

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

'98 JAN 28 P3:06

Before Chief Administrative Judge
B. Paul Cotter, Jr., Presiding Officer

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

Administrative Judge
Thomas D. Murphy, Special Assistant

SERVED FEB - 4 1998

In the Matter of
HYDRO RESOURCES, INC.
12750 Merit Drive
Suite 1210 LB12
Dallas, TX 75251

Docket No. 40-8968-ML
ASLB No. 95-706-01-ML

THE RED DEVIL'S ENTRY OF APPEARANCE

The Red Devil (hereinafter the "Red Devil") has been engaged to represent and defend the United States Constitution, the Bill of Rights, the Holy Bible, and all other "sacred" documents of the Dominant Society against the elastic and racist Rules and Regulations of the U.S. Nuclear Regulatory Commission (NRC) and the Atomic Safety and Licensing Board (ASLB).

Mervyn Tilden, his reluctant representative, is not an attorney in good standing currently licensed by the State of New Mexico nor is he admitted to practice before the Supreme Court of the United State of America (hereinafter "Amerika") muchless the Supreme Court of the State of New Mexico. But what the hell, if the "Eastern Navajo Allottees Association (hereinafter the "174") can make such despicably late "Petition for Leave to Intervene" and their attorneys, a contemptibly belated "Entry of Appearance" after ignoring the publicized factual timeline (5:00pm EST, December 13, 1994) set by the NRC and "go marching in"--**as if they were saints**--to these on-going proceedings, then the Red Devil can also join this ignominious, satanic mockery of justice. Hallelujah Amerika!

18769

The mailing address for the Red Devil is:

The Red Devil, Accuser of the Brethren

Please direct any communications to the Red Devil in this proceeding as follows:

Mervyn Tilden
P.O. Box 457
The Navajo Nation, U.S.A.
Church Rock, NM 87311

Dated: January 24, 1998

Openly submitted,

The Red Devil

By: 

Mervyn Tilden
P.O. Box 457
The Navajo Nation, U.S.A.
Church Rock, NM 87311

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**THE RED DEVIL'S
PETITION FOR LEAVE TO INTERVENE**

Comes now the Red Devil (hereinafter the "Red Devil") by and through his duly abducted and diligently appointed representative, Mervyn Tilden, hereby casts in his lot and petitions for Leave to Intervene in the above captioned hellish matter. In support of his petition, the Red Devil truthfully states:

1. When the Indigenous Peoples (hereinafter the "Red Nations") of our traditional aboriginal homeland rescued Christopher Columbus in 1492, he was actually lost at sea; his crews were ready to commit mutiny and throw his carcass overboard. After the rescue, his starving but nonetheless greedy hoard of original gangsters then repented of their evil thoughts, gave thanks, then read passages from the Holy Bible and distorted them for the sake of their guilty conscious'. Yea verily, they rejoiced with a papal bull in their hands that gave them permission to pillage and plunder, rape and kill, lie and steal, and desecrate all things sacred to the Red Nations in the name of Christ [notwithstanding the fact that Christ never gave them said permission.] See the Ten (10) Commandments at 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Ten Commandments is attached as Exhibit 1 hereto;

2. The purpose for which the Red Devil came into existence and rebelled [in the Matter of Hydro Resources, Inc. (HRI), Docket No. 40-8968-ML] was to introduce the Nuclear Regulatory Commission (NRC), the Atomic Safety and Licensing Board (ASLB) and HRI to the United States Constitution, ¹ the Bill of Rights, ² and the Holy Bible ³ *and* to promote, preserve and protect the property rights of the Navajo Nation and all human beings who will be impacted by HRI's proposed wretched in-situ leach (ISL) uranium mine;

3. The Red Devil expressly materialized to voice and state opposing positions regarding the on-going shameless attempt by the United States Federal Corporate Government (as exemplified by the renegade, self-regulated NRC) to steal everything it can from the Red Nations (in this case the Dineh) using voluminous, misleading and confusing legalistic, (militaristic) and technical mumbo-jumbo that, like a bad John Wayne script, compliments the N.R.C., A.T.F., E.P.A., C.I.A., O.S.M., & B.I.A., using every C.F.R., U.S.C., and S.O.B. under the S-U-N;

4. The Red Devil further expressly appeared to remind the Eastern Navajo Allottees Association (hereinafter the "174") that when the invaders arrived and invited themselves to the Red Nation's land(s), once again, they had the Bible in their hands and, offering it to the Red Nations (us), they told us to close our eyes and pray. Believing them, and trusting them, we closed our eyes and prayed to the Creator. It was good. Everything was in beauty. When the Red Nations opened their eyes they discovered that they had the Bible in their hands and the invaders had "lordship" and "title" over the land. In like manner, the invaders then proceeded to designate the Red Nations as "savages", "heathens", "pagans", "sinners", and of course, "red devils" amongst many fraudulent, derogatory and degrading names. *And they called us "uncivilized";*

5. The common man and woman must rise up and take a stand for Dineh (Navajo) sovereignty--which is our identity with the land--and speak for generations unborn who will also require clean land, air and water. The land that holds the history of our people has sustained us for millennia and the Dineh have been instructed from the time of First Man and First Woman, if we ever lose the land, we will no longer be "The People". The Earth is our Mother, we must remember that all things were created in beauty (i.e. "and God saw that it was good...") and in beauty, it will be finished;

6. HRI has offered thirty (30) pieces of silver to the 174 and has inaccurately called the adulterous transactions private business "arrangements" regardless of the certainty that millions of dollars more will be taken off of the Navajo reservation thereby becoming a negative factor in the Navajo economy;

¹ Attached as Exhibit 2 hereto.

² Attached as Exhibit 3 hereto.

³ *See your own Bible.*

7. The Red Devil does have standing to participate on determinations affecting the Church Rock, Crownpoint and Unit One (1) properties leased to Hydro Resources, Inc. (by certain allottees) as an actual persona absentia--in the same manner as the 174--and in fact, has a direct interest in any adverse and irreparable environmental and socio-economic impacts on our Dineh land within the established boundaries of the Six Sacred Mountains. HRI and the NRC are the outsiders, not The People of the land, therefore, any type of surface and subsurface activity or disturbance is strictly forbidden. Illustratively, the disingenuous manner in which the business arrangements were arranged, led to a certain crucifixion in another time and place. To deny the Red Devil his Entry of Appearance and Petition for Leave to Intervene is to basically steal his role as "prosecutor", thereby coveting his goods;

8. The Red Devil has specifically authorized Mervyn Tilden to intervene on his behalf in the above captioned matter. (See Affidavit of Red Devil attached as Exhibit 4 hereto);

9. The consistent irregularities, treasonous disregard, and perfidious manipulation of the "NRC Rules and Regulations" by the NRC itself and the lack of key and important documents which is public information cannot explain the over abundance of meaningless, useless, abject, and long-winded propaganda in this dark and shameful proceeding. This clearly seizes the title of the "Father of Lies". However, this is the accurate depiction of the repetitive and murderous historical record of the U.S. Federal Corporate Government of America (hereinafter "Amerika") and its agencies as it has brutally dealt with the Red Nations. "Trust Responsibility" is non-existent only because the U.S. Government never truly intended to fulfill it's obligations promised to the Red Nations by way of the Treaties that were forced upon them. The modus operandi has always been: if Amerika could kill the Red Nations outright, it would, otherwise it is imprisonment, deliberately imposed hardship, harassment and more worthless words on paper;

10. The Red Devil recognizes that his Petition to Intervene is not made within the schedule established by the Hearing Officer. However, HRI, the 174, and the NRC Staff have been allowed latitude (as broad as the path to hell) to file and amend their filing, cry for what they want, snivel, complain, and object to everything that the current petitioners file in this unholy proceeding and no prejudice or injury to any other party will result from the granting of this "damned" petition.

Wherefore, the Red Devil prays that his Petition for Leave to Intervene be immediately granted.

Respectfully submitted this 24th Day of January, 1998

Mervyn Tilden:



for the Red Devil

P.O. Box 457 Church Rock, NM 87311

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AFFIDAVIT

Kinlitsoh sinili)
) ss.
Sovereign Dineh Nation)

The Red Devil being duly sworn at (and cussed out), deposes and declares:

1. That i am a Red Devil for all intents and purposes according to the blasphemous doctrine of the Dominant Society;
2. i am a resident of the Sovereign Dineh Nation (Navajo Nation) within the Six Sacred Mountains of Dineh Tah, "The Land of Our Fathers";
3. i acknowledge this disreputable and wandering proceeding by submitting *my lack* of credentials, bogus degrees, and callous certifications;
4. i am indeed in rebellion against the above captioned harbingers of family discord and community division who act in Mammon's name and behalf;
5. i have authorized Mervyn Tilden to Petition for Leave to Intervene on my worldly behalf in the above docketed vile matter;

6. Yea, hath not God said "the earth is my footstool" and, have not many God-fearing, tax-paying, patriotic American citizens paid the ultimate price for justice that is upright and for a government free from tyranny and despotic rule?

7. The 174 still have time to repent of this thought that they should capitalize on a lawless, public act of environmental racism against their own Dineh People and allow their relatives and Dineh Way of Life to be mistreated, ridiculed and abused by their business partner;

8. i am standing in true defense of Navajo Sovereignty as i am standing in defense of Mother Earth and the Dineh Religion (Spiritual Way of Life);

9. i am opposed to the demonic doctrine of Manifest Destiny--the true "Terror of the Heartland"--and to the facist corporate Republic (and its renegade agencies) for which it stands, therefore submit i, my railing accusations;

In addition, Affiant saith: "i am **Nobody** to HRI--**Nothing** to the NRC"

Further Affiant sayth **naught**.



The Red Devil

SUBSCRIBED AND SWORN AT this 22nd Day of January, 1998

i have **no** commission
that expires **not**:

Notorious Public



mt\Red Devil\affidavit

TEMPLE, HENRY JOHN

TEMPLE, HENRY JOHN. See PALMERSTON, VISCOUNT.
TEMPLE, SHIRLEY (1928-), became one of the most famous child performers in the world. She made her debut at the age of three in the motion picture, *Stand Up and Cheer*. Her popular motion pictures include *Little Miss Marker* (1934), *Dimples* (1936), *Heidi* (1937), and *Rebecca of Sunnybrook Farm* (1938). She retired from motion pictures in 1949. In 1950, she married Charles A. Black. In 1967, she campaigned in California for a seat in the U.S. House of Representatives, but she lost in a primary election. In 1969, President Richard M. Nixon appointed her a U.S. representative to the United Nations General Assembly. Shirley Temple was born in Santa Monica, Calif.

HARRIET VAN HORNE

TEMPLE BUELL COLLEGE. See UNIVERSITIES AND COLLEGES (table).

TEMPLE OF ARTEMIS. See SEVEN WONDERS OF THE WORLD.

TEMPLE OF HEPHAESTUS. See HEPHAESTUS, TEMPLE OF.

TEMPLE OF SOLOMON. See SOLOMON; JERUSALEM (History).

TEMPLE OF ZEUS. See OLYMPIA.

TEMPLE SQUARE. See MORMONS (picture); SALT LAKE CITY.

TEMPLE UNIVERSITY is a coeducational school in Philadelphia. It is supported by state and private funds. Temple offers undergraduate and graduate programs in business administration, communications and theater, education, fine arts, liberal arts, and music. It also offers professional programs in dentistry, dental hygiene, law, medical technology, medicine, nursing, and pharmacy. Its technical institute and community college offer a two-year program. Temple was founded in 1884 and chartered in 1888. For enrollment, see UNIVERSITIES AND COLLEGES (table).

TEMPO means the rate of speed with which music is to be played or sung. It comes from the Latin *tempus*, meaning *time*. Such words as *lento* (slow), *andante* (moderate), and *allegro* (fast) describe the tempo of music.

TEMPORAL BONES. See HEAD.

TEN COMMANDMENTS are a body of moral and religious laws set forth in the Hebrew Bible, or Old Testament. These laws governed the ancient Israelites. Later, they became fundamental principles of Christianity as well as Judaism. The Israelites called the commandments the *ten words*. The commandments are sometimes called the *decalogue*, from two Greek words for *ten* and *word*.

The Ten Commandments are found in Exodus 20: 3-17 and Deuteronomy 5: 7-21 in the King James Version of the Bible. In basic form they are:

Thou shalt have no other gods before me.

Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth.

Thou shalt not take the name of the Lord thy God in vain: for the Lord will not hold him guiltless that taketh his name in vain.

Remember the sabbath day, to keep it holy.

Honor thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee.

Thou shalt not kill.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness against thy neighbor.

Thou shalt not covet thy neighbor's house, thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbor's.

The Roman Catholic version of the Bible combines the first two commandments of the Protestant version, and considers them the first commandment. It divides the last commandment into two. The Jewish version begins the commandments with the words "I am the Lord thy God" (Ex. 20: 2 and Deut. 5: 6). It combines the first and second commandments of the Protestant version, and considers them the second commandment.

The Bible says that "the finger of God" wrote the Ten Commandments on two tablets of stone. Moses received the commandments from God on Mount Sinai. Moses broke the tablets in anger when he returned from the mountain and found the people worshipping a golden statue of a calf. But God forgave the Israelites, and Moses returned to Mount Sinai. After 40 days and nights, he came back to his people with a new set of tablets, and presented the Ten Commandments to them. A Jewish tradition says that the commandments were given in the 70 languages supposed to have been in existence at that time. This was to show that the laws were meant for all peoples. No people could claim an exemption from, or a monopoly of, them.

LOUIS L. MANN

See also MOSES (The Great Works).

TEN LOST TRIBES. See JEWS (Israel and Judah).

TEN THOUSAND, RETREAT OF THE. See XENOPHON.

TENACITY, *tih NÁS uh tee*, is the resistance of a material to being pulled or torn apart. It is the quality of *cohesiveness* (holding together) and is a property of all matter. The tenacity of an object depends upon the kind of material it is made of, the temperature, and the length of time the body is being pulled. Tenacity is measured in the amount of force necessary to break the body. The degree of tenacity of a body is called *tensile strength*.

The material of a body is important in determining its tenacity. Among the metals, steel has the greatest tenacity. Lead has the least tenacity. For a definite amount of material, hollow forms have greater relative resistance to breaking when bent than do solid rods. Examples of hollow forms are bones of animals, quills of bird feathers, and bamboo canes. A cable made of many wires woven together has greater strength than a solid rod of the same size and material.

Materials with high tenacity are used for telegraph and cable wires, and for suspension bridges.

See also STRENGTH OF MATERIALS.

TENANT, in law, is a person who holds or possesses lands or buildings by any kind of title. In popular speech, a tenant is a person who has the right to occupy and use lands or buildings which belong to another person, known as the landlord. A *lease* (written agreement), signed by both owner and tenant, states the terms and period of time.

The relation of landlord and tenant had its origin in the feudal system of the Middle Ages. Some of the feudal obligations still survive in the present laws. The rights and duties of the *lessor* (landlord) and *lessee* (tenant) are generally defined in detail by the written

lease. The terms of administrators of b

A *tenant at will* is an indefinite period desired by either la entitled to a notice crops on the rente the crops are ready

A *tenant at sufferance* without the express of possession has exp at any time by the

See also JOINT TENANCY

TENANT FARMER on rented land. Far are called *tenants*. They farm are called

The landlord usually pays the rent, while the tenant may pay fixed cash for the livestock with only the crops with *sharecroppers*.

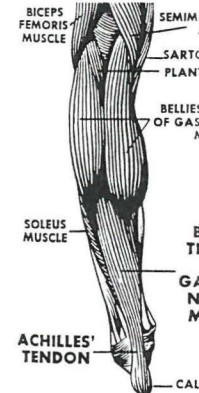
In the mid-1960's United States were world's farmers are

See also AGRICULTURE

TENASSERIM COAL MINING.

TENDER. See LEG

TENDERFOOT. S



TENDON, *TEN* a white cord that attaches muscles to bone. Muscles move bones. Tendons consist of tough fibers. Some are round, others are flat. A tendon arises from the muscle and is woven into the substance of the bone up and down inside moves in a coat sleeve (sewed) together. It holds the bone in place six weeks.

See also ACHILLES TENDON

TENDRIL. See MIMICRY

TENEMENT is the holding of two or more

Bill of Rights	Government	States' Rights
Congress of the	House of Rep-	Supreme Court of
United States	resentatives	the United States
Constitution Day	Law	United States
Court	Political Party	United States,
Fifteenth	President of the	Government of
Amendment	United States	Vice-President of
Fifth Amendment	Senate	the United States
		Voting

Outline

- I. The Supreme Law of the Land
- II. The Need for the Constitution
- III. The Constitutional Convention
 - A. The Background of the Constitution
 - B. The Compromises
- IV. Ratifying the Constitution
- V. The Bill of Rights
- VI. The Development of the Constitution
 - A. Amendments
 - B. Statutes
 - C. Court Decisions
 - D. Presidential Actions

The United States Constitution

The text of the United States Constitution is printed here in boldface type. All words are given their modern spelling and capitalization. Brackets [] indicate parts that have been changed or set aside by amendments. The paragraphs printed in lightface type are not part of the Constitution. They explain the meaning

of certain passages, or they describe how certain passages in the Constitution have worked in practice. Owen J. Roberts, Associate Justice of the Supreme Court (1930-1945), and William O. Douglas, Associate Justice of the Supreme Court (1939-), authenticated these annotations.

PREAMBLE

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

The Legislative Department

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The small states supported the New Jersey plan. They wanted each state to have the same number of representatives in the legislature. The large states wanted the Virginia plan, representation based on population or the tax contributions of each state. As a compromise, a two-house Congress was set up, with one house chosen according to each plan. Each state was given equal representation in the Senate, and representation in the House of Representatives was based on population.

The people were already used to the idea of a two-part legislature. The British Parliament had its House of Commons and House of Lords, and most of the thirteen colonies had set up two-part legislatures.

The House of Representatives

Section 2. (1) The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The "most numerous branch" of the state legislature means the house which has the most members. The ques-

E. Customs

F. State and Party Actions

Questions

Why were the Articles of Confederation of 1781 inadequate for governing the United States?

What compromises were made in forming the Constitution?

What were some major objections against the newly formed Constitution?

How did controversy over the Constitution result in creating the first American political parties?

What government body has the final authority in interpreting the Constitution?

The constitutions of what two states contributed greatly to organizing the United States Constitution?

Why was James Madison called "the Father of the Constitution"?

In what six ways has the Constitution been modified or applied to new situations?

What individual actually "wrote the Constitution"?

What are *delegated powers*? *Implied powers*? *Reserved powers*? *Concurrent powers*?

tion of who shall be allowed to vote for state legislators is entirely up to the state. But if the state lets a person vote for representatives to the lower house of the state legislature, it must let him vote in Congressional elections. Amendment 19 provided that, in fixing qualifications for voters, a state may not discriminate among its inhabitants on account of sex.

(2) No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Each state decides for itself who is an "inhabitant," by setting up requirements for legal residence. A representative usually lives not only in the state from which he is chosen, but also in the Congressional district which he represents.

(3) Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, [which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years], and excluding Indians not taxed, [three fifths of all other persons]. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; [and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose 3, Massachusetts 8, Rhode Island and Providence Plantations 1, Connecticut 5, New York 6, New Jersey 4, Pennsylvania 8, Delaware 1, Maryland 6, Virginia 10, North Carolina 5, South Carolina 5, and Georgia 3].

Exhibit 2

Historical Documents Co.—Frank H. Fleeer Corp.

profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

In American history, the Senate has convicted only four men, all of them judges. They were removed from office, but none was ever tried before another court.

Organization of Congress

Section 4. (1) The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, [except as to the places of choosing Senators].

So long as state legislatures chose the Senators, it would not do to let Congress fix the place of choosing. This would have amounted to giving Congress the power to tell each state where to locate its capital. The words "except as to the places of choosing Senators" are wiped out by the new method of choosing Senators laid down by Amendment 17.

(2) The Congress shall assemble at least once in every year, [and such meeting shall be on the first Monday in December,] unless they shall by law appoint a different day.

In Europe, kings had the power to call legislative bodies into session. They often kept parliaments from meeting, sometimes for many years, simply by not calling them together. This is the reason for the provision that the Congress of the United States must meet at least once a year. Amendment 20 changed the date of the opening day of the session to January 3.

Section 5. (1) Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

In judging the qualifications of its members, each House may consider only the age, citizenship, and residence requirements set forth in the Constitution. In acting on motions to expel a member, however, either House of Congress may consider other matters bearing on that member's fitness for office.

A *quorum* means a group large enough to carry on the business of the House. Discussion and debate can go on whether a quorum is present or not, so long as a quorum comes in to vote.

(2) Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

The right of each house to make its rules has had important results. For example, the House of Representatives puts strict limit on debate, so as to speed up the transaction of necessary business. In the Senate, debate can go on as long as anyone wishes to speak, and any member may speak as long as he likes. This often delays Senate business. See **FILIBUSTERING**.

(3) Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; [and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies].

Except in the first two Congresses, all Senators have been elected for a six-year term. This means that at least two thirds of the Senators in each Congress will ordinarily be experienced in the job. The method of filling vacancies is now set forth in Amendment 17.

(3) No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Henry Clay of Kentucky was the first person under 30 to be elected to the Senate. He had reached the required age by the time he took the oath of office.

In 1793 Albert Gallatin, who won fame as Secretary of the Treasury, was elected Senator from Pennsylvania. He was barred from taking office because he had not been a citizen for nine years.

Amendment 14 established a qualification for Senators and Representatives that no longer has significance. It provided that no one could be a Senator or Representative who had sided with the Confederacy during the Civil War after taking an oath to support the Constitution. But Congress could remove this disability.

(4) The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The power of the Vice-President to break a tie vote in the Senate has often been important. For example, in 1789 Vice-President John Adams cast the vote which decided that the President could remove members of the Cabinet without the approval of the Senate. In 1811, Vice-President George Clinton cast the vote which prevented renewal of the charter of the first Bank of the United States. In 1945, Vice-President Harry S. Truman's vote broke a Senate tie and won the extension of the Lend-Lease Act.

(5) The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

(6) The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

The provision that the Chief Justice, rather than the Vice-President, shall preside over the Senate when a President is on trial probably grows out of the fact that a conviction would make the Vice-President the President. The phrase "on oath or affirmation" means that Senators are placed under oath when trying impeachment cases, just as jurors are in a regular court trial.

(7) Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or

Documents Co.—Frank H. Flier Corp.
le and the First Article.

authority thereof shall issue
vacancies.

each state to decide how the
states require the governor
this purpose.

representative shall choose their
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is its presiding officer (see
peachment means the power
official. These charges are
PEACHMENT).

itates Senate

of the United States shall
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,] for six years; and each

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o Senators. Amendment 17
the voters in each state to

ey shall be assembled in con-
on, they shall be divided as
ree classes. The seats of the

UNITED STATES CONSTITUTION

The journals of the two houses have been published together in the *Congressional Record* since 1873. The *Record* appears daily while Congress is in session. If either house wants to hold a secret session, it resolves itself into a committee of the whole, and its proceedings are not recorded in the journal.

A member of either house can get leave to insert a speech in the *Congressional Record* without going to the trouble of delivering it. He can thus give the people at home the impression that he is speaking up in their interests, when he actually has not addressed Congress.

(4) Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. (1) The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

The reason for the provision that congressmen cannot be arrested was that kings had sometimes ordered the arrest of legislators who opposed their policies. Such legislators could be held on trumped-up charges until the legislative session was over. The framers of the Constitution wanted to avoid any risk that a President might do the same thing.

The reason for the provision that a member of Congress shall not be questioned in any other place for any speech or debate in either house is that he may execute his duties without fear of a civil suit or a criminal prosecution for slander, libel, or other cause. Immunity extends to anything said in debate, a report, or a vote.

(2) No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

These provisions keep congressmen from creating jobs to which they can later be appointed, or from raising salaries of jobs they hope to hold in the future.

In 1909 Senator Philander C. Knox wanted to resign from the Senate in order to become Secretary of State. But the salary of the Secretary of State had been increased during Knox's term as Senator. In order that Knox might accept the post, Congress withdrew the salary increase for the period of Knox's unfinished term.

Section 7. (1) All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

The tradition that tax bills should start in the House was brought over from England. It now has less meaning, because the Senate can "amend" a money bill by rewriting the whole measure.

(2) Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

If the President disapproves of a bill that is sent to him near the close of a session, he will usually hold it for the full 10 days to see if Congress will not adjourn and spare him the trouble of a veto message. If Congress adjourns within 10 days, the bill is killed. This device is known as a "pocket veto."

(3) Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Powers Vested in Congress

Section 8. The Congress shall have power:

(1) To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

Duties are customs taxes on goods brought into the United States. *Excises* are taxes upon sales, use, or production, and sometimes on business procedures or privileges. For example, corporation taxes, cigarette taxes, and amusement taxes are excises. *Imposts* is a general tax term including both duties and excises.

(2) To borrow money on the credit of the United States;

(3) To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

This "Commerce Clause" grants Congress some of its most important powers. "Commerce" has been interpreted to mean all kinds of traffic and transportation. The commerce power has been construed to cover not only all movements or activities across state lines, but also all activities, even though local, that "affect" those movements or activities.

The word "regulate" may mean to restrain, to prohibit, to protect, to encourage, or to promote. Thus Congress can improve waterways, enforce safety measures, or forbid the shipment of impure goods. It can

regulate the movement of vision programs, electric p tickets, manufactured go state lines or national bou

Congress must pass all business of lawmaking to a But in modern times, Con pass laws for the regulatio such as that of railroads. In such cases Congress has which it desires enforced. missions which are part o government the power to to carry out the declared tions to determine whethe obeyed by the business o regulation, and to compel NAUTICS BOARD; FEDERAL FEDERAL COMMUNICATIONS TIME COMMISSION; FEDERAL TRADE COMMISSION; INTER MARITIME ADMINISTRATION COMMISSION; TARIFF COMM

(4) To establish a unifc uniform laws on the subje the United States;

(5) To coin money, regu foreign coin, and fix the stan

From this provision, al allows the Congress to regu money, Congress gets its ri and to establish the Feder ERAL RESERVE SYSTEM.

(6) To provide for the the securities and current c

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(9) To constitute tribun Court;

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(10) To define and puni mitted on the high seas, c of nations;

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(11) To declare war, g reprisal, and make rules and water;

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regulate the movement of trains, people, radio and tele-
 vision programs, electric power, stocks and bonds, lottery
 tickets, manufactured goods, or raw materials across
 state lines or national boundaries.

Congress must pass all laws. It cannot delegate the
 business of lawmaking to any other man or body of men.
 But in modern times, Congress has found it necessary to
 pass laws for the regulation of various kinds of business,
 such as that of railroads and public utility companies.
 In such cases Congress has, by a law, declared the policy
 which it desires enforced. It has then conferred on com-
 missions which are part of the Executive Branch of the
 government the power to make rules and regulations to
 carry out the declared policy, to conduct investiga-
 tions to determine whether the declared policy is being
 obeyed by the business concerns which are subject to
 regulation, and to compel obedience. See CIVIL AERO-
 NAUTICS BOARD; FEDERAL AVIATION ADMINISTRATION;
 FEDERAL COMMUNICATIONS COMMISSION; FEDERAL MARITIME
 COMMISSION; FEDERAL POWER COMMISSION; FEDERAL
 TRADE COMMISSION; INTERSTATE COMMERCE COMMISSION;
 MARITIME ADMINISTRATION; SECURITIES AND EXCHANGE
 COMMISSION; TARIFF COMMISSION, UNITED STATES.

(4) To establish a uniform rule of naturalization, and
 uniform laws on the subject of bankruptcies throughout
 the United States;

(5) To coin money, regulate the value thereof, and of
 foreign coin, and fix the standard of weights and measures;

From this provision, along with the provision which
 allows the Congress to regulate commerce and to borrow
 money, Congress gets its right to charter national banks
 and to establish the Federal Reserve System. See FED-
 ERAL RESERVE SYSTEM.

(6) To provide for the punishment of counterfeiting
 the securities and current coin of the United States;

(7) To establish post offices and post roads;

(8) To promote the progress of science and useful
 arts, by securing for limited times to authors and in-
 ventors the exclusive right to their respective writings
 and discoveries;

Photographs and films may also be copyrighted under
 this provisions See COPYRIGHT; PATENT.

(9) To constitute tribunals inferior to the Supreme
 Court;

For examples of federal courts "inferior to the Su-
 preme Court," see COURT (Federal Courts); COURT
 OF APPEALS; COURT OF CLAIMS.

(10) To define and punish piracies and felonies com-
 mitted on the high seas, and offenses against the law
 of nations;

See FELONY; PIRATE.

(11) To declare war, grant letters of marque and
 reprisal, and make rules concerning captures on land
 and water;

The war power gives Congress vast powers it does not
 have in peacetime. To win, the entire nation must
 mobilize. The war power allows Congress to fix prices,
 ration commodities, and build factories—acts beyond
 its power in peacetime. See MARQUE AND REPRISAL.

(12) To raise and support armies, but no appropri-
 ation of money to that use shall be for a longer term
 than two years;

(13) To provide and maintain a navy;

(14) To make rules for the government and regula-
 tion of the land and naval forces;

(15) To provide for calling forth the militia to execute

the laws of the Union, suppress insurrections and repel
 invasions;

The militia is separate from the army and is partly
 controlled by the states. Congress has given to the Presi-
 dent the power to decide when a state of invasion or
 insurrection exists.

(16) To provide for organizing, arming, and discipli-
 nizing, the militia, and for governing such part of them
 as may be employed in the service of the United States,
 reserving to the States respectively, the appointment
 of the officers, and the authority of training the militia
 according to the discipline prescribed by Congress;

Until 1916, the militia was really operated by the
 states. In that year, the National Defense Act provided
 for drafting the National Guard into United States serv-
 ice under certain circumstances.

(17) To exercise exclusive legislation in all cases
 whatsoever, over such district (not exceeding ten miles
 square) as may, by cession of particular States, and the
 acceptance of Congress, become the seat of the Govern-
 ment of the United States, and to exercise like authority
 over all places purchased by the consent of the legis-
 lature of the State in which the same shall be for the
 erection of forts, magazines, arsenals, dockyards, and
 other needful buildings;—And

This section makes Congress the legislative body not
 only for the District of Columbia, but for federal prop-
 erty on which forts, naval bases, arsenals, and other
 federal works or buildings are located.

(18) To make all laws which shall be necessary and
 proper for carrying into execution the foregoing powers,
 and all other powers vested by this Constitution in the
 Government of the United States, or in any department
 or officer thereof.

The famous "necessary and proper" clause allows
 Congress to exercise many powers not granted to it in
 so many words. As a result, the powers of Congress
 change with changing times. This fact may help to ex-
 plain why the Constitution of the United States has out-
 lasted any other written constitution in the world.

Restraints, Federal and State

Section 9. (1) The migration or importation of such
 persons as any of the States now existing shall think
 proper to admit, shall not be prohibited by the Congress
 prior to the year one thousand eight hundred and eight,
 but a tax or duty may be imposed on such importation,
 not exceeding ten dollars for each person.

This paragraph refers to the slave trade. Dealers in
 slaves, as well as some slaveholders, wanted to make
 sure that Congress could not stop anyone from bringing
 African slaves into the country before the year 1808.

(2) The privilege of the writ of *habeas corpus* shall
 not be suspended, unless when in cases of rebellion or
 invasion the public safety may require it.

See HABEAS CORPUS.

(3) No bill of attainder or *ex post facto* law shall
 be passed.

See ATTAINDER; EX POST FACTO.

(4) No capitation, [or other direct,] tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

(5) No tax or duty shall be laid on articles exported from any State.

(6) No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

It would take forever to authorize every item of government expenditure separately. Congress generally passes appropriations for government funds in lump sums. The Office of Management and Budget accounts for funds after they are spent, and suggests how much should be appropriated for government activities.

This provision has not always been enforced strictly, for fear of offending the heads of other governments. Presidents accepted gifts from foreign rulers almost from the beginning of the nation. Return gifts have also been made, although Congress could not openly appropriate funds for this purpose. Knightly orders have often been conferred by foreign rulers on high-ranking officers in the armed services of the United States.

(2) No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

war, unless actually invaded, or in such imminent danger as will not admit of delay.

The Executive Department

(2) Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

(3) [The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]

(5) No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of

The Constitution does the oath to the newly elect Washington was sworn then a state official in came customary for the Justice of the Supreme Calvin Coolidge was sworn the peace, at his home in again before Justice Adol Court of the District of for the Chief Justice to sw

(2) He shall have power, with the consent of the Senate, to appoint and remove, and to fix the salaries of, two thirds of the Senators pro tempore, to nominate, and by and with the advice and consent of the Senate, shall appoint and remove, and to fix the salaries of, the ministers and consuls, judges, and all other officers of the United States, the appointments and removals of whom are not herein otherwise provided for, and the salaries shall be established by law, and the law shall vest the appointment of

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President; neither shall any person be eligible to that
office who shall not have attained to the age of thirty-
five years, and been fourteen years a resident within
the United States.

(6) In case of the removal of the President from office,
or of his death, resignation, or inability to discharge the
powers and duties of the said office, the same shall
devolve on the Vice-President, and the Congress may by
law provide for the case of removal, death, resignation
or inability, both of the President and Vice-President,
declaring what officer shall then act as President, and
such officer shall act accordingly, until the disability be
removed, or a President shall be elected.

See PRESIDENTIAL SUCCESSION. Only death has ever
cut short the term of a President of the United States.

(7) The President shall, at stated times, receive for his
services, a compensation, which shall neither be in-
creased nor diminished during the period for which he
shall have been elected, and he shall not receive within
that period any other emolument from the United States,
or any of them.

The Constitution made it possible for a poor man to
become President by providing a salary for that office.

(8) Before he enter on the execution of his office, he
shall take the following oath or affirmation:—"I do
solemnly swear (or affirm) that I will faithfully execute
the office of President of the United States, and will to
the best of my ability, preserve, protect and defend
the Constitution of the United States."

The Constitution does not say who shall administer
the oath to the newly elected President. President George
Washington was sworn in by Robert R. Livingston,
then a state official in New York. After that, it be-
came customary for the Chief Justice or an Associate
Justice of the Supreme Court to administer the oath.
Calvin Coolidge was sworn in by his father, a justice of
the peace, at his home in Vermont. He took the oath
again before Justice Adolph A. Hoehling of the Supreme
Court of the District of Columbia. It is now customary
for the Chief Justice to swear in the President.

Section 2. (1) The President shall be commander in
chief of the army and navy of the United States, and of
the militia of the several States, when called into the
actual service of the United States; he may require the
opinion, in writing, of the principal officer in each of
the executive departments, upon any subject relating to
the duties of their respective offices, and he shall have
power to grant reprieves and pardons for offenses
against the United States, except in cases of impeach-
ment.

The President's powers as Commander in Chief are
far-reaching. They have been interpreted to include all
powers which may be necessary to wage war effectively.
Every war has raised many questions about their extent.

(2) He shall have power, by and with the advice and
consent of the Senate, to make treaties, provided two
thirds of the Senators present concur; and he shall
nominate, and by and with the advice and consent of
the Senate, shall appoint ambassadors, other public
ministers and consuls, judges of the Supreme Court, and
all other officers of the United States, whose appoint-
ments are not herein otherwise provided for, and which
shall be established by law: but the Congress may by
law vest the appointment of such inferior officers, as they

UNITED STATES CONSTITUTION

think proper, in the President alone, in the courts of law,
or in the heads of departments.

The framers of the Constitution intended that in some
matters the Senate should serve as an advisory body for
the President, somewhat as the House of Lords advised
the king in Great Britain.

The President has the power to make treaties, but
two thirds of the Senators must approve before the
treaty is ratified. The two-thirds provision, which was
taken from the old Articles of Confederation, makes it
easy to defeat a treaty.

(3) The President shall have power to fill up all
vacancies that may happen during the recess of the
Senate, by granting commissions which shall expire at
the end of their next session.

This means that when the Senate is not in session, the
President can make temporary appointments to offices
which require Senate confirmation.

Section 3. He shall from time to time give to the Con-
gress information of the state of the Union, and recom-
mend to their consideration such measures as he shall
judge necessary and expedient; he may, on extraor-
dinary occasions, convene both Houses, or either of them,
and in case of disagreement between them, with respect
to the time of adjournment, he may adjourn them to
such time as he shall think proper; he shall receive am-
bassadors and other public ministers; he shall take care
that the laws be faithfully executed, and shall com-
mission all the officers of the United States.

The President gives a message to Congress each year.
Presidents George Washington and John Adams de-
livered their messages in person. For more than 100 years
after that, it was customary for the President to send a
written message which was read in Congress. President
Woodrow Wilson delivered his messages in person; as did
President Franklin D. Roosevelt and all Presidents after
Roosevelt.

The President's messages often have great influence
on public opinion, and thus on Congress. Famous mes-
sages to Congress include the Monroe Doctrine and
President Wilson's "Fourteen Points."

The President has often used his power to call Congress
into session. He has never used his power to adjourn
Congress in case the two houses disagree upon a date
for adjournment.

It has been held that the President's power to receive
ambassadors and ministers from foreign countries in-
cludes the right to dismiss or refuse to receive them.

The responsibility to "take care that the laws be faith-
fully executed" puts the President at the head of law
enforcement in the federal government. Every officer
of the United States, civilian or military, draws his
authority from the President.

Section 4. The President, Vice-President and all civil
officers of the United States, shall be removed from
office on impeachment for, and conviction of, treason,
bribery, or other high crimes and misdemeanors.

ARTICLE III

The Judicial Department

Section 1. The judicial power of the United States,
shall be vested in one Supreme Court, and in such in-
ferior courts as the Congress may from time to time
ordain and establish. The judges, both of the Supreme
and inferior courts, shall hold their offices during good

UNITED STATES CONSTITUTION

behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

The Constitution makes every effort to keep the courts independent of both the legislature and the President. The provision that judges shall hold office during "good behavior" means that, unless they are impeached and convicted, they can hold office for life. This protects a judge from any threat of dismissal by the President who appointed him, or by any other President during the judge's lifetime. The provision that a judge's salary may not be reduced protects him against pressure from Congress, which could otherwise threaten to fix his salary so low that he could be forced to resign. See COURT; SUPREME COURT OF THE UNITED STATES.

Section 2. (1) The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States; [between a State and citizens of another State;] between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, [citizens or subjects].

The right of the federal courts to handle "cases arising under this Constitution" is the basis of the Supreme Court's right to declare laws of Congress unconstitutional. This right of "judicial review" was established by Chief Justice John Marshall's historic decision in the case of *Marbury vs. Madison*. For more information on this famous case, and a brief description of the political and social circumstances surrounding it, see JEFFERSON, THOMAS (The Courts).

The language "between a State and citizens of another State" gave the federal courts the power to hear and decide a case where a state sued a citizen of another state and where a citizen of another state sued a state. Soon after the adoption of the Constitution a citizen of another state sued the state of Georgia, and the Supreme Court held that the suit was authorized by the language of Section 2. Amendment 11 was promptly submitted to the people and adopted, to take away the power of federal courts to hear a suit by a citizen of an outside state against a state. The power to try a suit by a state against a citizen of another state remains.

(2) In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The statement that the Supreme Court has "original jurisdiction" in cases affecting the representatives of foreign countries and in cases to which a state is one of the parties means that cases of this kind go *directly* to the Supreme Court. In other kinds of cases, the Supreme Court has "appellate jurisdiction." This means that the cases are tried first in a lower court and may come up to the Supreme Court on appeal, if Congress authorizes an appeal. Congress cannot take away or modify the original jurisdiction of the Supreme Court, but it can

take away the right to appeal to that court or fix the conditions one must meet to present an appeal to that court. Amendment 7 limits the appellate jurisdiction of the Supreme Court by providing that an issue of fact tried by jury may not be re-examined.

(3) The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. (1) Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

No person can be convicted of treason against the United States unless he confesses in open court, or unless two witnesses testify that he has committed an act of a treasonable nature. Talking or thinking about committing a treasonable act is not considered treason in the United States. See TREASON.

(2) The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

This provision means that the family of a traitor is not to be punished for his crime unless they aided him in his acts, and that his descendants cannot inherit the burden of his guilt. See ATTAINDER.

ARTICLE IV

Relation of the States to Each Other

Much of this article was taken word for word from the old Articles of Confederation.

Section 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Section 2. (1) The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

This means that citizens traveling from state to state are entitled to all the privileges and immunities that automatically go to citizens of those states. Some privileges, such as the right to vote do not automatically go with citizenship, but require a period of residence and perhaps other qualifications.

The word *citizen* in this provision does not include corporations.

(2) A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

If a man commits a crime in one state and flees to another state, the governor of the state in which the crime was committed can demand that he be handed

over. In some cases, this is done with. It is not clear just how could enforce this provision. EXTRADITION.

(3) [No person held to servitude under the laws thereof, or consequence of any law charged from such service, shall be delivered up on claim of the State, or labor may be due.]

A "person held to servitude" means an indentured servant. No person in the United States, so long as he has any force.

Relation of the United States to Territories and Foreign States

Section 3. (1) New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be divided into two or more States, or parts thereof, without the consent of the Congress.

(2) The Congress shall have power to make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this article shall be construed as to prejudice any claim of the United States, or of any particular State.

Section 4. The United States shall protect each of the States in this Union a republic; and the application of the legislative power of the Congress shall not be violence.

No one knows just what this section means, for no act has been claimed that this clause of the Constitution has been truly republican in form. It is a "political" question. So the courts have decided that the decision rests with Congress.

The legislature or the governor of a state may give federal aid in dealing with rioting. Federal aid has been put down strikes, and in some cases were sent even though the state did not want them. See UNREST.

ARTICLE V

Provision for Amendment

The Congress, whenever it shall deem it necessary, shall propose amendments to this Constitution, or, on the application of two-thirds of the several States, shall call a convention for proposing amendments. Any amendment thus proposed shall be valid to all intents and purposes of the Constitution, when ratified by three-fourths of the several States. No amendment which may be proposed [that no amendment which may be proposed] shall be valid unless it be ratified by three-fourths of the several States. Year one thousand eight

any manner affect the first and fourth clauses in the ninth section of the first Article; and] that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

The framers of the Constitution purposely made it hard to put through an amendment. Over 6,900 amendments have been proposed, but only 31 have been passed by Congress and submitted to the states. Of these, only 26 have been ratified. The United States Constitution is harder to amend than any other constitution in history.

State conventions to ratify a constitutional amendment have been used only once—when Amendment 21 was passed to repeal Amendment 18.

The Constitution sets no limit on the time the states shall have to consider an amendment. But Congress, in proposing amendments, has sometimes set a time limit within which the necessary number of states must ratify. Amendment 22 was proposed in 1947 but was not adopted until nearly four years later. This is the longest ratification time on record. The shortest was in 1971, when Amendment 26 was ratified after 100 days. Some persons claim that a proposed amendment cannot remain open for an unreasonable time, but the courts have never had to decide the question.

ARTICLE VI National Debts

(1) All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

Supremacy of the National Government

(2) This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

This supremacy clause has been called "the linchpin of the Constitution." It means simply that when state laws conflict with national laws enacted within the powers granted to Congress, the national laws prevail.

(3) The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

This provision applies only to federal officials. It does not keep any state from imposing religious qualifications either for officeholding or for voting. In the past, some states have actually had such religious qualifications, but they do not exist anywhere in the United States today. For further information, see the note following Section 1 of Amendment 14.

ARTICLE VII

The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the

over. In some cases, this demand has not been complied with. It is not clear just how the federal government could enforce this provision of the Constitution. See EXTRADITION.

(3) [No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.]

A "person held to service or labor" was a slave or an indentured servant. No one is now bound to servitude in the United States, so this part of the Constitution no longer has any force.

Relation of the United States to States and Territories

Section 3. (1) New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

(2) The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

No one knows just what the word "republican" means in this section, for no action has ever been taken under this clause of the Constitution. From time to time, it has been claimed that various state governments are not truly republican in form. The federal courts have held that it is a "political" question whether a state is obeying this section. So the courts cannot decide the question. The decision rests with Congress.

The legislature or the governor of a state can request federal aid in dealing with domestic violence, such as rioting. Federal aid has sometimes been requested to put down strikes, and in one famous case federal troops were sent even though the governor specifically said he did not want them. See CLEVELAND, GROVER (Labor Unrest).

ARTICLE V

Provision for Amending the Constitution

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided [that no amendment which may be made prior to the year one thousand eight hundred and eight shall in

UNITED STATES CONSTITUTION

States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

George Washington—President and deputy from Virginia

New Hampshire
John Langdon Nicholas Gilman

Massachusetts
Nathaniel Gorham Rufus King

Connecticut
William Samuel Johnson Roger Sherman

New York
Alexander Hamilton

New Jersey
William Livingston William Paterson
David Brearley Jonathan Dayton

Benjamin Franklin
Thomas Mifflin
Robert Morris
George Clymer

George Read
Gunning Bedford, Jr.

James McHenry
Dan of St. Thomas Jenifer

John Blair

William Blount
Richard Dobbs Spaight

John Rutledge
Charles Cotesworth Pinckney

William Few

Pennsylvania

Thomas FitzSimons
Jared Ingersoll
James Wilson
Gouverneur Morris

Delaware

John Dickinson Jacob Broom
Richard Bassett

Maryland

Daniel Carroll

Virginia

James Madison, Jr.

North Carolina

Hugh Williamson

South Carolina

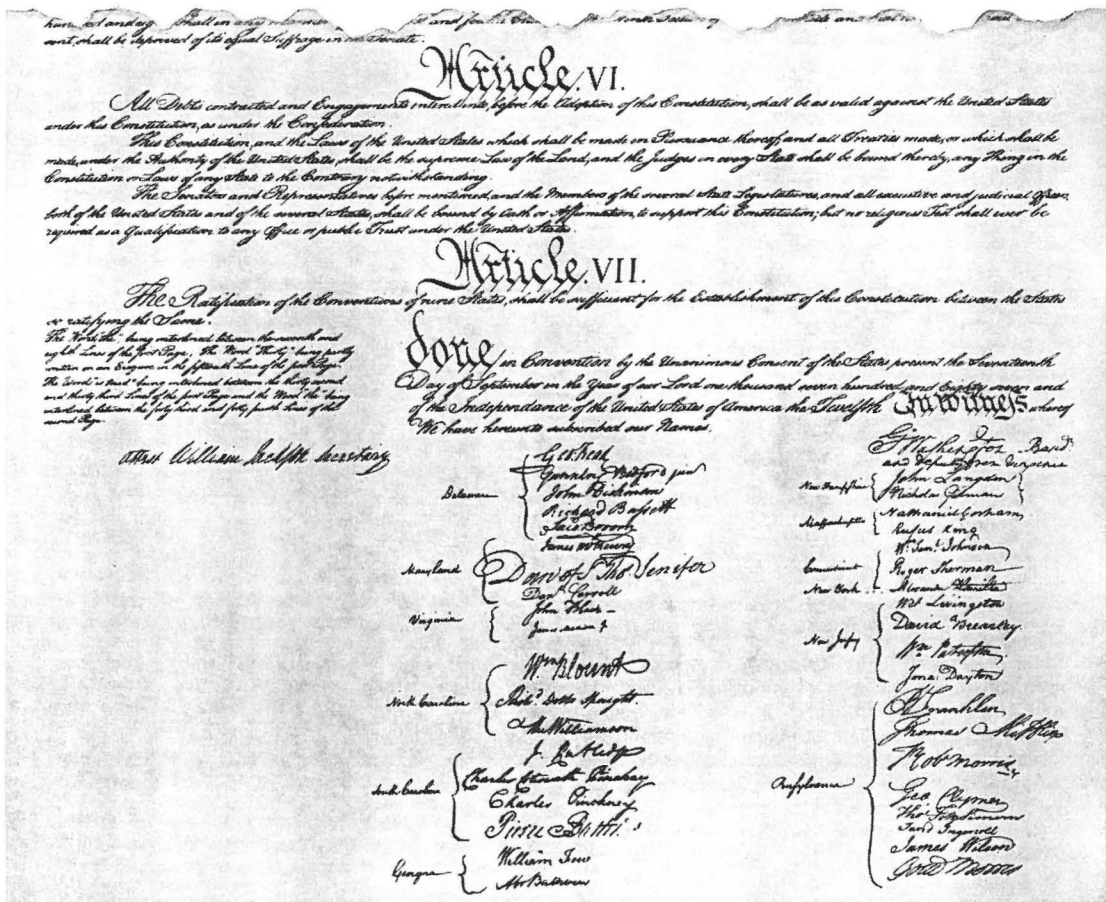
Charles Pinckney
Pierce Butler

Georgia

Abraham Baldwin

The Final Sections of the Constitution Contain the Provisions for Its Ratification and the Signatures.

Historical Document Co.—Frank H. Flee Corp.



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BILL OF RIGHTS

Congress of the United States

Began and held at the City of New York, on
Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Convention of the States, having at the basis of their adopting the Constitution, expressed a desire, in order to guard against every evasion of its sense, that further declaratory and restrictive clauses should be added; And as extending the ground of public opinion on the Government, will best secure the beneficial ends of the establishment
RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all of which shall be ratified by three fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution, viz:

ARTICLE FIRST in addition to, and amendment of the Constitution of the United States of America proposed by Congress, and ratified by their Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Article the first. After the first enumeration required by the first Article of the Constitution, there shall be one Representation for every thirty thousand, until the number shall amount to one hundred; after which the proportion shall be as regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every thirty thousand persons; until the number of Representatives shall amount to two hundred, after which the proportion shall be as regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every forty thousand persons.

Article the second. No Tax, varying the Compensation for the Services of the Senators and Representatives, shall take effect, until an Act of Congress shall have been passed.

Article the third. Congress shall make no Law respecting an established Religion, or prohibiting the free exercise thereof; or extending the freedom of Speech, or of the Press, or the Right of the People to be secure in their Persons, Houses, Papers, and Effects against unreasonable Searches and Seizures; nor shall they make any Law which shall be a Bill of Attainder, or ex post facto Law, or which shall operate as a Bill of Exemption, or which shall be a Bill of Pains and Penalties.

Article the fourth. A well regulated Militia, being necessary to the Security of a free State, the right of the People to keep and bear Arms, shall not be infringed.

Article the fifth. No Person shall be held to answer for a Crime, until the Demand of the Grand Jury, or in Cases of Impeachment, until the Demand of the Senate, be presented by Law.

Article the sixth. This right of the People to be secure in their Persons, Houses, Papers, and Effects against unreasonable Searches and Seizures, shall not be violated, and no Warrants shall issue, but upon probable Cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article the seventh. No Person shall be held to answer for a Crime, until the Demand of the Grand Jury, or in Cases of Impeachment, until the Demand of the Senate, be presented by Law. No Person shall be held to answer for a Crime, until the Demand of the Grand Jury, or in Cases of Impeachment, until the Demand of the Senate, be presented by Law.

Article the eighth. In all Criminal Prosecutions, the accused shall enjoy the right to a speedy and public Trial, by an impartial Jury of the State and District wherein the Crime shall have been committed; and shall have the Assistance of Counsel for his Defense; and to have the Assistance of Counsel for his Defense; and to have the Assistance of Counsel for his Defense.

Article the ninth. In all Criminal Prosecutions, the accused shall enjoy the right to a speedy and public Trial, by an impartial Jury of the State and District wherein the Crime shall have been committed; and shall have the Assistance of Counsel for his Defense; and to have the Assistance of Counsel for his Defense; and to have the Assistance of Counsel for his Defense.

Article the tenth. Congress shall not be empowered to lay any Tax, or to borrow any Money, or to emit any Paper Money, or to coin any Money, or to regulate the Value of any Money, or to regulate the Value of any Money, or to regulate the Value of any Money.

Article the eleventh. Congress shall not be empowered to lay any Tax, or to borrow any Money, or to emit any Paper Money, or to coin any Money, or to regulate the Value of any Money, or to regulate the Value of any Money, or to regulate the Value of any Money.

Article the twelfth. Congress shall not be empowered to lay any Tax, or to borrow any Money, or to emit any Paper Money, or to coin any Money, or to regulate the Value of any Money, or to regulate the Value of any Money, or to regulate the Value of any Money.

ARTICLE

James Madison, Secretary of the Convention
John Adams, Vice President of the United States, and President of the Senate

James Madison, Secretary of the Convention
John Adams, Vice President of the United States, and President of the Senate

The National Archives, Washington, D.C.

The United States Bill of Rights consists of the first 10 amendments to the U.S. Constitution. At first, the Constitution had few specific guarantees of personal freedoms. Several states refused to approve the Constitution without more guaranteed rights. Congress proposed 12 amendments, above, but by 1791 enough states had ratified 10 amendments to establish the Bill of Rights.

BILL OF RIGHTS is a document that describes the fundamental liberties of the people. It also forbids the government to violate these rights. Most bills of rights guarantee to everyone the freedoms of speech, of religion, and of the press, and the right of assembly. They protect a person's right to "life, liberty, and the pursuit of happiness."

Man is considered to have rights that are inborn. A government may not deprive him of these rights. It has only limited powers delegated by the people. Self-government is considered the best form of government, but a citizen needs fundamental human freedoms to vote in-

telligently, to hold public offices, and to govern. Many of these ideas were developed in the Bible, and in ancient Greek and Roman civilizations. In modern history such men as John Locke, John Milton, and

G. F. Curtis, contributor of the section on the Canadian Bill of Rights, is Dean of the Faculty of Law at the University of British Columbia, Vancouver, B.C. Milton R. Konvitz, contributor of the other sections, is author of Bill of Rights Reader and Professor of Law and Industrial and Labor Relations at Cornell University.

John Stuart Mill of Great Britain, James Madison, and Thomas Jefferson of the United States fought for the acceptance

The United States Constitution amendments to the Constitution of the United States guarantee the rights and freedoms of every citizen, and 10 forbid Congress to adopt these rights. But the Supreme Court has held that these rights are not absolute. For example, freedom of speech does not mean that one who shouts "Fire" in a crowded theater can be punished. Yet the government must in all but extreme circumstances have held that freedom of speech when its exercise creates a "clear and present danger" to society.



AMENDMENT

Congress shall make no Law respecting an established Religion, or exercising thereof; or abridging the freedom of Speech, or of the Press; or the Right of the People peaceably to assemble, or to petition the Government for a redress of their Grievances.

AMENDMENT

A well-regulated Militia, being necessary to the Security of a free State, the right of the People to keep and bear Arms, shall not be infringed.

AMENDMENT

No Soldier shall, in time of War, be quartered in any house without the consent of the owner; nor in time of peace, be prescribed by Law.

AMENDMENT

The right of the People to be secure in their Persons, Houses, Papers, and Effects against unreasonable Searches and Seizures, shall not be violated, and no Warrants shall issue, but upon probable Cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT

No Person shall be held to answer for a Crime, until the Demand of the Grand Jury, or in Cases of Impeachment, until the Demand of the Senate, be presented by Law. No Person shall be held to answer for a Crime, until the Demand of the Grand Jury, or in Cases of Impeachment, until the Demand of the Senate, be presented by Law.

John Stuart Mill of Great Britain, and Thomas Jefferson, James Madison, and Thomas Paine of the United States fought for the acceptance of these views.

The United States Constitution. The first eight amendments to the Constitution contain the fundamental rights and freedoms of every citizen. Amendments 9 and 10 forbid Congress to adopt laws that would violate these rights. But the Supreme Court of the United States has held that these rights have some limits. For example, freedom of speech does not protect a person who shouts "Fire" in a crowded theater when there is no fire. Yet the government must respect these freedoms in all but extreme circumstances. The Supreme Court has held that freedom of speech may be limited only when its exercise creates a "clear and present danger" to society.

The Constitution adopted in 1789 contained few personal guarantees. Some states refused to ratify it without a specific bill of rights. James Madison led in the adoption of 10 amendments that became known as the *Bill of Rights*, even though only the first 8 amendments guarantee specific rights and freedoms. The bill came into effect on Dec. 15, 1791. This day is celebrated as Bill of Rights Day (see BILL OF RIGHTS DAY). The Supreme Court has held that under Amendment 14 the Bill of Rights also applies to state governments.

State Constitutions. Each state constitution contains a bill of rights or a declaration of rights. It guarantees the fundamental rights listed in the United States Constitution. Some state bills of rights are more detailed than the federal bill of rights. Virginia adopted the first state bill of rights as part of its constitution in 1776.

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UNITED STATES BILL OF RIGHTS

AMENDMENT 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

AMENDMENT 2

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

AMENDMENT 3

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

AMENDMENT 4

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT 5

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a wit-

ness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT 6

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT 7

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

AMENDMENT 8

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT 9

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

AMENDMENT 10

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

HYDRO RESOURCES, INC.

Docket No.(s) 40-8968-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing PETITION AND APPEARANCE ENTRY have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)40-8968-ML
PETITION AND APPEARANCE ENTRY

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Dated at Rockville, Md. this
4 day of February 1998

Adria T. Byrdson
Office of the Secretary of the Commission