

TEXAS EAGLE FORUM TORCH

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Pros & Cons of the Nov. 5th Constitutional Amendment Election

Proposition 1 (HJR 62) *The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.*

PROS: The surviving spouses of service members killed in action are as deserving of a residence homestead property tax exemption as the surviving spouses of totally disabled service members, who were extended such an exemption just two years ago.

CONS: If the legislature continues to expand the categories of property owners who receive property tax exemptions, local governments may have to raise property taxes in order to generate the same amount of revenue.

Proposition 2 (HJR 79) *The constitutional amendment eliminating an obsolete requirement for a State Medical Education Board and a State Medical Education Fund, neither of which is operational.*

PROS: Would shrink state government since both are defunct.

CONS: None

Proposition 3 (HJR 133) *The constitutional amendment to authorize a political subdivision of this state to extend the number of days that aircraft parts that are exempt from ad valorem taxation due to their location in this state for a temporary period may be located in this state for purposes of qualifying for the tax exemption.*

PROS: Texas is one of the few states that still assesses an inventory tax, a fact that

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places state businesses at a competitive disadvantage. Prop. 3 would extend the tax exemption period on storing aircraft parts in the state and provide more tax relief to aerospace manufacturers, which often hold parts in inventory for an extended period of time.

CONS: Instead of granting extensions, the legislature should consider eliminating the antiquated and punitive inventory tax.

Proposition 4 (HJR 24) *The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization.*

PROS: Prop. 4 would apply only to veterans who were disabled during their military service and who received a home from a charitable organization. This tax exemption would be appropriate considering the sacrifices made by these veterans.

CONS: Singling out specific groups for property tax exemptions could erode local property tax bases and undermine uniformity in taxation.

Proposition 5 (SJR 18) *The constitutional amendment to authorize the making of a reverse mortgage loan for the purchase of homestead property and to amend lender disclosures and other requirements in connection with a reverse mortgage loan.*

PROS: Texas is the only state in which seniors cannot get reverse mortgages. Under current law, seniors have to purchase a home with a conventional mortgage and then take out a reverse mortgage on equity in the new home. Prop. 5 would allow Texas seniors to combine these steps into a single transaction, thereby saving money on closing costs and allowing them to move into a new home without a mortgage payment.

CONS: Loosening these restrictions by allowing reverse mortgages for the purchase of homes could make Texans more vulnerable to future financial difficulties.

Proposition 6 (SJR 1) *The constitutional amendment providing for the creation of the State Water Implementation Fund for Texas and the State Water Implementation Revenue Fund for Texas to assist in the financing of priority projects in the state water plan to ensure the availability of adequate water resources.*

PROS: Ensuring an adequate water supply is vital to the public health and continued economic well-being of the state.

The amendment would create two funds to help finance key projects in the state water plan by pulling about \$2 billion from the Texas Economic Stabilization Fund (Rainy Day Fund).

CONS: Taking \$2 billion out of the fund could result in a credit downgrade and curtail the state's ability to deal with a revenue shortfall. Spending Rainy Day funds for infra-structure projects that already have access to capital would be inappropriate, given that education and transportation are also taking from the fund. Instead the state should ease regulatory burdens that currently hinder the development of an adequate available water supply in the state.

Proposition 7 (HJR 87) *The constitutional amendment authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less.*

PROS: Would allow home-rule municipalities to choose how to fill city council vacancies. This amendment removes the requirement to hold a mandatory and costly special election for those positions.

CONS: Prop. 7 could increase the opportunity for corruption in local government by allowing city officials to avoid elections and appoint political allies.

Proposition 8 (HJR 147 and SJR 54) *The constitutional amendment repealing Section 7, Article IX, Texas Constitution, which relates to the creation of a hospital district in Hidalgo County.*

PROS: Prop. 8 would remove a provision in the Texas Constitution that sets the maximum tax rate for districts in Hidalgo County at 10 cents per \$100 valuation of taxable property value. This rate is far lower than the rate available to other Texas counties. The 83rd Legislature enacted HB 3793, which includes procedures for Hidalgo County to create a hospital district with a maximum tax rate of 75 cents per \$100 property valuation. The amendment would allow local officials and voters to create a sorely needed hospital district.

CONS: Prop. 8 could open the door to an increase taxes for Hidalgo County property owners.

Proposition 9 (SJR 42) *The constitutional amendment relating to expanding the types of sanctions that may be assessed against a judge or justice following a formal proceeding instituted by the State Commission on Judicial Conduct.*

PROS: Would authorize the State Commission on Judicial Conduct to use additional disciplinary actions--including public admonition, warning, reprimand or required additional training-- against judges or justices after a hearing. The current law allows the SCJC to issue a public censure or recommend a judge's removal or retirement.

CONS: Current constitutional provisions are appropriate because they help ensure that formal proceedings are used only in the most serious cases of alleged judicial misconduct. This protects the confidentiality of judges and shields them from public exposure resulting from unwarranted allegations and from those unhappy with the results of a case or from political opponents.

Sources: Texas Legislative Council, House Research Organization, and The Texas Tribune, 9/5/13

Note: The November 5 election will be the first statewide election with the new photo ID requirements for voting in person. Early voting is October 21-November 1.

Is An Article V Convention In Our Future?

By Phyllis Schlafly, Eagle Forum Founder and President, 8/28/13

Attacks on the U.S. Constitution are coming from all sides. The *New York Times* opened its op-ed page to several liberal professors of government: one calls our Constitution “imbecilic,” another claims it contains “archaic” and “evil provisions,” and a third urges us to “rewrite the Second Amendment.”

Out of exasperation with the flouting of the Constitution by Barack Obama and his acolytes, and the way Congress is letting them get by with these violations, several conservative authors and pundits are promoting the calling of a national convention to propose amendments to the Constitution. They believe a series of amendments can put our country on a wiser path.

The authority for such a procedure is Article V of our Constitution, so they are calling their plan of action an Article V convention. However, they are fooling themselves when they suggest that Article V creates a path to bypass Congress with a “convention of states.”

The only power the states have under Article V is the opportunity to submit an “application” (petition) humbly beseeching Congress to call a convention. Hundreds of such applications have been submitted over the years, with widely different purposes and wording, many applications were later rescinded, and some purport to make the application valid for only a particular amendment such as a federal balanced budget or congressional term limits.

Article V states that Congress “shall” call a convention on the application of two-thirds of state legislatures (34), but how will Congress count valid applications? We don’t know, and so far Congress has ignored them anyway.

If Congress ever decides to act, Article V gives Congress exclusive power to issue the “Call” for a convention to propose “amendments” (note the plural). The Call is the governing document which determines all the basic rules such as where and when a convention will be held, who is eligible to be a delegate (will current office-holders be eligible?), how delegates will be apportioned, how expenses will be paid, and who will be the chairman.

Article V also gives Congress the power to determine whether the three-fourths of the states required for ratification of amendments can ratify by the state legislature’s action or by state conventions.

The most important question to which there is no answer is how will convention delegates be apportioned? Will each state have one vote (no matter how many delegates it sends), which was the rule in the 1787



Philadelphia convention, or will the convention be apportioned according to population (like Congress or the Electoral College)?

Nothing in Article V gives the states any power to make this fundamental decision. If apportionment is by population, the big states will control the outcome.

Article V doesn’t give any power to the states to propose constitutional amendments, or to decide which amendments will be considered by the convention. Article V doesn’t give any power to the courts to correct what does or does not happen.

Now imagine Democratic and Republican conventions meeting in the same hall and trying to agree on constitutional changes. Imagine the gridlock in drafting a constitutional plank by caucuses led by Sarah Palin and Al Sharpton. Everything else about how an Article V Convention would function, including its agenda, is anybody’s guess. Advocates of an Article V convention can hope and predict, but they cannot assure us that any of their plans will come true.

If we follow the model of the 1787 Convention, will the deliberations be secret? Are you kidding? Nothing is secret any more. What are the plans to deal with protesters: the gun-control lobby, the gay lobby, the abortion lobby, the green lobby, plus experienced protestors trained by Obama’s Organizing for Action, at what would surely be the biggest media event of the year, if not of the century.

There is no proof that the VIPs promoting an Article V convention have any first-hand knowledge of the politics or procedures of a contested national convention. Don’t they realize that the convention will set its own agenda and that states will have no say-so over which amendments are considered?

A recent example of how a convention chairman wielding the gavel can manipulate what happens is the way the 2012 Democratic National Convention chairman ruthlessly called the vote wrong when a delegate tried to add a reference to God in the party platform. The chairman got by with declaring the amendment passed even though we all saw on television that the “Noes” won the vote.

The whole process is a prescription for political chaos, controversy and confrontation. Alas, I don’t see any George Washingtons, James Madisons, Ben Franklins or Alexander Hamiltons around today who could do as good a job as the Founding Fathers, and I’m worried about the men who think they can.



Texas Eagles with Phyllis Schlafly in Washington, D.C.

Texas Eagles Attend Eagle Council XLII

Eagle Council XLII was another Phyllis Schlafly star-studded event in Washington, D.C., September 12-15.

Texas Eagles arrived a day early to faithfully lobby our Congressmen to DEFUND ObamaCare, to STOP any amnesty bills and Obama's federal education curriculum called Common Core.

Three Texas Eagles gave talks about our successes: Beth Biesel on smart meters, TEF VP MerryLynn Gerstenschlager on citizenship requirements for Charter School operators and TEF President Cathie Adams on our tremendous pro-LIFE victories.



TEF VP MerryLynn Gerstenschlager speaking at Eagle Council.

Cathie also had the privilege to introduce at Friday night's gala dinner our heroic Texas Congressman Louie Gohmert, who gave an inspiring speech, "Winning Despite All Odds."

Former UN Ambassador John Bolton addressed "Our Stakes in Foreign Policy," explaining how the rest of the world is viewing America's changing status under President Obama.

Steve Green, president of Hobby Lobby, gave a spell-binding speech

Saturday evening about the Obama administration's attack on his moral conscience, insisting that his company fund the killing of innocent pre-born babies. Mrs. Steve Green, Jackie, was presented the Homemaker Award by Eagle Forum Founder and President Phyllis Schlafly. Dallas Eagle Forum member Beth Biesel received the 2013 Eagle Award from Texas.

A panel discussion entitled, "Can Traditional Marriage Be Saved?" gave us great hope and practical help.

The traditional conclusion of Eagle Council meetings is to sing "God Be With Us Till We Meet Again." Indeed, He is our hope and our ever present help.



Beth Biesel shares information about smart meters.



Cathie and Homer Adams with Congressman Louie Gohmert.

Quote of the Month

"No matter what other solutions we may come up with politically and economically, this country is not going to have any kind of a future unless we are able to address the moral decay that is rotting the foundations of this nation at an absolutely astounding pace."

Columnist Michael Snyder, "Should We Be Concerned About The Moral Collapse Of America," 9/17/13

Great American Quotes

"No people will tamely surrender their Liberties, nor can any be easily subdued, when knowledge is diffused and Virtue is preserved. On the contrary, when People are universally ignorant, and debauched in their Manners, they will sink under their own weight without the Aid of foreign Invaders."

Samuel Adams, 1775

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