Amending the United States Constitution

UNITED STATES CONSTITUTION, ARTICLE V:
“The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all interests and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or two other mode of ratifications may be proposed by the Congress.”

This year, Leagues across the United States are participating in two League of Women Voters of the United States (LWVUS) national studies under the general topic, “Structures of Democracy.” The two studies were adopted at the LWVUS convention in 2014. The first, an update to the League’s campaign finance positions, “Money in Politics,” was addressed in last month’s edition of the Voter, as well as at the forum and at unit meetings. The second is a study of the process of amending the Constitution. This will be the topic of our November 5th forum and the November unit meetings.

Neither the LWVUS nor our local League have positions in regard to amending the US Constitution. The process to amend is defined in Article V of the US Constitution. Through this study and consensus reports from Leagues across the country, the LWVUS intends to develop guidelines for how the League should evaluate the risks and necessities of constitutional amendment proposals, develop guidelines for considering Article V constitutional conventions, as well as the process of moving an amendment from state legislatures on to require Congress to address the issue. LWVUS has stated that we need a definitive position about using the amendment process before the League can evaluate its response to particular social, cultural and political realities of the present and the future while balancing our process and other positions.

Why this study now? The issue of amending the Constitution to mandate certain views on controversial issues has arisen frequently in recent years. Since the 1970s, at least 11,000 amendments have been proposed – although since 1787, only 27 in total have been adopted and enacted. Some of the recent issues raised as possible constitutional amendments include balanced budgets, reproductive rights, marriage, and campaign financing. Many groups of citizens have advocated amending the Constitution in reaction to the US Supreme Court decision in Citizens United that overruled most campaign finance regulation of the 20th Century. Those efforts served as a catalyst for this study. As members of the League, we are committed to being informed voters – and to informing other voters. We need to understand what amending the US Constitution would mean to our 239 year-old representative democracy.

The LWVUS has provided much material for this study via its website at forum.lwv.org. The Program Committee has reviewed these nation-
Connecting with the Leadership

We usually think of January as a blank slate and the time for looking forward, but lately, I’ve been thinking that November, with Election Day, can also be a time for new beginnings, whether for good or bad.

A new Seattle City Council will be elected by district, possibly changing the way the Council governs. On the national front—and in some local races as well—there seems to be frustration with the status quo and a desire to move in new directions—consider the rise of such disparate candidates as Donald Trump, Ted Cruz, and Bernie Sanders.

In many cities around the region, from Seattle to Sammamish, council races pit slow-development candidates against pro-development candidates. The outcome of these races could impact how the region copes with and reacts to growth for years to come.

I think this frustration has given rise to an attitude that we should “throw the bums out” all across the country. Voters see how much money is raised by Super PACs that don’t have to reveal their sources. Most of the money goes to established politicians, which has given rise first to the Tea Party, and now, to candidates with no experience at all of serving in elected office.

The Supreme Court’s Citizens United decision has opened the eyes of voters, who have come to believe their votes don’t count. Interestingly, when you think about it in financial terms, it makes your vote count more — just think of how much money is going into buying your one vote! In spite of all the money pouring in to influence the way you that vote, your vote counts just as much as Warren Buffett’s.

Our October forum opened our eyes to just how pervasive and long-standing the attempts of corporations and other groups to influence our Congressional representatives are, primarily with money — this has been going on since at least the 19th century. Until now, good government groups managed to enact campaign finance rules that helped limit the funds and influence of these groups, but Citizens United has even defeated many of these efforts. The Citizens United Committee has put together a “toolbox” for us to use for background information for forums, in communications, and as a resource guide (http://www.lwvvwacustudy.org/).

Because so many people have been so outraged by the Citizens United decision, a movement has begun to repeal it by constitutional amendment. The League of Women Voters of the US currently has no position on amending the Constitution, so they have asked all local Leagues to participate in a forum about it and to answer the consensus questions. I was surprised by how complicated and difficult the issue is, as you will see while you read the cover article and other material in this month’s Voter.

In the meantime, our League has been busy working to educate voters. Over the last couple of months, we spoke about ballot issues to many different audiences and sponsored or moderated several different candidate forums. Educated and knowledgeable voters are one of the best means of fighting back against those who would buy your vote or try to suppress your vote.

We like to think that we can take a rest after the November elections, but no such luck. We have an Action Workshop planned for November 21, with the theme of Creating a Progressive Tax System. The workshop should give you ideas for communicating with your legislators about issues of import to League. December and the holidays are slower, but our program planning

Continued on page 6
# Calendar

## November

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<td>Intern'l Relat. Comm. 12:45 p.m.</td>
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<td>Forum: Amending the Constitution 7:00 p.m.</td>
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<td>Board Meeting 9:00 a.m.</td>
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<td>Transportation Comm. 10:00 a.m.</td>
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<td>Climate Change Comm. 10:00 a.m.</td>
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<td>Legislative Action Workshop in Bellevue</td>
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<td>Eastside Holiday Party 11:30 a.m.</td>
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<td>Board Meeting 9:00 a.m.</td>
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Units meet during shaded period

### NOVEMBER

**December Voter Deadline**
Monday, November 9

International Relations Committee
Monday, November 2
12:45 p.m.
League Office

Forum: Amending the Constitution
Thursday, November 5
7:00 p.m.
Seattle First Baptist Church

**Board Meeting**
Saturday, November 7
9:00 a.m.
League Office

Climate Change Committee
Thursday, November 19
10:00 a.m.
League Office

Transportation Committee
Tuesday, November 17
10:00 a.m.
League Office

Legislative Action Workshop
Saturday, November 21
9:30 a.m.
St. Andrews Church
2650 148th AVE SE, Bellevue
See page 10 for details

### DECEMBER

**January Voter Deadline**
Monday, December 7

No Forum this month.

**Board Meeting**
Saturday, December 5
9:00 a.m.
League Office

International Relations Comm.
Monday, December 7
12:45 p.m.
League Office

Eastside Holiday Party
Tuesday, December 8
11:30 a.m.
See page 8 for details
The League of Women Voters of Seattle-King County (LWVS-KC) presents a public forum most months between September and May, generally on the first Thursday of the month at 7:00 p.m. Most forums are held at the Seattle First Baptist Church, but occasionally they are scheduled at other locations and times. The tentative schedule of forums for 2015 appears at left; check The Voter each month or the LWVS-KC website, seattlelwv.org, for up-to-date information. Past forums are frequently televised and can be accessed from the resources page of the website.

**Forum Schedule**

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<td>Sept 10</td>
<td>General Election</td>
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<td>Oct 1</td>
<td>Money in Politics</td>
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<td>Nov 5</td>
<td>Constitutional Amend. Study</td>
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<td>Jan 7</td>
<td>Program Planning</td>
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<td>Feb 4</td>
<td>Media’s Role in Gov’t</td>
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<td>Mar 3</td>
<td>Carbon Pricing</td>
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<td>Apr 7</td>
<td>Death Penalty</td>
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**Board Briefs** by Dora Taylor, Secretary

The League of Women Voters of Seattle-King County and Education Fund Boards met on October 3, 2015. This is a summary of their work.

Two events to look for in the coming months are the Constitutional Amendment forum in November, to be held at the Seattle First Baptist Church, and a forum in the spring on the topic of climate change.

Paneen Davidson and Ginna Owens were approved by the Board to be on the Nominating Committee. There is still a need for a person to head a Social Justice Committee as well as a Civics Education Committee. It was clarified that these committee Chairs do not need to be Board members.

During the September board meeting, the board decided to request estimates from web design companies to update the LWV King County website Zara Kublin is waiting for estimates from at least one other design firm and should have the numbers ready to present at the November meeting.

Amelia Woolley, Voter Services Chair, shared that the ballot issue summaries are done and are being edited now. Voter registration is also complete and there are several requests for speakers.

In the absence of Treasurer Cindy Piennett, Amanda presented a plan to invest our money in a Morgan Stanley account. Morgan Stanley would administer it according to our directions. Some Board members had questions, so the board moved to table the decision until next month.

On the election front, there will be some early discussions after the first of the year: There will be a major maintenance and operations school levy in February. The board will discuss that and the initiative (I-123) to build a park on the old viaduct at its January meeting. January is also program planning time, so begin thinking about what issues you would like to see addressed.
Mission Statement
The League of Women Voters of Seattle-King County, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues and influences public policy through education and advocacy.

Leadership continued:

forum is in early January. Now is time to start thinking about what you want us to focus on for the next year.

Hindsight gives us the perfect vision we need to look back and see how the past has impacted the current actions of our government, but it’s important to look ahead and see what we can do to continue the League’s important work of educating voters to pay attention and care about protecting their votes.

Amanda Clark
President

Cover article continued:
al materials and has selected those materials that reflect the history and various viewpoints of constitutional scholars on the amendment process. Constitutional scholars have very different views about whether to amend the Constitution. Because one method is to call an actual Constitutional Convention, there are serious concerns about how an Article V Constitutional Convention would actually be conducted, and what limits, if any, there would be on its ability to offer amendments to the Constitution. The scholars also differ on the role of the Courts in interpreting the US Constitution. The Voter materials include articles on these two views. As it stands now, five justices of the Supreme Court can and have reinterpreted 50 years of precedent established by previous courts’ interpretations of the Constitution.

Also included in this Voter is a condensed version of a longer LWVUS Constitutional Amendment Guide, with consensus questions included. Keep the consensus questions in mind as you do your reading.

Please read the materials included with this Voter – and more from the national website if you wish. Then attend the forum on November 5 at 7:00 pm at the Seattle First Baptist Church.
Committees

Climate Change Committee
DATE: Thursday, November 19
TIME: 10:00 a.m.
PLACE: League Office

Economics and Taxation Committee
DATE: NOT MEETING THIS MONTH
TIME: 9:30 a.m.
PLACE: 909 E. Newton #D-9, Seattle
Next meeting will be December 12.

Education Committee
DATE: NOT MEETING THIS MONTH
TIME: 11:00 a.m.
PLACE: League Office
Next meeting will be December 10.

International Relations Committee
DATE: Monday, November 2
TIME: 12:45 p.m.
PLACE: League Office

Transportation Committee
DATE: Tuesday, November 17
TIME: 10:00 a.m.
PLACE: League Office

We encourage participation in our committees by all interested members. It’s a great opportunity to meet and talk to community leaders, stakeholder organizations, and experts where you can have direct input on local issues that affect you.

Don’t see a committee that covers your issue? Call the office and let us know. Sometimes people are working more informally without regularly scheduled meetings. If so, we may be able to help connect you with them or help you start your own.

Diversity Policy

The League of Women Voters of Seattle-King County (LWVS-KC), in both its values and practices, affirms its beliefs and commitment to diversity and pluralism, which means there shall be no barriers to participation in any activity of the League on the basis of gender, race, creed, age, sexual orientation, national origin or disability.

LWVS-KC recognizes that diverse perspectives are important and necessary for responsible and representative decision-making. LWVS-KC subscribes to the belief that diversity and pluralism are fundamental to the values it upholds and that this inclusiveness enhances the organization’s ability to respond more effectively to changing conditions and needs.

LWVS-KC affirms its commitment to reflecting the diversity of Americans in its membership, board, staff and programs.
King County Connects — Announcements

HAPPY HOLIDAYS

All Eastside members are invited to come (and bring a prospective member!) to the annual Eastside Holiday Party, Tuesday, December 8, hosted by the Issaquah unit. It will begin at 11:30 a.m. at St. Michael and All Saints Episcopal Church, 325 SE Darst St. in Issaquah.

If you would like to attend, please RSVP to Susan Cotterell at 425-392-6803 or grannysue@msn.com. Suggested donation, $8 per person.

GREAT DECISIONS FOR 2016

Beginning in February 2016, members of the Seattle-King County League of Women Voters will be gathering to discuss these eight topics selected by the Foreign Policy Association:

- Middle East
- The Rise of ISIS
- The Future of Kurdistan
- Migration
- The Koreas
- The United Nations
- Climate Change
- Cuba and the U.S.

More details about the program and how to order the briefing book will be in the December Voter. In Seattle, contact Rosalie McCreary at 206-687-7415 or romccreary@gmail.com with any questions, or to discuss the program.
Updates from our State and National Leagues

All members of the LWV of Seattle-King County are also automatically members of the LWV of Washington and the LWV of the United States, whose work focuses on issues of state and national concern, respectively. Be sure to sign up for weekly email newsletters and/or visit their websites: www.lwvwa.org and www.lwv.org for the latest information.

Olympia and Our Washington

Action workshops are top of the list of LWVWA activities at the moment. See details and sign up on the following page.

The Vote411.org team is wrapping up its five month effort to bring reliable and comprehensive information about over 5,000 candidates and numerous ballot measures to voters throughout Washington. We hope you took advantage of their hard work and also shared it with others.

Each year several League members attend a budget workshop conducted by the Washington State Budget and Policy Center to get an update on the State fiscal condition and upcoming legislative plans. This year the Budget Matters Summit is being held on Wednesday, December 9, at Benaroya Hall in Seattle. Call the office for details and to register.

As planning moves forward for Council in June 2016, League is interested in learning about your interest and participation in statewide League events. What makes you want to attend (or not)? Please help us by completing a brief survey. It is quick and easy. Call or email the office to get a copy or a link to respond online. Thanks so much. 206-329-4848 or info@seattlelwv.org.

National News

In addition to the two national studies that we’ve been working on this month and last, National continues its efforts on both information and advocacy for voting. Once again we were a primary organizer of National Voter Registration Day where we partnered with hundreds of organizations to register tens of thousands of voters around the country. We are also continuing efforts to reinstate the Voting Rights Act, fight purging of voter rolls, and increase and improve online voter registration.

Another area of national focus is climate change. The League recently sent a letter opposing the Senate’s attempts to block the Clean Power Plan, submitted comments to the EPA regarding fracking and drinking water, and supporting the EPA’s proposed methane pollution standards. We encourage you to watch for and respond to the national action alerts.

Finally, national has already begun work for the presidential election in 2016. The quadrennial “Electing the President” materials have been updated, and additional voter registration resources are being prepared to help us coordinate our local efforts. We will be discussing how to implement these in our league shortly. If you are interested in participating, please call the office and let us know; 206-329-4848.
This year the League of Women Voters of Washington is pleased to present four Action Workshops around the state, making it easier for you to attend and get in on the action. These workshops cover LWVWA advocacy priorities for the upcoming legislative session and will give you an opportunity to:

- Help us flex our political muscle in Olympia.
- Get the inside scoop on what to expect for the upcoming legislative session.
- Learn about critical issues facing our state, such as climate change, the challenge of raising revenue, education, and campaign finance.
- Discuss the issues of greatest interest to you with legislators and our lobby team.
- Gain the knowledge, skills, and confidence to be a more effective, powerful advocate for the issues you care about.
- Network with other advocates involved in the League.
- Meet LWVWA’s dynamic new lobbyist team: Nancy Sapiro and Pam Crone

For the first time, we are opening up these workshops to non-League members. This can be a great tool to involve more people in our advocacy efforts and recruit members. Please consider inviting friends who you think would like to know about our advocacy efforts.

**Bellevue/King County**  
Saturday, November 21  
9:30 a.m. to 3:00 p.m.  
Saint Andrew’s Lutheran Church  
2650 148th Ave SE, Bellevue  
**Speaker: Creating a Progressive Tax System in WA**

More information, and the other 3 locations and dates, can be found at: [http://www.lwvwa.org/actionworkshop.html](http://www.lwvwa.org/actionworkshop.html)

Have questions? Contact Kathy Sakahara at 206-261-7797 or [ksakahara@lwvwa.org](mailto:ksakahara@lwvwa.org).

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**Register for a 2015 Advocacy Workshop**

I would like to attend the following workshop(s):  
Registration fee of $25 includes lunch.

- [ ] Spokane-November 7  
- [ ] Bellingham-November 14  
- [x] Bellevue-November 21  
- [ ] Shelton-December 5

Name_______________________________________________________  
League Affiliation______________________________________________  
Phone______________________________________________________  
Email ______________________________________________________  
Address_____________________________________________________

City __________________________ State _______ Zip__________

Please let us know what areas are of most interest to you. Please check all that apply.

- [ ] Agriculture  
- [ ] Budget and Revenue  
- [ ] Campaign Finance and Elections  
- [ ] Children and Family  
- [ ] Climate Change  
- [ ] Economic Justice  
- [ ] Education  
- [ ] Health Care and Reproductive Rights  
- [ ] State Parks  
- [ ] Transportation  
- [ ] Other __________________________

Please mail this completed form along with a check for $25 made out to: LWVWA, 1402 Third Avenue, Suite 430, Seattle, Washington, 98101
Voter Service

Please be sure to share our great election information resources with friends and family. Have a question that you can't find an answer to? Call the office and speak to one of our volunteers — we’ll get you pointed in the right direction.

Have you returned your completed ballot yet? Remember, the signed envelope must either be postmarked by November 3 or put in an official ballot drop box/van by 8 p.m. that same day.

A huge THANK YOU to Connie Hellyer and her team of Volunteers at the Horizon House/First Hill unit! They did a tremendous job all summer and into the fall getting out into the community, registering voters and sharing voter information.

We’ll have more about them and the overall work of the voter services team next month, but... we’re already getting calls from individuals and organizations who want to get involved in voter registration for the presidential election! To do a coordinated plan that reaches out to more underserved areas in King County we’ll need a number of volunteers. Want to be part of the planning process? Call the office or email us at voterservice@seattlelwv.org. We’d love to have you. Energy and enthusiasm are all that’s required.
Getting Connected  Membership News

Welcome to New Members:

Emily Bingham has lived in Seattle since she was nine years old. She earned a bachelors degree from the University of Washington and returned to the University to earn an MBA when her children started school. After graduate school, Emily worked at Bank of America for many years in commercial banking. She retired from the bank after holding the position of Senior Vice President and Market Executive for Commercial Banking.

Emily and her husband have traveled extensively post-retirement and most enjoyed month-long trips to South America, particularly because she has been taking Spanish classes over the past few years. Other interests include hiking, kayaking, and film festivals. She served as precinct captain in 2008.

Emily has admired the work of the League over many years and is happy to be joining. She has expressed an interest in learning more about the League and in giving back. She has been attending Northeast’s unit meetings and has assisted with voter registration.

Elizabeth Gerrish is currently the Key Account Manager at Zemax, LLC, a local software company. She has had a ten-year career as an optical engineer. With a B.S. in Physics from the University of Washington, Liz is currently working toward a M.S. in Leadership and Management from Western Governors University. Along with her two amazing daughters, Liz is an active volunteer at Camp Unity and at Saint Jude Catholic Church. In her spare time, Liz loves attending the opera and is an avid salsa dancer.

Issues that are important to her include diversity, gender inequality, domestic violence, and education.

Liz became interested in the League of Women Voters after attending a housewarming party. The issue of upcoming ballot measures came up and only one woman, who had recently become involved in the Kirkland city council, knew anything about it. Further, most of the attendees, who were in their early thirties, did not intend to vote. Liz decided to become an active member of the LWV to disseminate information to her peers.

Pramila Jayapal is serving her first term in the Washington State Senate, representing the 37th Legislative District. Her home of nearly 20 years, the 37th is one of the most racially and economically diverse districts in Washington state.

Born in India, Pramila came to the U.S. by herself when she was sixteen years old to attend Georgetown University. She worked on Wall Street as a financial analyst following graduation and then went on to earn an M.A. in Business Administration from Northwestern University. After working in the medical equipment industry for a year, she decided to leave the private sector and work in the social justice arena.

Pramila spent the last twenty years working both internationally and domestically as a leading advocate for women’s, immigrants’, civil and human rights. She worked on improving access to women’s reproductive and primary health internationally and on increasing access to credit in low-income communities in the U.S. and abroad.

She is the founder and former executive director of OneAmerica, Washington state’s largest immigrant advocacy organization, where she led one of the largest voter registration efforts in the state, helping more than 23,000 new Americans register to vote. She also helped organize the coalition that successfully pushed for the passage of the 2014 Washington State Dream Act, which allows access to state higher education financial aid for undocumented young people.

Pramila joined the League of Women Voters at the Spring fundraising event at the Wing Luke Museum.
Elizabeth Larson graduated from New York University in 1971 and worked as an occupational therapist in New York before moving to the Pacific Northwest. For the last 30 years, Beth worked as an occupational therapist for the Lake Washington School District. Beth raised her family in Kirkland, but she loves the wilderness, so a cabin in Eastern Washington frequently lures her to the Methow Valley. Beth says she is passionate about wilderness and very concerned about campaign finance reform. She and her daughter-in-law, Clancy Schoenleber, share a family membership in League.

In 2011, Clancy graduated from the UW with a bachelor’s degree in Media and Communications.

Beth and Clancy want to explore how to contribute to progress - not just read about the problems.

Brady Piñero Walkinshaw, State Representative from the 43rd Legislative District, joined the League of Women Voters at the Spring event at the Wing Luke Museum. He and his husband, Micah Horwith, a marine biologist, live on Capitol Hill and share a household membership. Brady joined the Legislature in 2013 and previously spent several years focused on food and agriculture in developing countries at the Bill & Melinda Gates Foundation.

We are thankful for all our members and the great work you do to help our communities.

Happy Thanksgiving!
Join the League!

Take part in informed discussions of the issues facing our communities. Members automatically receive the VOTER, either in print or electronically, for the latest updates on current studies and action, monthly forums, committee activities, voter registration, and other volunteer opportunities. In addition, members receive action alerts about legislation in Olympia and Washington, D.C., as well as publications from the state League.

League membership is open to men and women.

Name: ________________________________

Address: ________________________________

City/State/Zip: ________________________________

Phone: ___________________ Email: ___________________

Dues and contributions:
□ $75 one year individual membership
□ $115 one year household membership
□ $40 low income
□ $35 student
□ Enclosed is a contribution of $ ____________

Please make your check payable to LWVS-KC and return with this form or go online to www.seattlelwv.org/membership.

Membership dues and contributions are not tax deductible; however, eligible tax deductible contributions may be made to the LWVS-KC Education Fund.

□ This is a gift membership from: ________________________________

Thank you for supporting the work of the LWV!

Please return this form to:
League of Women Voters of Seattle-King County
1620 18th Avenue, Suite 101
Seattle, WA  98122-7007

Celebrating 95 years of educating voters, improving elections, and making democracy work!
Transportation Committee Report
by Janet Winans

The Transportation Committee meets the 3rd Tuesday of each month at 10:00 AM at the Seattle Office of the League of Women Voters.

Members of the Economics and Taxation committee joined the Transportation committee meeting in September to brainstorm ways to cope with the colliding issues we are confronting as we struggle to integrate our League Positions with the ever-more challenging demands coming from the political world.

The Transportation Committee and the League Board struggled over how to be true to our positions while considering the need to maintain a strong and vibrant transportation infrastructure with the League’s Good Government positions stating that levies should be used for capital projects, not maintenance.

Politicians have ushered us into a time that many of our common good services are held separate from general fund governing. Common good services are very vulnerable to being cut, which became apparent when sales tax revenue crashed as a result of the Great Recession and belt-tightening reduced funding for all necessary services. Now that the economy is improving, politicians are considering different funding approaches that might be less vulnerable to economic fluctuation by choosing to introduce special levies, because the public does believe that common good services are essential.

Speakers to the Transportation Committee range from the long-range planners from the Puget Sound Regional Council, to City Councilmember Tom Rasmussen, and representatives describing progress on the SR520 Bridge. We understand the need for these facilities and the investments that must be made to build and maintain them. Our role has been to advocate for public transit and for the understanding of how people and goods can and must transit through our streets and highways.

We listen very carefully as each new project is proposed and the means to fund it are defined. We opposed the initiative that repealed the Motor Vehicle Excise Tax (MVET) in 1999, and each of the new anti-tax initiatives that have followed since then. The MVET required those with the newest and most expensive cars to pay more for their drives down our freeways than those with older and less expensive cars and brought in a steady stream of revenue. We advocate for methods that can provide sources of revenue that grow at the same rate as inflation and population, or income, such as the MVET did.

The League of Women Voters of US, WA and S-KC oppose Washington State’s regressive tax structure. It allows those who are most wealthy to provide the smallest share of their income in taxes for the common good, while requiring those with the least income to pay the highest percentage of their income.

Is it possible to describe the taxation/revenue process that began with the repeal of the MVET as a time when the automobile reigned supreme and drivers gloried in the “free” part of our highway system? Have ever-more expensive cars come to stand as symbols of the growing income inequality of our communities? Now that drivers who purchase new and expensive automobiles no longer have to pay a correspondingly expensive tax on their vehicles, which might have stymied the purchase of such vehicles in the past, have fancy cars become a more visible symbol of income inequality than they once were?

These questions are bringing our two committees together. We intend to explore these issues and create what Nora Leech calls “A Primer on Taxation,” which we will present to League members early in 2016.

Continued on page 32
BOOK REVIEW by Vicky Downs

FACTORY MAN: HOW ONE FURNITURE MAKER BATTLED OFFSHORING, STAYED LOCAL AND HELPED SAVE AN AMERICAN TOWN  By Beth Macy

A journalist for the Roanoke Times, Beth Macy has won many awards for her writing about Appalachia and the people who live and work there. In this book, she focuses on the Bassett family’s furniture companies. In 1902, brothers John and Samuel Bassett took advantage of cheap labor and local hardwoods to start their furniture-making factory. The brothers became wealthy and built mansions for themselves on a hill overlooking the factory and housing for its workers in the town that inevitably was called Bassett.

For years, the business flourished and the Bassett family became millionaires by working their factory hands hard and paying them little. They also ran just about everything in town. Second generation “Mr. Doug ran the school board and country club, while Mr. Ed was the keeper of the Kiwanis… Doug’s branch of the family held the reins of [Bassett Baptist Church], while Ed’s controlled the Methodist Church…Nobody passed Go without the family blessing.”

In the 1980s, Asian competition brought in cheaper furniture and most of the Bassett factories turned from making furniture themselves to teaching the Chinese how to do so. Most Bassett executives then turned to retail to make money on the outsourced products as their former employees searched for other work. By the late 20th century, no one cared about beautifully-made furniture that could last for generations, and they didn’t care what it was made from. Consumers wanted choices in color and style, and they appreciated paying the lowest possible price.

Third generation John Bassett III, known as JBIII, resisted when Chinese manufacturers began to undersell the Bassett company. JBIII was a shrewd, forceful man who communicated with everyone in an informal southern drawl interlaced with expletives and sophisticated ideas. He talked to everyone, whether backwoods American or city-born Chinese. Unlike others in the business who had started to focus on retail, he wanted to save his factory and hold onto his workers. He searched every aspect of the furniture business to cut costs. He copied others’ designs, stopped unions from entering his factory, asked his own workers to suggest factory floor improvements, and offered incentives to push productivity. Eventually, he guaranteed that his company would deliver orders within a week: something the Chinese couldn’t do.

By the time China signed the WTO treaty in 2001, JBIII hired Ruby, a Chinese-born woman living in America whom he trusted. She knew furniture, she could spy for him in China and could translate as well. He took Ruby to China to search for the one factory that made bedroom furniture exactly like his own, but at half the cost. How could they do it? Talking with the factory owner, JBIII realized the Chinese government had essentially agreed to do whatever necessary to undercut U.S. prices.

No wonder Chinese products flooded the US and millions of jobs were lost! JBIII, however, was determined to “reshore” his products. He invested in new machinery and competed with higher quality and better service, not just pric-
Amending the U.S. Constitution

by the LWVUS Constitutional Amendment Committee

Patricia Donath, Chair (LWVUS Board)
Linda Powers Bilanchone (SC)
Shamira Gelbman (IN)
Ann Luther (ME)
Monica Marquez (CA)
Ann Mostoller (TN)
Editor’s Note: The materials that follow were prepared by the LWVUS Study Committee. They include two short synopses of longer articles, a detailed study guide that includes the consensus questions we are discussing this month, and a bibliography. The synopses and the study guide have been revised to remove some citations and references that interrupt the flow of text in a print version. The original versions can be found online at www.lwv.org on the Constitutional Amendment Study page and on the LWVS-KC website at www.seattlelwv.org/constlamend.

Synopsis of “Constitutional Amendmentitis”
by Kathleen Sullivan

Writing in 2001, Sullivan notes a flurry of activity, with more Constitutional amendment proposals active then (and now) than at any time since the 1970s. The Constitution is very difficult to amend. Of the 11,000 amendments that have been proposed since the Constitution was adopted, only 27 have actually passed. As a result, the Constitution remains a “relatively pristine document.”

Those that have passed have little altered the overall structure of the Constitution. According to Sullivan:

The first ten amendments, the Bill of Rights, were added in one fell swoop by the First Congress and ratified in 1791 as part of a bargain that had induced reluctant states to ratify the Constitution. And the 13th, 14th, and 15th Amendments, which abolished slavery and gave African Americans rights of equal citizenship, were essentially foisted on the southern states by the Reconstruction Congress as a condition of readmission to the union in the wake of the Civil War.

The remaining amendments have tinkered little with the original constitutional design. Four expanded the right to vote in federal elections: The 15th Amendment eliminated racial classifications in voting, the 19th extended the franchise to women, the 24th abolished the poll tax, and the 26th lowered the voting age. Only two tried outright to govern social policy: The 18th Amendment imposed Prohibition and the 21st repealed it. Only two amendments worked significant structural changes in the original constitutional framework: The 17th Amendment provided for popular election of senators and the 22nd imposed a two-term limit on the presidency. And only four amendments were enacted to overrule decisions of the Supreme Court: The 11th Amendment barred suits in federal court by citizens of one state against another state, the 14th recognized the United States citizenship of African Americans, the 16th permitted Congress to impose an income tax, and the 26th lowered the voting age to 18—all in contrast to what the Supreme Court had said the Constitution permitted or required. The remaining handful of amendments were national housekeeping measures, the most important of which was the 25th Amendment’s establishment of procedures for presidential succession.

Against this backdrop, the current enthusiasm for amending the constitution is concerning in that “there are strong structural reasons for amending the Constitution only reluctantly and as a last resort.”

1. Stability. It has stood the test of time. “If it ain’t broke, don’t fix it.” Stability is one of the key virtues of having a Constitution in the first place. Amending it too often undercuts that purpose and undermines public confidence in the basic structure of our government.

2. The Rule of Law. The Constitution is our fundamental charter of government. It should not be cluttered up with the sorts of directives found in legislation. The point of having a constitution is to establish a separation between the legal and the political realms. The constitution lays down those fundamental political ideals (equality, rep-
representation, individual liberties) that place limits on how far any short-term, political majority may go. The Constitution is our higher law. The rest is politics. Too-frequent amendments erode the boundary between our higher law and politics, making support for the Constitution a matter of political preference.

3. **Coherence.** The Constitution was written as a unified document; amendments are piecemeal and can affect other parts of the whole. For instance, a balanced budget amendment could affect taxing, borrowing, and spending currently accomplished by a simple majority vote by imposing supermajorities on these actions, thereby transferring so much power to the minority that they may extort concessions in other areas, with the potential for significant spill-over effects. This is only one example, but it is clear that amendments can create conflicts within the document as a whole and thus have repercussions beyond their specific subject matter.

4. **Generality.** The Constitution is purposefully drafted in general terms. Specifics are to come through judicial interpretation. However, generally worded amendments can be problematic. Either by what it specifies or does not specify, an amendment can have the potential to effect a major change to our fundamental governing document such as a redistribution of powers among the three branches of government. Striking the appropriate balance is incredibly difficult to get right.

5. **The Role of the Court.** We have granted the Supreme Court broad interpretive powers. Constitutional amendments, especially those that overturn Court decisions, undermine respect for the legitimacy of the Court. It also erodes the social benefits of peaceful conflict resolution. Remember that we have amended the Constitution only four times in order to overrule the Supreme Court. The Court itself can squander public respect by so abruptly changing interpretations of the Constitution that they appear more politics than law. But that fact does not strengthen the case for more readily amending the Constitution. Rather, it illustrates the very pitfalls of constitutional mutability that amendment fever would exacerbate.

In summary, this does not mean that the Constitution should never be amended. But for all the reasons outlined above, there should be a strong presumption against doing so except when changes consistent with the Constitution's broad purposes are unlikely to be enacted by ordinary legislative means.

*Note: Kathleen Sullivan's full article is item 2 in the bibliography on page 30.*
SYNOPSIS OF  
“Constitutional Amendments and the Constitutional Common Law” 
by Professor Adrian Vermeule

The gist of the paper is that we should not be predisposed against using the Article V constitutional amendment process. Vermeule critiques the position attributed to Kathleen Sullivan and others that there should be a general presumption against amending the Constitution. Such a view favors constitutional change through court decisions as opposed to constitutional amendments. He argues that this position, when widely adopted, exerts a drag on the amendment process that may do more harm than good.

By disadvantaging the amendment process, the court-centered view tips the balance in favor of constitutional change brought about through common law judicial decisions, which he believes hold equal or greater peril. The alternative to the amendment process is continuous reinterpretation of the Constitution left to the courts – that is, “to an ongoing constitutional convention whose delegates are all judges (and hence all lawyers).” He points out that no member of another profession has ever been appointed to the Supreme Court, although no law prohibits the appointment of others. Whatever the other advantages or disadvantages of the amendment process, it would presumably involve a more diverse group of actors.

In responding directly to Kathleen Sullivan’s paper, he argues that the case against the Article V process is based on a fallacy: that the alternative to constitutional amendment is stability, when in fact the alternative is continual judicial updating of the Constitution, which often produces as bad or worse results than the constitutional amendment process does.

Here are some of the prominent arguments that Vermeule counters:

- **Amendments politicize the Constitution**: so, he argues, do judicial interpretations of the Constitution, as we have seen in the continuing political struggle after Roe v Wade and as we may yet see with decisions on campaign finance, the Affordable Care Act, and same-sex marriage.
- **Amendments clutter up the Constitution**: the real alternative to lengthy text in the Constitution is to have a complex and tangled underbrush of judicial decisions. “A complex society will produce complex constitutional law; the only real question is whether it is good to outsource … complexity… to the adjudicative process.”
- **Amendments represent a “mutiny” against the Supreme Court**: on the contrary, more amendments would leave less room for judicial flip-flops, over-rulings, creative and novel interpretations. An increased rate of amendment might actually legitimize the Court.
- **Amendments have bad unintended consequences**: judicial updating may also have unforeseen consequences, as may judicial inaction or amendment restraint. “Worry about perverse consequences … yields paralysis, not safety.”
- **Amendments should not encode “mere social policies” but should expand individual rights or improve government structure**: why shouldn’t other types of amendments be considered as circumstances change? The fact that the previous 27 amendments can be largely categorized this way is “curve fitting” on a very small number of amendments.

In conclusion, Vermeule argues that both the amendment process and the judge-made constitutional law may be appropriate alternatives in different circumstances.

Note: Professor Vermeule is responding to arguments made in Kathleen Sullivan’s What’s Wrong with Constitutional Amendments, which is a part of a longer document; item 1 in the bibliography on page 30. Prof. Vermeule’s full article is item 3 in the bibliography.
CONSTITUTIONAL AMENDMENT STUDY GUIDE

This study of amending the U.S. Constitution is in three parts. The questions in Part I are to develop guidelines for evaluating constitutional amendment proposals. Part II asks about aspects of an Article V Constitutional Convention that may be important in conducting such a Convention. Part III relates to how the League might put these guidelines into practice and asks two overall balancing questions between process and positions.

Constitutional Background

In 1787, delegates from twelve of the thirteen states then in existence met in Philadelphia to revise the Articles of Confederation. Instead, they drafted a totally new document, what we know as the U.S. Constitution. It was unanimously ratified by the states. While this all seems very long ago, how the Constitution began and how the 1787 Convention was convened and conducted are cited in the current debate about calling a Convention under Article V.

Here’s what Article V of the U.S. Constitution says about amending the Constitution:

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; . . .

So Article V provides two ways of proposing amendments to the nation’s fundamental charter. Congress, by a two-thirds vote of both chambers, may propose constitutional amendments to the states for ratification. OR, the legislatures of two-thirds of the states (34 at present) may ask Congress to call a convention to propose amendments to the Constitution; this is commonly called an Article V Convention. Amendments proposed by either method must be ratified by three-fourths of the states, which means 38 of the 50 states at present.

The first method has been used by Congress to submit 33 amendments to the states, beginning with the Bill of Rights. Of these, 27 were approved; 26 are currently in effect, while one – the 18th Amendment (Prohibition) — was ultimately repealed by a second amendment, the 21st. The 21st Amendment was also the only one ratified by conventions in the states, rather than by state legislatures. In June 1920, the Supreme Court ruled unanimously that the U.S. Constitution provided for state legislatures, not citizen referendum campaigns, to ratify amendments.

The second method, an Article V Convention, has never been successfully invoked.

League Background

Perhaps it goes without saying that the League of Women Voters believes it is right and permissible to amend the Constitution of the United States when circumstances demand. The League was born from the successful, decades-long effort to pass the 19th Amendment.

The question for us today is: what are the shared values and beliefs within the League – what consensus do we have – regarding the circumstances that might allow or compel the League to endorse a constitutional amendment or an Article V Convention?

If we do find that we have consensus on some of the principles that should guide us, mobilizing the organization to advocacy for or against a particular amendment would fall under the established protocol by which the League determines its advocacy agenda, as laid out in Impact on Issues. (http://lwv.org/content/impact-issues).
We might support an amendment that was in concert with League positions, but we might not support every amendment that was in concert with League positions. In other words, having a position on the issue is necessary but might not be sufficient for the League to endorse a constitutional amendment.

The first question to ask is whether League positions support the proposed amendment, but even if the answer is an unqualified “yes,” we need to examine other factors. The remainder of this Guide helps frame the discussion of those other factors.

**PART I
CONSIDERATIONS FOR EVALUATING CONSTITUTIONAL AMENDMENT PROPOSALS**

In determining whether to support or oppose a particular constitutional amendment or the Article V Constitutional Convention process, the first and most important question is whether the League supports or opposes the subject of the amendment based on League public policy positions. Once League public policy positions are applied, Part I asks, “What are the other values that League members share regarding the purpose of the Constitution and its malleability?” Many believe the Constitution to be a near-sacred document, only to be amended in the most serious circumstances. Do we agree? Under what circumstances is it appropriate to amend the Constitution? What makes a sound and well-crafted amendment proposal?

**Consensus Question 1**

Which of these should or should not be a consideration in identifying an appropriate and well-crafted amendment?

a) Whether the public policy objective addresses matters of such acute and abiding importance that the fundamental charter of our nation must be changed.

b) Whether the amendment as written would be effective in achieving its policy objective.

c) Whether the amendment would either make our political system more democratic or protect individual rights.

d) Whether the policy objective can be achieved by a legislative or political approach that is less difficult than a constitutional amendment.

e) Whether the public policy objective is more suited to a constitutional and general approach than to a statutory and detailed approach.

**Consensus Question 1.a**

**Background**

Question No. 1.a asks if we think restraint is a critical element in considering whether to amend the Constitution. Is it important to exercise restraint, amending the Constitution only in the most serious circumstances? Matters are “acute” when they present extreme problems with dire consequences; and they are of “abiding importance” when they impact not only this generation, but the generations to come.

**Points of View**

Amending the Constitution is one of the most serious and important acts of the people acting through their government. Constitutional amendments are binding for the long-term. The stability that the Constitution provides is one of its key virtues, and that stability will be undermined if the Constitution is amended too often. Hence, restraint is in order; the Constitution is an important unifying document and amendments should address matters of acute and abiding importance, rather than being cluttered with passing concerns. If you agree that these are important considerations, answer “should.”

The Constitution is a tool provided by the framers for bending government to the will of the people and when popular sentiment is overwhelmingly in favor of change, the people should be able to use Article V. Even matters that don’t currently seem to be acute or of abiding importance can nonetheless be very significant. The supermajority requirements built into Article V
are a high enough hurdle to avoid “clutter.” Additional norms for restraint or against change are unnecessary. If you agree with this point of view, answer “should not.”

Consensus Question 1.b

Background

Question 1.b asks if it is important to consider whether an amendment will work. Can it be readily implemented to achieve its intended policy outcome? Will the courts properly interpret the amendment? If it will not be effective in achieving its policy objective, or may have unintended consequences, then its purpose will not be fulfilled. On the other hand, such an amendment could articulate policy goals that may not be practically attained, but rather that may provide guidance to the courts for deciding future cases or require statutes to bring laws into compliance with the new constitutional principle.

Points of View

It is important to consider whether an amendment will achieve its intended policy objectives or will likely fail to do so. This is crucial in preventing unintended consequences and in giving the courts clear, unambiguous direction. Otherwise, judges and legislators are free to ignore or dilute the intention of the amendment. Furthermore, unenforceable amendments, unworkable amendments or amendments that establish unattainable goals can undermine the legitimacy and power of the Constitution – as well as failing to achieve their purpose. If you agree that these are important considerations, answer “should.”

Sometimes it is important just to get started, even if an amendment will need to be interpreted by courts and legislatures over time. Even an amendment that won’t achieve its intended policy objectives can serve an important purpose in affirming and entrenching fundamental principles. Such amendments may not immediately change the rule of law, but they may give the courts and legislatures direction and a place to start building case law or statutes that allow doctrine to develop over time. If you agree with this point of view, answer “should not.”

Consensus Question 1.c

Background

Question 1.c asks whether we think the use of the amendment process should be limited to one of two primary goals: (1) to make the structures of government more responsive to the will of the people (e.g. extension of the franchise, direct election of senators); OR (2) to protect or expand individual rights from government overreach (e.g. most of the Bill of Rights). Except for a few housekeeping amendments and those passed under unusual circumstances, nearly all the others have dealt with one or the other of these two fundamentals.

Points of View

The majority of amendments to the Constitution to date fall into one or the other of these two categories. Most ordinary policy matters should be resolved through the political process by elected representatives. The failed Prohibition Amendment was proposed to entrench a policy preference of the moment, and it had to be repealed by another amendment. Such amendments limit the range of democratic action for the future and undermine the higher purpose of the Constitution. The emphasis in the Constitution should be on the bigger questions: equality, representation, and liberty. If you agree that these are important considerations, answer “should.”

On the other hand, perhaps the fact that the majority of ratified amendments fall into one of these two classes is merely a result of the fact that there have not been that many amendments or that other important needs have not yet arisen. What constitutes a mere policy preference of the current majority may not be clear without the long lens of history. Which issues are fundamental, versus which are not, may not be all that clear to proponents or opponents at the time. If you agree with this point of view, answer “should not.”
Consensus Question 1.d

Background

Question 1.d asks whether we think the use of the amendment process should be focused on those circumstances where there is no other course of action or where other courses of action have been exhausted, such as executive action, legislation at the state or federal levels, and traditional politics – electing representatives and appointing judges who are committed to supporting the desired reform.

Points of View

The Constitution should be amended sparingly, and an amendment cannot be strictly necessary if other avenues exist for accomplishing the same outcome. Using the Constitution to embody specific policy proposals makes those policies more difficult to revise or reverse in the future if circumstances change. Moreover, resources are not infinite and it is important to focus political action on those strategies that are most likely to achieve the policy objective. If you agree that these are important considerations, answer “should.”

On the other hand, a policy objective may be so important that pursuing a number of strategies is the best course of action. When it is unclear what paths are most likely to succeed, we shouldn't consider which ones would be better, a constitutional amendment should be part of the mix. If an amendment is a general policy statement and leaves details and specifics to the courts, then judicial decisions can also play a role. If you agree with this point of view, answer “should not.”

Consensus Question 1.e

Background

Question 1.e asks whether the objective is more suited to a constitutional approach than a statutory one. Some topics are best suited to the detailed and specific approach provided by a statute because important issues need to be clearly resolved and ambiguity could allow the courts to misinterpret. Other topics demand a clear values statement and general provisions that may be subject to evolving judicial interpretations. Most amendments that have been adopted have broad general provisions, in keeping with the pattern set by the first 10 amendments, which we know as the Bill of Rights.

Points of View

It is important to consider whether a statutory or a constitutional approach is best suited to achieve particular policy goals. Statutes typically set out how a policy should be accomplished. Statutes have specific detail to resolve important issues and reduce ambiguity, and statutes can be more readily changed to meet evolving conditions over the years. Constitutional amendments, on the other hand, are generally written in broad policy terms and set basic values for American government. Interpretation is left to the courts. Some would also argue that converting the Constitution from a statement of political ideals into a list of specific public policies erodes the stature of the Constitution. In addition, policy specifics within the Constitution make those specifics more difficult to revise or reverse in the future if circumstances change. If you agree that these are important considerations, answer “should.”

In contrast, the more important question may be getting action on the overall policy, rather than the specifics of making the policy work. When Congress or the courts fail to implement an important policy, amending the Constitution may be the only way to make a change. Many state constitutions already have considerable detail. The history behind a constitutional amendment could help guide the courts in correctly interpreting an amendment. If you agree with this point of view, answer “should not.”
PART II
ASPECTS OF AN ARTICLE V CONSTITUTIONAL CONVENTION

As noted in the Background, Article V of the U.S. Constitution provides two ways of proposing amendments to the nation’s fundamental charter. Under one method, called an Article V Constitutional Convention, legislatures of two-thirds of the states (34 at present) may ask Congress to call a convention to propose amendments to the Constitution. Amendments proposed by this method must be ratified by three-fourths of the states, 38 at present.

An Article V Convention has never been successfully invoked.

Part II considers whether the League would support such a convention, and if so, under what circumstances.

Consensus Question 2
What conditions should be in place for an Article V Constitutional Convention initiated by the states?

a) The Convention must be transparent and not conducted in secret.
b) Representation at the Convention must be based on population rather than one state, one vote.
c) State delegates must be elected rather than appointed.
d) Voting at the Convention must be by delegate, not by state.
e) The Convention must be limited to a specific topic.
f) Only state resolutions on a single topic count when determining if a Convention must be called.
g) The validity of state “calls” for an Article V Constitutional Convention must be determined by the most recent action of the state. If a state has enacted a rescission of its call, that rescission should be respected by Congress.

Consensus Question 2.a
Background

Question 2.a highlights the importance of the process by which the Convention delegates meet, hold discussions, and make decisions. It is asking whether basic “open meetings” and “freedom of information” rules should be in place for a Constitutional Convention. Under such rules, the formal business of the Convention is open to the public and the press, and the working documents of the Convention are accessible to the public and the press, but private discussions among delegates are also permitted.

Points of View

Full knowledge of governmental action is a basic tenet of the democratic process. The American people depend on full disclosure of processes carried out by their representatives in order to be able to govern themselves effectively. Answer “Agree” if you feel that open meetings and FOIA concepts should apply.

On the other hand, some processes are more likely to succeed if they are conducted behind closed doors. Successful governing is the outcome of strategic compromise, and the give and take of the process may happen more readily when it is conducted out of the public eye. This way of proceeding is often implemented for sensitive diplomatic or contractual negotiations. It has also been argued that today’s transparency would have made impossible the compromises required to create our current Constitution. Answer “Disagree” if you feel that the Convention deliberations should be allowed to be conducted in secret.

Consensus Question 2.b
Background

Question 2.b asks whether representation at a convention should be based on population rather than giving each state one vote. These are two different ways of proceeding – quite different
in the philosophy on which they are based. The first, based on population, provides for each individual citizen – the people – to be represented; the second provides an outcome in which individual states are represented and gives more weight to smaller states.

**Points of View**

With representation based on population, the one-person, one-vote principle is the guiding rule; it is the appropriate way to represent all the American people in a governing body that has the power to decide to change the Constitution by which this country is governed. This is representative democracy at its fairest. Answer “Agree” if this seems right to you.

Alternatively, representation should not be based on population because the United States is simply a federation of states; hence, it is the states that should be represented in the process no matter what the population of the state. Answer “Disagree” if you think state rights should predominate.

**Consensus Question 2.c**

**Background**

Question 2.c asks whether delegates should be elected rather than appointed. Some governing bodies are elected by the people and other governing bodies are appointed by other elected or appointed officials – by governors or by legislatures, for instance.

**Points of View**

Election of state delegates is the fairest and most democratic way to identify individuals who will represent and make decisions for all the American people. Answer “Agree” if this is your point of view.

Expertise is vital in a situation where understanding of legal nuances and historical precedents of constitutional law are important; an appointment process is the best way to achieve the needed expertise. Some argue that appointed delegates can be controlled by the appointing body and kept from straying to topics other than those the Convention was called to consider. Furthermore, the structure of the ratification process reflects the founders’ view that consideration of proposed amendments is to be by states. So whomever each state chooses to represent that state, and the method by which they are chosen, should be acceptable to the rest of the nation. Answer “Disagree” if you think states should be able choose a method of delegate selection other than popular election.

**Consensus Question 2.d**

**Background**

Question 2.d asks whether voting at the Convention should be by delegate rather than by state.

This means that whatever the method of selection of delegates to the Convention, each delegate would have one vote, and they need not vote by bloc with their state. A state delegation’s votes could be divided on any given action.

**Points of View**

Voting by delegate means that each delegate brings their own judgment and conscience to the process, and need not be bound by the dictates of state interests. This is the way the original Constitutional Convention worked, and it is the way the U.S. House of Representatives works. If this is the way you think it should work for a Constitutional Convention, answer “Agree.”

Voting by state reflects the view that the United States is a federation of states and the delegates should be bound to vote as a bloc consistent with that state’s position on the question. Political party nominating conventions often vote by state bloc, at least on the first round. If you think delegates should be bound together in state blocs, answer “Disagree.”
Consensus Question 2.e

Background

Question 2.e asks whether the Convention must be limited to a specific topic. There are two possibilities: 1) once the Convention is called to order, only one topic may be considered—presumably the one on which 34 states have called for a Convention; or, 2) the Convention once convened can consider any topic that the delegates wish to consider. This second option raises the issue of a “runaway convention,” one that could go beyond the issues that prompted the states to call a convention. The 1787 Convention is the only precedent for a convention like one called under Article V. It was called to revise the Articles of Confederation and, in the end, wrote a whole new Constitution.

It is prudent to acknowledge one point on which most observers agree: state calls for a Convention cannot be for a specifically worded proposal. The wording of the proposed amendment must be open enough to allow the Convention to deliberate and craft the amendment to be offered to the states for ratification.

Points of View

If the Convention can be limited to a specific topic, there will be no fear of a runaway Convention—one in which any issue is legitimate and can be the subject of a proposed constitutional amendment. Such an unlimited Convention could threaten the structure of government, the protection of individual rights, or any other combination of issues. It would not respect the states that called for a Convention because of their concerns about a certain topic. Finally, it is important to remember that the 1787 Convention was called just to “revise” the Articles of Confederation but wrote an entirely new Constitution, one without the Bill of Rights. Answer “Agree” if you think a convention should be limited to a specific topic.

The Article V Constitutional Convention process is a tool provided to the states outside the control of Congress as a means of taking action when Congress is unable or unwilling to do so. In order to be fully effective, Congress should not try to limit the agenda of a Convention. The Convention, once convened, sets its own scope. A Constitutional Convention should have the power to do whatever the delegates wish to do; that is what the founders in Philadelphia did at their Constitutional Convention. If this kind of latitude seems important, answer “Disagree.”

Consensus Question 2.f

Background

Question 2.f asks whether state resolutions calling for a Convention must all address the same topic. Congress has the responsibility to call a Constitutional Convention when two-thirds of the states ask for one, but it is unclear how Congress should count the two-thirds. Should state resolutions calling for a Convention on a specific topic be counted as a request for a Convention on only that topic when determining if 34 state requests have been received? Or should Congress count every state resolution regardless of its substantive content?

Points of View

Counting state requests by topic respects the will of the states that call for a Convention on a particular topic rather than combining very different requests to get a result that could be inconsistent with a state’s intent. Counting by topic also increases the possibility that the Convention would be limited to that topic, and ensures that there truly is sufficient interest in the topic to call a Convention. If Congress counts only those state resolutions that relate to a specific topic, then it is more difficult to get to the required two-thirds and a Constitutional Convention is less likely. Answer “Agree” if you believe that only state resolutions on a single topic should be counted by Congress.

There is nothing in the Constitution that limits state calls or how they should be counted. The Constitutional Convention process was de-
signed for those times when there is significant discontent, and counting all state calls together better reflects widespread concern even if the concerns are very different. Since a Constitutional Convention should consider whatever issues arise, there is no need for state resolutions to be counted only when they are on the same topic. Moreover, if Congress counts only those state resolutions that relate to a specific topic, then it is more difficult to get to the required two-thirds and a Constitutional Convention is less likely. If this is your perspective, answer “Disagree.”

Consensus Question 2.g

Background

Question 2.g asks whether, once a state has called for a Convention, it can take that call back. States can issue their calls for a Convention without a time limit or expiration date, and the calls, once issued, can be considered valid or “in force” indefinitely. After a period of time, long or short, changes in the political climate or in the majority controlling a state legislature might cause a state to change its mind about such a call and try to take it back or rescind the call. Should those rescissions be counted by Congress when tallying whether the required 2/3 threshold has been reached?

Points of View

If states are not allowed to take back their calls, then the accumulation of calls counting toward the 2/3 threshold does not really reflect the view of a super-majority of states at the same point in time. It is merely a matter of accretion, with some of those calls representing an historical artifact of a sentiment no longer held. Whenever point of view is favoring the call merely has to wait through time to capture the majority in their legislature – no matter how fleeting – and once they’ve issued the call, it cannot be undone by future action, no matter how much the majority view may have changed. States should be allowed to rescind their calls. If this is your view, answer “Agree.”

Once a state issues a call for a Convention, that call forms the basis of action by other states. As the movement for a Convention gains momentum, new states coming on board rely on the actions of the other, early-adopting states in making their decisions whether to join. Furthermore, if states are allowed to take back their calls, they may be more likely – or more cavalier – in issuing the call in the first place. States should have to think twice and three times about calling for a Constitutional Convention; and once the call is issued, it should stand for all time because the process is ongoing. If this is your view, answer “Disagree.”

Consensus Question 3

Should the League oppose an Article V Constitutional Convention to propose amendments to the U.S. Constitution because of unresolved questions about the powers and processes of such a convention?

Background

There is a debate among scholars as to whether a Constitutional Convention can be controlled in any way. Those who believe it cannot be controlled are afraid of a “runaway convention”: one that could go beyond its original purpose and alter the Constitution in any way it chose. Other people are uncertain whether the powers and processes of a convention can be controlled and worry about the magnitude of the risk. Still others are convinced that the Convention would be bound by its “call” or that Congress would have the power to impose some controls. Finally, there is the view that control does not matter – a Constitutional Convention is intended to be an unrestrained process. There is no consensus on how these questions would be answered. Congress has not passed any legislation to clarify, and the U.S. Supreme Court has refused to hear cases related to amendment procedures, calling such questions “political” and not ones for the Court to consider.
Points of View

There is simply no way to be sure that the scope of an Article V Constitutional Convention can be limited. Indeed, the precedent suggests it cannot. Neither the states nor the Congress have any authority to control a convention – it will be governed by its own rules. The courts do not intervene in “political” questions, which this certainly is. The result? An unlimited Convention could threaten the structure of government, the protection of individual rights, or any other basic constitutional tenet of our democracy. In addition, even if one is uncertain whether a “runaway convention” is avoidable, the risks associated with that potential result are too great to support the convention approach. If you agree, answer “Should.”

Most proponents of an Article V Constitutional Convention are comfortable that the Convention would not deal with issues beyond its call. They are satisfied that the scope of the Convention can be limited. Some feel that limits can be set by the States, others believe that Congress could maintain control by refusing to send an amendment on to the states for ratification or that the ratification requirement by 3/4 of the states is a safeguard. Still others are unconcerned about an unrestrained convention process. If you agree, answer “Should not.”

Part III
Balancing Questions

Part III relates to how the League might put the guidelines from Part I and Part II into practice and asks two overall balancing questions between process and positions. Should the evaluation guidelines from Part I and the process criteria from Part II always be applied or may they be set aside in the overall context of any particular amendment proposal?

Consensus Question 4

4. Should the League consider supporting a constitutional amendment that will advance a League position even if:

   a. There are significant problems with the actual amendment as proposed?

   b. It is being put forward by a procedural process the League would otherwise oppose?

Consensus Question 4.a

Background

Question 4.a asks whether we might want to allow for circumstances where our commitment to a policy outcome could overcome the evaluation guidelines developed in Part I. Would we ever relax the considerations for determining an appropriate and well-crafted amendment to try to achieve a desired policy outcome?

Points of View

Some believe the League could support a constitutional amendment as a way of advancing the general topic of a proposed amendment even if there may be significant problems with the amendment itself. They argue that a constitutional amendment can provoke debate and draw public attention to the topic, and that the debate might help advance the issue in Congress, the states, or the courts. A proposed amendment can serve as a grassroots organizing device, even if the amendment itself might be flawed or have little chance of passage. If you agree, answer “Should consider.”

Others argue that the League should support a proposed constitutional amendment based on the amendment itself, and that the League should not campaign for an amendment when it may be ineffective, counterproductive, conflict with other constitutional values, or have little chance of passage. They suggest that the League’s reputation for knowledgeable action means that supporting an amendment that has significant problems is inconsistent with League values. If you agree, answer “Should not consider.”
Consensus Question 4.b

Background

Question 4.b asks whether we might want to allow for circumstances where our commitment to a policy outcome could overcome our commitment to good process, as developed in Part II. Would we ever relax our standards about whether and how an Article V Convention should be called and conducted in order to try to achieve a desired policy outcome?

Points of View

Some argue that dire circumstances and a paralyzed Congress might mean the League should use whatever tools are at our disposal. They believe circumstances could be so damaging and intransigent that the League could support calling an Article V Convention even if there are objections to using the Article V Convention in general or if there are objections to the way that the Convention is being called and controlled. They argue that the threat of a Convention may help advance the issue in Congress, the states, or the courts, and that even if a Convention is called using a flawed process, the high ratification threshold provides a safeguard against the worst outcomes. If you agree, answer “Should consider.”

Others argue that the League should not take the stance that the ends justify the means; we should not abandon our commitment to democratic process just because we find the outcome attractive in a particular case. If you agree, answer “Should not consider.”

BIBLIOGRAPHY

[Numbers in brackets identify the consensus questions for which the source is particularly relevant.]


Six Amendments and How and Why We Should Change the Constitution, John Paul Stevens, Little, Brown, New York, 2014 [1.6]

“When the Supreme Court is this wrong, it’s time to overrule them,” Doris Kearns Goodwin & Jeff Clements, Reuters Blog Post June 2, 2015 http://blogs.reuters.com/great-debate/2015/06/02/when-the-supreme-court-is-this-wrong-its-time-to-overrule-them/ [1.d]


Miracle at Philadelphia The Story of the Constitutional Convention May to September 1787, Catherine Drinker Bowen, Back Bay Books; September 30, 1986 [1, 2]


Book review continued:

I learned that most of the money that comes back from legal action against foreign dumping goes to the manufacturers and their shareholders. John Bassett III used it to improve his factory, make better furniture and hire more workers.

Opinions in this review are personal and do not necessarily represent those of the League.
Transportation continued:

Please join us with your concerns about the coming school levies, and the “Best Start for Kids” property tax that may be funding social services in the county, along with the next and the next special levy that appears on the political horizon.

The following is included per USPS periodical mailing regulations:

Statement of Ownership, Management, and Circulation

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<td>98122-7007</td>
<td>9-30-15</td>
</tr>
<tr>
<td>7. Complete Mailing Address of Sales Office</td>
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## Unit Meetings

(Unit times and locations subject to change; please verify with unit leader.)

Meetings are open to all.

<table>
<thead>
<tr>
<th>Unit Leader email</th>
<th>Phone</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:adelereynolds@netscape.net">adelereynolds@netscape.net</a></td>
<td>206-621-4867</td>
<td>10:00 a.m.</td>
<td>Horizon House, Forum &amp; Social Room 900 University St., Seattle</td>
</tr>
<tr>
<td><a href="mailto:hedgwolfe@aol.com">hedgwolfe@aol.com</a></td>
<td>206-763-9430</td>
<td>7:00 p.m.</td>
<td>Hostess: Susan Jones 5804 52nd Ave S, Seattle 206-725-2902</td>
</tr>
<tr>
<td><a href="mailto:bonnierim@aol.com">bonnierim@aol.com</a></td>
<td>425-820-7127</td>
<td>12:00 p.m.</td>
<td>Bellevue Library, Room 6 1111 110th Ave NE, Bellevue</td>
</tr>
<tr>
<td><a href="mailto:kbeck25@comcast.net">kbeck25@comcast.net</a></td>
<td>206-523-3127</td>
<td>12:45 p.m.</td>
<td>Brig Bldg. (6344) in Magnuson Park 7400 Sand Point Way NE, Seattle</td>
</tr>
<tr>
<td><a href="mailto:howe.john@comcast.net">howe.john@comcast.net</a></td>
<td>206-236-0593</td>
<td>9:30 a.m.</td>
<td>Emmanuel Episcopal Church 4400 86th Ave SE, Mercer Island</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>University House, Auditorium 4400 Stone Way N, Seattle</td>
</tr>
</tbody>
</table>

Directions: Go into the Park through North entrance at 74th and drive EAST toward water. At the STOP sign, turn LEFT to park in front of the Brig, or RIGHT, for more parking. There will be a speaker.
(Unit times and locations subject to change; please verify with unit leader.)

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<th>Unit Leader email</th>
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<tr>
<td><strong>Thursday, November 12</strong></td>
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<tr>
<td><strong>SOUTHEAST KING COUNTY/ENUMCLAW</strong> - Cathy Dormaier</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><a href="mailto:clcathy@skynetbb.com">clcathy@skynetbb.com</a></td>
<td>360-802-6799</td>
<td>11:30 a.m.</td>
<td>Black Diamond Bakery &amp; Restaurant</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>32805 Railroad Ave, Black Diamond</td>
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<tr>
<td><strong>NORTH CENTRAL</strong> – Jan Orlando</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><a href="mailto:orlanre@aol.com">orlanre@aol.com</a></td>
<td>206-524-0936</td>
<td>2:00 p.m.</td>
<td>Hostess: Gail Shurgot</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6536 31st Ave NE, Seattle</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>206-522-8265</td>
</tr>
<tr>
<td><strong>Monday, November 16</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>CAPITOL HILL/MONTLAKE</strong> –</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>206-329-4848</td>
<td>7:15 p.m.</td>
<td>Hostess: Linnea Hirst</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1602 E McGraw St., Seattle</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>206-322-3076</td>
</tr>
<tr>
<td><strong>Tuesday, November 17</strong></td>
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</tr>
<tr>
<td><strong>WEST SEATTLE</strong> – Ethel Williams/Pat Lane</td>
<td></td>
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</tr>
<tr>
<td><a href="mailto:etheljw1@q.com">etheljw1@q.com</a></td>
<td>206-932-7887</td>
<td>1:00 p.m.</td>
<td>Daystar Retirement Village</td>
</tr>
<tr>
<td><a href="mailto:plain11@juno.com">plain11@juno.com</a></td>
<td>206-932-1578</td>
<td></td>
<td>2615 SW Barton, Seattle</td>
</tr>
<tr>
<td><strong>Wednesday, November 18</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>NORTH KING COUNTY</strong> – Toni Potter</td>
<td></td>
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</tr>
<tr>
<td><a href="mailto:antoniapotter@comcast.net">antoniapotter@comcast.net</a></td>
<td>206-365-8949</td>
<td>9:15 a.m.</td>
<td>Third Place Commons Mtg Room</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>17171 Bothell Way NE, Lake Forest Pk.</td>
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<tr>
<td><strong>SOUTHWEST KING COUNTY</strong> – Mary Ehlers and Kathy Jorgensen</td>
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<tr>
<td><a href="mailto:maryehlers@comcast.net">maryehlers@comcast.net</a></td>
<td>253-941-1930</td>
<td>7:00 p.m.</td>
<td>Foundation House</td>
</tr>
<tr>
<td><a href="mailto:kjorgensen@juno.com">kjorgensen@juno.com</a></td>
<td>253-859-8349</td>
<td></td>
<td>32290 1st Ave S, Federal Way</td>
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<tr>
<td><strong>Thursday, November 19</strong></td>
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<tr>
<td><strong>ISSAQUAH</strong> – Margaret Austin</td>
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<tr>
<td><a href="mailto:margaret.austin@comcast.net">margaret.austin@comcast.net</a></td>
<td>425-392-5760</td>
<td>12:00 p.m.</td>
<td>Coho Room, Issaquah City Hall</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>130 East Sunset Way, Issaquah</td>
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<td></td>
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<td><em>Light lunch will be provided.</em></td>
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<tr>
<td><strong>BALLARD/MAGNOLIA/QUEEN ANNE DAY</strong> – Alice Peterson</td>
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</tr>
<tr>
<td><a href="mailto:peterson-alice-jack@msn.com">peterson-alice-jack@msn.com</a></td>
<td>206-524-5530</td>
<td>10:00 a.m.</td>
<td>Hostess: Alice Peterson</td>
</tr>
<tr>
<td></td>
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<td>5245 Pullman Ave NE, Seattle</td>
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## Board & Committee Contacts

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<tr>
<td>2015-17</td>
<td><strong>President</strong> Amanda Clark</td>
<td>206-329-4848</td>
<td><a href="mailto:president@seattlelwv.org">president@seattlelwv.org</a></td>
</tr>
<tr>
<td>2015-16</td>
<td><strong>1st VP</strong> Ginna Owens</td>
<td>206-215-1408</td>
<td><a href="mailto:ginnao@earthlink.net">ginnao@earthlink.net</a></td>
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<tr>
<td>2015-17</td>
<td><strong>2nd VP</strong> Janet Winans</td>
<td>206-550-6483</td>
<td><a href="mailto:janetwinans@earthlink.net">janetwinans@earthlink.net</a></td>
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<tr>
<td>2015-17</td>
<td><strong>Secretary</strong> Dora Taylor</td>
<td>206-329-4848</td>
<td><a href="mailto:dora.taylor@seattlelwv.org">dora.taylor@seattlelwv.org</a></td>
</tr>
<tr>
<td>2014-16</td>
<td><strong>Treasurer</strong> Cindy Piennett</td>
<td>206-329-4848</td>
<td><a href="mailto:cindypiennett@gmail.com">cindypiennett@gmail.com</a></td>
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### Directors

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<td>Membership</td>
<td>Paneen Davidson</td>
<td>206-329-4848</td>
<td><a href="mailto:paneenie@gmail.com">paneenie@gmail.com</a></td>
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<tr>
<td>2015-17</td>
<td>Voter Editor</td>
<td>Katie Dudley</td>
<td>206-329-4848</td>
<td><a href="mailto:votereditor@seattlelwv.org">votereditor@seattlelwv.org</a></td>
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<tr>
<td>2014-16</td>
<td>Action</td>
<td>Pat Griffith</td>
<td>206-285-2452</td>
<td><a href="mailto:pgseattle@q.com">pgseattle@q.com</a></td>
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<tr>
<td>2014-16</td>
<td>Director</td>
<td>Julie Anne Kempf</td>
<td>206-329-4848</td>
<td>juliekempf.com</td>
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<tr>
<td>2015-17</td>
<td>Outreach</td>
<td>Zara Kublin</td>
<td>206-329-4848</td>
<td><a href="mailto:zara@seasttlelwv.org">zara@seasttlelwv.org</a></td>
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<td>2014-16</td>
<td>Voter Services</td>
<td>Amelia Woolley</td>
<td>206-329-4848</td>
<td><a href="mailto:voterservice@seattlelwv.org">voterservice@seattlelwv.org</a></td>
</tr>
</tbody>
</table>

*Note: All board members listed above are also members of the Education Fund Board*

### Education Fund Officers

<table>
<thead>
<tr>
<th>Term</th>
<th>Position</th>
<th>Name</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015-17</td>
<td>President</td>
<td>Amanda Clark</td>
<td>206-329-4848</td>
<td><a href="mailto:president@seattlelwv.org">president@seattlelwv.org</a></td>
</tr>
<tr>
<td>2014-15</td>
<td>1st VP</td>
<td>Ginna Owens</td>
<td>206-329-4848</td>
<td><a href="mailto:ginnao@earthlink.net">ginnao@earthlink.net</a></td>
</tr>
<tr>
<td>2014-15</td>
<td>2nd VP</td>
<td>Janet Winans</td>
<td>206-329-4848</td>
<td><a href="mailto:janetwinans@earthlink.net">janetwinans@earthlink.net</a></td>
</tr>
<tr>
<td>2015-17</td>
<td>Secretary</td>
<td>Dora Taylor</td>
<td>206-329-4848</td>
<td><a href="mailto:dora.taylor@icloud.com">dora.taylor@icloud.com</a></td>
</tr>
<tr>
<td>2014-15</td>
<td>Treasurer</td>
<td>TBD</td>
<td>206-329-4848</td>
<td><a href="mailto:eftreasurer@seattlelwv.org">eftreasurer@seattlelwv.org</a></td>
</tr>
</tbody>
</table>

### Nominating Committee

<table>
<thead>
<tr>
<th>Term</th>
<th>Chair</th>
<th>Name</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015-16</td>
<td></td>
<td>Ellen Barton</td>
<td>206-329-4848</td>
<td><a href="mailto:eeb0825@yahoo.com">eeb0825@yahoo.com</a></td>
</tr>
<tr>
<td>2015-16</td>
<td></td>
<td>Carol Goldenberg</td>
<td>206-329-4848</td>
<td><a href="mailto:carolsamgo1@gmail.com">carolsamgo1@gmail.com</a></td>
</tr>
<tr>
<td>2015-16</td>
<td></td>
<td>Susan Jones</td>
<td>206-329-4848</td>
<td><a href="mailto:susan@monckjones.com">susan@monckjones.com</a></td>
</tr>
</tbody>
</table>

*Note: Two board members will be appointed to serve on the nominating committee.*

### Off Board Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campaign Finance</td>
<td>Jean Carlson</td>
<td>206-774-6649</td>
<td><a href="mailto:carlson.jean@gmail.com">carlson.jean@gmail.com</a></td>
</tr>
<tr>
<td>CIS Coordinator</td>
<td>Cynthia Howe</td>
<td>206-236-0593</td>
<td><a href="mailto:howe.john@comcast.net">howe.john@comcast.net</a></td>
</tr>
</tbody>
</table>

### Committees

- **Climate Change**
  - Judy Bevington
  - gbeving@eskimo.com
- **Climate Change**
  - Raeene Gold
  - raedene@seanet.com
- **Economics & Taxation**
  - Nora Leech
  - nleech02@yahoo.com
- **Economics & Taxation**
  - Laura Weese
  - laura899@earthlink.net
- **Education**
  - Joanna Cullen
  - 206-329-8514
  - jfoxcullen@gmail.com
- **International Relations**
  - Carol Goldenberg
  - carolsamgo1@gmail.com
- **Social Justice**
  - Jayne Freitag
  - 425-223-5827
  - mjafreitag@comcast.net
- **Transportation**
  - Janet Winans
  - 206-550-6483
  - janetwinans@earthlink.net
- **Waterfront**
  - Nancy & Charles Bagley
  - 206-282-1578
  - candnbagley@comcast.net
LWV SEATTLE-KING COUNTY:

Amending the Constitution: Decisions and Difficulties

Thursday, November 5
6:30 p.m. - Doors open
7:00 p.m. - Forum begins

Seattle First Baptist Church
1111 Harvard Ave (at Seneca)
Seattle, WA
Accessible entrance on Harvard

This forum is free and open to the public.

Speakers:
Paul Lawrence, Pacifica Law Group
Alice Woldt, WA amend
Janet Winans, LWVS-KC

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