

LWV National Study on Amending the U.S. Constitution – Part II

The September VOTER described the LWVUS national study on the process of amending the U.S. Constitution. That article focused on Part I of the questions we'll consider at consensus meetings on November 14: What factors form an appropriate and well-thought-out proposed amendment?



This article examines the second path toward amending the Constitution: when two-thirds of the state legislatures request Congress to call a constitutional convention to propose an amendment. Part II of our consensus questions asks: What conditions should be in place for an Article V Constitutional Convention initiated by the states?

While the Constitution is silent on the mechanics of an Article V Convention, Congress has traditionally laid claim to broad responsibilities in connection with a convention. Indeed, of the three branches of government, the Constitution enumerates only Congress in Article V. There is no specific role identified for the Supreme Court in proposing or ratifying constitutional amendments, and the president is not required to sign and cannot block a congressional resolution proposing a constitutional amendment.

Two papers referenced in the LWVUS Study Guide provide context and in-depth information about Founding Era Conventions and the intent that such a "convention of the states" would be on equal footing with Congress in proposing amendments. (The Florida Law Review: Founding Era Conventions and Congressional Research Service: Contemporary Issues for Congress).

(continued on page 6)

San Diego County Agriculture Study



Following this brief article there are links to connect you to the *Ag Study Report and Recommendations* of the San Diego County Agriculture Study Committee. This study was approved at the ILO County Convention in June, 2014.

At the end of the *Ag Study Report and Recommendations* you will also find an invitation to our two consensus meetings, to be held on Saturday, October 10, 2015 from 1–4 pm in the North University Community Library's Community Room and on Saturday, October 24, 2015 from 9:30 am –noon at the Dove Library in Carlsbad.

Please read the *Report*, which is your Every Member Tool, review the *Recommendations* and come to either of the two meetings prepared to share any enhancements, changes or alternative ideas with the committee.

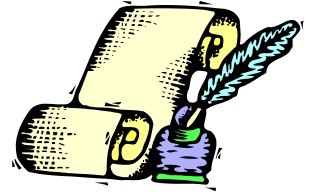
Please print out a copy of the *Ag Study Report and Recommendations* to bring with you to whichever of the two consensus meetings you decide to attend. The final report will be presented for adoption by the League membership at the June, 2016 LWV of San Diego County (ILO) Convention.

The links to the *Ag Study Report and Recommendations* are: <http://sdcilo.ca.lwvnet.org> or <http://lwvncsd.org/CoAgStudy.html> or <http://lwvsandiego.org/files> AG RPT and RECS SEPT2015.pdf

ILO Agricultural Study Committee

President's Message

Hopefully by the time you are reading this, the terrible un-San Diego-like heat and humidity is past and we can think forward to enjoying our temperate climate again... maybe even some rain. Looking forward to the 2015-16 year, our Program Committee has planned a full menu of activities and events. In this message, I'd like to share some of those with you.



We begin the year with looking at our Climate Action Plans that are required of every jurisdiction in California. Some cities have had their CAPs for awhile and are even updating them; others are, like the City of San Diego's draft plan, done and details are being finalized for approval later in December. We will be sure to notify you so that you can share your support with your City Council member.

All the counties in the state must have them too and like the cities, some are a little slower than others. Ours was given extra time to "fix" it so that it will actually help decrease the level of Greenhouse gases being produced in our county. There are various benchmarks with each of these but the goal is to get our GHGs down to 80% of 1990 levels. What was once considered impossible, is looking much more likely, thanks in part to scientists, engineers, businesses and politicians who recognize the consequences of failure.

Next, we will be looking at the five studies that are culminating with consensus meetings this year. If you enjoy the League coming to a consensus, you are really going to like this year! **The Consensus meetings will all be held as General Meetings and are summarized in a table on page 7.**

Two of them are LWVUS studies; Money in Politics (MIP) and Amending Our U.S. Constitution. There is a forum and a consensus meeting for the CA and a unit meeting, luncheon and consensus meeting for the MIP. Each of these studies will have additional information in the Voter and on our website to read on your own.

Another one of the five is an LWVC study ; "Access, Affordability and Quality of Public Higher Education in California." As with most studies, it was observed that although we have many education positions from pre-school through 12th grade, we have no position dealing with Public Higher Education even though so much has changed over the last four decades in California Public Colleges and Universities. We did have a luncheon last year on the topic and there will be a consensus meeting along with Voter and website articles this year. This should be a study that will interest everyone.

Finishing up the five studies are the County Study on Agriculture and the local study on Campus Justice. The Ag study was a result of the information learned and not covered in the LWVUS Study two years ago. As we found out, San Diego's Agriculture is very different from much of the large agri-business that we find elsewhere; it has more organic farms than any other county in the U.S. and none of them receive government subsidies as do so many other farmers. *(continued on page 6)*

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San Diego 2015-2016
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For information, use address above.

Units ~

Tues, Oct 6 9:30-11:30 am	La Jolla	La Jolla Community Center 6811 La Jolla Boulevard, La Jolla 92037	Terri Prevost.....619-384-3062 Alice McCauley....858-642-1856
NO MEETING	University City	University Community Library 4155 Governor Drive, San Diego 92122	Mariette Kobrak...858 450-1521 Catherine Stoll....858-755-4119
NO MEETING	Tierrasanta	Tierrasanta Library 4985 La Cuenta Drive, San Diego 92124	Carole Porter.....858-279-5474
NO MEETING	Mission Valley	Mission Valley Library, Meeting Room A Fenton Pkwy, near Ikea, San Diego 92108	Debra Blum.....619-225-0353
Thurs, Oct 15 10 am-noon	Ocean Beach/ Point Loma *	Point Loma Library 3701 Voltaire St, Point Loma (SD) 92107	Nancy Witt.....619-222-7230 Shirley Walkoe....619-223-6314
Fri, Oct 9 10-11 am	East County	El Cajon Library, Conference Room 201 East Douglas Avenue, El Cajon 92020	Marietta Lassaline.619-448-6270
NO MEETING	Rancho Bernardo & Scripps Ranch	The Gateway – TV Room 858-487-1197 12751 Gateway Park Road, Poway 92064	Claire Weiner.....858-679-7350 Betsy Stevens.....858-451-5653
Mon, Oct 12 1:30-3:30 pm	College/Rolando	Ann McDonald's home 6575 Golfcrest Drive, SD	Ann McDonald....619-464-1937 Pearline Hayes....619 582-2296
Sat, Oct 17 10 am-noon	Southeastern	Malcolm X Library, Multi-media Room 5138 Market Street, San Diego 92105	Sue Rogers.....619-233-1744

LWVSD Board/Committee Meetings ~

Fri	Oct 2	10 am	LWVSDC ILO Board, Scripps Ranch Library, 10301 Scripps Lake Dr, SD 92131
Mon	Oct 5	10 am	Membership Committee, League Office, 7710 Balboa Ave, Ste. 224A, SD 92111
Tues	Oct 6	5:30 pm	LWVSD Board, Board Room, League Office, 7710 Balboa Ave, Ste. 224A, SD 92111
Fri	Oct 9	4:30 pm	Public Policy Committee, League Office, 7710 Balboa Ave, Ste. 224A, SD
Fri	Oct 16	10 am	Program Committee, League Office, 7710 Balboa Ave, Ste. 224A, SD 92111
Wed	Oct 21	9:30 am	Education Committee, SD County Office of Ed., 6401 Linda Vista Rd, SD 92111, 3057

LWVSD Activities ~

Sat	Oct 10		County Agricultural Study Consensus, see front page and chart on page 7.
Sun	Oct 18	1 pm	Theatre Party, Mo'olelo's "Cell," see flyer, page 9,
Thurs	Oct 22	11:30 am	Luncheon - "Money in Politics and Income Equality," Tom Ham's, see flyer page 11
Thurs	Oct 29	6:30 pm	"The Raising of America," reception, screening, discussion, see flyer, page 10

Save the Dates ~ Mark Your Calendars

Sat	Nov 14	2-5 pm	Consensus Questions on Constitutional Study — Rancho Bernardo Library, 17110 Bernardo Center Road, San Diego 92128
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Also see <http://lwvsandiego.org/calendar.html> for updates

The Role of the Supreme Court in Interpreting the Constitution

When the Supreme Court issues an opinion, it is considered the 'law of the land.' However, many decisions have been opposed by large segments of the population for long periods of time resulting in explicit or implicit reversal of decisions (i.e.



racial segregation). More often, the Court has nibbled around the edges of a precedent to limit it until the core holding is unrecognizable, which appears to be happening with regard to abortion rights.

There are two ways that the Supreme Court decisions can be overturned: 1) by changes in the membership and/or philosophical outlook of the Court and 2) by direct constitutional amendment. Indirectly, Supreme Court decisions may be implicitly overturned by contesting new cases at the margins in order to bend the implementation and interpretation of the original decision.

Changes in Decisions by Changing the Court

The Constitution established the Supreme Court, but it does not confer on the Court the power of judicial review of acts of Congress. That power was inferred from the nature of the judicial power.

The supremacy of the Supreme Court decisions has been generally accepted since at least 1937 with Franklin Roosevelt's attempt to pack the Court by increasing the number of justices to obtain favorable rulings regarding New Deal legislation. Congress did not support this 'court packing' plan and it died in committee. However, due to the retirement and death of Justices, Roosevelt was able to appoint eight justices over the course of his presidency who generally endorsed his proposals for expansive federal government role in economic regulation and the application of the Bill of Rights to the states through incorporation into the Fourteenth Amend-

ment's guarantee of due process of law.

A concerted effort to return the Court to a more conservative jurisprudence began in the 1970's. In 1980, President Ronald Reagan was elected with a conservative mandate. Reagan implemented a program of strategically appointing ideologically committed judges and justices, and Democratic presidents after that responded by appointing traditional liberals. The current Court is polarized along partisan and ideological lines. With the current composition of the Court, it is likely that the conservative jurisprudence of the recent years will be either confirmed or changed in the near future by changes in the composition of the Supreme Court.

Changes in Decisions by Constitutional Amendment

While the Constitution prescribes two methods for proposing constitutional amendments, so far all constitutional amendments have been proposed by the method calling for a 2/3 majority of both houses of congress and submission to the states for ratification by 3/4 majority. Amendments for overturning Supreme Court decisions include the 14th Amendment which guaranteed birthright citizenship for African Americans. Supermajorities (requiring more than a 50% simple majority) make the enactment of a constitutional amendment very difficult.

What Can Be Done to Impact Supreme Court Decisions?

There is an obvious conflict in political theory that permits unelected judges with lifetime tenure to strike down laws enacted by a democratically elected legislature. However, it has been argued that the problem may be overblown because the Supreme
(continued on following page)



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Court usually tracks popular opinion over the long run, as judges change their opinions or as the composition of the Court changes. And some suggest that legislation itself is not very democratic because it reflects the preferences of powerful interest groups over the preferences of the wider public, a problem that is aggravated by unrestrained campaign finance.

In our system of government, the democratic check on unelected judges is the appointment of judges by elected officials. Engaged public citizens can strive to make Supreme Court decisions more responsive to the public will by:

- educating themselves and voting for candidates who

will appoint or confirm judges who share the citizen's judicial philosophy,

- work to educate the public on the role of the courts and of the importance of considering candidates' judicial philosophy when voting,
- support constitutional amendments to correct Supreme Court decisions they believe wrongly decided, and
- work to educate the public on sound constitutional interpretation

Historically, constitutional change at the Supreme Court has happened only when advocates made concerted arguments over a long period of time, explaining the correctness of their understanding of the Constitution and creating public pressure for change.

Janice Muller

Theatre Party Sunday, October 18

Many people will identify with the issues in "Cell", a play at Mo'Olelo. The author, Cassandra Medley, lived in Michigan as it was going through a period of high unemployment; she portrays the lives of two sisters who are brought together in their jobs guarding inmates at a private immigration detention center. She tries to balance the importance of such jobs to some rural communities with corporate lobbyists who win big contracts with the Federal government and are required to fill all the beds with undocumented "criminals" trying to come to the U.S. In an interview, Cassandra says that we are not allowing poor countries to be included in the corporate world now running the economy. If you went on the Deportation Dilemma Tour run by LWVSD, this play will present more conflicts in the area of immigration detention as we struggle to protect our country and want to show social justice to those escaping poor and dangerous situations for a better life. The LWVSD has bought a block of 30 tickets, so we hope you can come on Sunday, October 18 at 2 pm. See the flyer on page 9 for reservations.



Beryl Flom

TAKE ACTION

The Environmental Protection Agency (EPA) has proposed the first-ever methane pollution standard for new and modified oil and gas facilities. This is a big deal – right now, the oil and gas industry is leaking millions of tons of methane and other toxic chemicals into the air. The proposed rule would help rein them in.

Tell the EPA's administrator, Gina McCarthy, you support the regulation to mitigate climate change and protect the air we breathe by cutting methane emissions.

http://participate.lww.org/c/10065/p/dia/action3/common/public/?action_KEY=11619

(continued from front page) Consensus questions in Part II largely focus on convention representation (how delegates are identified and will vote) and content (single or multiple topics):



- a) Should the convention be transparent and not conducted in secret?
- b) Should representation at the convention be based on population or one state, one vote?
- c) Should delegates be elected or appointed?
- d) Should voting be by delegate, not by state?
- e) Should the convention be limited to a specific topic?
- f) Should state resolutions on a single topic count when calling for a convention?
- g) How shall the validity of state “calls” for a convention be determined?

The final item for our consideration in Part II is whether the League should oppose a convention to propose amendments to the U.S. Constitution due to the unresolved questions about such a convention.

Summary of the third and final part of the study’s consensus questions will be covered in the November VOTER. Our local Leagues’ study committee will present consensus questions on Saturday, November 14.

North County League: 9:30 am–noon, Dove Library, 1775 Dove Lane, Carlsbad 92011

San Diego League: 2-5 pm, Rancho Bernardo Library, 17110 Bernardo Center Road, SD 92128

Links:

LWVUS Study Guide: http://forum.lwv.org/sites/default/files/constitutional_amendment_study_guide_2015_1.pdf

The Florida Law Review: Founding Era Conventions <http://www.floridalawreview.com/wp-content/uploads/5-Natelson.pdf>

Congressional Research Service: Contemporary Issues for Congress <http://fas.org/sgp/crs/misc/R42589.pdf>

Rachel McDonald and *Mary Thompson*, Study Group Members



(continued from page 2) That consensus meeting will be this month on October 10.

The Campus Justice study was brought up at Program Planning last year and may be concluded in one year. This was brought on by the observation of how assaults and rapes on campuses were investigated and handled so differently from school to school and as compared to the procedures by the municipal police departments. As you can see, much of our programs this year will be devoted to studies whose goal is to create more positions for us to use when these topics arise.

But it won’t be just work this year. We are planning a theater party on October 18. See the flyer on page

7. We will also have a Gaslamp Walking Tour/High Tea Party in December, luncheons in January, February, March and April and another Theater Party in May.



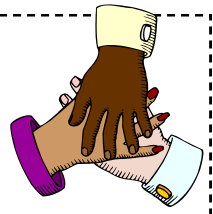
And I haven’t even mentioned that it will be an election year with candidate forums and Pros and Con speakers!

So be sure to check our calendar in the Voter and on our website at www.lwvsandiego.org. Try to attend many of these events that have all been designed to help you be a more informed voter.

In League,
Jeanne

Membership

We have barely started the new League year and several people have joined. Please welcome:



Sarah Adair 92124	Maruca Leach 92037	Ivan Blair 92111
Katie Scanlon 92101	Debra Bodie 92117	Lixya Preston de Silva 92020

The Yearbook containing the calendar, Board lists, websites, and membership list is now at the printer. It will be distributed at upcoming committee, Unit, and general meetings, so if you would like a copy, be sure to take one. The list is only for League use and cannot be shared or reproduced.

We are saddened by the passing of **Ted Stoll**, husband of past co-president and current Unit co-chair, Catherine Stoll. Ted has been a very helpful, supportive and sweet member of the League over the years. He always had something funny to liven up a conversation. Ted served in the U.S. Marines and reached a rank of corporal during WW II. In San Diego he was a radiologic technician and labor union organizer/business agent. After he retired, he delivered Meals on Wheels for 15 years. He leaves five children, eight grandchildren, and five great-grandchildren who have all been inspired by his love of life.

Beryl Flom, Membership Director

2015-2016 Consensus Meetings

Date	Topic	Location	Time
Oct 10, 2015	County Agricultural Study Consensus	North University Library 8820 Judicial Drive	1:30-3:30 pm
Nov 14, 2015	National Constitutional Amendment Study Consensus	Rancho Bernardo Library 17110 Bernardo Center Drive	2:00-5:00 pm
Jan 9, 2016	National Money In Politics Study Consensus	TBD	TBD
Mar 12, 2016	State Higher Education Study Consensus	TBD	TBD
May 2016	Local Campus Justice Study Consensus	TBD	TBD



News from OASIS (www.oasisnet.org/San-Diego-CA)

OASIS has many classes, tours, and outreach projects for seniors. They are located on the third floor of the Mission Valley Macy's store. Here is an October event that might be of interest to Leaguers:

Financial Day for 50+ will review the 10 Steps to Financial Wellness: Budgeting, Advance Care Planning, Living Well on a Shoestring, Getting Out of Debt, Reverse Mortgages, Investment Basis for 50+, Financial Tips for Caregivers, and more. George Chamberlin will be the keynote speaker. It is being held on Saturday, October 24 from 9:00 am - 3:00 pm at the ECC (Educational Cultural Complex) at 4343 Ocean View Blvd., San Diego 92113. The event is free and lunch is included, but please RSVP by calling 619-881-6262 or emailing infosandiegoasis@sandiegoasis.org.

Education Committee: Upcoming Speakers at Committee Meetings

Members are welcome to attend education committee meetings. These are generally held on Wednesdays at the San Diego County Office of Education, 6401 Linda Vista Rd 92111, Bldg 3, unless noted otherwise:

Oct 7: 10-11 - Assemblywoman Shirley Weber will discuss implementation of current legislation and budget focused on early childhood education and future plans with opportunity for questions and input from the committee. Will be held at YMCA Childcare Resource Service Center. 3333 Camino Del Rio S, Ste 400, SD 92108. You must RSVP to dadler@ucsd.edu.

Oct 21: 9:30-11:30 – Dr. Michael McQuary, SDUSD School Board Trustee to discuss focus of school board this year. Room 307.

Nov 5: 10-11 – Superintendent Cindy Marten from SDUSD to discuss major changes over last two years in District and focus for next year with opportunity for questions and discussion. Room 402.

Nov 18: 9:30-11:30 – Dr. Moises Baron, CEO San Diego Center for Children to discuss focus of this organization. Room 307.

Dec 16: 9:30 11:30 – Lucia Garay, ED, Early Education Programs and Services, SDCOE, will update us on the Quality Preschool Initiative and other state and federal programs run by the County Office of Education. Room 307.

Penny Adler, Education Director



The LWVC has joined a coalition, Make It Fair, to close the commercial property tax loophole in Prop 13. This movement to reform California's property tax system protects home owners and renters as well as small business owners. The first step is educating people

and communities about the need for this change. We will be training speakers to inform the Public about the details on this movement. More information on which other organizations are part of this coalition and more details about this campaign including a FAQ and a short Youtube video by Robert Reich is available on their Web site: <http://www.makeitfairca.com>

Jeanne Brown, President

Action Items from the September Board Meeting

- The League will table at the Black Minds Matter event on September 26 at 5 pm at the World Beat Center and some board members will attend and/or donate.
- Ann McDonald wrote up notes from the retreat.
- Board meetings will be at 5:30 pm regularly.
- Amie Garapich or Mary Hanson will check into the post office account for returned mail (wrong address) because the post office charges for that.
- Penny Adler will list the speakers coming up at Education Committee meetings in the Voter. Myles Pomeroy could do that too for the Public Policy Meeting.
- Jeanne Brown is going to start explaining more about meetings she attends in her Board report.
- Jeanne Brown will send an e-blast about the county agriculture study.
- Jeanne Brown will add Amanda Berg as an administrator of Facebook.
- Penny Adler will follow-up with Islamic Women's Group regarding future joint meetings.
- Beryl Flom will send Voters to Islamic Women's Group.
- Jeanne Brown will hand out the SANDAG plan at the upcoming luncheon.
- Lori Thiel will start listing Action Items from Board Meetings and share them in the Voter.

Lori Thiel, Action Director



LWV Theatre Party

Sunday, October 18, 2015

1 pm - Dessert Reception

2 pm - Performance of "Cell"

Mo'olelo's 2015-2016 season will begin with a bang with the hard-hitting world premiere of *Cell* by Cassandra Medley. In this provocative new play, Rene, an African American corrections officer, helps sister Cerise and niece Gwen get jobs at a detention center for illegal immigrants waiting to be deported. But when Gwen begins to feel more empathy for the detainees, she finds herself at odds with the detention center's rules against fraternization and issues of race, class, and immigration are hit head-on.



\$40 per person includes the dessert reception and play. This is a fundraiser for the League.



The Tenth Avenue Arts Center

930 10th Avenue, San Diego, CA 92101

On the west side of 10th Avenue, between Broadway and E Street in the East Village neighborhood of downtown San Diego.

Parking is available on the street or in a lot across from the theatre.

Tickets will be also available at the theatre prior to the show.

LWVSD Theatre Party — Sunday, October 18, 2015

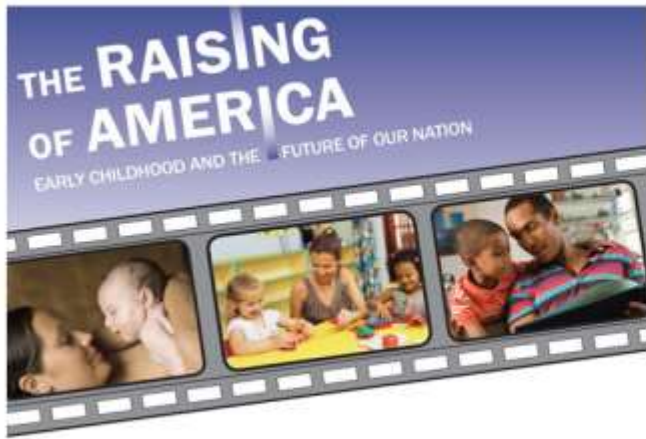
Name _____ Phone _____

Address _____ E-Mail _____

Guest(s) _____

Amount enclosed _____ \$40 per person. Make checks payable to LWVSD and mail to 7710 Balboa Ave. 224A, San Diego CA 92111, 858-483-8696, or register on our website with Paypal www.lwvsandiego.org Click on 'donate' button, 'amount' \$40, 'purpose' Theatre.





Qualcomm Invites You to View

*The Raising of America:
Early Childhood and the
Future of our Nation*

Thursday, October 29, 2015

6:30-9:00 pm

Join us at

Qualcomm's Campus Auditorium

5775 Morehouse, San Diego, CA 92121

- ♦ 5:30-6:30 pm — Information tables representing organizations that provide services to young children to educate them about STEM topics
- ♦ 6:30-7:00 — Hosted reception
- ♦ 7:00-8:00 — Viewing of the completed documentary, *The Raising of America*
- ♦ 8:00-9:00 — Panel discussion with the audience

Co-sponsors:



RSVP to dadler@ucsd.edu

No charge

American Academy
of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN™

LWV Lunch with League

***Is it One Person, One Vote or One Dollar, One Vote?
Money in Politics and Income Inequality***



Thursday, October 22, 2015

11:30 am- 1:30 pm

Tom Ham's Lighthouse Restaurant



Speakers

David Loy, Legal Director at ACLU of San Diego & Imperial Counties

John Lawrence, San Diego Free Press

Michael Aguirre, former San Diego City Attorney



Co-sponsors



LWVSD Luncheon — Money in Politics — Thursday, October 22, 2015

Name _____ Phone _____

Address _____ Email _____

Guest(s) _____

Amount enclosed _____ \$30 for LWV members and cosponsoring organizations (by October 19);
\$35 for guests and anyone who registers after October 19. Make checks payable to LWVSD and mail
to 7710 Balboa Ave. 224A, San Diego CA 92111, 858-483-8696, or register on our website with
Paypal www.lwvsandiego.org Click on 'donate' button, 'amount' \$30 or \$35, 'purpose' Luncheon.



**League of Women Voters
of San Diego**

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The LWVSD, in both its values and practices, affirms its belief and commitment to diversity and pluralism, which means there should be no barriers to participation in any activity of the League of Women Voters on the basis of gender, race, creed, age, sexual orientation, national origin, or disability. LWVSD recognizes that diverse perspectives are important and necessary for responsible and representative decision making. LWVSD 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. LWVSD affirms its commitment to reflecting the diversity of Americans in its Board, staff, and programs.

Join the League

___ Individual Membership \$65 ___ Additional Household Memberships \$35 ___

___ I am unable to join at this time, but I am enclosing a contribution* of:

\$25 ___ \$50 ___ \$100 ___ \$150 ___ Other _____ ___ Please contact me with more information

Name(s) _____ Address _____

City, State, Zip _____ Phone(s) _____ E-Mail _____

How did you hear about LWV? _____

Please make your check payable to: League of Women Voters of San Diego
7710 Balboa Avenue, Suite 224A San Diego, CA 92111 Phone: 858-483-8696

* To be tax-deductible, please make check to LWVSD Education Fund.