United States Penitentiary
Leavenworth, Kansas 66048

MEMORANDUM TO SUPPORTERS OF BOYCOTT BRAZIL

TO: Supporters of John Gregory Lambros / Boycott Brazil: **www.brazilboycott.org**

FROM: Ron Simmat, Public Relations Director, Boycott Brazil

SUBJECT: MINNESOTA BAR PROTECTS STATE COURTS: Office of Professional Responsibility Rules Minnesota Supreme Court Need Not Follow State Constitution.

DATE: July 4th, 2004, Independence Day

In Lambros v. Faulkner (see footnote #1) a United States District Court in Minnesota ruled John Gregory Lambros could not sue his Federal court-appointed public defender who allowed Lambros to receive a mandatory Life sentence, without parole, in a case, that, had justice been done, would have been dismissed. In fact, a Federal appeals court subsequently dismissed the mandatory Life sentence without parole on a motion submitted by Lambros with assistance of a private attorney and a court-appointed attorney to help Lambros (see footnote #2). The original attorney, Charles W. Faulkner, could not be sued despite gross incompetence and complete disregard for the legal welfare of his client, John Lambros, because of a State of Minnesota Supreme Court ruling, Dziubak v. Mott (see footnote #3), giving public defenders in Minnesota complete immunity in malpractice suits, according to the Federal District Court Judge in Lambros v. Faulkner.

If this seems confusing, that's because it is. How can a ruling in a State case apply to a Federal court? How can a protection given to State public defenders protect an attorney in a Federal Court? The long and short of it, of course, is John Lambros is fighting to expose the brain implant control experiments and techniques being used by the United States Government with the help of its pawn, the so-called sovereign nation of Brazil, which now is in twenty-four-hours-per-day control of Lambros through brain implant technology, torturing Lambros at will (see footnote #4). Federal Judge David Doty just up and ruled that any protection given a State public defender also protects a Federal public defender, especially if the guy "defended" (read "screwed") John Lambros. But, let's look further into this and see how solidly the entire establishment, State, Federal, and Bar Association, is arrayed against Lambros.

In suing Attorney Charles Faulkner, his Federal Public "Defender," Lambros assumed the State and Federal Constitutions protected him. Even an

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#1 Lambros v. Faulkner, Case Number CIV-98-1621-DSD/JMM

#2 United States v. Lambros, 65 F.3d 698 (8th Cir. 1995)

#3 Dziubak v. Motto, 503 N.W.2d 771 (Minnesota 1993)

#4 To review United States Government X-rays of John Lambros, associated reports and supporting documents, go to: **www.brazilboycott.org.**

Enemy of the State such as Lambros should be able to depend on constitutional protections. And, ridiculous as it sounds, Lambros is considered by the Establishment to be just that -- an Enemy of the State. But, we are told, again and again, by State and Federal Courts that constitutional rights are for everyone, including criminals, if not especially for criminals. Okay, so the Constitution of the State of Minnesota, Article I, Section 8, which is titled REDRESS OF INJURIES OR WRONGS, says:

> Every person is entitled to a certain remedy in the laws for **ALL** injuries or wrongs which he may receive to his person, property or character, and to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformable to the laws.
>
> (Emphasis added.)

Then, along come the seven judges of the Minnesota Supreme Court in 1993, and ruled in Dziubak v. Mott that somehow the State constitution does not apply to public defenders, because if they injure or wrong you, you've got no remedy at law. They can't be sued. Judges do this sort of thing sometimes, and have to be corrected by the Bar Association, or by a higher court. Lambros looked up the law.

The United States of America has three branches of Government, the Executive Branch, the Legislative Branch, and the Judicial Branch. Each State is set up the same way, including Minnesota. Only the Legislative Branch may write law, or propose changing the Constitution -- again, this applies nationally and in all States -- which means that courts interpret the law, they apply the law, but do not write it, change it, or decide to not follow it. No authority says different, and all authorities agree on these basics (see footnote #5). Thus, the Minnesota Supreme Court was way out of line when it ruled, contrary to Article I, Section 8, of the State Constitution, that if the injury was done by a public defender, you have no remedy at law. In fact, the Constitution says you do have such a remedy -- you can sue the fellow.

Next, Lambros checked American Jurisprudence, a legal encyclopedia used by the Supreme Court of the United States, and found that:

> A judge who also is an attorney is subject to discipline as an attorney and as a judge by the bar association of which he or she is a member.
>
> (Emphasis added.)
> 46 AmJur2d, JUDGES, §7

That being the case, Lambros filed a complaint on April 29, 2004, with the Office of Lawyers Professional Responsibility of the Minnesota State Bar Association

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#5 Regarding inability of a court to change the Constitution, see 16 AmJur2d § 19, a copy of which is attached to this memorandum. For those who need legal details, this attachment will provide them, along with case cites.

asking to have the seven judges of the Minnesota Supreme Court, who ruled against their own State Constitution, which they have given a sworn oath to uphold, asking to have the decision in Dziubak v. Mott investigated by the Bar (see footnote #6). This is a common and standard preliminary step in seeking disciplinary action against a lawyer or judge, and is seldom, almost never, turned down in a blatant case such as this.

In a letter dated May 6th, 2004 (see footnote #6), Thomas F. Ascher, Assistant Director of the Office of Lawyers Professional Responsibility, told John Lambros: "this Office has no jurisdiction to consider complaints against judges." Without any investigation, or research, Director Ascher went on to say:

> Your dissatisfaction with a 1993 decision of the Minnesota Supreme Court does not provide a basis for believing misconduct occurred.

How could he know that without research, without determing the nature of the decision in question, and how it affected Lambros? Obviously, the Bar in Minnesota is a pawn of the State court system, not a watchdog agency, and not an equal player.

Director Ascher's letter of dismissal to Lambros exhibited a great deal of finality, and ended with:

> No investigation will be initiated and we will be taking no further action concerning your correspondence.

The Office of Lawyers Professional Responsibility is right out front about it: it is the water boy for the State court system, and proud to be a boy, and you'd better never forget it. Obviously the Bar in Minnesota has a political agenda, and is submissive to those who set that agenda.

This explains why things like the Baghdad prison scandal has grown to such gigantic proportions before being attended to -- those who should be watching the hen house are foxes, and like to eat chickens. Beyond that, they have neither morals, ethics, nor responsibility. For young boys that would not be shocking. We will just have to take Director Ascher and the Minnesota bar for the stupid little boys they are.

Ron Simmat

Ron Simmat, Prisoner 39486-066
Director of Public Relations
for Boycott Brazil
www.brazilboycott.org

cc: file
attachment

#6 A copy of Lambros' initial letter to the Office of Lawyers Professional Responsibility, dated April 29, 2004, and the May 6, 2004, response from the Office of Lawyers Professional Responsibility may be reviewed and downloaded at the Boycott Brazil web site: **www.brazilboycott.org.**

§ 19. Generally

Because it is a power inherent in the people,[94] the existence of the power to amend and change state constitutions appears never to have been doubted.[95]

Observation: An amendment is such a change or addition within the lines of the original instrument as will effect an improvement or better carry out the purpose for which the instrument was framed.[96] The word "amendment" is employed to show its relationship to some particular article or some section of a constitution, and it is then used to indicate an addition to, the striking out of, or some change in, that particular section.[97] In some states, a "local amendment" must be differentiated from a "general amendment," since only the latter must be submitted to the entire state in order to be properly ratified.[98]

A constitution cannot be changed by any legislative definition, or other provision, in a mere statute,[99] nor may it be amended by either case law or rules of court,[1] because only the people of the state are vested with the power to amend their constitution, and that power is plenary.[2] ****

Constitutions may not be amended by violence.[3] Any attempt to revise a constitution or adopt a new one in any manner other than that provided in the existing instrument is almost invariably treated as extraconstitutional and revolutionary.[4]

94. Bolln v. Nebraska, 176 U.S. 83, 20 S. Ct. 287, 44 L. Ed. 382 (1900); Gatewood v. Matthews, 403 S.W.2d 716 (Ky. 1966); Board of Sup'rs of Elections for Anne Arundel County v. Attorney General, 246 Md. 417, 229 A.2d 388 (1967); Hoffman v. Knollman, 135 Ohio St. 170, 14 Ohio Op. 7, 20 N.E.2d 221 (1939).

The people have the power to amend the Constitution. Duggan v. Beermann, 249 Neb. 411, 544 N.W.2d 68 (1996).

95. Ellingham v. Dye, 178 Ind. 336, 99 N.E. 1 (1912), appeal dismissed, 231 U.S. 250, 34 S. Ct. 92, 58 L. Ed. 206 (1913).

96. McFadden v. Jordan, 32 Cal. 2d 330, 196 P.2d 787 (1948), cert. denied, 336 U.S. 918, 69 S. Ct. 640, 93 L. Ed. 1080 (1949); Opinion of the Justices, 264 A.2d 342 (Del. 1970).

An "amendment" of a constitution repeals or changes some provision in, or adds something to, the instrument amended. Wilson v. Crews, 160 Fla. 169, 34 So. 2d 114 (1948).

97. State ex rel. Greenlund v. Fulton, 99 Ohio St. 168, 124 N.E. 172 (1919).

98. Sims v. Town of Baldwin, 249 Ga. 293, 290 S.E.2d 433, 3 Ed. Law Rep. 1134 (1982), appeal dismissed, 459 U.S. 802, 103 S. Ct. 25, 74 L. Ed. 2d 40 (1982) (a proposed amendment authorizing the board of education of one county to direct the governing authority of the county to impose certain excise taxes on alcoholic beverages sold within the county was a local amendment rather than a general amendment, and therefore it was not required to be submitted to the entire state in order to be properly ratified).

99. Collins v. Mills, 198 Ga. 18, 30 S.E.2d 866 (1944); Simpson v. Hill, 128 Okla. 269, 263 P. 635, 56 A.L.R. 706 (1927).

1. Campbell v. State, 658 So. 2d 1345 (Miss. 1995), reh'g denied, (Aug. 3, 1995). ****

2. Chevron U.S.A., Inc. v. State, 578 So. 2d 644, 67 Ed. Law Rep. 844 (Miss. 1991).

3. State ex rel. Karlinger v. Board of Deputy State Sup'rs of Elections, 80 Ohio St. 471, 89 N.E. 33 (1909) (overruled in part on other grounds by, State ex rel. Automatic Registering Mach. Co. v. Green, 121 Ohio St. 301, 7 Ohio L. Abs. 381, 168 N.E. 131, 66 A.L.R. 849 (1929)).

4. Taylor v. Beckham, 178 U.S. 548, 20 S. Ct. 890, 44 L. Ed. 1187 (1900), for dissenting opinion, see, 178 U.S. 548, 20 S. Ct. 1009, 44 L. Ed. 1187 (1900); Crawford v. Gilchrist, 64 Fla. 41, 59 So. 963 (1912); Moore v. Brown, 350 Mo. 256, 165 S.W.2d 657 (1942); State v. Boloff, 138 Or. 568, 7 P.2d 775 (1932).

§ 20. Subject matter and permissible scope of amendments

Only federal limitations[5] operate to restrict the subject matter of changes which may be made in the constitution of a state, where such alterations are made in the prescribed manner.[6] The paramount act in amending a state constitution is the expression of the popular voice of the people,[7] and by the adoption of constitutional amendments the people may establish laws that the legislature is inhibited to enact.[8]

Every part of a state constitution, including the preamble,[9] may be amended, including the provisions authorizing the making of amendments.[10] Further, even a principle that is deeply rooted in the state constitution, can be abrogated by constitutional amendment.[11] Provisions may be repealed,[12] and new articles may be added.[13] A proposed amendment may encompass enough to accomplish its purpose even though it affects other provisions of the constitution to that extent, for otherwise it would not be possible to amend any provision of the constitution if it could not limit, restrict, or modify other provisions of any other article.[14] Permissible amendments cover a wide (if not limitless) range of subjects. For example, there may, by amendment, be inserted in a state constitution self-operating provisions of a legislative nature;[15] an amendment providing that relevant evidence shall not be excluded in any criminal proceeding may be added to a state constitution;[16] a provision consolidating a city and county government and authorizing the people to make and thereafter amend a charter

5. In re Advisory Opinion to Governor (Ethics Com'n), 612 A.2d 1 (R.I. 1992), opinion corrected, (June 26, 1992) (the right of the people to alter and amend the state constitution is checked only by the limits imposed by the Federal Constitution).

6. Peters v. Meeks, 163 So. 2d 753 (Fla. 1964); Staples v. Gilmer, 183 Va. 613, 33 S.E.2d 49, 158 A.L.R. 495 (1945).

The people of the state have the right to amend the constitution in such manner as is thought desirable so long as it is done in compliance with the terms of the existing constitution. State ex rel. Board of Fund Com'rs v. Holman, 296 S.W.2d 482 (Mo. 1956).

No part of the Nebraska Constitution, including the preamble, is inviolable. A proposed amendment to the state constitution does not have to deal with fundamental rights or the organization of government, but may deal with any subject. Omaha Nat. Bank v. Spire, 223 Neb. 209, 389 N.W.2d 269 (1986).

Law Reviews: Katz, On Amending Constitutions: The Legality and Legitimacy of Constitutional Entrenchment, 29 Colum J L & Soc Probs 251, Winter, 1996.

Schlam, State Constitutional Amending, Independent Interpretation, and Political Culture: A Case Study in Constitutional Stagnation, 43 DePaul LR 269, Winter, 1994.

7. Horsman v. Allen, 129 Cal. 131, 61 P. 796 (1900); West v. State, 50 Fla. 154, 39 So. 412 (1905).

8. In re Advisory Opinion to Atty. Gen., Limitation of Non-Economic Damages in Civil Actions, 520 So. 2d 284 (Fla. 1988) (although placement of a cap on noneconomic damages, by legislative action, may be unconstitutional, there is no constitutional impediment to the citizenry itself enacting such a cap by constitutional amendment).

9. Omaha Nat. Bank v. Spire, 223 Neb. 209, 389 N.W.2d 269 (1986) (even if the preamble were considered to be an operative part of the state constitution, it could be amended in any way that any other part of the constitution is amended).

10. People ex rel. Elder v. Sours, 31 Colo. 369, 74 P. 167 (1903).

11. Fondara v. Reapportionment Com'n, 222 Conn. 166, 610 A.2d 153 (1992).

12. Opinion of the Justices, 263 Ala. 158, 81 So. 2d 881 (1955).

13. People ex rel. Elder v. Sours, 31 Colo. 369, 74 P. 167 (1903).

14. Gray v. Golden, 89 So. 2d 785 (Fla. 1956).

15. Downs v. City of Birmingham, 240 Ala. 177, 198 So. 231 (1940).

16. In re Lance W., 37 Cal. 3d 873, 210 Cal. Rptr. 631, 694 P.2d 744 (1985), clarified by, People v. Neer, 177 Cal. App. 3d 994, 223 Cal. Rptr. 555 (4th Dist. 1986).

for their government may be passed;[17] a state constitutional exemption from ad valorem taxes for certain utilities operated by municipal corporations may be repealed by constitutional amendment;[18] or the principle of initiative and referendum may be changed.[19]

A constitutional provision that any amendment may be proposed in either branch of the legislative assembly and referred to the people for approval or rejection permits the proposal of amendments withdrawing privileges conferred upon the people by the state bill of rights.[20]

§ 21. —Federal limitations

In accordance with the general rule that the validity of a state constitutional provision turns upon its conformity with federal constitutional guarantees,[21] the scope of permissible state constitutional amendments is subject to the limitation that such an amendment may not violate the Federal Constitution[22] or a federal law enacted pursuant to constitutionally granted authority.[23] Thus, the republican form of government guaranteed to the states by Article IV, § 4, of the Federal Constitution cannot be dispensed with or abolished,[24] and a proposed amendment may not violate the First Amendment's guarantee of freedom of speech.[25] An amendment to a state constitution proposing limits on the number of terms that could be served by United States Congressmen or Senators from that state is subject to removal from the ballot by a court as it could not be implemented in a constitutional manner.[26] However, a state constitutional amendment providing that relevant evidence shall not be

17. People ex rel. Elder v. Sours, 31 Colo. 369, 74 P. 167 (1903).

18. Collins v. City of Dalton, 261 Ga. 584, 408 S.E.2d 106 (1991).

19. Hockett v. State Liquor Licensing Bd., 91 Ohio St. 176, 110 N.E. 485 (1915).

20. Opinion of the Justices, 263 Ala. 158, 81 So. 2d 881 (1955); Bowvtz v. Tax Commission of Ohio, 12 Ohio Op. 449, 27 Ohio L. Abs. 485, 32 N.E.2d 39 (Ct. App. 7th Dist. Jefferson County 1938), judgment aff'd, 135 Ohio St. 278, 14 Ohio Op. 123, 20 N.E.2d 528 (1939); Ex parte Kerby, 103 Or. 612, 205 P. 279, 36 A.L.R. 1451 (1922).

21. § 51.

22. In re Initiative Petition No. 362 State Question 669, 899 P.2d 1145 (Okla. 1995); In re Advisory Opinion to Governor (Ethics Com'n), 612 A.2d 1 (R.I. 1992), opinion corrected, (June 26, 1992).

The people have a right to change, abrogate, or modify the state constitution in any manner they see fit so long as they keep within the confines of the Federal Constitution. Gray v. Golden, 89 So. 2d 785 (Fla. 1956); Cummings v. Beeler, 189 Tenn. 151, 223 S.W.2d 913 (1949) (declined to extend by, Oldham v. American Civil Liberties Union Foundation of Tennessee, Inc., 910 S.W.2d 431, 105 Ed. Law Rep. 335 (Tenn. Ct. App. 1995)).

23. American Federation of Labor v. American Sash & Door Co., 67 Ariz. 20, 189 P.2d 912 (1948), probable jurisdiction noted, 68 S. Ct. 744 (U.S. 1948) and judgment aff'd, 335 U.S. 538, 69 S. Ct. 258, 93 L. Ed. 222, 6 A.L.R.2d 481 (1949), for concurring opinion, see, 335 U.S. 538, 69 S. Ct. 260, 93 L. Ed. 222 (1949).

24. New York v. U.S., 505 U.S. 144, 112 S. Ct. 2408, 120 L. Ed. 2d 120, 34 Env't. Rep. Cas. (BNA) 1817, 22 Envtl. L. Rep. 21082 (1992), on remand to, 978 F.2d 705 (2d Cir. 1992).

Annotations: Supreme Court's construction and application of guarantee clause of Article IV, § 4 of Federal Constitution, providing that United States will guarantee states republican form of government, 120 L. Ed. 2d 957.

As to the effect of the federal guarantee of a republican form of state government, generally, see §§ 634 et seq.

25. Vannatta v. Keisling, 899 F. Supp. 488 (D. Or. 1995).

26. Stumpf v. Lau, 108 Nev. 826, 839 P.2d 120 (1992) (there is no public utility in burdening the already strapped public fisc with the expense that would be incurred by placing a meaningless question on the ballot, conducting the election, and tallying the votes, even where the balloting would allow voters "to express their views").

The portion of a proposed state constitutional amendment limiting the terms of state

excluded in any state criminal proceeding does not violate the federal constitutional right to be free from unreasonable searches and seizures where the intent of the electorate is that the amendment be applied to any situation in which its application is constitutionally permissible.[27] Also, the people's fundamental right under the First Amendment to the U.S. Constitution to petition their government would not be violated by a ruling that a proposed amendment to a state constitution could not be placed on the election ballot by use of the initiative procedure, where the state constitution did not permit the popular initiative procedure to be used to effectuate substantive amendments such as the one in question, and so the right which would be taken away by so ruling did not exist.[28]

2. Method of Amendment [§§ 22-31]

§ 22. Generally

While several states have had constitutional clauses relating to amendments couched in negative terms, interdicting amendments except in the cases and modes prescribed,[29] others have been permissive, pointing out the modes in which conventions may be called or specific amendments effected without terms of restriction or allusion to other possible modes. Nevertheless, it is settled that amendments to state constitutions are to be made only in the modes pointed out or sanctioned by the instruments themselves;[30] none of the requisite steps may be omitted,[31] notwithstanding that certain steps are less essential than others. Stated differently, the rule is that the constitutional mode of making amendments is mandatory and exclusive,[32] and must be strictly[33] or at least substantially[34] followed.[35] The requirements should be performed with

elected officials was so interwoven with the portion unconstitutionally limiting the terms of federal elected officials that it was not severable from the unconstitutional portion, even though the initiative contained a severability clause. Duggan v. Beermann, 249 Neb. 411, 544 N.W.2d 68 (1996).

However, the invalid section of an Arkansas constitutional amendment establishing limitations on the eligibility of candidates for the United States Congress was held severable from the remaining sections of the amendment which established term limitations on state constitutional officers and state legislators, however. U.S. Term Limits, Inc. v. Hill, 316 Ark. 251, 872 S.W.2d 349 (1994), cert. granted, 512 U.S. 1218, 114 S. Ct. 2703, 129 L. Ed. 2d 832 (1994) and cert. granted, 512 U.S. 1218, 114 S. Ct. 2703, 129 L. Ed. 2d 832 (1994) and judgment aff'd, 514 U.S. 779, 115 S. Ct. 1842, 131 L. Ed. 2d 881 (1995).

27. In re Lance W., 37 Cal. 3d 873, 210 Cal. Rptr. 631, 694 P.2d 744 (1985), clarified by, People v. Neer, 177 Cal. App. 3d 991, 223 Cal. Rptr. 555 (4th Dist. 1986).

28. Chicago Bar Ass'n v. State Bd. of Elections, 137 Ill. 2d 394, 148 Ill. Dec. 744, 561 N.E.2d 50 (1990).

29. State v. Florida State Imp. Com'n, 60 So. 2d 747 (Fla. 1952) (a constitutional provision cannot be modified, amended, or repealed in any particular by legislative fiat, executive usurpation, or judicial interpretation or construction, and if there is to be a modification, amendment, or repeal, it must be in the manner and method provided for in the constitution itself).

30. Thomas v. State ex rel. Cobb, 58 So. 2d 173, 34 A.L.R.2d 140 (Fla. 1952); Johnson v. Duke, 180 Md. 434, 24 A.2d 804 (1942).

31. Gebhardt v. McGinty, 243 S.C. 495, 134 S.E.2d 749 (1964).

32. Downs v. City of Birmingham, 240 Ala. 177, 198 So. 231 (1940); State v. Florida State Imp. Com'n, 60 So. 2d 747 (Fla. 1952); Andrews v. Governor of Maryland, 294 Md. 285, 449 A.2d 1144 (1982); State ex rel. Board of Fund Com'rs v. Holman, 296 S.W.2d 482 (Mo. 1956); Hyder v. Edwards, 269 S.C. 138, 236 S.E.2d 561 (1977).

Provisions of the state constitution which regulate its own amendment are mandatory, not merely directory; strict observance of every substantial requirement is essential to the validity of a proposed amendment. Blair v. Cayetano, 73 Haw. 536, 836 P.2d 1066, 77 Ed. Law Rep. 517 (1992), reconsideration denied, 74 Haw. 650, 843 P.2d 144 (1992).

The provisions of the state constitution on amendment of the constitution are the exclusive means for amendment, since the power to alter the constitution must be explicitly conferred in the instrument itself. The prescribed amendment procedures in the state constitution must be strictly followed and any deviation from these procedures renders a proposed amendment a nullity, notwithstanding a vote by the electorate in favor of the amendment. Hunt v. Decatur City Bd. of Educ., 628 So. 2d 393, 88 Ed. Law Rep. 471 (Ala. 1993).

Law Reviews: Lawrence, Constitutional Revision by Amendment—A Louisiana Tradition, 51 La. L. R. 849, March, 1991.

Johnson, Measure for Measure: Amendment and Revision of the Oregon Constitution, 74 Or. L. R. 1065, Fall, 1995.

33. Stander v. Kelley, 433 Pa. 406, 250 A.2d 474 (1969), appeal dismissed, 395 U.S. 827, 89 S. Ct. 2130, 23 L. Ed. 2d 738 (1969); Hyder v. Edwards, 269 S.C. 138, 236 S.E.2d 561 (1977).

34. State ex rel. Board of Fund Com'rs v. Holman, 296 S.W.2d 482 (Mo. 1956); State ex rel. Smith v. Kelly, 149 W. Va. 381, 141 S.E.2d 142 (1965).

Substantial compliance with the Nebraska Constitution's procedural limitations is required to amend the state constitution, although the people plainly express their will that the constitution be amended. Duggan v. Beermann, 245 Neb. 907, 515 N.W.2d 788 (1994), appeal after remand, 249 Neb. 411, 544 N.W.2d 68 (1996).

35. State ex rel. Greenlund v. Fulton, 99 Ohio St. 168, 124 N.E. 172 (1919).

If in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, it should be corrected by amendment in the way which the constitution designates. No change should be made by usurpation. Dade County v. Kelly, 153 So. 2d 822 (Fla. 1963).

36. Crawford v. Gilchrist, 64 Fla. 41, 59 So. 963 (1912); State ex rel. Cleveland, C.C. & St. L. Ry. Co. v. Creamer, 83 Ohio St. 412, 94 N.E. 831 (1911).

37. State ex rel. Karlinger v. Board of Deputy State Sup'rs of Elections, 80 Ohio St. 471, 89 N.E. 33 (1909) (overruled in part on other grounds by, State ex rel. Automatic Registering Mach. Co. v. Green, 121 Ohio St. 301, 7 Ohio L. Abs. 381, 168 N.E. 131, 66 A.L.R. 849 (1929)).

38. Rivera-Cruz v. Gray, 104 So. 2d 503 (Fla. 1958).

39. § 39.

40. State ex rel. Citizens Proposition for Tax Relief v. Firestone, 386 So. 2d 561 (Fla. 1980).

41. §§ 23-25.

42. § 26.

43. Smith v. Genaressa, 93 Idaho 818, 475 P.2d 11 (1970); Gatewood v. Matthews, 403 S.W.2d 716 (Ky. 1966).

44. State v. Manley, 441 So. 2d 864 (Ala. 1983).

the greatest certainty, efficiency, care, and deliberation;[36] because such requirements and the prohibitions of the constitution were enacted to save the people from the consequences of their impulses, while the provisions for its orderly amendment would enable them to give effect to their deliberately formed opinions.[37] Indeed, most procedures for changing the constitution have been purposely made cumbersome, in order that the organic law may not be easily remolded to fit situations and sentiments which are relatively transitory and fleeting.[38] However, the courts are slow to declare a constitutional amendment which has been adopted invalid on technical grounds.[39]

Some state constitutions provide for a constitution revision commission to meet at specified intervals to submit proposals to the electorate.[40] Others provide for amendment by constitutional convention[41] or legislative proposals and resolutions.[42] While some courts have found that the existence of one method in a state constitution for changing a constitution does not necessarily preclude all others,[43] other courts have made clear that the method in the constitution for amendment is the only method available.[44]

§ 23. Constitutional conventions: call

Although the voters in a state may be allowed to amend their state constitu-