

BULLETIN

League of Women Voters
Arlington, Massachusetts

www.lwva.com

October 2015

Calendar

10/6	Tuesday 7 p.m.	LWVA Board Meeting at Meredith Zona's home, 1 Andrews Way. All members welcome. Directions on page 6.
10/16	Friday 5:30 to 8:30 p.m.	Wine Reception and Benefit for the Arlington Historical Society and the Jason Russell House. See page 14 and last page for details. Register at www.arlingtonhistorical.org/wine-reception .
11/2	Monday 7 p.m.	LWVA Board Meeting at Phyllis Maddox's home, 55 Hillside Ave. All members welcome. Directions on page 6.
11/7	Saturday 9 a.m. to noon	LWVUS Constitutional Amendment Study Consensus Meeting, Sanborn House, 21 High Street, Winchester. All members are encouraged to attend.

Arlington and Winchester Leagues to Partner on LWVUS Study Consensus Meeting November 7

The national League's study on the constitutional amendment process is drawing to a close, and the Winchester and Arlington Leagues will share a venue for the consensus meeting this fall, on November 7, from 9 a.m. to noon at the Sanborn House, 21 High Street in Winchester, just off Cambridge Street. Refreshments will be provided.

The study focuses on the process of amending the U.S. Constitution. The first part of the meeting will consist of a PowerPoint presentation from the LWVUS, which both Leagues will attend. After that, the two Leagues will meet separately to consider the consensus questions. The consensus questions we will consider are on **pages 8-14 of this Bulletin**. We're providing them a month early to give us all time to think about them.

Detailed background information can be found at the following link:

<http://forum.lwv.org/category/member-resources/our-work/constitutional-amendment-study>

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Co-President's Message

The bedroom air conditioner has once again been moved to the rear of a closet. Isn't the fall wonderful with warm days and cool, clear nights!

The League has long had a position in support of overall planning with a concern for aesthetic values within the Town of Arlington. Please come to the wine reception benefit in support of the Arlington Historical Society and the Jason Russell House (see page 14). It will be an opportunity for you to learn about the museum and the Society, and to meet others interested in preserving our local treasure. There will be non-alcoholic beverages for those who do not drink wine.

The LWV of Winchester has invited members of the Arlington League to join with them in the discussion concerning the constitutional convention process for amending the Constitution as well as considerations for evaluating amendments. Pages 8-14 contain the consensus questions for your review before the meeting on Nov. 7. Mark your calendar.

Happy fall!

Carolyn Parsons

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The BULLETIN is published monthly except during the summer and December by the League of Women Voters of Arlington, PO Box 461, Arlington, MA 02476.

Town Day 2015

By Carolyn Parsons

The beginning of the day is still a hassle. Where is our spot? Why is the tent so heavy and awkward to erect? This year, two young ladies from Cambridge stopped and asked if they could help erect the tent. Having a few more inches in height and longer arms does make a difference.

Phyllis Maddox and I prepare as best we can for whatever we can envision being a problem. A piece of burlap is tied to one side so that information may be attached with safety pins. The burlap is used because the open weave allows the wind to blow through. The burlap needs to go on the opposite side next year to partially block the sun's rays. Phyllis has made a lovely tablecloth with the League of Women Voters lettering on the front. The booth looks festive and put together. Stuff may be stashed under the table and is not seen by anyone walking by. Rocks are stuffed into glittery red pouches; these are used to prevent papers from blowing all down Mass. Ave. They are much admired by visitors!



A family visits the LWVA booth on Town Day (September 12), welcomed by Anne Linn, Kathy Fennelly, and Ann FitzGerald.


Photo by Phyllis Maddox

25 people registered to vote, and more could have if the town had given us more forms. Fortunately we had multiple copies of instructions about how to register online, and the would-be registrants were happy to get that. Other voters changed their party affiliation, their address, or their name. All forms need to be carefully checked. People just have a difficult time following directions, or, in one instance, did not want her child to know her age. The date of birth was to remain hidden from view.

ACMi TV interviewed Elizabeth Thompson, our Voter Service director, for a few minutes in the Robbins Garden next to Town Hall, which was a nice setting, about what the League was doing at Town Day. Elizabeth described our voter registration activities, mentioned voter info available on the LWVA website, gave our website address, and referred people to the Secretary of State's office for more state voting information.

Thank you to Phyllis, Anne Linn, Kathy Fennelly, Ann FitzGerald, Kim Haase, Joan Martin, Patti Muldoon, Marian Smith, and Elizabeth Thompson for volunteering to spend some time at the booth. It is a pleasure working with all of you!

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Progress Report on Criminal Justice Reform Bills

By Colleen Kirby



In last month's *Bulletin* I described several bills that the League of Women Voters of Massachusetts is supporting. Since then, nothing has passed both houses yet, but action has been taken on several of the bills.

The Motor Vehicle Suspension bill, which says that non-driving related offenders will not automatically have their licenses suspended, has made it through the Senate Ways and Means and was passed by the Senate unanimously on September 24th. Now we need to see the same thing happen in the House.

<https://malegislature.gov/Bills/189/Senate/S1812>,

<https://lwwma.org/wp-content/uploads/2013/01/H.3039-S.1812-license-suspension.pdf>

The Pretrial and Bail Reform (Sen. Donnelly/Rep. Sannicandro) and the Mandatory Minimum bills, which Carole Pelchat and I gave testimony in support for the state League to the Joint Judiciary Committee on June 9th, are still in the Judiciary Committee.

<https://malegislature.gov/Bills/189/Senate/S802> (pretrial)

<https://lwwma.org/wp-content/uploads/2012/11/pretrial-process1.pdf>

<https://malegislature.gov/Bills/189/Senate/S786> (mandatory minimums)

<https://lwwma.org/wp-content/uploads/2012/11/H.1620-S.786.pdf>

I submitted written testimony to the Joint Judiciary Committee on September 16th for the Sen. Eldridge/Rep. Dykema bills on Expungement of Records for Youths and the Falsely Accused and for Rep. Garballey's bill on Restorative Justice. And they are still in that committee.

<https://malegislature.gov/Bills/189/House/H1270> (expungement)

<https://lwwma.org/wp-content/uploads/2013/01/S.810-H.1270-record-expungement.pdf>

<https://malegislature.gov/Bills/189/House/H1313> (restorative justice)

<https://lwwma.org/wp-content/uploads/2013/01/H.1313-restorative-justice-2.pdf>

Sen. Eldridge's Restorative Justice bill, which I submitted written testimony to, was reported out of the Children, Families and Persons with Disabilities Committee and is currently in the Senate Ways and Means Committee. I have written letters to all members of that Committee asking that this bill be reported out as soon as possible so the Senate can vote on it.

<https://malegislature.gov/Bills/189/Senate/S71>

The Rep. Malia/Sen. Eldridge Solitary Confinement bill is scheduled to be heard on **October 14th** before the Joint Committee on the Judiciary as well as Sen. Brownsberger's bill on Parole Eligibility.

<https://malegislature.gov/Bills/189/Senate/S1255> (solitary confinement)

<https://malegislature.gov/Bills/189/Senate/S729> (parole eligibility)

Directions to Meredith Zona's home, 1 Andrews Way (10/6 Board Meeting):

From the west end of Arlington, turn onto Overlook Rd., at the lights on Summer St. across from the skating rink. Keep to the left at the fork and travel about 1/2 mile to Ridge St. Turn right on Ridge St., then first left on Cherokee Rd., first right on Old Colony Rd., and first right on Andrews Way. *Andrews Way is a short street that looks like a driveway. 1 Andrews Way is directly ahead on the left. You may want to park on Old Colony Rd. The entrance through the garage is a little easier for those not used to climbing many stairs to get to the front door.*

From Arlington Center, travel on Mystic St. towards Winchester and take slight left on Old Mystic St. (about 3/4 mile north of Summer St.), then 2nd left onto Hutchinson Rd, 2nd left onto Morningside Dr., 1st right onto Windmill Lane, first left onto Old Colony Rd., and 1st left onto Andrews Way; see directions in italics above.

Directions to Phyllis Maddox's home, 55 Hillside Ave. (11/2 Board Meeting):

55 Hillside Ave. is between Appleton St. and Florence Ave.

Follow Mass. Ave. to Park Ave. in Arlington Heights. Take Park toward Rt. 2 for 2 blocks to Appleton. Turn right on Appleton for one block to Hillside, then turn left on Hillside. 55 is the 3rd house on the right with a front porch and a large yew bush in the front yard.

If you are coming down Park Avenue from the south, take a left on Florence, then the first right on Hillside. 55 is about 8 houses down on your left.



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True Value

Annual Meeting Focuses on the Arts in Arlington

By Carolyn Parsons

The program for the Annual Meeting was a talk and slideshow presentation by Adria Arch, who has been the whirlwind force behind the public art initiatives in Arlington over the past five years.

The first major art initiative was the creation of a juried mural to put on the outer wall of the Arlington Boys and Girls Club. Four Arlington high school students had their art on the mural. To fund the mural, Adria came up with the idea of “Chairful Where You Sit,” where anyone can enter an artistically designed chair that is sold to help fund public art projects. This project is now in its fifth year.

There has been an outdoor art in the park program for the past two years: Art Rocks Menotomy 2014 and Art Rocks Spy Pond 2015. In 2010 the Arlington Center for The Arts sponsored an Arlington Windows project for four months in a store window across from the Regent Theater. Last year and this year, the Center has coordinated the painting of 12 electric transformer boxes along Massachusetts Avenue by choosing juried artist submissions.

The newest project is in honor of a young high school student who died and whose parents want to get other students involved in the arts. This will be a banner project where 6th through 12th graders will design 30 banners to be placed along Massachusetts Ave in 2016.



Adria Arch at the LWVA’s Annual Meeting June 11, 2015.

Photo by Phyllis Maddox



A painted transformer box at the corner of Park Avenue and Paul Revere Road.
Photo by Kim Haase

Elizabeth Cazenave and chairs at the 2014 Chairful Where You Sit event.
Photo by Anne Linn



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.a

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.

Should Should not No consensus

PRO: Amendments are changes to a document that provides stability to our system and should be undertaken to address extreme problems or long-term needs.

CON: When public sentiment is overwhelmingly in favor of change, restraint based on veneration of the document is misplaced.

Background

This question is asking 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 affect not only this generation but generations to come.

Consensus Question 1.b

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

Should Should not No consensus

PRO: Amendments that may be unenforceable, miss the objective, or have unintended consequences will not work to achieve the policy objective.

CON: It’s all right to deliberately put something in the Constitution that will need to be interpreted by courts and legislatures over time.

Background

This question is asking 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.

(Continued on next page)

Constitutional Amendment Study Consensus Questions (Continued)**Consensus Question 1.c**

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

Should Should not No consensus

PRO: Most amendments have sought to make our system more democratic by extending voting rights, for example, or to protect the rights of minorities from powerful interests.

CON: What has been typical in the past is not a good measure of what's appropriate or necessary today or in the future, especially since there have been relatively few amendments.

Background

This question is asking 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.

Consensus Question 1.d

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

Should Should not No consensus

PRO: Due to the difficulty of amending the Constitution, it is important to consider whether legislation or political action is more likely to succeed than an amendment, in order to achieve the objective and to expend resources wisely.

CON: Important policy objectives should sometimes be pursued through a constitutional amendment even though it may be difficult for it to be enacted and even when other options are available.

Background

This question is asking 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.

Consensus Question 1.e

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

Should Should not No consensus

PRO: It is important to consider whether the goal can best be achieved by an overall value statement, which will be interpreted by the courts, or with specific statutory detail to resolve important issues and reduce ambiguity.

CON: Getting action on an issue is more important than how a policy objective can best be achieved.

(Continued on next page)

Constitutional Amendment Study Consensus Questions (Continued)

Background (1e)

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.

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.a

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.

Agree Disagree No consensus

PRO: The public has a right to know what is being debated and voted on.

CON: The lack of public scrutiny and the ability to negotiate in private may enable delegates to more easily reach agreement.

Background

This question 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.

Consensus Question 2.b

- b) Representation at the Convention must be based on population rather than one state, one vote.

Agree Disagree No consensus

PRO: The delegates represent citizens and should be distributed by U.S. population.

CON: The U.S. is really a federation of states that must agree by state to any change in the Constitution.

(Continued on next page)

Constitutional Amendment Study Consensus Questions (Continued)

Background (2b)

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.

Consensus Question 2.c

c) State delegates must be elected rather than appointed.

Agree Disagree No consensus

PRO: Delegates represent citizens and therefore need to be elected by them.

CON: Appointment allows for experts who wouldn't run in an election.

Background

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.

Consensus Question 2.d

d) Voting at the Convention must be by delegate, not by state.

Agree Disagree No consensus

PRO: As at the Articles of Confederation Convention, delegates from one state can have varying views and should be able to express them by individual votes.

CON: Because any amendment proposal will go to the states for ratification, voting by state blocs—however the delegates are originally chosen—reflects the probability of eventual ratification.

Background

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.

Consensus Question 2.e

e) The Convention must be limited to a specific topic.

Agree Disagree No consensus

PRO: It is important to guard against a “runaway convention.”

CON: The convention alternative was provided for a time when Congress was not listening, so the delegates should not be constrained.

Background

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.

(Continued on next page)

Constitutional Amendment Study Consensus Questions (Continued)

Background (2e, continued)

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.

Consensus Question 2.f

f) Only state resolutions on a single topic count when determining if a Convention must be called.

Agree Disagree No consensus

PRO: Counting state requests by topic ensures that there is sufficient interest in a particular subject to call a Convention, and enhances citizen interest and participation in the process.

CON: There is no requirement for Congress to count state requests by topic and when enough states are unhappy enough to ask for a Convention, it should happen.

Background

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?

Consensus Question 2.g

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.

Agree Disagree No consensus

PRO: A state legislature should be free to determine its position in regard to an Article V Constitutional Convention. A rescission should be equally acceptable to Congress as a state’s call for a Convention.

CON: A state legislature’s call for a Convention cannot be overturned because the process may never end.

Background

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?

(Continued on next page)

Constitutional Amendment Study Consensus Questions (Continued)**Consensus Question 3**

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?

Should Should not No consensus

PRO: The Constitution is too important to trust an unknown or uncontrollable process. It is unclear whether conditions or safeguards regarding powers and processes for a Convention can be successfully put in place.

CON: A Convention is intended to be an unrestrained process to propose amendments to the Constitution.

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.

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.a

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?

Should consider Should not consider No consensus

PRO: Our positions have been studied and agreed to. If other organizations are supporting an amendment in a policy area we also support, we might participate even though it is inconsistent with the evaluation guidelines we support under Part I.

CON: If the League has a consensus on the evaluation guidelines outlined in Part I, then the League should not campaign on an amendment when it is inconsistent with those standards, even though the League supports the policy outcome.

(Continued on next page)

Constitutional Amendment Study Consensus Questions (Continued)**Background (4a)**

This question is asking 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?

Consensus Question 4.b

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

Should consider Should not consider No consensus

PRO: Our positions have been studied and agreed to. If other organizations are supporting an amendment in a policy area we also support, we might participate even though it is inconsistent with the process criteria we support under Part II.

CON: If the League has a consensus on the process criteria outlined in Part II, then the League should not campaign for an amendment when the process being proposed is inconsistent with those standards, even though the League supports the policy outcome.

Background

This question is asking 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?

Arlington Historical Society To Hold Benefit

The Arlington Historical Society invites supporters to a wine reception benefit at the Jason Russell House.

The event is Friday, October 16 from 5:30 to 8:30 p.m. at 7 Jason Street in Arlington. The evening will include samples of four different wines, finger foods and desserts, a slide show on Arlington history, and a silent auction. (Non-alcoholic beverages will also be available.)

The cost is \$25 per person, and pre-registration is required. To register, go to <http://www.arlingtonhistorical.org/wine-reception>.

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- Attend State League's Phonothon
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**FOLLOW ISSUES, KEEP LEAGUE
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- Justice/Courts/Prisons
- Land Use
- Taxation/Budgets/Deficits
- Transportation/Urban Policy
- Voting Rights
- Warrant Articles Review
- Welfare Policies/Basic Human Needs
- Women's Issues
- Zoning/Community Development/Land Use

**OBSERVE AT
TOWN BOARD MEETINGS***

- Selectmen (Mondays)
- Redevelopment Board (Mondays)
- School Committee (2nd & 4th Thursdays)
- Conservation Commission (1st & 3rd Thurs.)
- Housing Authority

SKILLS LEAGUE COULD DRAW ON

- Computer database
- Graphic design
- Desktop publishing
- Web site maintenance
- Membership development
- Moderating meetings
- Fundraising
- Writing articles
- Other

BEST TIME TO CALL YOU:

(for phone tree reminders) Call before _____ o'clock

*Some of these can be seen on cable TV



October 2015

League of Women Voters of Arlington
Post Office Box 461
Arlington, MA 02476

