagon "indulgence" in expensive weapons is a giveaway of taxpayers' money to what, in his farewell address, President Eisenhower—at a speechwriter's suggestion—called the "military-industrial complex."

In last year's budget, 52 percent went for people; this year, according to Defense spokesmen, it is slightly down, to 50. Thirty-five percent, roughly one-third, paid for weapons and materiel and research and development. This proportion, another downward spiral, has declined by 25 percent since 1964 when we put 44 percent of the defense budget into arms and related research. This decline obviously means that the "arms merchants" of the military-industrial stereotype are hardly fattening off the Pentagon. In fact, they are now getting 25 percent less government business, in constant dollars, than they were 15 years ago.

Myth: A strategic nuclear "arms race" drives U.S. defense spending.

Less than eight percent of the defense budget goes for U.S. strategic weapons and forces. The highest proportion in any budget for nuclear weapons was President Kennedy's

in 1961, when we devoted 27 percent for that purpose. The proposed Fiscal Year 1980 budget calls for spending 38 percent of our defense money for general-purpose conventional forces—nearly five times as much as we spend for strategic arms.

In any case, there is no "race" with Russia. The Soviet Union now puts three percent of GNP into strategic nuclear forces. We allocate less than one-half of one percent.

Myth: "Nonproductive" defense spending causes inflation.

U.S. inflation has become progressively more severe since 1968, throughout a decade in which defense programs have been massively cut back. Moreover, inflation has been most severe in sectors whose defense input is smallest. To cite only one example, the greatest inflation over this period has been in the construction industry, where defense accounts for less than one percent of total business.

As for the alleged "nonproductivity" of defense expenditures, compared to social services, Britain's Marshal of the Royal Air Force Sir John Slessor made a telling comment: "The most important social service a government can render its people is to keep them alive and free."

Myth: We must reorder our priorities.

This Vietnam-era slogan has been overtaken by events. We have already rendered priorities to a dramatic extent. As shown by the figure cited, the implicit priority accorded to defense—measured by all financial and statistical indicators—has declined during the past two decades to about half what it was in the 1950s.

Behind the nimbus of myths about defense lies a generalized set of feelings—particularly dear to people who pride themselves as enlightened—to the effect that military spending is regressive, uneconomic, socially unproductive and, above all, out of control.

The facts, as we have seen, are otherwise.

Defense is an insurance premium whose costs are going up in a dangerous world.

When Isaiah talked about beating swords into plowshares (or, as we would say, re-ordering priorities), he added that this could only come about "when nation shall not lift up sword against nation," a reservation that hardly describes the late 20th century. ●

#### THE PLIGHT OF THE VIETNAM VETERAN

● Mr. CANNON. Mr. President, the plight of the Vietnam veteran has been given considerable attention in the Nation's media. Unfortunately, much of what has been written has concentrated on the problems of a few rather than the success of many.

I do not mean to disparage the real struggles that have faced our Vietnam vets. As participants in an unpopular war, they have too often borne the brunt of public wrath or negligence.

But instead of recognizing only the negative, instead of endlessly criticizing the Veterans' Administration or whatever Presidential administration happens to be in office, I have often wished the media would try to project a more balanced picture.

That is why I was particularly pleased to read a recent article on the Vietnam veteran in Nation's Business magazine. It points out that the overwhelming majority of Vietnam vets have adjusted well to their postwar lives, are happily married, and are leading productive lives.

Because I feel this side of the story should be told, I have asked that the article be printed in full immediately following my remarks. I might add that the

# A Tax Group Urges Amendment Linking Spending to G.N.P. Gain

By WARREN WEAVER Jr.

Special to The New York Times

WASHINGTON, Jan. 30 — A new proposal to combat inflation, a constitutional amendment that would tie increases in Government spending to the nation's economic growth, was unveiled today by a committee of relatively conservative businessmen and economists as an alternative to requiring a balanced Federal budget.

The plan by the National Tax Limitation Committee is considerably more sophisticated than the budget-balancing amendment that has received preliminary approval from 24 state legislatures, which have voted to hold a constitutional convention to approve it.

Basically, the new amendment would bar Congress from increasing overall spending by a rate any larger than the most recent rate of increase in the gross national product. It would apply even tighter restrictions whenever the rate of inflation exceeded 3 percent, a low figure by current standards.

It would also require Congress to apply any Federal surplus to reducing the national debt, authorize emergency spending increases in case of war or a comparable crisis and permit an increase in the general spending limits, but only after a two-thirds vote of both houses of Congress and approval by 26 state legislatures.

## Called Easier to Implement

Its sponsors said at a news conference that such an amendment would be much more effective in holding down Government growth and spending without tying the hands of Congress and that it would be much easier to carry out than a constitutional edict that spending cannot exceed revenue.

Dr. Milton Friedman, the Nobel Prize economist who was one of the authors of the amendment, said it was "enormously likely" that Congress would take action in the area of broad controls on inflation this year because "they're under the gun, they're aware of the vast public sentiment for something like this."

Congress, however, will probably be reluctant to approve a new fiscal system that circumscribes its present control of the appropriation process, and the White House, although it has no direct role in amending the Constitution, may prove sympathetic to such resistance.

Officials of the tax limitation committee said they would prefer to see their project approved by Congress and then ratified by the necessary three-fourths, or 38, of the state legislatures. All amendments to the Constitution have been ratified by this process since the first 10 were ratified in 1791.

## Constitutional Convention

The alternative procedure for changing the Constitution, upon which backers of the balanced budget amendment are relying, requires two-thirds, or 34, states to approve resolutions calling for a constitutional convention. One or more amendments produced by that convention would also require ratification by three-quarters of the states to become effective.

There are no provisions in the Constitution or Federal law as to how delegates to such a convention would be apportioned or chosen, how its agenda would be determined and what rules of procedure would govern its deliberations.

Pressure is mounting on Congress to lay out all these ground rules in new legislation, on the widely held assumption that 10 more states may approve the budget-balancing resolution this year, forcing the calling of such a convention.

At the same time, even more pressure exists to avoid the necessity of holding such an unprecedented session at all through swift Congressional approval of an alternative amendment covering the same general ground, perhaps the spending limit announced today.

## Sponsors Are Expected

Backers of the new amendment said they had not yet obtained sponsors to introduce it in Congress but did not expect any problem. They maintained they would not participate in any political competition with sponsors of the budget-balancing amendment but only wanted to broaden public debate on the issue.

Under the present system, Dr. Friedman said, special interest groups compete for the favor of Congress and total spending inevitably goes up. Under the proposed amendment, the same competition would occur but for shares of a constitutionally limited amount of money.

Specifically, the amendment would limit the percentage increase in Federal spending to the percentage increase in the previous year's gross national product, the measure of all the nation's goods and services. If the inflation rate exceeded 3 percent, the allowable spending increase would be reduced by one-quarter of the number of percentage points by which the inflation rate exceeded 3 percent.

## 'Ratcheting Down' Economy

For example, an inflation rate of 7 percent would exceed the constitutional limit of 3 percent by 4 percentage points, so the next Congress could not increase spending by the full percentage growth in the gross national product, but by a percentage point less, "ratcheting down" the economy, as Dr. Friedman expressed it.

The National Tax Limitation Committee, based in California, has been working for a half-dozen years on this kind of spending limit mechanism and five states have written various forms of it into their constitutions.

Among those helping draft the new amendment, in addition to Dr. Friedman, were Robert Bork, former Solicitor General; James B. Edwards, former Republican Governor of South Carolina; James T. Lynn, former director of the Office of Management and Budget; Paul W. McCracken, former chairman of the Council of Economic Advisers, and Charls E. Walker, former Deputy Secretary of the Treasury. All the Federal officials served under two Republican Presidents, Richard M. Nixon and Gerald R. Ford.



# 'Darlings of Far Right' Now 'Moderates' on Tax Cut Proposal

By Jack W. Germond  
and Jules Witcover

Washington Star Political Editors

The National Tax-Limitation Committee includes many of the darlings of the Far Right — the conservatives' favorite economist (Milton Friedman), one of their favorite columnists (M. Stanton Evans), surely their favorite newspaper publisher (John McGuff of the Panax chain), Ronald Reagan's favorite welfare adviser (Robert Carleson), and perhaps even their favorite lobbyist (Charls Walker).

But when the committee outlined its proposal for a constitutional limit on federal spending the other day, it qualified immediately as the "reasonable" or "moderate" alternative to the plan being promoted by another group, the National Taxpayers Union, for an amendment requiring a balanced federal budget.

## Germond and Witcover

And what that tells you is that the campaign to extend the logic, such as it was, of California's Proposition 13 to the federal government is serious business indeed.

UP TO THIS point, the inclination in Washington has been to shrug off the whole amendment campaign as some harmless exercise being carried on out in the boondocks. It is an attitude strikingly similar to the one the political power structure in California took toward Howard Jarvis and Prop 13 last year — until it realized at the eleventh hour that the damned thing was going to pass.

But the latest tax limitation scheme is no joke. At this point, 24 of the required 34 state legislatures have approved resolutions calling for a constitutional convention to approve an amendment requiring a balanced federal budget. The measure has passed one house in four others — California, Indiana, Utah and South Dakota. And hearings have been scheduled in Montana and Washington. In other states, the NTU says, resolutions have been prepared and cosponsors are being signed up daily. And most of this had been accomplished before Jerry Brown's mad dash to the front of the pack to declare himself its leader.

THE OBJECTIONS to the balanced budget amendment center on both its content and the method — the constitutional convention — its supporters have chosen. On the former, the principal complaint is predictably that an amendment would rob federal officials of the flexibility they require to tinker with the economy in recessions or to respond in times of national peril. It is one of those good logical arguments of the kind that were blithely ignored in California last spring.

The most serious concern, however, is that holding a constitutional convention would open up a whole can of extremist worms. Although the legal situation is far from clear, it seems at least possible that such a convention could deal with all sorts of issues, including but not limited to such things as the proposals for anti-abortion, school prayer and anti-busing amendments.

IT IS IN THIS context, then, that the National Tax-Limitation Committee's proposal qualifies as the safe, sane alternative. What the committee proposes, somewhat oversimplified, is that spending be allowed to increase each year only as much as the gross national product. And in times in which inflation exceeds 3 percent, the permitted growth would be slightly lower. The committee points out, correctly, that the balanced budget amendment would not, in itself, lower spending but only require enough revenues for the balance.

But the core of the issue is the politics of the thing, rather than the particulars of the different plans. Few who understand the politics of this year would dispute the judgment of Lewis K. Uhler, president of the committee, that there is "sizeable" momentum for some kind of ceiling on federal spending. Nor would anyone argue with Friedman's contention that Congress is "under the gun" on the issue.

That was apparent in the election returns last fall and is equally apparent in such opinion survey data as the finding of the CBS-New York Times

poll that 73 percent of the people favor the balanced budget amendment.

SO WHAT Uhler and his group clearly are trying to do is offer the Congress a political escape hatch — a way to satisfy popular demand without buying the whole NTU-Jerry Brown package.

It would be naive in the extreme, of course, to expect politicians here, in Congress or the White House, to rush to embrace the spending limit. On the contrary, it would qualify as an unnatural act.

But it is equally clear that the pressure for some kind of action is achieving impressive dimensions. And if the White House and Congress fail to react, there is at least a demonstrable risk that the state legislatures, and the voters, will take away their options.

# Constitutional convention: opening a Pandora's box

By James Stasny

California Gov. Jerry Brown has always been something of an enigma. He may have met his match, however, when he proposed calling a national convention to add a balanced-budget amendment to the Constitution. In the arcane world of constitutional law, amendment by convention is the sphinx itself.

Although there have been five organized drives for a convention in this century, nobody really knows how a convention would work. Such basic questions as how delegates would be selected, what issues would be discussed, or where and for how long a convention would meet remain unanswered.

Despite the uncertainty, Jerry Brown's reborn enthusiasm for a convention has roots reaching far back into American history. Historian Gordon Wood has described constitutional conventions as the most distinctive institutional contribution the American Revolutionaries of the 1700s made to Western politics. Thomas Jefferson in 1816 wrote that a convention every 20 years would give each generation a right to choose for itself "the form of government most promotive of its own happiness." Theodore Roosevelt's Progressive Party thought a convention ought to be held every 30 years and made the idea part of their congressional program.

Yet it wasn't until the opening of this century that the theory began to come close to reality. In 1899, the drive was just beginning for an amendment to provide for direct election of U.S. senators. Faced with a Congress that would not submit such an amendment to the states, the Pennsylvania Legislature created a standing committee to prod other legislatures into backing direct election.

*Mr. Stasny is a Senate legislative aide.*

They wanted to do it through a constitutional convention. The U.S. Senate fought direct election for 14 years. Only after 31 states had submitted 75 applications for a convention did Congress relent and submit an amendment of its own for the states to ratify. It took little more than a year for the states to approve it.

In 1967, during the controversy over the Supreme Court's apportionment decisions, applications for a convention fell just two states short of the two-thirds necessary to bring a convention to life. Five years later, the National Committee for a Constitutional Amendment to Prohibit Forced Busing tried to get state legislatures to approve a resolution calling for a convention. Nine of them did.

Today, Americans for a Constitutional Convention publishes a monthly newsletter entitled *Convention Call*. With the aim of adding an anti-abortion amendment to the Constitution, the group encourages state legislatures to demand a convention. So far, 13 states have done just that.

The closest thing to the current drive for a balanced budget amendment occurred in the early 1950s. Half the states applied for a convention to draw up an amendment forcing a 25 per cent limit on federal taxes. Faced with the opposition of several congressional committees and Republican presidential candidate Dwight Eisenhower, several states changed their minds and the effort faded.

After all this, Congress has not yet approved legislation to guide a convention. In 1971 and again in 1973, the Senate approved bills introduced by Sen. Sam Ervin setting convention guidelines. An identical House bill, sponsored by former Maryland congressman Larry Hogan, failed to get off the ground. The only other time Congress had the chance to deal at all with convention questions, it ducked. When it submitted the 21st Amendment to the states to repeal Prohibition, Congress specified that ratification was to be by state convention. Although a much different question than proposing an amendment, this would still have been an ideal time to lay out some guidelines on how to deal with conventions. Congress demurred, leaving such questions for the states to decide.

The bothersome fact remains that Congress is not even sure how to deal with applications states send it asking for a convention. Congress received 14 applications in 1978 on a variety of topics. A look at one application, from Nebraska on abortion, shows the complexity of the problems involved. The Nebraska document was noted twice on different days in both the House and Senate portions of the Congressional Record. That alone raises questions about the way Congress processes the applications, especially since five other 1978 applications were printed in the Senate but went unnoticed by the House.

The Nebraska application itself raises even more serious questions. It states that the application is not valid unless Congress establishes convention procedures first. Next it cautions that if a convention deals with anything other than abortion, it should dissolve. Finally, it provides that unless the states can decide how delegates are to be selected, Congress should ignore the application.

Each Nebraska provision raises difficult problems and there are countless others. It is little wonder that a 1952 staff report of the House Judiciary Committee called the application process "the stepchild of constitutional law."

The only thing certain about a convention is that Congress will do, eventually, whatever it takes to either head it off or tightly control it. To illustrate, Congress recently avoided the issue of a state's right to rescind a ratification, during its debate on the extension of the Equal Rights Amendment. Yet, the Ervin bills of the early 1970s expressly provided for rescissions of convention applications.

The original Ervin bill, introduced in 1967, made clear the states had the power to decide if their procedures for applying had been in order. When the bill finally passed four years later, Congress took that power over the states for itself.

On the bottom-line question of whether Congress has the power to limit a convention to one subject area, opinion is closely divided. In 1967 remarks neither Senator Javits nor Senator Proxmire thought a convention could be limited, Javits noting "the mere fact that Congress in its resolution sought to restrict the action of a constitutional convention would not restrict the convention as a matter of law." Senator Bayh, who now chairs the Senate Subcommittee on the Constitution, then felt Congress could impose strict limits to keep a convention from "roaming the constitution at will." Still, limiting a convention to one subject renders it little different from the way the constitution has always been amended, leaving behind the question of why the Founding Fathers bothered at all to provide two different procedures.

Even with all these remaining doubts, the winds are up again for a convention. The idea certainly has grass-roots appeal as the logical successor to the Proposition 13-spawned interest in direct citizen participation in government. The last election showed new awareness of the initiative process, through which citizen petitioners place issues on the state ballot. At the same time, people are frankly disenchanted with their representatives in Congress. A 1973 Harris poll for a Senate subcommittee concluded that the people's loss of confidence in their government had "reached severe — even majority — proportions." The intervening years have done little to reverse that sense of loss, and the combination of citizen interest and citizen dismay create a more volatile climate for a constitu-

Wash. Star  
Sun Feb 4, 79

Governor Brown has adopted one of those rare issues where the procedure may well be more momentous than the issue of balanced budget itself. There is much undone and more unknown about a national convention. The governor might pause for a moment to consider the words of James Russell Lowell, who observed that democracy makes itself generally disagreeable by asking the Powers That Be at the most inconvenient moment whether they are powers that ought to be.

A constitutional convention could very well answer that question once and for all.

# Budget Amendment Knocks at Hill Door

Washington Post  
Sunday, 02-04-79

By Susanna McBee  
Washington Post Staff Writer

Between 1900 and 1911, 31 states petitioned Congress to call a constitutional convention to produce an amendment requiring the direct election of senators.

That was the necessary two-thirds required by the Constitution to call such a convention, but Congress did not follow the mandate. Instead, the lawmakers proposed the measure themselves, and in 1912 it became the 17th Amendment to the Constitution.

To this day, scholars debate whether that Congress acted because of the petitions or the general mood of the country.

But there is virtually no debate about the feelings of the current Congress on convening a convention to consider an amendment requiring a balanced federal budget. It does not like the idea.

Nevertheless, such calls have come from 25 states—26 if you count Nevada where the legislature passed one that was vetoed in 1977, or 27 if you count Indiana, whose vote 22 years ago may no longer be valid.

This year the National Taxpayers Union here is quarterbacking a drive to get petitions passed in 34 states, the requisite two-thirds, and David Keating, who heads the effort, says he thinks it will succeed by June.

"I wouldn't be surprised if they do it," said Sen. Birch Bayh (D-Ind.), chairman of the Judiciary subcommittee on the Constitution. Bayh does not hide his dismay at the prospect of convening a convention to propose an amendment.

"It would make the Ringling Brothers Big Top look like the minor leagues," he said.

Noting that many of the states' petitions tell Congress to pass a balanced-budget amendment if Congress wants to avoid a convention, Bayh said his subcommittee would hold hearings by the end of this month on various balanced-budget proposals, statutes as well as amendments, that his colleagues are offering.

"There's a question of what the states really want," he added. "My own state legislature is in the process of passing a petition for a constitutional amendment. It also tells me it doesn't want Congress to cut off the federal funds that go to Indiana.

"A lot of states are doing the same thing. On the one hand, it's 'gimme, gimme.' On the other, it's 'let's end the deficit,' which we would easily do by cutting aid to state and local governments."

*"My own state legislature is in the process of passing a petition for a constitutional amendment. It also tells me it doesn't want Congress to cut off the federal funds that go to Indiana."*

—Sen. Birch Bayh



Bayh said he favors a measure that would require "a balancing of accounts over a five-year period," but not an amendment.

Grover Norquist, executive director of the taxpayers union, said his organization wants an amendment because "anything less would not be binding on future congresses." The resolutions introduced this year in 27 state legislatures would give Congress until the end of next year to propose a budget amendment.

"If they don't do it by the end of next year, we'll force a convention," Norquist said. "It would be limited to the one subject, and, as with any amendment that Congress proposes, 38 states would have to ratify before it could become law."

But forcing a convention may not be easy. Even if the necessary number of states approves petitions calling for a convention, it is not clear that Congress would do so. One reason is that Congress has never passed rules establishing how a convention would be called, how delegates would be chosen or how many votes would be required to propose an amendment.

Former senator Sam J. Ervin (D-N.C.) came up with some rules which the Senate—but not the House—passed twice, in 1971 and 1973. They said there should be one delegate from each congressional district and two chosen at large from each state and that a two-thirds vote would be required to approve an amendment. Similar measures are now being proposed by Sen. Jesse A. Helms (R-N.C.) and Reps. Henry J. Hyde and Robert McClory, both Illinois Republicans.

Another problem is that not all the states that have passed petitions for a convention have sent them to Congress. So far, the Senate has received 17; the House, 16.

"The attitude of Congress is: 'We don't count them unless we have them,'" said Meredith McCoy, a lawyer with the Congressional Research Service. "Many members of Congress have asked for data on the convention process. There's a lot of scholarly material, but there are no rules. No one knows anything for sure," she said.

The 25 states that have passed convention resolutions are Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Kansas, Louisiana, Maryland, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia and Wyoming.

Nevada Assembly Speaker Paul May said he does not count his state in that group because of the governor's veto two years ago of a similar resolution. "But we should pass another one by the end of February," he said.

This year resolutions have passed one house in Indiana, Idaho, Iowa and California. In California, Assembly Speaker Leo McCarthy strongly opposes the measure, and NTU's David Keating says, "It's a rough battle. We can't tell yet if it will pass."

# Rhodes Has 'Grave Reservations' On Budget-Limiting Amendments

By Mary Russell

Washington Post Staff Writer

House Minority Leader John J. Rhodes (R-Ariz.) said yesterday he has "grave reservations" about any constitutional amendment dealing with the budget, even one that would only limit federal spending.

The statement found Rhodes disavowing a resolution adopted by Republican Party leaders at a meeting in Easton, Md., Sunday. The resolution called on Congress to consider immediately a constitutional amendment to "limit federal spending."

Rhodes was among a group of Republicans at the meeting who successfully fought off attempts to endorse a stronger resolution calling for a constitutional amendment to require a balanced federal budget.

He admitted that those who agreed with his position were "probably a minority" among House and other Republicans, but predicted, "I won't be [in a minority] when people go down the road and get to the bottom line."

The bottom line, according to Rhodes, is that there is practically no way to make such a constitutional amendment workable.

He said an amendment calling for a balanced federal budget would be unworkable because there's difficulty in defining what the budget is. He cited "off-budget expenditures"—money spent by the government that does not appear as a regular budget item, such as subsidies for the Postal Service or financing for federal housing programs. "It would be so easy to end-run it," Rhodes said of a balanced-budget amendment.

Rhodes said a constitutional amendment to limit spending "could be tied to the gross national product or the consumer price index," but he said those are not precise terms and he questioned whether they would have "meaning in five years or 50 years."

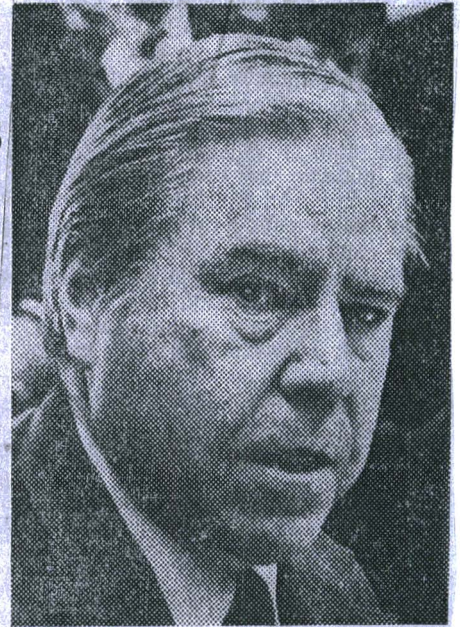
"Suppose we don't have a balanced budget or stay within a constitutional spending limit. What's the remedy? What are the sanctions? Is the Supreme Court going to take over the operation of government?" Rhodes asked.

"If we were passing a law I wouldn't worry too much about it. When you talk about amending the Constitution I do have grave problems and grave reservations. There's no shortcut to the type of political action the republic requires."

Rhodes said the remedy would be to "elect more Republicans" who would support a balanced budget or to adopt amendments that would cut spending in the budget.

He criticized Democrats for making spending cuts more difficult by demanding that they be specified by program rather than allowing an unspecified cut in the total budget.

Rhodes also criticized Attorney General Griffin B. Bell's contention that if a constitutional convention were called it could be limited to the balanced-budget issue. Twenty-five states (of the 34 required) have passed petitions calling for such a convention if a balanced budget amendment is not adopted by Congress. "Every other lawyer I know doesn't believe it's possible to limit the scope of such a convention," Rhodes said. He raised the



REP. JOHN J. RHODES

... "it would be so easy to end-run it"

specter of the convention dealing with all sorts of controversial issues, from the Equal Rights Amendment and abortion to gun control.

Meanwhile House Judiciary Committee Chairman Peter W. Rodino Jr. (D-N.J.) is expected to announce this week that his committee will hold hearings on a constitutional amendment to balance the budget or limit spending.

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JOHN H. SHARON  
EDWARD B. CROSLAND  
COUNSEL

February 5, 1979

Mr. Perry A. Roberts  
Director of Governmental Affairs  
Emerson Electric Company  
8100 West Florissant Avenue  
St. Louis, Missouri 63136

Dear Perry:

I am enclosing an article from Thursday evening's Washington Star on the Constitutional Amendment matter. Germond and Witcover are probably the most perspective political reporters in town, and I believe their article will likely lead to significantly more press attention to the issue in the future.

I am also enclosing a copy of an article from Friday evening's Washington Star which, for the first time, provides some breakdown of what has happened to date. As is evident, the situation on the Hill is somewhat chaotic but people are beginning to stir.

At lunch Friday, Netch told me that Proxmire would be introducing a bill today which would amend the Budget Control Act. Presumably, the intent would be to deflect the growing mood for a Constitutional Amendment. Apparently, Proxmire's effort would require by legislation a balanced budget with exceptions which are not yet clear.

Sincerely,

  
John B. Rhinelander

JBR:kak  
Enclosures

bee - rap

# 'Darlings of Far Right' Now 'Moderates' on Tax Cut Proposal

By Jack W. Germond  
and Jules Witcover

Washington Star Political Editors

The National Tax-Limitation Committee includes many of the darlings of the Far Right — the conservatives' favorite economist (Milton Friedman), one of their favorite columnists (M. Stanton Evans), surely their favorite newspaper publisher (John McGuff of the Panax chain), Ronald Reagan's favorite welfare adviser (Robert Carleson), and perhaps even their favorite lobbyist (Charis Walker).

But when the committee outlined its proposal for a constitutional limit on federal spending the other day, it qualified immediately as the "reasonable" or "moderate" alternative to the plan being promoted by another group, the National Taxpayers Union, for an amendment requiring a balanced federal budget.

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## Germond and Witcover

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And what that tells you is that the campaign to extend the logic, such as it was, of California's Proposition 13 to the federal government is serious business indeed.

UP TO THIS point, the inclination in Washington has been to shrug off the whole amendment campaign as some harmless exercise being carried on out in the boondocks. It is an attitude strikingly similar to the one the political power structure in California took toward Howard Jarvis and Prop 13 last year — until it realized at the eleventh hour that the damned thing was going to pass.

But the latest tax limitation scheme is no joke. At this point, 24 of the required 34 state legislatures have approved resolutions calling for a constitutional convention to approve an amendment requiring a balanced federal budget. The measure has passed one house in four others — California, Indiana, Utah and South Dakota. And hearings have been scheduled in Montana and Washington. In other states, the NTU says, resolutions have been prepared and cosponsors are being signed up daily. And most of this had been accomplished before Jerry Brown's mad dash to the front of the pack to declare himself its leader.

THE OBJECTIONS to the balanced budget amendment center on both its content and the method — the constitutional convention — its supporters have chosen. On the former, the principal complaint is predictably that an amendment would rob federal officials of the flexibility they require to tinker with the economy in recessions or to respond in times of national peril. It is one of those good logical arguments of the kind that were blithely ignored in California last spring.

The most serious concern, however, is that holding a constitutional convention would open up a whole can of extremist worms. Although the legal situation is far from clear, it seems at least possible that such a convention could deal with all sorts of issues, including but not limited to such things as the proposals for anti-abortion, school prayer and anti-busing amendments.

IT IS IN THIS context, then, that the National Tax-Limitation Committee's proposal qualifies as the safe, sane alternative. What the committee proposes, somewhat oversimplified, is that spending be allowed to increase each year only as much as the gross national product. And in times in which inflation exceeds 3 percent, the permitted growth would be slightly lower. The committee points out, correctly, that the balanced budget amendment would not, in itself, lower spending but only require enough revenues for the balance.

But the core of the issue is the politics of the thing, rather than the particulars of the different plans. Few who understand the politics of this year would dispute the judgment of Lewis K. Uhler, president of the committee, that there is "sizeable" momentum for some kind of ceiling on federal spending. Nor would anyone argue with Friedman's contention that Congress is "under the gun" on the issue.

That was apparent in the election returns last fall and is equally apparent in such opinion survey data as the finding of the CBS-New York Times

poll that 73 percent of the people favor the balanced budget amendment.

SO WHAT Uhler and his group clearly are trying to do is offer the Congress a political escape hatch — a way to satisfy popular demand without buying the whole NTU-Jerry Brown package.

It would be naive in the extreme, of course, to expect politicians here, in Congress or the White House, to rush to embrace the spending limit. On the contrary, it would qualify as an unnatural act.

But it is equally clear that the pressure for some kind of action is achieving impressive dimensions. And if the White House and Congress fail to react, there is at least a demonstrable risk that the state legislatures, and the voters, will take away their options.

# Hill Cautious on Constitutional Convention

By Lyle Denniston  
Washington Star Staff Writer

Congress is starting to stir on the idea of a balanced-budget clause in the Constitution, but the lawmakers do not seem ready to hand the issue to a constitutional convention.

The judgment on Capitol Hill — and sources stress that it is tentative only — is that there is not now a majority in Congress behind the idea of a balanced federal budget, but that there must be some sign of activity.

In both the House and Senate some serious thought is being given, for the first time, to the spreading campaign to get 34 states to demand a constitutional convention to force the government to limit federal spending to federal income. The Utah Legislature yesterday passed such a resolution.

The idea behind the convention proposal is that it is the only alternative left because Congress won't balance the budget itself and won't send a budget-balancing amendment to the states for ratification.

ALTHOUGH THE Constitution has never been amended by the convention method, the apparent rise in sentiment recently for that approach has caused these stirrings in Congress:

- Key figures in the House are making plans — perhaps to be announced next week — for at least a study of various budget-balancing amendments, a move that might cause a convention to lose some of its appeal.
- A Senate Judiciary subcommittee has decided to start monitoring the campaign for a convention, but to do

nothing until the new Congress' mood on budget-balancing is clearer.

- The Library of Congress has been put to work finding out just where the constitutional convention campaign now stands.

It has been widely understood in recent weeks that at least 22 states, and perhaps as many as 24, are on record in favor of amending the Constitution — by the convention method — to balance the budget every year except in times of war or other dire emergency.

UNDER THE Constitution, if 34 states — two-thirds of the total — asked for such a convention, Congress probably would have no choice but to call it. The National Taxpayers Union is working actively to get another 10 or more states to join in the call.

Now that the state resolutions are being examined in Congress, however, some doubt is developing over whether the number is actually as high as 24.

"It's just a big mess, frankly," a Senate aide remarked. "It is hard to really know what's come in."

Congress has established no procedure for compiling a list of states seeking a convention, and it has made no arrangement to analyze the budget-balancing demands that have come in.

A check of the Senate Judiciary Committee's files on the subject shows that 22 states at one time or other over the past five years have told Congress they want budget-balancing written into the Constitution.

BUT EIGHT OF those state resolutions do not say anything at all about a constitutional convention.

Most constitutional scholars have maintained that, even if 34 states agreed on the need for an amendment, that by itself is not enough to force a convention. The states must make clear that they want the convention method used, those scholars have argued.

The Senate committee file — the only one maintained on that side of Capitol Hill — is a loose collection of documents, many incomplete, others unclear.

Some of the states sent in their resolutions two years after they were adopted. Some sent drafts of resolutions, with no indication of when they were actually approved. Others did not certify that the language was what had won formal approval.

Nine of the states that supposedly have called for a convention have submitted no documents to that effect to the Senate file.

EVEN IF THAT file were entirely complete, however, it is unclear whether anything would be done with it — for the time being, at least.

Sen. Jesse Helms, R-N.C., and Rep. Henry Hyde, R-Ill., have revived the idea of passing a law to set up a procedure for processing convention calls, and for arranging the details of a convention should 34 states demand it.

The Senate twice passed such a proposal, in 1971 and 1973, but the bills never got out of a committee on the House side.

There are, so far, no plans to hold any hearings on such legislation in either house of Congress, sources report.

In the Senate, there is as yet no sign that the Judiciary Committee is willing to move such a bill, even though it had done so twice before. The new committee chairman, Sen. Edward Kennedy, D-Mass., was one of the first to raise an alarm about the campaign for a budget-balancing convention call.

IN A SPEECH last September, Kennedy said he regarded that effort "as an ominous development for the nation and a serious threat to the integrity of the Constitution."

His aides say that the chairman is "doing nothing specific" about the convention method so far.

Similarly, there is no sentiment among the leaders of the House Judiciary Committee to move the convention-control bill. In fact, some of the leaders of that panel — where the bill has never made progress — say that nothing should be done at all until 34 states have asked for a convention.

That committee, however, has had handed to it this year something that it may not be able to by pass entirely: a series of proposals that Congress itself propose a budget-balancing amendment to the Constitution.



Monday  
02-05-79

# Friedman Amendment

By William Safire

EASTON, Md. — A specter is haunting Congress: the specter of a Constitutional Convention.

Twenty-four states out of a needed 34 have already passed resolutions calling for a national convention to pass an amendment to balance the Federal budget; Presidential candidates as similar as Democrat Jerry Brown and Republican John Connally have hastened to head the parade.

The convention method of amending the Constitution was provided by the Founding Fathers as a way of lighting a fire under the Congress if the Government in Washington did not prove responsive to the will of most of the states. The threat of a convention has been used before to induce Congress to propose amendments for states to then ratify; but in 200 years, those who proposed the convention method have never needed to go all the way.

Washington has reacted to the recent pressure of the Constitutional budget-balancers with a combination of fear, loathing, shock and horror: the often-expressed fear is that if those yahoos in the countryside ever got together with Constitutional sanction, they would tear up the Bill of Rights and bring back slavery.

Such a shrill, anguished reaction from Washington illustrates the wisdom of the Founders: A growing central government is unlikely to share its power or curtail its growth without a powerful threat from the states. Lawmakers in Washington will now have to find a way to limit Federal growth by offering an amendment of their own, or will have the initiative to do so legally wrested away.

The movement to curtail Federal growth will not be stopped. President Carter may try to pose as Scrooge with his "lean, tight, austere" rhetoric, but too many taxpayers know that he is increasing Federal spending by \$40 billion — nearly 8 percent — which is a far cry from "budget cutting." Worse, any reduction of the Federal deficit will come not because spending is curtailed but because inflation is squeezing more tax dollars out of workers pushed into higher brackets.

Since most people have become convinced that the Government will never willingly stop its own growth, they are demanding a change in the Constitution that will force the Government to stop growing. The stern adjectives of rafhooonery will not suffice; tax-and-spend-a-little-less-than-usual will not do; if spending cannot be restrained by lawmakers, then the lawmakers' spending will have to be restrained by law.

At the second annual Tidewater conference on Maryland's Eastern Shore, Republican officials convened by

Senator Bob Packwood have reacted responsibly to the undeniable grass-roots demand.

Most of the lawmakers who came to Tidewater knew that an amendment requiring a balanced budget, which is what the states have been talking about, is flawed. Not only would enforced balance forbid the Government to lean against the economic winds when necessary, but it would fail to mandate the curtailment of bureaucracy: tax-bracket creep could still increase the Federal tax take and a bureaucracy could thus grow, even with the budget balanced. What is desired is not so much "balance" as discipline — a handle on increases in Federal spending.

Nobel laureate Milton Friedman — the conservatives' beloved "Uncle Miltie" — had been asked for his answer by the nonpartisan National Tax Limitation Committee. At a small breakfast last week, economist Friedman put forward a Constitutional Amendment limiting the increase in Federal spending to the percentage increase in gross national product — with a more severe limitation in times of inflation, and an escape hatch in times of recession.

The Friedman Amendment permits Keynesians to stimulate the economy, when necessary, by tax reduction rather than by a spending increase; most important, it imposes a discipline on the Congress and the executive that neither branch has been able to achieve, alone or together.

At Tidewater II, Republican Senator John Heinz announced he would soon put forward the Friedman Amendment. On the Democratic side, Senator Dick Stone of Florida is likely to do the same. These men are two of the brightest lights in their respective parties; it is significant that Heinz and Stone are responding while so many of their confreres are wringing their hands.

What began as an inchoate, impractical movement to balance the Federal budget, eliciting Washington's scorn for its form and alarm for its method, has begun to mature: We now have a practical amendment, conceived by an economist of repute, sponsored by the Senate Establishment of the future.

The specter haunting Washington is doing its job: We may never have a Constitutional Convention, but the menace of one will bring about some spending limitation much like the Friedman Amendment. The people will be heard, even when the Government does not want to hear; the framers of the Constitution found the most ingenious way, two centuries ago, to make sure of that.

# Republicans Would Curb Spending With a Constitutional Amendment



Bill Brock

Associated Press

## Seek Congressional Move to Head Off a Call for a Convention on Budget

By ADAM CLYMER

Special to The New York Times

Bill Brock, the Republican national chairman, welcomed the final position at the meeting here, saying that by supporting a limit on Federal spending and not a more rigid balanced-budget program, the party put itself on the side of economic growth. But others, such as Senators John Tower of Texas and Robert Dole of Kansas, complained.

"We've ducked the tough issues," Senator Tower said. "The Democrats are now trying to take the issue of fiscal responsibility away from us."

The resolution that was adopted began by blaming Democratic domination of Congress for Federal deficits, and then demanded "that the Congress should proceed to immediate consideration of a constitutional amendment to limit Federal spending" and balance the fiscal 1981 budget, which will be presented next January.

No one who spoke called the spending limit a bad idea, although several asked just what kind of a limit the authors had in mind. They were told that it was not the time or place to go into the details of just what sort of spending limit should be developed.

But the balance-the-budget amendment and the constitutional convention call were on most minds. Representative Robert McClory of Illinois warned that the party would be left behind by the state legislatures' efforts if it started talking about some amendment other than the balanced-budget concept. He, like most of the others, deplored the idea of actually having a constitutional convention, which Congress would be obliged to summon if 34 states asked for it.

### Some Different Positions

Representative Newt Gingrich of Georgia said the legislatures were "inch by inch, constantly moving us into a trap."

Representative Clarence J. Brown of Ohio, apparently with the backing of at least a quarter of those present, wanted to put the meeting on record for a balanced-budget amendment requiring steady surpluses to cut the national debt.

Against them, Mr. Brock asserted that the Constitution, "the most fundamental document of our land," should not be amended lightly. Representative John J. Rhodes, the House minority leader, called the budget-balancing amendment a "gimmick" that would not work.

The voice vote calling for an amendment to limit Federal spending passed without significant dissent.

In addition to the budget and foreign

EASTON, Md., Feb. 4 — Republican leaders called for a constitutional amendment to limit Federal spending today and said that they hoped Congressional action on the proposal would divert support from a drive for a constitutional convention.

They were unable, however, to agree on what to say about an amendment that would require a balanced Federal budget, which is the measure called for by 26 states in an effort that may yet force a convention. So they stuck to the vaguer, less controversial spending-limit proposal, adding a demand that Congress itself balance the budget for the fiscal year beginning Oct. 1, 1980.

The decision came at the end of a three-day meeting of 95 elected Republicans that was marked by a high degree of agreement and a low incidence of neckties, late-evening community singing and a determined signal Saturday that the party now rejects the bipartisanship in foreign policy it has pursued for more than three decades.

### Posed Delicate Questions

But while most of the stands on other issues came rather easily, the spending-budget matter posed delicate questions of political tactics.

Republican and Democratic critics of a constitutional amendment for a balanced budget have said that under its "locked-in approach" to the economy, any mild downturns in the economy would become recessions before Congress dared to deal with them. There is also the fear that a convention called to amend the Constitution to require a balanced budget could be broadened to deal with any number of issues.

policy stands, the assembled Republicans also called for "indexing the tax system" so that taxpayers would not pay a higher proportion of taxes if their income only increased enough to keep up with inflation.

Like today's spending discussions, yesterday's foreign policy debate, ending with a demand that worldwide Soviet behavior be considered in negotiations and Senate consideration of a new strategic arms treaty, pointed the party directly toward an immediate political issue.

Neither the talk nor the results were as bland as they were at a session last spring. But even so, the current meeting again managed to find issues and positions on which the Republicans thought that, by and large, they agreed with each other and disagreed with the Democrats.

That unity effort is the main purpose behind the Tidewater conferences, named for the Tidewater Inn where they are held, and both Mr. Brock and Senator Bob Packwood, chairman of the Republicans' Senate Caucus, said they were pleased with the results.

# GOP Conference Prefers Budget Amendment by Hill

By Jules Witcover

Washington Star Political Editor

EASTON, Md. — The Tidewater II Conference of Republican elected officials moved to put the GOP stamp squarely on the taxpayers' revolt by calling on Congress to enact a constitutional amendment limiting federal spending and to balance the budget.

In a compromise resolution that won overwhelming support yesterday, the conferees pointedly sought to end-run the developing drive in state legislatures to direct Congress to call a constitutional convention for the same purpose.

The clear sentiment in the final day of the weekend GOP workshop meeting was to steer clear of any such convention and press the Democratic-controlled Congress to pass an amendment by the usual route.

Sen. H. John Heinz III of Pennsylvania compared amending the Constitution by convention to someone "shooting an elephant with a shotgun. He knows he's not going to miss, but he's going to be sorry." And Rep. Barber Conable of New York warned against playing "constitutional roulette" to satisfy rebellious taxpayers.

SOME, LIKE Republican National Chairman Bill Brock, opposed a constitutional amendment by any means. Brock said it "demeans" the Constitution to engage in what he called "the demagoguery of the Jerry Browns of this world" — a barbed reference to the California Democratic governor's support of a constitutional convention if Congress fails to pass an amendment requiring a balanced federal budget.

But Brock added that if there must be an amendment, "for God's sake, let Congress do it."

The conferees at first were moving toward a general resolution that made no mention of balancing the budget. But that omission triggered blunt warnings from Sens. Bob Dole of Kansas and John Tower of Texas and

Reps. Robert McClory of Illinois and John Rousset of California that the party risked losing the issue to the Democrats by being too timid.

"Unless we want to have another issue escape from us," McClory said, "we're going to have to speak out at this conference." Dole added: "I'm concerned this is a Republican issue but we're about to lose it." The conferees then went on record demanding that Congress balance the federal budget by Oct. 1, 1980.

THEY ALSO ACCEPTED language blaming the Democrats for the state of the economy, after a harangue from Tower. "The Democrats are trying to take this issue from us," he said. "This is a political gathering. Let's put the monkey on their backs." Democratic control, he said, "has brought us to this sorry state, and let's by God say so."

The resolution finally said that "years of Democratic domination of Congress have resulted in mounting deficits, and . . . the Congress has failed to establish an order of national spending priorities or to discipline itself to bring spending within reasonable limits."

Afterward, Dole said even with the resolution as passed, "I think we may be a little weak." He took issue with a reference by House Minority Leader John Rhodes to "gimmickry" in dealing with the constitutional amendment approach and said, "It can be better classified as responsibility."

Dole said the party can't afford to ignore the reports that 24 states have passed balanced budget amendment resolutions.

The debate on the resolution was the final principal business of the weekend workshop conference in which about 130 GOP officeholders and their spouses talked, ate, drank, sang and danced together in an informal setting at the Tidewater Inn here. The group praised the organizer, Sen. Bob Packwood of Oregon, and commissioned him to stage a Tidewater III next year.

# GOP Chiefs Shun Balancing Budget By Amendment

By David S. Broder

Washington Post Staff Writer

EASTON, Md., Feb. 4—Republican Party leaders today rejected as "gimmickry" the call for a constitutional amendment to require a balanced federal budget and, instead, said the GOP would campaign in 1980 for lower taxes and tougher spending limits.

The issue sharply split members of Congress and state officials at a party conference here and left the losers complaining that their party may see another popular issue preempted by what one of them called "born-again Democratic fiscal conservatives."

After two hours of sometimes emotional debate, they found agreement on a bare-bones resolution blaming the Democrats for "mounting deficits" and calling on Congress to balance the budget in fiscal year 1981 and to consider immediately a constitutional amendment to "limit federal spending."

But Sen. Bob Dole of Kansas, one of the 1980 presidential hopefuls at the session, complained that the resolution "ducked the tough one" on the balanced-budget amendment, and Rep. E. G. (Bud) Shuster of Pennsylvania said it showed "we're nothing but pusillanimous pussycats."

Dole and his allies said the GOP should take the lead in pushing the balanced-budget amendment when hearings begin in House and Senate Judiciary subcommittees.

Twenty-five states have approved some form of petition calling on Congress to pass a balanced-budget amendment or call a constitutional convention for that purpose. With 34 states, there would be a mandate for Congress to take one of those alternatives.

California Gov. Edmund G. (Jerry) Brown Jr., a prospective Democratic challenger to President Carter's re-nomination, has endorsed the balanced-budget amendment, as have several GOP presidential hopefuls.

But Republican National Chairman Bill Brock, House Minority Leader John J. Rhodes (Ariz.) and Rep. Barber B. Conable Jr. (N.Y.), ranking minority member of the Ways and Means Committee, led a concerted attack on the amendment idea that succeeded in blocking it.

Accusing Brown of "demagoguery," Brock said it is a "very, very hazardous exercise" to write such a requirement into the Constitution.

"I just don't like gimmickry," Rhodes said. "I think the Republican Party should tell the American people there's nothing easy about this . . . and if they want a balanced budget, they should elect a Republican Congress."

Washington Post  
Monday, 02-05-79

Warning against "constitutional Russian roulette." Conable said, "We Republicans understand the frustration of the people, but we believe in caution. . . . The Constitution should not be the repository of all kinds of nitpicking amendments."

But the conference resolution approving a constitutional limit of undefined strictness on federal spending was termed "only half a loaf" by Rep. Robert McClory (Ill.), ranking Republican on the House Judiciary Committee.

"Unless we want another popular issue, a Republican issue, to escape from us, we have to speak to the balanced budget issue," he said.

Dole, who has introduced an amendment requiring that taxes and spending be cut to 18 percent of the gross national product within three years, echoed the warning that the amendment "is a Republican issue and we're about to lose it."

But, in the end, constitutional caution prevailed over the desire for proprietorship of the fast-moving cause. By a two-vote margin, 34 to 32, the conferees declined to open the draft resolution to change. That result was later reversed by a 41 to 27 vote, but only to add some rhetoric accusing the Democratic majority in Congress of failing to "discipline itself to bring spending within reasonable limits."

The issue cut across normal ideological lines, with such staunch conservatives as Rep. Jack Kemp (N.Y.) and Sen. James A. McClure (Idaho) taking the cautionary stand, while Dole and McClory went the other way.

The debate closed the second Tidewater Conference, an annual gathering of elected GOP officials chaired by Sen. Bob Packwood (Ore.). Earlier, the conference approved a resolution calling for "substantial phased reductions in federal income tax rates" and indexing of the tax system to offset inflation.

Brock told reporters he was "not at all fearful" of the political effects of shunning the balanced-budget amendment. "We're talking too much about the budget, as if it was a panacea," he said. "Inflation isn't caused just by deficits."

# House Rank and File, Leaders Split Over Approach to Balanced U.S. Budget

By Mary Russell

Washington Post Staff Writer

The House Republican rank and file would like to take charge of the drive to call for a constitutional amendment to require a balanced federal budget.

But House GOP leaders would like to rein in the enthusiasm of their colleagues and harness it to the more workhorse-like task of seeking to get Congress to pass a balanced budget.

That became clear yesterday after Rep. E. G. (Bud) Shuster (R-Pa.), chairman of the Republican Policy Committee, called Minority Leader John J. Rhodes (R-Ariz.) "completely wrong" in his objections to the constitutional amendment route. On Monday Rhodes called a constitutional amendment an oversimplified approach that would not work.

Shuster said 103 of 157 House Republicans had either co-sponsored legislation or gone on record in favor of a constitutional amendment to balance the budget. Shuster said he had "high regard" for Rhodes, but "I personally disagree with him. I think he is completely wrong."

It is not clear whether the split among Republicans and their leaders might dash GOP hopes of using the balanced-budget issue to regain ground lost to Democrats who are co-opting the fiscal conservative stance.

Rep. Barber B. Conable Jr. (N.Y.), ranking Republican on the House Ways and Means Committee, called talk of a serious split among House Republicans "silly. I think we see eye-to-eye. We're only disagreeing about the means. Many of us would like to use the pressure for a constitutional amendment to impose discipline on our body. We would not like to see it imposed from outside because we believe in representative government."

Conable opposes a constitutional amendment as "a meat-axe" approach that would take fiscal discretion out of the hands of the president and Congress.

And Rep. John B. Anderson (Ill.), chairman of the Republican conference, said he opposes a constitutional amendment, favoring legislation that would restrict federal spending to a percentage of the increase in the gross national product.

"I think John Rhodes and I have the better side of the argument and I hope we can persuade our brothers

that a constitutional amendment is best left to (California Gov.) Jerry Brown," Anderson said.

But some Republicans, particularly the freshmen, were not so sanguine. "Frankly, the members of the Republican leadership that don't support this remind me of the legislators in California that didn't support Proposition 13," freshman Rep. Dan Lungren (R-Calif.) said.

"We're not out for any vendetta. We're not out to criticize just to criticize. But we're not going to stop going forward on a constitutional amendment. If we have to make leadership moves of our own, we will."

Minority Whip Robert H. Michel (R-Ill.) attempted to stay above the battle. Though he called the constitutional amendment process "an ex-

treme" and said "we just can't escape the responsibility" of balancing the budget through the regular congressional process, he added, "I'm not about to throw cold water in the face of those who want to help me get that accomplished."

"I'm just not about to get tied down that way. We either lead the revolt or get crushed by it. We shouldn't rule out anything as a party."

Michel is preparing a package of rules changes that would restrain federal credit expenditures, put more items into the budget and establish a congressional balanced-budget mandate by requiring that when the budget comes up any amendment to increase the deficit would have to be agreed to by a super-majority, such as three-fifths of the House or Senate.

I hope that the House will expedite its consideration of this important House resolution.

#### FCC THREAT TO GRAND OLE OPRY

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BONER of Tennessee. Mr. Speaker, on January 22, 1979, the Federal Communications Commission which was created in 1934 to regulate interstate and foreign communications by wire and radio, issued regulations designed to severely cut back to within 100 miles broadcast signals of radio station WSM in Nashville. WSM broadcasts the Grand Ole Opry performances to a nationwide audience and is currently classified as an A-1 station entitled to a clear channel frequency, meaning no other station in the country is allowed to use the same frequency. The FCC proposes to curtail the signals of clear channel stations like WSM to give other stations around the country a chance to broadcast on those frequencies. The impact of such a curtailment on 25 stations including WSM, the Grand Ole Opry, and the country music industry as a whole could be devastating.

I rise today, Mr. Speaker, to introduce legislation designed to amend the Communications Act of 1934 which provides the basic legislative and legal authority for the Federal Communications Commission to promulgate regulations in this area. My legislation simply prohibits the FCC from adopting rules relating to clear channel broadcasting. I feel the proposal to limit the clear channel broadcast range of the existing 25 class A-1 stations to make room for additional local AM stations, is arbitrary, capricious, and beyond the normal regulatory activities of the Federal bureaucracy.

The legislation which I will introduce today seeks to redress this discriminatory Federal regulation and simply provides congressional input and direction into an area that a Federal Government has sought to involve itself. The issue here is not just WSM in Nashville, Tenn. It affects radio stations across the Nation, such as KFI in Los Angeles, Calif., WNBC and WABC, New York, WSB in Atlanta, Ga., WJR in Detroit, Mich., WBAP in Fort Worth, Tex., WHAS in Louisville, Ky., WLS in Chicago, Ill., WHAM in Rochester, N.Y. Today I have issued an invitation for the entire House of Representatives to stand up as one and cosponsor and support this piece of legislation designed to correct the FCC's overregulatory activities.

The Grand Ole Opry began on November 28, 1925, and today, over half a century later, it is the oldest continuous radio program in the United States of America and has never missed weekly broadcast in all these years. The colorful opry cast has grown to over 200 singers, musicians, dancers, comedians and is regularly heard throughout much of the United States, Canada, and overseas. Over 906,934 faithful listeners saw the Grand Ole Opry in 1978 and I under-

stand that an additional 7 to 8 million people across this land see the opry stars as they visit local areas throughout the United States.

Opry fans annually travel an average of 470 miles, one way, to see the performance at the Grand Ole Opry House with a seating capacity of over 4,400. Over 50 percent of the Opry's annual ticket sales are generated in the States of Ohio, Illinois, Indiana, and Michigan. This is not purely regional or a State of Tennessee problem, it is an effort to cut out a vital part of America's music and national tradition. Nashville citizens employed by recording studios, record press plants, talent agencies, trade papers, recording companies and performing rights organizations are a few of the country music industries that are directly affected by the Grand Ole Opry.

This past year, the country music industry in Nashville generated over \$1 billion in business and I am proud to say that the Grand Ole Opry is a vital part of this Country Music tradition. I think Judge George D. Hay, an announcer summed it up well when he said:

The Grand Ole Opry is as simple as sunshine. It has an universal appeal because it is built upon goodwill and with folk music expresses the heartbeat of a large percentage of Americans who labor for a living.

I understand that an organization has been formed in Nashville, Tenn., called Friends of the Grand Ole Opry which has already begun a nationwide campaign to save the listening audiences of this great American tradition. I shall make every effort to generate support for passage of my legislation, both in the Subcommittee on Communications, House Interstate and Foreign Commerce Committee and on the floor of the Congress and shall urge all friends of the Grand Ole Opry to join with me in fighting these Federal Communications Commission regulations.

Every interested person is urged to write to the Federal Communications Commission, FCC Reference Room, 1919 M Street NW., Washington, D.C. 20554 before the April 9 comment period ends.

In addition, I urge all Members and readers of the CONGRESSIONAL RECORD to support the provisions of the bill that I have introduced today as well as any efforts to retain the Grand Ole Opry as a way of life for its large and dedicated listening audience.

A copy of my legislation reads as follows:

#### H.R. 1913

A bill to amend the Communications Act of 1934 to prohibit the Federal Communications Commission from prescribing rules which would permit duplication of radio broadcasting station assignments on Class I-A clear channels, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

#### "CLEAR CHANNEL BROADCASTING STATION ASSIGNMENTS

"SEC. 332. Notwithstanding any other provision of this Act or any other provision of law, the Commission shall not have any authority to prescribe or administer any rule which would—

"(1) authorize or otherwise permit or allow the amount of duplication of radio broadcasting station assignments on Class I-A clear channels to be increased to an amount greater than the amount of such duplication which is authorized under rules of the Commission in effect on February 1, 1979; or

"(2) rescind, repeal, or limit the application of the provisions of section 1.569 of title 47, Code of Federal Regulations, as in effect on February 1, 1979, which prohibit any interference or overlap with Class I-A radio broadcasting stations which operate on unduplicated Class I-A clear channels."

#### CONSTITUTIONAL AMENDMENT TO REQUIRE A BALANCED FEDERAL BUDGET

(Mr. RODINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODINO. Mr. Speaker, a new political wave has been sweeping across America, and it is beginning to break over Washington. It carries urgent pleas for consideration of a constitutional amendment requiring a balanced Federal budget.

We must deal with it. Most important, we must consider the depths of the wave as well as its spectacular surface. We must look beyond its immediate contours and try to foresee its impact—and the consequences of any action we might take in Congress.

I am certain of one characteristic of this movement for a balanced budget: It holds immeasurable implications for the future and uncharted dimensions related to the way in which our Government operates. On this issue, we face a great unknown.

Since last summer, staff members of the House Judiciary Committee and I have devoted considerable study, thought, and discussion to the many proposals advanced and the many resolutions introduced, which differ in detail but all of which call for a constitutional amendment.

I wish to announce that the House Committee on the Judiciary will conduct hearings centered on the basic proposal to amend the Constitution to require a balanced Federal budget each year.

We will prepare for the hearings calmly, carefully, and thoroughly. We will conduct the hearings with a full awareness of the gravity of any action to amend the Constitution of the United States.

We will take the time necessary to assure, in advance, that the hearings will be deliberate, fair, and comprehensive. The hearings will require diligent work and deep thought.

The imperative need is to study, to inquire, to deliberate on the vast implications of this issue—not to decide or rule now, on superficial grounds or capricious political considerations.

No matter how many resolutions are introduced—and more than 50 have been introduced in the House so far in this session—and no matter how many influences are exerted, I will urge that the Judiciary Committee remain an island of reason on this issue.

A constitutional amendment requiring a balanced budget may, ultimately, be a

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sufficient incriminating evidence to indict 170 individuals.

The failure of the German Government to act on the statute of limitations would undoubtedly serve both to diminish these recent worldwide efforts and make useless much of the newly discovered evidence—which may involve individuals against whom proceedings have not been instituted by the December 31 deadline. The Washington Post, in fact, recently reported that the showing of the television program "Holocaust" in West Germany, has resulted in a flood of new allegations against undetected war criminals in West Germany itself. And there have even been allegations that some valuable information is now being intentionally withheld, particularly by Communist countries, to be used to embarrass the West German Government once the statute has expired.

West Germany has twice before—in 1965 and 1969—extended its statute of limitations governing war crimes, apparently recognizing its special obligation to assure that all those who participated in the Holocaust are brought to justice. But according to Der Spiegel, there is a growing reluctance among leaders of all four Bundestag parties to extend the statute of limitations again. For this reason it is vital that the West German leadership be made aware that the world community is watching its response. Several countries, notably Poland and Israel, have already expressed their strong views that the statute should be extended once more or abolished entirely. The United States should add its voice to this call for justice.

Mr. Speaker, the resolution we are introducing today reflects the work of numerous organizations, particularly the American Jewish Congress, the American Jewish Committee, B'nai B'rith, the Harvard Jewish Law Students Association and the Simon Wiesenthal Center for Holocaust Studies, and incorporates several suggestions made by officials at the State Department. It deserves wholehearted support and prompt passage. I urge my colleagues who have not yet joined as cosponsors to do so.

● Mr. BINGHAM. Mr. Speaker, I am pleased to join Representatives HOLTZMAN and FISH in cosponsorship of a resolution urging the West German Government to extend the statute of limitations governing the prosecution of Nazi war criminals. I have also written Chancellor Helmut Schmidt expressing my strong feelings on this matter.

I do not believe that any statute of limitations should apply to Nazi war criminals. During the Second World War this Nation, alone and in concert with our allies, vowed that the practitioners of genocide would not go unpunished. At the 1943 Moscow Conference we pledged that we "will pursue them to the uttermost ends of the earth and will deliver them to their accusers." At Nuremberg, after the war, the victors put all Nazi criminals on notice that they would not escape justice and the judgment of humanity. How unseemly to speak of a statute of limitations in connection with the slaughter of 18 million men, women, and children. The prosecution of Nazi

war criminals should only cease on the day that the last perpetrator of genocide is brought to justice.

I commend Representatives HOLTZMAN and FISH for their sponsorship of this resolution. I am also pleased to note that Representative HOLTZMAN's bill, which will expedite the removal of Nazi war criminals from these shores, is now public law. Her leadership in this area is well recognized. My letter to Helmut Schmidt on this matter follows:

U.S. HOUSE OF REPRESENTATIVES,  
Washington, D.C., February 8, 1979.

Chancellor HELMUT SCHMIDT,  
Bundeskanzleramt,  
Federal Republic of Germany.

DEAR CHANCELLOR SCHMIDT: I am writing to express my strong belief that the statute of limitations governing Nazi war crimes should not be permitted to expire. As you know, it was the intention of the Allied powers as enunciated at Nuremberg in 1945 and before, that those responsible for the Nazi genocide should not escape prosecution. During the Moscow Conference of October, 1943 the Allies vowed that they would pursue war criminals "to the uttermost ends of the earth." It is, I believe, the moral obligation of the Federal Republic to fulfill that pledge.

I do not believe that any statute of limitations should apply to Nazi war criminals. The murders of six million Jews and millions of others cannot be dealt with as if they were simple cases of manslaughter, and prosecutions must not cease until every surviving killer is brought to trial. There is no statute of limitations for the survivors of the Holocaust who must live every day with their memories of unspeakable horrors and with the loss of relatives, gone forever. There is no statute of limitations for the Jewish people which will forever bear the scars of one-third of its number, gone forever. There is no statute of limitations that governs pain and indescribable grief.

Mr. Chancellor, I urge that the Federal Republic continue its prosecution of Nazi war criminals. No arbitrary statute of limitations should stand in the way of the justice we all seek.

Sincerely,

JONATHAN B. BINGHAM. ●

Mr. BUCHANAN. Mr. Speaker, I am joining today in the introduction of the resolution by the gentleman from New York (Ms. HOLTZMAN).

In my judgment, it is particularly appropriate that we act at this time to urge the Federal Republic of Germany to abolish or at least extend the statute of limitations on war crimes.

Within the last several weeks the televised dramatization "Holocaust" was screened in Germany and its showing resulted in numerous calls to those investigating the war crimes with new information and leads.

Our own Government has intensified its efforts in this regard.

But the statute of limitations in West Germany will prevent the prosecution of individuals for war crimes after December 31 of this year.

These are crimes against humanity, Mr. Speaker, and as such should have no statute of limitation.

The German people have acted twice in the past to extend the statute and it is my sincere hope that they will do so again.

The horror and tragedy of the wanton slaughter of millions of innocent people lives with us still. Those who

were responsible ought not escape punishment. Time cannot diminish the horror of their crimes and time should not be permitted to erase their legal guilt.

It is my hope, Mr. Speaker, that we will move on this resolution and express our support to the Government of the Federal Republic of Germany for repeal or extension of the statute of limitations on war crimes.

#### GENERAL LEAVE

Ms. HOLTZMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the subject of the resolution I am introducing today with the gentleman from New York (Mr. FISH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### ABOLISHING WEST GERMANY'S STATUTE OF LIMITATIONS ON NAZI WAR CRIMES

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, with a personal moral commitment, I join my colleague from New York (Ms. HOLTZMAN) in the introduction of a House resolution expressing the sense of the House that Government of West Germany should abolish or extend its statute of limitations governing the prosecution for war crimes, due to expire on December 31, 1979.

Some claim the introduction of this resolution results in meddling in the internal affairs of West Germany. I do not see it as such. Rather, I believe this resolution calling for the extension or abolition of the statute of limitations is a continuation of the world community's obligation, recognized by the Allies after World War II, to bring to justice those who committed crimes—not only against the Jewish community in Europe, but against all mankind.

The possible expiration of the statute of limitations at this time would be most tragic. I draw this conclusion from the fact that there has been an intensification of the efforts to bring these criminals to trial.

I am sure my colleagues in the House would be interested to know that there is a growing sentiment in West Germany to aid in the apprehension of Nazi war criminals. Newsweek, a national news weekly magazine, recently published an article which stated—and I quote:

Simon Wiesenthal, the dogged Austrian who tracks down Nazi War Criminals has been deluged with tips from West Germany in the past two weeks. The new information comes mostly from TV viewers reacting to a West German screening of "Holocaust," NBC's mini-series about Nazi persecution of Jews. "They felt moved to do something," Wiesenthal says of his informants. "They can't keep silent now."

correct action. But I share the spirit of caution in these words, spoken by Abraham Lincoln in 1848, when he was a Member of Congress:

I wish now to submit a few remarks on the general proposition of amending the Constitution. As a general rule, I think we would much better let it alone. No slight occasion should tempt us to touch it. Better not take the first step, which may lead to a habit of altering it. Better, rather, habituate ourselves to think of it as unalterable. It can scarcely be made better than it is.

Many, many questions will have to be answered before we can act on the proposals to amend the Constitution to require a balanced budget. The Judiciary Committee will examine each question dispassionately.

I have already considered some of the fundamental questions related to this issue, and I do not yet know the answers. I doubt that anyone does.

Would a constitutional amendment requiring a balanced budget work?

Would it be enforceable?

How would the suggested major exception to the requirement—"a national emergency"—be defined?

Is it wise to eliminate the discretion of elected representatives on budget and fiscal matters and replace it with an inflexible rule?

What would be the effects of a Constitutional amendment requiring a balanced budget on inflation? On unemployment? On the Government's ability to engage fiscal policy to prevent recession?

Behind the opinion polls and the press headlines, what do the people of the United States really want? A balanced budget? Reduced government spending? Reduced taxes? Reduced Government services? Reduced inflation rate? All of those or some of them or none of them?

Does the purpose of the people on this require the severe step of amending the Constitution, or are there alternative actions possible?

What would a budget-balancing amendment do to the ability of Congress to perform its responsibilities within our system of representative democracy?

Would an amendment of this type preserve the integrity of the Constitution of the United States, which has served and guided us so magnificently throughout our history?

I will continue to devote study and thought to these and other questions.

The House Judiciary Committee and its staff will prepare as fully as possible for hearings to examine these and many more questions.

Those hearings will, I am confident, provide the basis for calm, logical, informed, and wise judgments.

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Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I am delighted that Representative PETER W. RODINO, the distinguished chairman of the Judiciary Committee, on which I serve as the ranking member, is announcing a firm intention to hold hearings on the

proposal to amend the Constitution to require a balanced Federal budget.

In so doing, the chairman is responding to a groundswell of public opinion sweeping the country, a tide which is manifest in resolutions thus far received from 25 States asking for action on the balanced budget issue—with more such resolutions certain to come.

In my judgment, a constitutional convention may well not be the best way to proceed, and, therefore, the chairman's promise of congressional action is doubly welcome for providing a means by which the task of amending the Constitution can be dealt with in a more careful and orderly manner.

Behind the scenes, the Judiciary Committee has, in fact, been moving ahead on this issue for some time on a bipartisan basis. Last August, a Committee request for an analysis of the balanced budget concept was made to the Library of Congress. A study by the Public Interest Economics Foundation was commissioned by the committee last fall on the economic issues raised by proposed constitutional amendments to require a balanced budget. Numerous discussions have been held, generally on a bipartisan basis, with experts on the issue from the Brookings Institution, the American Enterprise Institute, the Hoover Institution, the Library of Congress and others.

The responsible course for the Judiciary Committee, which Chairman Rodino's statement gives promise will be followed, will be to schedule early briefing sessions for Members and staff and to follow them up promptly with comprehensive hearings. I am gratified to be able to report that a number of the economists and others with whom we have been meeting have offered the assistance of their organizations in both the briefing and hearing stages of our committee's consideration of the proposed amendment. I am not taking any position as to what form an amendment should take, but I have concluded on the basis of my examination thus far that a constitutional amendment offers the best means of imposing the necessary fiscal discipline on the Executive and the Congress.

Again, I welcome Chairman Rodino's statement and I can assure him of the solid interest and enthusiastic cooperation of the Republican Members on his committee for early hearings—and resolution of this all-important national issue.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, can the distinguished gentleman tell us how soon this might be; is it within the next month?

Mr. RODINO. Without attempting to avoid giving the gentleman a positive response, I might say that because the issue is one of infinite complexity with enormous consequences, I believe we have got to prepare with great care to assure that the hearings will be the kind of hearings that the gentleman and others who are concerned and the American people will require of us.

For this reason, I cannot say at this time precisely when the hearings will take place. I want to assure the gentleman that we will not delay. We will proceed posthaste immediately upon having prepared for this.

Mr. ROUSSELOT. Mr. Speaker, if the gentleman will yield further, the gentleman probably thinks it would be within the next 2 or 3 months?

Mr. RODINO. I have every reason to believe the gentleman's statement is reasonably accurate.

#### THE INTRODUCTION OF THE BIENNIAL BUDGETING ACT

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, today I am reintroducing the Biennial Budgeting Act, a bill I sponsored in the 95th Congress which would switch Congress over to a 2-year budget timetable, in place of our present annual system.

Let me say as a newly elected member of the House Budget Committee that I deeply admire and support the work of the committee. Under our present 1-year system, the crush of work that faces the committee in attempting to responsibly prepare and report out a budget resolution covering more than \$500 billion worth of Federal programs is staggering. The committee, under the leadership of the gentleman from Connecticut (Mr. GIAMMO), has in fact been the cutting edge of fiscal restraint in the House.

There can be no doubt that the basic guiding principles of the budget system do work. In the last year, for example, the committee was able to reduce the projected fiscal year 1979 deficit by billions of dollars in the second budget resolution, merely through closer oversight and scrutiny of economic and budgetary fluctuations during the year. The committee and the process met the test: more oversight does and did lead to better control over the size of the budget.

It is with that observation in mind that I propose the Biennial Budgeting Act, which will give Congress a full 6 months of oversight, as well as another 6 months for hearings and markup of specific legislative proposals, before the budget resolution and specific bills actually come before the full House. It is my firm belief that this additional time will greatly help us get a handle on the hundreds of Federal programs and agencies and enable us to begin building a more effective, long-term budgeting system.

I believe that the central thrust of our future budgeting schemes must be around long-range planning. Long-range planning is basic to every good budget system and the Federal Government should be no exception. For example, when a family plans its budget, it allows money each year for relatively fixed costs or easily estimable costs, such as housing, food, clothing, transportation, and then considers on top of that fixed figure what extras or emergencies it should budget for. If the same family used the system we use, it would compute these costs each year as though they were entirely new



# The Budget and the Constitution

*Is the country galloping toward a constitutional amendment that would require a balanced federal budget? It takes 34 states to summon a constitutional convention and 25 have already joined in the call. This article is the first of three on the implications of the campaign for the amendment.*

## The Historical Experience

In this happy land of short memories, half of the states' legislatures are now demanding a balanced budget enforced by constitutional amendment. Not to be outdone, several dozen congressmen have drafted language that would also require the government to pay off the federal debt within the next century.

If those ideas seem right and good to you, you owe it to yourself—and to the country—to look at their history. Those were the ideas that prevailed in this country until late in the New Deal, and they locked the American economy into a pattern of short booms that quickly crested in financial panics and severe unemployment.

There were six financial crashes and two long depressions between the Civil War and World War II.

Those depressions were periods of violent collisions between labor and management. They brought the United States closer to the European style of social-class politics than ever before or since. Through it all, presidents and Congresses agreed that federal budgets always ought to be balanced except in national emergencies, and they struggled conscientiously to pay off the war debts.

Then, in the late 1930s, things changed.

Does it strike you as important that this country has now gone through 34 years since World War II with no financial panics, and with the unemployment rate never as high as 10 percent? The reason is that the federal government has learned to use budget deficits and debt to stabilize the whole national economy. If you rule out deficits and

debt, you return the economy to the jolting instability of the 19th century.

The United States had paid off the federal debt in the 1830s, but it had to borrow heavily in the Civil War. For nearly 30 years after the war, the budget was held consistently in surplus and the debts were slowly reduced. The social costs were severe.

Banks, then as now, used government bonds—that is, pieces of the federal debt—as their reserves. When the government retired the bonds, it was inadvertently tightening the money supply. The constraints got tighter than ever when Congress put the country back on the gold standard.

The first of the great American financial panics arrived in 1873—triggered, apparently, in Europe by the reparations that France paid to Germany after the war of 1870. Credit collapsed in the United States, throwing the country into a depression that lasted five years.

The 1880s brought a tremendous boom as immigrants flooded into the country, new land came into production and new resources were opened. But this surge in production, against a tightly limited money supply, forced a steady fall in prices—a disaster for the farmers and small businessmen trying to pay off loans with shrinking incomes.

In 1893 there was another panic, this time incited by financiers' fears that coinage of silver would bring inflation. Again a depression followed. In 1892 the unemployment rate was 3 percent. In 1894 it was 18 percent.

Modern Americans are apt to think of William Jennings Bryan's famous Cross of Gold speech in 1896

as a faintly comic piece of old-fashioned hyperbole:

"You come to us and tell us that the great cities are in favor of the gold standard; we reply that the great cities rest upon our broad and fertile prairies . . . We will answer their demand for a gold standard by saying to them: You shall not press down upon the brow of labor this crown of thorns, you shall not crucify mankind upon a cross of gold."

Bryan was speaking for the plains farmers who had seen wheat drop to half the price of the early 1880s, in response to steadily tightening money. It was deflation, the opposite of the present inflation.

But the distress was not confined to the plains. The extreme insecurity of industrial life generated a wave of pitched battles between the new labor unions and employers. The Homestead strike was in 1892 and the Pullman strike, that President Cleveland broke with federal troops, in 1894. Thoughtful Americans began to fear that the country was sliding toward another civil war, this time along social and economic lines.

Then pure luck ended the long deflation. Prospectors suddenly found gold in Alaska and Australia, and chemists developed the cyanide process to recover it from low-grade ores. Gold prices dropped. Ironically, the gold standard became, for a time, inflationary.

The cycles of growth and contraction continued through the early 20th century, with the greatest of the crashes coming, of course, in 1929. The collapse of credit again caused bankruptcies, resulting in unemployment that diminished

demand and brought further unemployment in a long spiral downward. By 1933 the unemployment rate was 25 percent.

In England, John Maynard Keynes—in one of the great intellectual triumphs of this century—was working out his theory of employment and money. He urged governments to use their public credit to replace the collapsed private credit, and to expand public spending to offset the decline in private demand.

In the United States, the New Dealers, far less radical than their reputation, were suspicious of Keynes. When the economy slowed and painfully began to recover in 1937, the Roosevelt administration immediately reverted to conventional economics and tried to cut federal spending. President Roosevelt himself urged Congress to eliminate the deficit. As Keynes had warned, the patient immediately suffered a relapse. Unemployment shot from 14 percent in 1937 back up to 19 percent in 1938. That persuaded Roosevelt, who instantly began widening the deficit again. But it took three years, rearmament and the draft to get the unemployment rate down under 10 percent. It has been there ever since because every subsequent administration, Republican and Democratic, has followed the Keynesian method of using the federal budget as the balance wheel of the economy.

Why do a good many respectable people now want to forbid it, by constitutional amendment? Having grown accustomed to steady growth and stable prosperity, they have lost interest in the mechanism that provides it. They have forgotten what life was like without it.

# BUDGET BALANCERS WARNED BY MUSKIE

He Says Amendment Would Result  
in Cut in Aid to the States —  
Calls Drive Irresponsible

By B. DRUMMOND AYRES Jr.

Special to The New York Times

WASHINGTON, Feb. 13 — Voicing the feelings of an increasing number of legislators on Capitol Hill, Senator Edmund S. Muskie of Maine warned today that if the states succeeded in amending the Constitution to mandate a balanced budget, Federal aid to the states would be the primary target of budget cutters.

"That's not a threat, but arithmetic," Mr. Muskie, the chairman of the Senate Budget Committee, said in a luncheon speech at the National Press Club. He called the amendment effort "unworkable, counterproductive and even irresponsible."

He declared that grants-in-aid to the states would have to be cut because there was no room for reductions in defense spending, Social Security payments and other major budget categories.

## A 'Quick Fix' Opposed

Congress and the executive branch are moving slowly but steadily toward a balanced budget, said Senator Muskie, whose committee is expected to play a role in any Congressional consideration of a budget-balancing amendment. But he argued that neither Congress nor the President should be "handcuffed" by a "quick-fix" mandate that ruled out deficit spending in a recession or by an "ill-considered contrivance" that attempted to establish when a recession was serious enough to permit deficit spending.

"Constitutional amendments can't balance the economy," he said. "Resolutions passed in Richmond or Topeka can't dictate policy in Riyadh or Teheran. Decisions made in Washington's caucus rooms aren't always supported in the board rooms of New York."

Twenty-seven states — Idaho became the 27th today — have petitioned Congress to take action on a constitutional amendment that would require a balanced budget. Some have called for a convention that would draft the amendment; others have called upon Congress to draft it. In any event, the resulting proposal would require approval by three-fourths of the states, or 38.

## Serious Debate Urged

Mr. Muskie called for serious debate on the proposal, saying that it had attracted "much attention but little careful thought."

"Some legislatures," he continued, "have reviewed this proposal with appropriate deliberation. But in many statehouses, prudence has given way to panic. Resolutions to change the Constitution of the United States are introduced at noon and adopted before dinner."

"Sometimes without a single hearing, without a review of the alternatives, without as much debate as a new state song would engender, the states endorse a substantial revision of the fundamental law of the land."

Senator Muskie argued that the best way to achieve a balanced budget was to continue the Federal budget process that was begun in the mid-1970's, in which Congress sets specific spending, revenue and deficit figures that cannot easily be amended once enacted.

## Discipline Seen Needed

"We have made tremendous progress," he said. "In 1975, the deficit was 3 percent of our gross national product. But in 1980, it was projected at 1.2 percent. We don't need fiscal handcuffs to wipe the deficit out. We need fiscal discipline. If we have that will, no formula is necessary; if we don't, no formula will work."

Mr. Muskie also saw a danger to the country in mandating a convention to amend the Constitution. He said that the procedures for calling a convention and limiting its agenda were by no means clear.

"It's an uncharted course to an unknown destination," he said. "A balanced budget amendment is only one potential result. There are other popular crusades — to outlaw guns, to outlaw gun control, to make abortion a right, to make abortion a crime, to ban forced busing, to endow forced busing with a specific constitutional sanction, to limit the access of the press, to give the press more access."

In warning the states that grants-in-aid would be the first victims of a balanced-budget amendment, Mr. Muskie calculated that the cuts required to put the current budget in the black would total \$45 billion. "That would cost more than a million American jobs," he said. "It might have an impact on inflation, but it would leave the economy far weaker than before."

# The Budget and the Constitution

Washington Post  
Feb. 14, 1979

Carrie Johnson

## How a Small Crusade Grew

Unless its new visibility slows it down, a campaign that many people dismissed as farfetched could, very soon, force Congress to consider a balanced-budget amendment to the Constitution, try to set ground rules for the first federal constitutional convention since 1787, or perhaps wrestle with both huge problems at once.

The small crusade with such great implications has been the political sleeper of the year, an anti-spending, anti-Congress drive that had been endorsed by 21 states before it came to general attention when California Gov. Jerry Brown embraced the cause last month.

Since then, four more states (Arkansas, North Carolina, South Dakota and Utah) have signed on. That makes 25. Advocates, such as Jason Boe, Oregon senate president and head of the National Conference of State Legislatures, expect to collect the required 34 by this summer—though opponents claim some of the resolutions are invalid.

Where did this startling movement start? Proposed anti-deficit amendments have been kicking around for years. So have convention calls on other issues.

The idea of combining the two apparently came to several men in scattered states about four years ago. One of those, state representative David Halbrook of Belzoni, Miss., recalled recently that he "was sitting around with some friends in the back of a drygoods store—no kidding—and we got to talking about what could be done, what could be done to get some handle on the [federal] government."

Meanwhile, in Maryland, state senator James Clark (D-Howard) decided that a convention call might arouse his congressional delegation, which had ignored his first appeal for a no-deficit amendment.

After getting their measures through their own states in 1975,

Clark and Halbrook got together and got organized. Halbrook lobbied across the South. Clark recruited the aid of the National Taxpayers Union (NTU), a small Washington-based group best known until recently for issuing frequent lists of lavish or silly-sounding federal grants.

While using NTU's mailing lists and ties with other anti-spending groups, they worked primarily through informal networks of state

*The writer is a member of the editorial-page staff. This is the second article in a three-part series on the implications of a constitutional amendment to require a balanced federal budget.*

legislators. Recently Clark and James Davidson, NTU's founder, did recruit one paid coordinator: George Snyder, a former Maryland state senator now based in Florida.

"If this isn't grass-roots," said Halbrook, "I don't know what is."

Instead of seeking much publicity, the movement's sponsors nurtured their obscurity to keep opposition down. "We put out just enough statements so we couldn't be accused of hiding anything," Davidson said recently. They also encouraged impressions that their project was outlandish and their resolutions about as meaningful as endorsements of apple pie.

Still, hundreds of minor crusaders plod through the country all the time without winning even one

state. This effort has caught on because its themes have at least superficial appeal. Rightly or wrongly, "balanced budget" is a catch-phrase for economic stability, strong dollars and governmental self-control—just as "deficit spending" symbolizes recklessness, inflation and general civic decline.

Clark summed up this brand of economic fundamentalism recently by saying, "People may not understand all the theory, but they know instinctively what's wrong." And when "what's wrong" seems to include an irresponsible Congress and a runaway bureaucracy, using the Constitution as a checkrein is a saleable idea.

Thus, in Virginia, where most proposed constitutional amendments get stalled for years, the balanced-budget measure went through both houses without dissent in 1966. In Oregon last November, two state tax-curbing measures were rejected, but an advisory question on the amendment plan, put on the ballot by Jason Boe, got 82 percent of the vote.

As the plan became linked with other anti-spending, anti-Washington protests, it attracted more notice and much more fire. Last year in Colorado, for instance, the proposal was backed noisily by tax-protesting groups and a bloc of aggressive, arch-conservative Republicans. It passed, but only after a legislative brouhaha.

Clark and Davidson had hoped to proceed quietly until they had perhaps 30 states in tow. Brown's leap-

ing that they cannot hope to control.

The publicity has also brought a scrutiny that the movement is not ready for. Their proposals are still vague; they have not yet endorsed any specific amendment language or proposed convention rules. Thus they are ill prepared to explain, for instance, what kinds of "national emergencies" might justify a federal deficit, or how convention delegates should be picked. And they now find national figures whose aid they had hoped to seek, such as economist Milton Friedman, advancing competing plans.

Moreover, the state-initiative strategy has become a dicey approach. Clark, for one, says he does not want a convention or expect one to occur; his aim has been to force Congress to submit an amendment to the states. But if apprehensions about a possible convention cause the drive to stall, Congress could easily put the amendment question back on the shelf. On the other hand, if state legislatures are not deterred, stopping at 30 or 33 states—while congressional deliberations amble on—could become difficult.

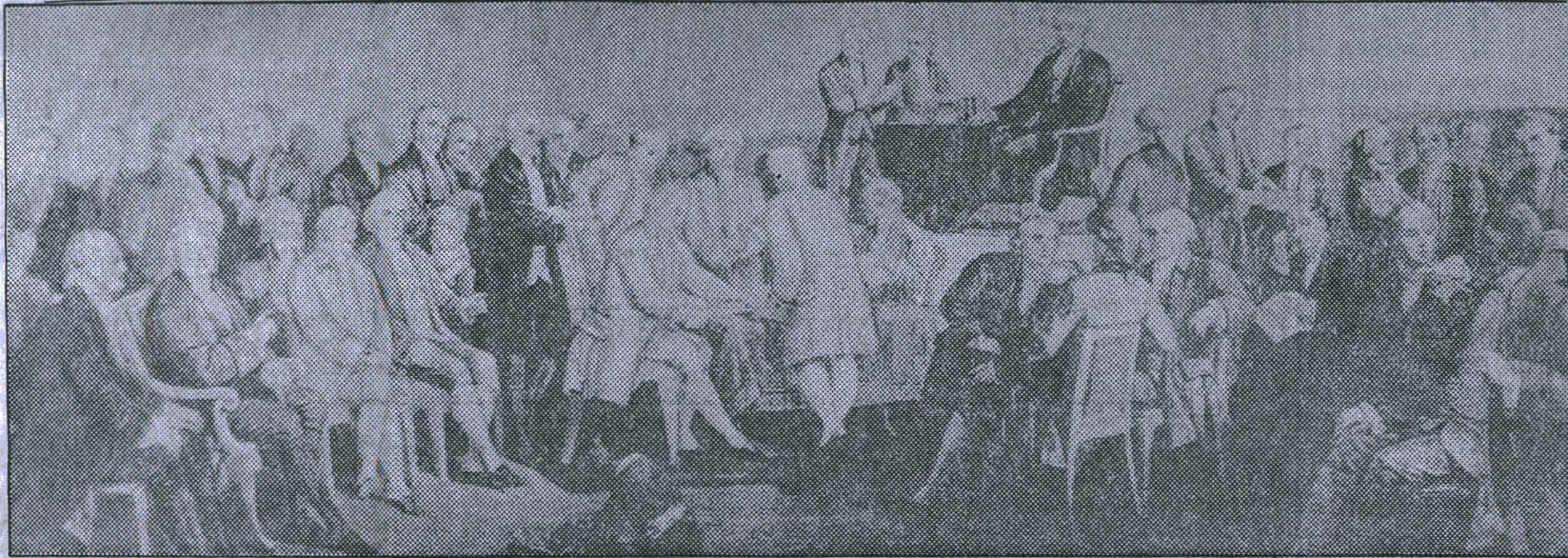
Congress and the country are just starting to focus on all the problems involved. But the next important decisions may be made in the remaining state legislatures, mostly in the East and Midwest. The immediate question is how many of those legislators recognize that their votes really matter, and that the issue is no longer as easy as apple pie.



PRESERVATION COPY

# The Budget and the Constitution

Washington Post February 16, 1979



*James E. Clayton*

## The Amending Process: A Morass of Unknowns

Sometime this spring, according to those who keep track of such things, the 34th state legislature will formally petition Congress to call a constitutional convention to draft a budget-balancing amendment. What happens when (and if) that resolution reaches Capitol Hill? The answer is that no one knows. There are no precedents, no laws and few guiding principles. Congress—and the nation—would be off into the unknown.

The only guidance we have is Article V of the Constitution, which reads as follows:

*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 Legisla-*

*tures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by Congress....*

There is nothing in that article about the scope of that convention, who is to be represented in it, how it is to proceed, or what is to happen to its product. Nor is there any indication in the Constitution of what happens if Congress simply refuses to issue the call.

Since two-thirds of the states have never asked for a convention on the same subject, there are no examples to follow. The Senate, under the prodding of former senator Sam J. Ervin Jr., did pass legislation a decade ago that attempted to fill some of the voids, but the House never considered it seriously. And the framers of the Constitution, al-

though they must have had something quite specific in mind, left few traces in their commentaries on what a convention is to be.

It is easy, given so many unknowns, to dream up scenarios that throw the nation into a political crisis. What, for instance, if Congress refuses to call the convention? Those who have organized the drive for one say they would ask the Supreme Court to order Congress to do its duty. But the Court has never ordered Congress to do anything—an old legal maxim holds that courts do not enter orders they cannot en-

*The writer is a member of the editorial-page staff. This is the last article in a three-part series on the implications of a constitutional amendment to require a balanced federal budget.*

force. There is a strong possibility the justices would rule the matter is a "political question" beyond their jurisdiction. If they did that, then what? Congress would be in clear disobedience of the Constitution and the states would have a moral right to make it obey in any way they could.

While that scenario is unlikely, a more refined version has Congress refusing to call a convention because the resolutions requesting it are not identical. The possibility of a congressional refusal on that ground was seriously discussed in the 1960s during the drive for a convention to deal with the apportionment of state legislatures. The issue was not resolved then because that drive fell two states short. It hasn't been resolved since. If Congress did such a

thing, no one knows how its action would fare legally or politically.

The most likely scenario, of course, is that Congress would heed the resolutions and either pass a budget-balancing amendment itself or call the convention. Any other course would repudiate too many of the basic principles of the nation. If it chose to call the convention, all the other unsettled questions would arise.

Chief among them is whether Congress can restrict a convention to one subject, in this case budget-balancing. Most authorities think Congress could do that and then could ignore any action the convention took on other subjects. But it can (and no doubt would) be argued that Congress lacks that power. The argument for congressional power rests on inferences that can be drawn from the Constitution and from some of the things its authors wrote about their work. The argument against such limitations rests largely in political theory; a constitutional convention, after all, is the supreme authority of a free people.

The Constitution is also silent on who is to be represented at a convention. Should it be the states, with one vote each, as it was in 1787? Or the people as a whole with delegates allocated strictly on a population basis? Or, as Congress is, a mixture of state and popular representation? Should delegates be chosen by state legislatures or popularly elected? Presumably, Congress is the only body that can decide, since it is the body that must call the delegates together. Once they were assembled, however, they might claim the power to revise the voting pattern or any other rules that Congress had attempted to impose upon them, such as a two-thirds vote to approve amendments.

The ultimate scenario for political chaos is one in which a convention rebels against efforts by Congress to restrict its work. Suppose Congress said the convention was limited to budget-balancing, but the delegates also proposed amendments on abortion, prayer in the schools, segregation, apportionment or women's rights.

Those who say a convention can be limited assert Congress could simply refuse to submit those extraneous amendments to the states for ratification. That assumes the convention's work goes through Congress on its way to the states, an assumption based on the fact that Congress must decide whether state legislatures or state conventions are to do the ratifying. But the Constitution does not specifically route a convention's proposals through Congress. It merely says those proposals become effective when three-fourths of the states ratify them in the method proposed by Congress.

If a runaway convention—asserting that it, not Congress, speaks for the people—shipped its proposals directly to the states and told Congress merely to designate the mode of ratification, could (and should) Congress refuse to do so? Would the Supreme Court stay out of such a hassle, as it has always stayed out of arguments involving the validity of constitutional amendments? If it did, how would the impasse be resolved?

The answer to those questions, like the answers to almost all the others, is that no one knows. That's why the drive for a constitutional convention sends chills down the backs of most of those who have ever thought about the forces that could be unleashed. There are in that drive the seeds of conflicts that would make the other political crises since the Civil War look puny.