



League of Women Voters of Minnesota Records

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League of Women Voters of Minnesota
84 South Tenth Street, Room 406
Minneapolis 3, Minnesota

January, 1952

Additional copies - 44

ALTERATIONS NINETEEN FIFTY-TWO

CAST: MRS. MINNESOTA (Slightly buxom either by Nature or artificially)
MINNIE, her daughter
NEW JERSEY
MISSOURI

SCENE: MRS. MINNESOTA'S LIVING ROOM - MUST HAVE MIRROR

AS CURTAIN RISES MRS. MINNESOTA IS WEARING DRESS OF 1857 PERIOD WHICH HAS A NUMBER OF PATCHES SCATTERED OVER IT. SHE LOOKS IN MIRROR ADJUSTING DRESS, PULLING AT SKIRT AND SLEEVES, TILTING HEAD AS IF TRYING TO DECIDE WHETHER SHE CAN WEAR THE THING ANOTHER YEAR. MINNIE ENTERS.

MINNIE: Oh, dear, Mother - don't tell me you're going to have to wear that dress another twenty years! Even on our trip to the Atomic Age? (HUGS HER IN DESPAIR AND SYMPATHY)

MRS. M: Oh, hello, darling. This dress...well...I'm not really sure how I do feel about it. I know the family will vote on it someday... and I'm so afraid... some of them are so temperamental...why they might want to take it right off my back (FEARFULLY), and rip it all to shreds, and...and (DABBLING EYES) and throw it in the ash-can!

MINNIE: (SOOTHINGLY) Now, Mother.. of course they wouldn't want to do anything like that. Everybody knows that you just can't get those lovely hand-woven fabrics nowadays (FINGERING SKIRT). It has worn quite well all these years...I'll bet you anything we could fix it up with some alterations so it would be just as up-to-date as Missouri's new outfit or New Jersey's 1947 ensemble.

MRS. M: (PROUDLY) Well, Minnie, I'll have you know that my amending process is every bit as good as theirs, even if it isn't exactly the same. Just look at all these lovely amendments. (TOUCHING PATCHES) Seventy-five of them, and every one different, too. (SHE WHIRLS AROUND ADMIRING HERSELF IN MIRROR). The family must like amendments - they're talking about adding five more in November.

MINNIE: (DOUBTFULLY) Oh, yes, of course, dear...but some of them don't really add anything to your whole constitutional outfit...they're just stuck on... and with no real design. We should set them in right here so they'll look as if they belong...like this..(TAKES TWO PATCHES AND BEGINS TO PIN THEM AROUND BOTTOM OF SKIRT).

MRS. M: Oh, I see what you mean!! (POINTING TO PATCH)...that's my trunk highway system. It runs all the way around.

MINNIE: Look, Mother, I have a wonderful idea. There's this patch IV-36...that's the home rule one. We could set that one in under your arm where it's so tight. You know Mother, you really have grown larger since 1857...it isn't any wonder that this dress is too tight for you.

MRS. M: Oh, dear, I didn't realize that I had grown so much stouter since then. Who ever would have thought that my legislative seams would be almost bursting in 1952!

MINNIE: (BUSILY PINNING HOME RULE STRIP UNDER MOTHER'S ARM) Oh, Mother, this is terrible...what do you suppose? There isn't enough home rule.

- MRS. M: Not enough home rule! What are we going to do? Let me look at that amendment (SNATCHING IT FROM MINNIE IN EXCITEMENT) Horrors, I see it all now...this home rule is just for cities...you're right...we'll have to get another piece for the counties!
- MINNIE: (SOOTHINGLY) Of course, dear...if you've grown, you'll just have to have another home rule gusset. An increased population is only to be expected at your age, and the doctor says it's actually a very healthy sign. You get increased monetary circulation with it, you know.
- MRS. M: Oh, is that why I've had so much trouble with my budget-making process? I have a terrible time trying to make both ends meet. (TRYING TO CLOSE GAP BETWEEN BLOUSE AND SKIRT)
- MINNIE: Haven't I been telling you that it's time you had a new fiscal foundation garment? What you need is one that has firm controls, but still is flexible....then you won't have your finances bulging out of shape.
- MRS. M: Ma-n-n, I suppose so. Well, while we're at it, I'd like to take off this dust ruffle. I know it's part of the dress...it did used to be necessary for every constitutional garment to have a debt-limiting clause. No one pays any attention to that anymore...we might as well do away with that useless frill. (TAKES SCISSORS AND PRETENDS TO START RIPPING)
- MINNIE: Good, Mother, now you're getting into the spirit of the thing. (FROWNS) I really believe, Mother, one thing wrong with your dress is that there's just too much material in it...(HOLDING OUT SKIRT)...just look at that!
- MRS. M: Even with the dust-ruffle off, I guess it would still be too long.
- MINNIE: It certainly would...Skirts are shorter again, you know. Remember that smart looking little model constitution we saw last week? It was about seventy pages shorter than your dress.
- MRS. M: (LIFTING SKIRT) How about this length? Would this be about right?
- MINNIE: Yes, about fourteen inches from the ground...that would be much better. And then there's all this statutory material in the bustle...that shouldn't be in a constitution!
- MRS. M: Oh, dear...whatever will we do about that? Do you suppose we could cut the bustle off?
- MINNIE: I'm sure we could...if you get the right dressmakers...and at the same time they can rip out all these unnecessary details of stitching that hold the bustle in place.
- MRS. M: There is a lot of detail, isn't there? (TWISTING TO SEE REAR IN MIRROR) I declare, some of that stitching runs up and down and all around the boundaries of (insert own) County. (PLUCKING AT TAIST) There's even some of it here..heavens! I do believe it's a basting thread that's still there.
- MINNIE: That must be Article IV, Sec. 23 that directs the state legislature to take a census every ten years. Why that hasn't been done since 1905.
- MRS. M: Minnie, you don't mean that I've been going around all these years with that showing! Oh, I'm so embarrassed!
- MINNIE: I'm afraid you have...and don't look now, dear, but there's something else showing too,...right here in front (POINTING TO GAP BETWEEN BLOUSE AND SKIRT)

It's your representation in the legislature...and I hate to say it, dear, but it doesn't look at all good.

MRS. M: (PULLING AT IT WHILE SHE LOOKS IN MIRROR) It isn't very becoming is it? I guess that increased population in the cities is causing the trouble here... it's making the fabric sag from all this stretching.

MINNIE: If we moved over some of this fullness from other parts of the state, that would ease the strain.

MRS. M: (SIGHING) I'm afraid some of the cousins might not like that.

MINNIE: Nonsense! When they see that your dress really doesn't fit any more in some places, I'm sure they'll want that legislative placket changed to something that's easier to adjust...like a zipper, for instance.

MRS. M: (BURYING FACE IN HER HANDS IN SUDDEN DESPAIR) Oh, Mary I'm worried...my dress needs so much done to it! If the family does vote for alterations in 1952, I'm just scared that it will be an awful botch!

MINNIE: (THROWING AN ARM AROUND HER) Cheer up, dear, that can't happen if you have good dressmakers. And you really will get good ones if you have a constitutional convention. Don't you remember when this dress was made in 1857? The very best designers in the state worked on it.

MRS. M: Yes, but the Republicans and Democrats had such a row about the design. I do hope that another convention would be able to work together.

MINNIE: Oh, I'm sure they would. We certainly have leaders in the state today who are just as skillful at design...they know exactly how a constitution should look.

MRS. M: (THOUGHTFULLY) I guess that's true...but could we get them to take on the job? It won't be an easy one, you know.

MINNIE: Of course, it won't. But if the family calls them to a convention, I don't think they will refuse. They will know that they have good material to work on...and I'm sure that they will be proud to have a part in designing a garment that will stand the test of time.

(TWO SMARTLY, BUT SIMPLY DRESSED WOMEN, VISIBLY LABELLED "NEW JERSEY" AND "MISSOURI" CROSS THE STAGE. MRS. MINNESOTA COMPARES HER SHAPE AND DRESS TO THEIRS.)

MRS. M: (LONGINGLY) Now, if I could just look like that!

MINNIE: Why, Mother you can. Our New Jersey and Missouri relatives just recently voted that remodeling course for their constitutions. If they can do it, so can we! (SIGHING) Of course, it took many years for the voters to make up their minds.

MRS. M: Well, I just can't wait any longer. I'm tired of all these patches. I want a single design that will look good for years and I want a sturdy fabric that won't always need mending...I wish they could use the same material they used for Uncle Sam's suit...he isn't always running to a tailor for repairs or alterations.

MINNIE: We must make the family see that a convention is the best way. And the sooner, the better.

MRS. M: Of course, there are many things about this dress that I wouldn't want changed for anything.

MINNIE: (FINGERING SLEEVES) You mean like this strong seam binding from the Declaration of Rights that guarantee all our freedoms?

MRS. M: (NODDING) Yes, that is a very important one...(WITH AN EXECUTIVE AIR) All right, now let's make a list of all the changes we need (MINNIE BRINGS PAPER AND PENCIL) Head the list SUGGESTIONS FOR A CONSTITUTIONAL CONVENTION, now first...a greater amount of home rule (THEY BEGIN WALKING OFF)

MINNIE: And don't forget...adjust the size of the Legislature with a zipper. (HESITATING) Oh...but how can we convince the family that you need this new dress?

MRS. M: Very simple, my dear. We'll just tell everybody.

MINNIE: But what shall we tell them?

MRS. M: (SLOWLY) We'll just tell them that Minnesota should have a constitution which doesn't require constant change to meet the changing times.

EXIT

WORKSHOP ACTIVITY ON LOCAL GOVERNMENT

Possibly you can dramatize the need for calling a Constitutional Convention best by stressing local aspects. This brings it closer to the people so it is more likely to interest them actively. This subject might well be organized by either your Constitutional Revision or Local Government Chairman.

Acquaint yourself with your form of government. Besides its structure, two other factors are important: (1) a wide measure of local control over local matters and (2) the freedom of citizens to change their existing form of government if they feel it is responsible for unsatisfactory or inefficient service.

* * *

A. Authority of Local Government

1. From what public document or documents does your local government get its authority (that is, charter, state law, or other)?
2. Over what matters does it have jurisdiction? Over what territory?
3. In what way is the authority of the local government limited? What documents or laws specify this? Does this permit an adequate degree of home rule?

B. The Power to Change

1. How are changes made in the structure and powers of the government?
2. Have any changes been made recently? How?
3. Check local officials as well as legislative representatives to learn if any special legislation, under the guise of general legislation, has been passed for your locality. Was it managerial or administrative in nature. Could it have been handled locally? Who promoted it? Why?
4. If you have home rule, have any amendments been on the ballot recently? What was the outcome? If they were defeated, were any brought to the legislature? Who sponsored them? Why?
5. Have government salaries been changed recently? How was the change made? Did you have a chance to vote on the change?

C. Relations with Other Governments

1. What other governments, besides the municipal government, regulate local activity? For what purpose generally?
2. Is your community the dominant governmental body in the county - relative to population, industry, etc.? How are you represented in the county governing body in proportion to the rest of the county? Are you fairly represented?
3. In what class is your municipality?
4. How are the citizens of your community represented in the state legislature? Is this in fair proportion to their population?

* * *

When you have completed this survey of your local government, check and evaluate your answers against the League material and the local government provisions in our present constitution. What's the answer? Are those provisions in your case "restrictive" or "enabling"?

If you have found them unduly restrictive, then this is your chance to really dramatize the need for a change. Bring it close to home and the people will act.

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THREE-MINUTE TALK
on
WHY WE NEED A CONSTITUTIONAL CONVENTION

The citizens of Minnesota should call a constitutional convention because they need a new constitution. If you have been interested in the current discussion at all, you have read accounts of the framing of our constitution and know that it took place in a very unstatesmanlike atmosphere, almost a hundred years ago. Time, far from hallowing this document, has only made its inadequacies more apparent. Seventy-five times the voters of Minnesota have found it necessary to amend the constitution. This alone suggests how imperfect an instrument it is.

There are 19 articles in our present constitution, any one of which would make a rewarding study, with an eye to revision, in the light of present day concepts of government.

To illustrate more specifically what is wrong with our constitution, I have chosen Article 9. Although Article 9 is the taxation and finance article, do not imagine that perusing it will give you any comprehensive picture of the finance set-up in Minnesota because finances are discussed in 8 other articles. More than half of our amendments deal with finance and Article 9 has been amended no less than 19 times. The result is ambiguous language and unnecessary verbiage.

Apart from Article 9, let us consider some of the other financial provisions of our constitution,

1. Article 4, Section 32a: This section provides that railroads shall pay a gross earnings tax in lieu of all other taxes. Minnesota is almost alone in having such a provision in its constitution. It has no place there and should be removed, since it prohibits changing the tax rate, at present 5%, except by referendum. Tax rates should properly be set by the legislature so that they may fluctuate with the changing times.

2. Section 32b of this same article prohibits the state from spending any money for internal improvement with the result that two new articles have been added to our constitution as amendments - the 16th, dealing with state trunk highways, and the 19th, dealing with aeronautics. Any prohibition of internal improvements in this atomic age is unthinkable, but when set forth in such a basic document as a state constitution, it could be tragic.

Throughout the constitution, there are references to school lands, swamp lands, forest lands, with complicated provisions for administering the various funds derived from them. Fund allocations are whimsical and arbitrary and they cannot be changed except by amendment. One looks in vain for any underlying philosophy inspiring these scattered provisions. That such an underlying and logical conception of taxation and finance is needed here in Minnesota is apparent to any one who has read the report of the Efficiency in Government Commission created by the 1949 Legislature.

This committee, generally called the Little Hoover Commission, worked faithfully during the interim and brought its suggestions covering every phase of state government to the 1951 Legislature. However, the legislature gave little consideration to the recommendations and acted on none of them. Many of its suggestions could have been carried out by legislative statute, but it seems obvious that to get an integrated tax policy, constitutional revision through a convention will be necessary.

Every citizen in the state, from the business man who claims that he is hampered in competition with other states by our tax policy, to ordinary people like you and me, who feel that we are getting less than our money's worth for our tax dollar, would benefit by a new, simple and flexible tax article. Such an article as a convention could write would enable the legislature to meet current tax needs.

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Organizations belonging
to
the
CITIZENS COMMITTEE FOR A CONSTITUTIONAL CONVENTION

Americans for Democratic Action
Central Labor Union
Democratic-Farmer-Labor Party
Disabled American Veterans
Duluth Federated Trades Assembly
Duluth Industrial Union Council
Good Government Groups
Governor's Advisory Committee on Constitutional Revision
Hennepin County Industrial Union Council
Inter-Club Council of St. Paul
League of Women Voters
Machinists' Local 459
Minneapolis Jr. Chamber of Commerce
Minnesota Association of Cooperatives' Board
Minnesota Editorial Association
Minnesota Farm Bureau
Minnesota Farmers Union
Minnesota Grange
Minnesota Jr. Chamber of Commerce
Minnesota Machinists' Non-Partisan Political League
National Council of Jewish Women
Railroad Brotherhood Legislative Board
Ramsey County Civic Federation
Republican Party
Republican Workshop
St. Paul Trades and Labor Assembly
State Federation of Labor
Young DFL
Young Republican League

File - CCCC

INFAVOR OF AMENDMENT II

✓ DULUTH FEDERATED TRADES & LABOR ASSEMBLY
✓ GOOD GOVERNMENT GROUP
✓ LEAGUE OF WOMEN VOTERS OF MINNESOTA

✓ MINNEAPOLIS CENTRAL LABOR UNION

✓ MINNESOTA FARMERS UNION

✓ ~~MINNESOTA~~ MACHINISTS' NON-PARTISAN POLITICAL LEAGUE *

MINNESOTA STATE BAR ASSOCIATION

(Letter sent to Mrs. Livingston)

✓ NATIONAL COUNCIL OF JEWISH WOMEN

REPUBLICAN STATE CENTRAL COMMITTEE (Letter evidently sent to Mrs. Livingston)

✓ ST. PAUL TRADES & LABOR ASSEMBLY

Names should
be checked with
proof

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* letter sent to Minn. organization - reply received
from Twin Cities group

FILE COPY

LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 SOUTH TENTH STREET, ROOM 406
MINNEAPOLIS 3, MINNESOTA

Atlantic 0941

January 28, 1952

Re: CONSTITUTIONAL CONVENTION

Dear Local League President:

The League of Women Voters of Minnesota is continuing in the fight for a constitutional convention. In 1947 we put constitutional revision on our state program for the first time. During the years since, we have studied the following aspects of revision: need and methods of revision, the ways in which the present constitution affects local government, the number of elective offices, reapportionment, dedicated funds and the Constitutional Commission's recommendations.

In 1949 a proposal to submit to the people the calling of a constitutional convention was defeated in the House of Representatives. Eight additional favorable votes were needed for passage. In 1951, 35 additional favorable votes were needed.* You can see we actually lost ground. Why? It seemed obvious that the job of making the people want a new state constitution had not been done. Our 1951 League convention recognized this fact and decided it was now time for us to go to the people in our community "to build public opinion for calling a Constitutional Convention." The material we have prepared for you is designed to help you do this. We have attempted also to show you how to dramatize the need and bring it within the scope of the everyday lives of your neighbors. You'll have many ideas of your own to add to this. The problem is not so much opposition to a new constitution as it is apathy and lack of knowledge on the need for a new constitution and the method by which a convention may be called. To be effective at all each local League member should inform herself of this need so she can spread the word among people within the reach of her influence.

Revision is a slow process. In order that you may see the length of the task ahead and energize yourselves for it, we have included an outline of the steps involved in the Fight for Constitutional Revision. You will note that we in Minnesota are only on step two.

In the Plan for 1952 we have some suggestions for your League's activities between now and the time of the 1953 Legislature. We hope you will use it as a skeleton and fill it in with many plans of your own.

Your Constitutional Revision Chairman will conduct the Workshop for Leaders. Its purpose is to (1) make definite plans for contacting the public and (2) train a few leaders in special techniques and subject matter so that it will be easier for them to go to other groups in their community and talk constitutional revision. Emphasize always the popular approach. Make the people feel concerned with the constitution's inadequacies.

In response to your suggestions that material for the public be lighter we are sending you a short one-act play. It is simple to do as the only prop needed is an old patched-up dress. Your League could produce the play for other organizations in your town.

*See 1951 Legislative Report

We have planned that you would do your workshop work in February and begin your community work in March. By the beginning of March you will receive a Pamphlet for public distribution on which are listed eight reasons why we need a new constitution. The reasons have been cartooned by Mr. P. J. Hoffstrom (Mr. $\frac{1}{2}$) of the St. Paul papers in an effort to lighten and popularize the deadly facts and figures involved in the job of educating the public. We hope you will distribute these cartoons as widely as possible.

In order that each League member may have additional information on the need for revision we have prepared supplementary material under the eight headings used in the cartoons. This will give you background information for discussing further with the public the many needs for revision.

How will revision affect my community? In answer to this question, we have prepared a local government study outline. Your constitutional revision chairman can tie this in with your own local government study and arrive at an analysis of how your constitution affects your local government.

There is in Minnesota a state-wide Citizens Committee for a Constitutional Convention which is made up of many organizations and interested individuals. Mrs. Malcolm Hargraves, our former president, is chairman of this committee. It is planning to set up local organizations throughout the state. We urge you to cooperate with it in every way you can. The reason for this is that we cannot build enough public support through our members alone. We must reach the public through as many other organized groups as possible. Our work ahead is not hopeless. Missouri and New Jersey have recently acquired new constitutions. The Leagues played an outstanding role in securing these new constitutions, but wide spread support for many of their campaigns was possible only through cooperation with state-wide citizens groups.

As evidence that our constitution is unsatisfactory five amendments have been proposed and will be voted upon in the November election. Additional information on them will be sent to you before that time. One amendment proposes the addition of a new Section 3 to Article 14 providing that whenever there is a revision of the constitution by any convention, the proposed constitution must be submitted to the people to be approved by a 3/5 vote of all the electors voting on the question. The fact that our present constitution does not require that a new constitution drafted by a convention must be submitted to the people, provided a strong obstacle to the passage of the convention call in the '51 Legislature.

Let us know the plans you have made for building public opinion for a constitutional convention. Send in interesting experiences you have had in your community. Tell us how successful you have been in influencing the public. Your success will determine the plan of action adopted by the 1952 convention and could insure the passage at the next legislature of a bill calling a Constitutional Convention.

Sincerely,



Mrs. Donald Guthrie, Chairman
Structure of Government

League of Women Voters of Minnesota
84 *South Tenth Street, Room 406
Minneapolis 3, Minnesota

January, 1952

Additional copies - 1¢

Organizations belonging
to
the
CITIZENS COMMITTEE FOR A CONSTITUTIONAL CONVENTION

Americans for Democratic Action
Central Labor Union
Democratic-Farmer-Labor Party
Disabled American Veterans
Duluth Federated Trades Assembly
Duluth Industrial Union Council
Good Government Groups
Governor's Advisory Committee on Constitutional Revision
Hennepin County Industrial Union Council
Inter-Club Council of St. Paul
League of Women Voters
Machinists' Local 459
Minneapolis Jr. Chamber of Commerce
Minnesota Association of Cooperatives' Board
Minnesota Editorial Association
Minnesota Farm Bureau
Minnesota Farmers Union
Minnesota Grange
Minnesota Jr. Chamber of Commerce
Minnesota Machinists' Non-Partisan Political League
National Council of Jewish Women
Railroad Brotherhood Legislative Board
Ramsey County Civic Federation
Republican Party
Republican Workshop
St. Paul Trades and Labor Assembly
State Federation of Labor
Young DFL
Young Republican League

League of Women Voters of Minnesota
84 South Tenth Street, Room 406
Minneapolis 3, Minnesota

January, 1952

BIBLIOGRAPHY

Constitutional Revision

General

Anderson, W. and Lobb, A. J., A History of the Constitution of Minnesota, 1921.

Anderson, W., "The Need for Constitutional Revision in Minnesota", Minnesota Law Review 11:189-216.

*Buck, A. E., The Reorganization of State Governments in the United States, New York: Columbia University Press, 1939.

*Model State Constitution, National Municipal League, 299 Broadway, N. Y. 7, N. Y.

*Modernizing State Constitutions, National Municipal League, see above.

Report of the Constitutional Commission of Minnesota. Excellent for comparison of the present constitution to the changes suggested by the commission. The commission's files contain the research reports on each of the suggested changes.

*Available in Public Administration Library, University of Minnesota.

League Materials

Discussion Outline on Local Government, Dec. 1949, 5¢.

Factors to be Considered in Apportionment, Sept. 1950, 6¢.

Fewer Elective Offices, Sept. 1950, 2¢.

Is A New Constitution Needed? Oct. 1948, 10¢.

Methods of Revision, Sept. 1950, 4¢.

Minnesota County and Constitutional Revision, Dec. 1949, 4¢.

Suggested Speech on Minnesota Constitutional Revision, Oct. 1948, 7¢.

League of Women Voters of Minnesota
84. South Tenth Street, Room 406
Minneapolis 3, Minnesota

January, 1952

Additional copies - 1¢

WORKSHOP ON CONSTITUTIONAL REVISION

PURPOSE: To form a plan to bring the "Need for a Constitutional Convention to your community - to make the people want to act.

PROCEDURE: 1. Get as many interested League members and others (see Plan for 1952 and list of organizations belonging to Citizens Committee for a Constitutional Convention) to attend and help with the plans. The legislative and local government chairman would be valuable on this committee. Organize the members into working teams to take this need for a constitutional Convention to the public.

2. Poll the organizations in your community as to which will give you time. Then make plans for going to them, to your radio station, etc. with one or more of the following suggested techniques. Whichever you use, make it dramatic and vital to life in your town.

- a. Distribution of cartoons.
- b. Panel discussion on the eight reasons why we need a new constitution. This could be given at same meeting where cartoons are distributed.
- c. Presentation of play.
- d. 3-minute speech on Why We Need a Constitutional Convention
- e. Chalk Talk on Constitutional Revision
- f. Talk based on survey of how constitution affects your local government.

3. Have a training meeting for committee members to brush up on the facts and reasons for needing a new constitution. Review suggested changes as given by the Constitutional and the Little Hoover Commissions. Try always to relate them to everyday life.

4. Make your plans so that you may be effective in your community throughout the coming year or until our legislature heeds the call to submit the calling of a constitutional convention to the people.

League of Women Voters of Minnesota
Room 406, 84 South Tenth Street
Minneapolis 3, Minnesota

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January, 1952

STEPS IN THE FIGHT FOR CONSTITUTIONAL REVISION

1. Study of our present constitution and the need for revision.
2. Work on the legislature to pass a bill to submit to the people the calling of a constitutional convention. This proposal must be passed by a 2/3 majority of both houses. (This is the step we are on in Minnesota.)
3. Work for a "Yes" vote on constitutional convention at the following election. The proposal in step number 2 must be submitted to the people at the next general election for members of the Legislature and approved by a majority of all voters balloting in the election. If popular approval is given the next legislature shall provide by law for calling the convention. Delegates to the convention will be elected at the next election in the same manner and of the same number as the House of Representatives. This process, included in step 2 and 3, will take from 4 to 6 years.
4. Campaign to select capable men and women as convention delegates.
5. During the constitutional convention, League members may speak for or against issues or proposals upon which the League has taken a stand after thorough study by the membership.
6. Campaign for ratification of the new constitution drawn up by the convention.

League of Women Voters of Minnesota
84 South Tenth Street, Room 406
Minneapolis 3, Minnesota

January, 1952

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THE PLAN FOR 1952

March has been suggested as the month to launch our campaign to "build public opinion for the calling of a constitutional convention." For almost five years we have been providing information on the reasons "Why We Need a New Constitution." Discussion material was prepared on local government, strengthened home rule, county government, methods of revision, fewer elective offices and reapportionment. This year we are sending you a plan for going to your community to build public opinion. Our third action step, supporting legislation, will follow when the legislature convenes in 1953.

February can be used as a period for training League members in reaching the community. Since each community is different, you will want to work out the details according to your community needs. Here are a few suggestions for the Constitutional Revision Chairman:

1. Hold a workshop to train a few League members in the techniques of reaching the community. Workshop suggestions are included in this kit.

Perhaps you will want to invite members of other organizations to your workshop. See Citizens Committee for a Constitutional Convention list for organizations which support this issue.

2. Review the study material which accompanies the cartoons so that every League member may talk revision with her friends and follow up the conversation with facts. Make definite plans for members to take cartoons and distribute them at other organizations' meetings.
3. In July or August you or your Voters Service Chairman will interview each legislative candidate who will run in the primary election. A Legislative Questionnaire to be used in this interview will be sent to your president. The Questionnaire will ask the candidate whether he will support a bill calling for a constitutional convention.

If you are not an interviewer, be sure those who are know the facts about constitutional revision. Have them give the candidate a copy of the cartoons and discuss with him the need for revision and a constitutional convention. If you can get his affirmative reply on the Questionnaire, he will be committed to support of this issue.

4. After the November election and before January call on your elected Senator and Representative. Explain to him, if necessary, that we expect a bill for the calling of a constitutional convention to be introduced in the legislature, and we would like him to vote for it. If he agreed to support such legislation during the campaign, remind him of it. If you have made these contacts beforehand you will be better acquainted with your legislators, and your lobbying during the 1953 session will be easier and more effective.

League of Women Voters of Minnesota
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Minneapolis 3, Minnesota

January, 1952

Additional copies - 2¢

THREE-MINUTE TALK
on
WHY WE NEED A CONSTITUTIONAL CONVENTION

The citizens of Minnesota should call a constitutional convention because they need a new constitution. If you have been interested in the current discussion at all, you have read accounts of the framing of our constitution and know that it took place in a very unstatesmanlike atmosphere, almost a hundred years ago. Time, far from hallowing this document, has only made its inadequacies more apparent. Seventy-five times the voters of Minnesota have found it necessary to amend the constitution. This alone suggests how imperfect an instrument it is.

There are 19 articles in our present constitution, any one of which would make a rewarding study, with an eye to revision, in the light of present day concepts of government.

To illustrate more specifically what is wrong with our constitution, I have chosen Article 9. Although Article 9 is the taxation and finance article, do not imagine that perusing it will give you any comprehensive picture of the finance set-up in Minnesota because finances are discussed in 8 other articles. More than half of our amendments deal with finance and Article 9 has been amended no less than 19 times. The result is ambiguous language and unnecessary verbiage.

Apart from Article 9, let us consider some of the other financial provisions of our constitution,

1. Article 4, Section 32a: This section provides that railroads shall pay a gross earnings tax in lieu of all other taxes. Minnesota is almost alone in having such a provision in its constitution. It has no place there and should be removed, since it prohibits changing the tax rate, at present 5%, except by referendum. Tax rates should properly be set by the legislature so that they may fluctuate with the changing times.

- Art. IX Section 5*
2. ~~Section 32b~~ of this same article prohibits the state from spending any

money for internal improvement with the result that two new articles have been added to our constitution as amendments -- the 16th, dealing with state trunk highways, and the 19th, dealing with aeronautics. Any prohibition of internal improvements in this atomic age is unthinkable, but when set forth in such a basic document as a state constitution, it could be tragic.

Throughout the constitution, there are references to school lands, swamp lands, forest lands, with complicated provisions for administering the various funds derived from them. Fund allocations are whimsical and arbitrary and they cannot be changed except by amendment. One looks in vain for any underlying philosophy inspiring these scattered provisions. That such an underlying and logical conception of taxation and finance is needed here in Minnesota is apparent to any one who has read the report of the Efficiency in Government Commission created by the 1949 Legislature.

This committee, generally called the Little Hoover Commission, worked faithfully during the interim and brought its suggestions covering every phase of state government to the 1951 Legislature. However, the legislature gave little consideration to the recommendations and acted on none of them. Many of its suggestions could have been carried out by legislative statute, but it seems obvious that to get an integrated tax policy, constitutional revision through a convention will be necessary.

Every citizen in the state, from the business man who claims that he is hampered in competition with other states by our tax policy, to ordinary people like you and me, who feel that we are getting less than our money's worth for our tax dollar, would benefit by a new, simple and flexible tax article. Such an article as a convention could write would enable the legislature to meet current tax needs.

League of Women Voters of Minnesota
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January, 1952

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CHALK TALK

(If you have an artist in your League, ask her to illustrate the capitalized statements below. She could do this before or during the talk. Or if talent is hard to find, printing the statements as the talk is given would be adequate.)

MINNESOTA

YOU NEED A NEW CONSTITUTION

A CONSTITUTIONAL CONVENTION IS THE BEST WAY TO GET ONE

Your present constitution is

OLD

It will be one hundred years old in 1957.

It was drafted in 1857 by men more prejudiced than foresighted.

It does not fit present day needs.

Wouldn't it be a fine thing to celebrate the centennial of your state constitution by calling a convention to draft a 1957 version of good government?

FAT AND FLABBY

Your present constitution contains 19,493 words.

A convention could slim this down to 10,000. (Report of Const. Commission, 1948)

Many contradictions and confusions could be eliminated.

WEAK

Your constitution cannot "follow through".

It provides that the representation to the Legislature shall be reapportioned every 10 years. This provision has been safely ignored since 1913. (Art. 4, sec. 23 and 24)

BRITTLE

The constitution says the bonded indebtedness of the state shall never exceed \$250,000. (Art. 9, sec. 5)

The present state debt is \$127,295,000. (12/31/51) This is approximately 509 times the constitutional limit. Speeding 509 times the limit in a 30-mile zone would mean driving 15,270 miles per hour. This gives you an idea of how much the constitution is ignored.

Legislative sessions are limited to 90 days. (Art. 4, Sec. 1)

Yet the end of each session finds the clocks covered and the newspapers exploiting as a good feature story what actually is a shameful situation. Flouting provisions of this aging document has become a time-honored-practice much to the detriment of the respect and honor a state constitution deserves.

OUT OF DATE

Your constitution still provides for election of U. S. Senators by the Legislature. (Art. 4, sec. 26) This has been contrary to the federal constitution since 1913.

It also says that women and Indians may vote only at library and school board elections.

PATCHED-UP

Your constitution has been amended 75 times.

This alone indicates the inadequacy of the original document.

Worse still, one of the amendments makes the amending process itself unduly difficult. (Art. 14, sec. 1)

Matters of state finance are dealt with in 9 different articles of the constitution.

Nearly one half of all amendments deal with finance.

Article 9 alone has been amended 19 times.

No logical financial policy can be discerned in the resulting confusion.

DODDERING AND PUTTERING

The administrative branch of our government needs strengthening. (Art. 5)

Much of this could be accomplished by statute.

But the Legislature seems not interested in this, as witness the fact that not one major suggestion of the "Little Hoover" (Efficiency in Government) Commission was even considered by the 1951 Legislature, although there was ample time for debate of the bill allowing vicious dogs only 1 bite in the city and 2 in the country.

YOU NEED A NEW CONSTITUTION

A CONSTITUTIONAL CONVENTION IS THE BEST WAY TO GET ONE

WORKSHOP ACTIVITY ON LOCAL GOVERNMENT

Possibly you can dramatize the need for calling a Constitutional Convention best by stressing local aspects. This brings it closer to the people so it is more likely to interest them actively. This subject might well be organized by either your Constitutional Revision or Local Government Chairman.

Acquaint yourself with your form of government. Besides its structure, two other factors are important: (1) a wide measure of local control over local matters and (2) the freedom of citizens to change their existing form of government if they feel it is responsible for unsatisfactory or inefficient service.

* * *

A. Authority of Local Government

1. From what public document or documents does your local government get its authority (that is, charter, state law, or other)?
2. Over what matters does it have jurisdiction? Over what territory?
3. In what way is the authority of the local government limited? What documents or laws specify this? Does this permit an adequate degree of home rule?

B. The Power to Change

1. How are changes made in the structure and powers of the government?
2. Have any changes been made recently? How?
3. Check local officials as well as legislative representatives to learn if any special legislation, under the guise of general legislation, has been passed for your locality. Was it managerial or administrative in nature. Could it have been handled locally? Who promoted it? Why?
4. If you have home rule, have any amendments been on the ballot recently? What was the outcome? If they were defeated, were any brought to the legislature? Who sponsored them? Why?
5. Have government salaries been changed recently? How was the change made? Did you have a chance to vote on the change?

C. Relations with Other Governments

1. What other governments, besides the municipal government, regulate local activity? For what purpose generally?
2. Is your community the dominant governmental body in the county - relative to population, industry, etc.? How are you represented in the county governing body in proportion to the rest of the county? Are you fairly represented?
3. In what class is your municipality?
4. How are the citizens of your community represented in the state legislature? Is this in fair proportion to their population?

* * *

When you have completed this survey of your local government, check and evaluate your answers against the League material and the local government provisions in our present constitution. What's the answer? Are those provisions in your case "restrictive" or "enabling"?

If you have found them unduly restrictive, then this is your chance to really dramatize the need for a change. Bring it close to home and the people will act.

League of Women Voters of Minnesota
84 South Tenth Street, Room 406
Minneapolis 3, Minnesota

January, 1952

Additional copies - 64

Return DF3 D2
5th
(1951-53)

EIGHT REASONS WHY WE NEED A NEW CONSTITUTION

Supplementary material to be used with cartoon folder

HISTORY

The only Constitutional Convention ever held in Minnesota convened in St. Paul in 1857 to draft a constitution preparatory to Minnesota's becoming a new state. For best results, a constitution should be drawn up in a calm and deliberate manner, but this was not true of Minnesota's. The delegates to the convention fought so bitterly that they finally split into two factions - a Republican and a Democratic wing. Each wing claimed to be "the legal Constitutional Convention" and each drafted its own proposed constitution. Foremost points of controversy then were: state boundary lines; the location of railroads; the location of the state capitol; and whether Minnesota should be a free or a slave state. After weeks of heated debate, leaders from both sides formed a conference committee and adopted a single compromise constitution. But even then no one seemed particularly happy about the results and both sides supported an easy amending process so they could make changes later.

In answer to a long felt need to revise our constitution, the legislature in 1947 established a Constitutional Commission. It was headed by Dr. Lloyd M. Short of the University of Minnesota. The Commission was to study the present constitution in relation to political, economic and social changes and to report to the next legislature changes which they deemed necessary to the public interest. The Commission recommended 34 major changes as well as 78 minor alterations and deletions, and the addition of 6 wholly new sections.

In 1950, Minnesota's "Little Hoover" Commission made a detailed analysis of Minnesota's entire governmental structure. The report (Recommendations of the Minnesota Efficiency in Government Commission) was published in December, 1950. Its suggested changes cover the entire governmental structure and procedure. Many of the important changes can be brought about by constitutional revision only.

It is ridiculous in a society where men govern themselves to continue under a constitution that makes governmental functions difficult to carry out, contains inequities in taxing policy, and has proved unable to provide representative government - the very essence of democracy. The fundamental law of the state should encourage efficiency, insure justice to the people and provide for an equal voice in government for all citizens.

I. LENGTH

Our constitution is too long and too wordy. It goes into statutory details that have no place in a constitution at all. For instance, it lists the complete routes of our 70 trunk highway systems which makes up one fourth of the present document. Its 19,493 words could easily be cut to 10,000. Many of its provisions tie the hands of the legislators and prevent the introduction of better methods of administration in all three branches of the government.

The fact that our constitution has been amended 75 times is proof in itself that it was an imperfect instrument. Forty-eight amendments were adopted during the 40-year period, 1858-1898. In the latter year the amending article was changed to require ratification by a majority of all the electors voting at the election. This change has made the amending process much more difficult. As a result the rate of adopting amendments has slowed down, but 27 additional amendments have been ratified.

(59% of the total population) pay 9/10 of all taxes but little of this tax money is returned to the local governments.

A good constitution should provide a sure method for regular reapportionment of representation in the legislative bodies to the end that there shall be fair and equal representation of all the people in the state. In Minnesota we can get reapportionment only by amending Article IV, Section 2 of our constitution to include enforcement provisions or by adopting a plan such as that proposed by the Constitutional Commission.

III. OBSOLETE PROVISIONS

Despite the 75 amendments, our constitution still contains many obsolete, unworkable and unnecessary sections. While they do no particular harm, they do cause confusion in the minds of many citizens who study the document for the first time.

For instance, our present constitution provides that:

1. The legislature and not the people shall elect our United States Senators. The 17th amendment of our federal constitution supersedes this provision and provides for the popular election of all U. S. Senators.
2. Women be allowed to vote only for school officers and members of library boards. The 19th amendment to the federal constitution extends the right to vote to both sexes.
3. The regulation of currency be issued by state banks. The federal government in 1863 chartered national banks to issue money.
4. The state debt be limited to \$250,000. This limit has since been destroyed by court decisions and other provisions.
5. The legislature take a state census every ten years. The last one was taken in 1905. Taking of the census is very expensive and is made unnecessary because the federal government does so every ten years.
6. All legislative bills be read on three separate days before both houses. Of course time does not permit that this be done, and printing of the entire bill now makes this unnecessary.

There are many other examples of such provisions which cause us to say in Minnesota, "Oh well, that's just another section of our constitution which we ignore."

IV. EXECUTIVE

Today the executive department of our state government is one of the largest administrative jobs in the state. Ours is a government of 105 agencies, manned by 13,700 employees and costs more than \$240 million dollars a year. It governs a population that has reached almost three million people. In 1857 when the constitution was adopted, the entire population of the state was 150,000 - less than half the size of St. Paul today. Is it not logical that the framework of this department needs some fundamental change?

Our governor cannot in fact be a chief executive nor even an executive. Our constitution provides that "The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer and attorney general, who shall be chosen by the electors of the State." Thus we actually have a five-headed executive department.

Good government is predicated upon a balance of strength between the three branches of government - judicial, executive and legislative. Democracy today requires institutions that are strong enough to govern, yet responsive to the electorate. A governor, the chief policy maker for the people, can be held accountable for his administration only when he appoints department heads and the lines of authority

are clear. It is the trend in modern state constitutions to strengthen the executive article.

Minnesota is only one of the many states throughout the country which needs administrative reform. One method of reform which will strengthen the executive branch is a shorter ballot -- for example electing only two officials: the governor and the lieutenant governor. This movement for the short ballot which endeavors to integrate state administration under the direction and authority of the governor began in the early 1900's. In the past, state reorganization movements have partially achieved this goal. Minnesota's Little Hoover and Constitutional Commissions recommend strengthening the executive branch by reducing the number of elective offices and lengthening the terms to four years.

V. JUDICIAL SYSTEM

The present judicial article is open to several major criticisms. In 1946, the state Judicial Council, consisting of leading judges and lawyers, recommended a complete revision of the judicial article of the constitution.

The framers of our constitution carried the principle of popular election to an extreme. All important judicial officers and some less important ones were made elective. Supreme Court Justices are elected as are the district judges, probate judges, justices of the peace and all municipal judges. The only cases of appointment of judges are the appointments which a governor may make to fill up vacancies.

The democratic framers of our constitution left other distinct marks on our judicial system. They insisted that terms of judicial office be short. They believed that too long a continuance in office had a corrupting effect. Our democratic forefathers of the pioneer days also believed that any man was fit to hold practically any office. Thus the constitution provides that only the judges of the supreme and district courts shall be men "learned in the law". Probate judges, justices of the peace, municipal judges, clerk of the supreme court, clerks of district court and court commissioners need not be members of the law profession. Although many are, it is still true that there is no constitutional provision setting forth that requirement.

Because of the arbitrary inflexible set-up of the judiciary system with no provision for use of judgment in assigning work, some judges carry heavy loads of cases, while others have relatively light loads. The resultant delays in bringing cases to trial have made for gross injustice in numerous instances.

VI. FINANCES

The subject of the state's finances has been dealt with in nearly half of the amendments to the state constitution. Article 9, alone, has been amended at least 19 times. While these amendments did bring a variety of taxing methods to our state, at the same time, they have given greater rigidity to the taxing system, since they have, in some way, tied the hands of the legislators even when they seemed to be giving them more power. For example, the road and bridge and the trunk highway amendments, while authorizing the state to engage in internal improvements which had formerly been forbidden, at the same time stated definitely the amount or method of taxation and restricted the expenditure of such proceeds to specific purposes.

Another provision of the constitution that ties the hands of the legislators concerns the taxing of railroads. By this provision the system of gross earnings taxation on railroads is fixed. The rates can be altered only by a referendum. The railroads are the only industry in Minnesota whose tax rates are kept at a level fixed by the constitution. All other industries pay taxes at rates set by the legislature. The railroads have been one of the chief opponents of constitutional revision. They claim their taxes represent a fair share of state income. So far as we

know, no other state constitution requires a referendum to change the rate or method of taxation of a railroad corporation yet the railroads apparently operate successfully in the other 47 states.

The Constitutional Commission has recommended that the scattered provisions in our present constitution which deal with taxation and finance be rearranged into a simple and flexible tax article. Some matters relating to finance are recommended for elimination from the constitution because by leaving these matters in the hands of the legislators the state can better meet periodic and economic fluctuations.

VII. LEGISLATURE

The duties of the legislature have increased tremendously since 1857. Do they need more time to complete their work? Regular sessions are now limited to one session of ninety days each biennium. The biennium principle is well established and satisfactory but the present time limitation has many disadvantages. The effect of the time limit has led to extreme haste in legislation during closing weeks and to the failure of desirable measures because of lack of time. It encourages the bottling up of good legislation in committees and the steam-rolling through of some legislation of doubtful value.

The constitution puts practically no limit on the size of the two houses in the legislature. With every reapportionment both houses would increase. Our present Senate of 67 members is the largest in the country, well above the average of 35. The House of Representatives, with 131 members, is also above the present average of 120. By reapportioning on a higher per capita basis the size of the legislature could be cut if a convention so desired.

VIII. HOME RULE

General legislation is any law passed by the legislature affecting all members of any class of local government. Special legislation is any law passed by the legislature affecting only one member of any class of local government. (An example of special legislation as stated by Dr. William Anderson: "A law relating to every county having not less than fifteen and not more than sixteen townships and an assessed value of not less than \$3 million and not more than \$3½ million.")

Our constitution prohibits special legislation. Despite this many bills are passed each session under the guise of general legislation which actually affect only one locality.

Recently the Minnesota supreme court invalidated a 1937 special law pertaining to International Falls. Under this law up to 21 bars have operated in that city. State law permitted International Falls, a city of the fourth class, to have only five bar licenses.

Such "special" legislation crowds the calendar, stealing legislative time better spent on issues of state-wide importance. Many times legislators take the word of a county delegation that "this is a good bill, affecting only our own county". In which case, few people - including those in the community it affects - may even know the bill's contents until it has become a law. This situation gives pressure groups a real opportunity to function behind the scenes and also saddles a county delegation in the legislature with responsibilities for conducting local affairs that - in theory, at least - should rest with local officials. "Why" we ask, "aren't these matters handled by local officials?"

In most cases, it is because the home rule charters do not provide broad enough authority to do so. Article IV, section 36 of the constitution is the home rule provision. Local governments are given the power to frame their own charters which

are tailor made for the community. However, here too we find constitutional restrictions presenting many difficulties, some of which are:

1. Difficulty of adopting and amending charters. A charter must be drafted locally and amendments must be locally prepared and submitted to the voters. A home rule charter requires a four-sevenths vote of all ballots cast in an election for the new charter and three-fifths vote to amend. It is very hard and very expensive to arouse the voters to see the need for proposed changes. Because of this fact, citizens of many cities, take the easier course and bring the change to the legislature thus weakening the home rule principle. In other states the vote requirement for adopting and amending charters is only a majority of those voting on the question. Minnesota's requirements are the highest to be found anywhere. In cities of the first class, amending is especially difficult (Example: St. Paul's charter provided that expenditures of the city government with certain exceptions could not exceed \$30 per capita. It took 2 elections, a teacher's strike, and three charter elections before the voters approved an amendment relaxing this provision.)
2. A charter, once adopted by a community, must remain its charter. There may be amendments to the charter, but a whole new charter may not be written. Many of the earlier written charters are faulty and inadequate for today's needs.
3. Home rule in Minnesota is restricted to municipal affairs. Thus, it can have no real use in solving metropolitan problems since no city charter can affect areas outside its boundaries.
4. There is no provision in our constitution for county home rule. A large number of so-called general legislation bills pertain to counties - many distinctly administrative or managerial in character. Do you think our counties might be better provided for in our constitution? Are we citizens assuming enough responsibility in this department of local government? Possibly an optional charter law as given to the villages in 1949 would be helpful. At any rate, would it be wise for us to consider strengthening county government?

A CONSTITUTION IS the fundamental instrument of government. It should be a statement of principles for action and the delegation of power; a framework for the organization of the branches of government. In order to meet changing needs without constant change, a constitution must be simple, flexible and timeless. Minnesota's constitution, drawn up amid dissension and partisan controversy for a frontier state, 75 times amended in its 95 years, does not meet these basic requirements. It cannot be made to meet them except by a convention assembled for the purpose of considering the whole document and its relation to present conditions and future needs. A convention may be called if the legislature agrees by a $\frac{2}{3}$ vote to submit the proposition to the people, who must then approve it by a majority of all those voting in the next general election. The delegates to a constitutional convention would be elected from the same districts and in the same number as are the members of the state House of Representatives. Such a delegate body would have its work shortened by the research already done by the Constitutional Commission in 1947-48, strengthened by present public interest in the problem and appraised when completed by final submission to the voters.

WHAT CAN WE THE CITIZENS DO ABOUT OUR CONSTITUTION?

We can KNOW

the facts ourselves

We can CARE

enough to tell others

We can ACT

by writing our legislators and
by voting for men and measures
favoring a constitutional convention

AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL CONVENTION FOR MINNESOTA ARE:

Americans for Democratic Action
Democratic-Farmer-Labor Party
League of Women Voters
Minnesota State Federation of Labor, AFL
Minnesota State Industrial Union Council (CIO)
Republican Party

Cartooned by P. J. (Mr. $\frac{1}{2}$) Hoffstrom

Prepared by the

LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 South Tenth Street, Room 406
Minneapolis 3, Minnesota



Return OF 3 D 2
5 b
(195-1-53)

8

reasons why
MINNESOTA
needs a **NEW**
CONSTITUTION

BRING OUR STATE UP TO DATE

TACKED TOGETHER in a little more than a week by a handful of men in a conference committee . . .

Patched 75 times since 1857 by amendment after amendment . . .

Yet **still** confusing, muddled and riddled with provisions that are obsolete, unenforced or unenforceable . . .

MINNESOTA'S CONSTITUTION NEEDS A THOROUGH REVISION!

No more crazy-quilt patchwork — but a **real** overhauling to make your state government (and even your **local** government) more efficient and more responsive to your demands.

Here, in less than 8 minutes of easy reading, are 8 reasons why our state constitution should be modernized to care for modern needs.



LENGTHY

ALMOST THREE TIMES longer than the federal constitution, Minnesota's state constitution is loaded with details that actually belong in statutes. For example, one-fourth of its more than 19,000 words are devoted to a complete listing of 70 trunk highway routes. Because the constitution is loaded with details, it frequently needs changing. Seventy-five amendments, 48 passed before 1900, show what an imperfect document it is and always has been. By contrast, the federal constitution has been amended only 22 times, and ten of these amendments comprise the Bill of Rights.



ANTIQUATED

IN SPITE of 75 amendments, our constitution contains many provisions which have become obsolete by reason of court decisions or other provisions. For instance, our constitution says:

- that United States senators should be elected by the legislature when in fact they are elected by the people
- that bills before the legislature should be read aloud on three different days when in fact this is never done
- that our state debt should be limited to \$250,000 when in fact our debt on December 31, 1951, was \$127,295,000

These openly flaunted provisions create a lack of respect for what should be our most valued state document.



UNFAIR

DEMOCRACY MEANS equal representation for citizens but all citizens are not equally represented in Minnesota. For example, many state representatives speak for as few as 6,000 voters. Many others speak for 30,000 or 40,000 voters. This is because membership in the legislature today is based on the 1910 census, in spite of a great increase and shift in population since that time. Although our constitution provides that legislative districts be revised every 10 years, the legislature has ignored this provision for 30 years. A new system of districting is needed to equalize the number of citizens each legislator represents.



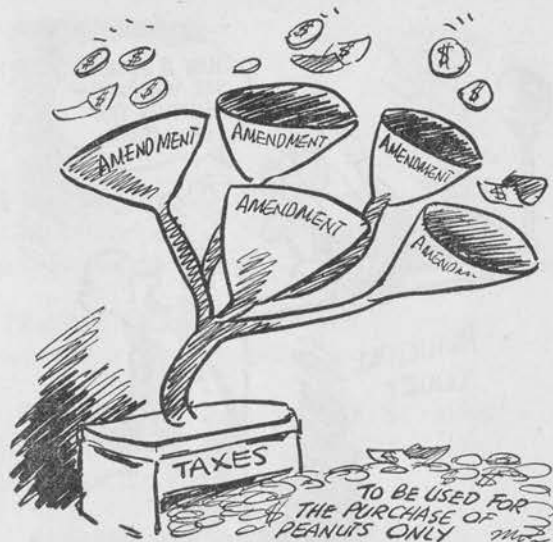
IRRESPONSIBLE

WE CALL THE GOVERNOR the "chief executive" but Minnesota's constitution says the executive department shall consist of a governor, secretary of state, auditor, treasurer, and attorney-general. Thus we really have a five-headed executive. This makes it nearly impossible for the voter to pin responsibility where it belongs. And since each of the five officials is elected, it's possible to have executives of different political beliefs holding office at the same time. Such a situation can never result in efficient teamwork. We long ago saw the value of electing one executive, the president, for our national government.



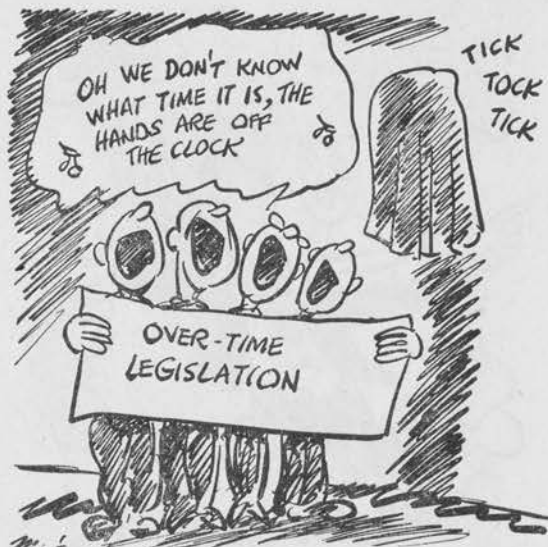
LAX

IN MINNESOTA only supreme and district court judges need be lawyers or as our constitution says "learned in the law." Thus probate judges, justices of the peace, municipal judges, clerks of supreme and district courts, and court commissioners need not be trained in the legal profession. To promote equal justice for all people, emphasis should be placed on qualifications for the job. Because these officials must run for office in popular election, they have to be politicians. Many people prefer that judges be ABOVE POLITICS, that terms be longer and re-election less of a hazard, and that all judges and court officials be required to be "learned in the law."



RIGID

NEARLY HALF the amendments to this constitution have dealt with taxes and financing. Many of them, while providing new ways of getting revenue, have also set down in black and white just how that revenue must be allocated. Changing times have meant changing financial needs, with the result that certain state operations are adequately financed while others are not. A more efficient use of tax money would doubtless result if revenues were not so rigidly earmarked. Another example of rigidity is the requirement of a vote by the people to change the tax rate on railroads. The rate on other industries is changed by legislators.



INFLEXIBLE

THE LEGISLATURE meets every two years for 90 days. That time limit appeared adequate in 1857, but does it meet the increased duties of the legislature today? The legislators stop the clock to make the session last about 120 hours longer than 90 days but then they **have** to adjourn if their bills are to be signed into law by the governor. This deadline lawmaking means many hasty decisions and much confusion. More than 80 bills were passed by the house on the "last" day of the 1951 session, among them the all important appropriation and revenue bills. Legislators cannot know the content of such bills. Many worthwhile measures are lost in the last minute rush.



RESTRICTIVE

MINNESOTA'S CONSTITUTION allows you only a very limited control over your local government. Many times citizens must wait for the legislature to pass a special law before they can set up a system of garbage collection or raise the salary of the county surveyor. Actually such special laws are specifically forbidden by the constitution but scores are passed every session. This means that local affairs take up a lot of time which legislators might better spend on matters of statewide importance. Legislators cannot know the local problems of every town, so they must take the word of a few or frequently a single representative that "this would be a good thing for our town."

CITIZENS COMMITTEE FOR A CONSTITUTIONAL CONVENTION

Room 406 Essex Building
84 South Tenth Street
Minneapolis 3, Minnesota

January 7, 1952

To: Members of the Citizens Committee for a Constitutional Convention

From: Mrs. Malcolm Hargraves, Chairman

At its meeting on November twenty-second the Citizens Committee set up four working sub-committees.

- Organization It will prepare a plan for setting up local citizens committees over the state through which our committee will work for wide public education on constitutional revision.
- Resource Research and preparation of literature.
- Public Relations Press, radio, visual aids (posters, stickers, movie trailers, etc.) and speakers bureau. Advisory to other committees on use and distribution of materials, how to approach the public, strategy in specific areas of the state, etc.
- Finance Fund raising and drafting a finance policy.

In order that each member of the main committee contribute to it according to ability and preference, please indicate in writing the order of your choice for service upon these sub-committees, unless you have already been assigned.

The committee as a whole will meet every other month on the last Monday from 6:30 to 8:30 in the evening at the Minneapolis Y.M.C.A. You will be notified two weeks in advance. The sub-committees will meet in the interim at times agreeable to their members.

The time to the next election of legislators is long, but the time for gaining support for a constitutional convention from the people who elect the legislators is short and fleeting. It is necessary to make a plan for reaching people in every legislative district in Minnesota, to prepare material to inform and interest them in the subject and to conduct a continuous publicity campaign. These activities require financing, even though we expect to function chiefly by wit and work.

MINUTES--CITIZEN'S COMMITTEE FOR A CONSTITUTIONAL CONVENTION
Tuesday, November 27, 1951

The Citizen's Committee for a Constitutional Convention met Tuesday, November 27, at the Minneapolis Y.M.C.A. at 6:15 P.M. Present were Gerald R. Dillon, Walter R. Crammond, Mr. and Mrs. Stanley Zack, Matt A. Antilla of Duluth, Maynard Hazelquist, Mrs. Livingston, Mrs. Hargraves, Judge Matson, and Mrs. Meinecke.

Minutes of the October 29 meeting were read and accepted. There was no report from the treasurer.

The following working sub-committees were set up and chairmen named:

Organization Mrs. Stanley Zack, chairman Mrs. Mathys
It will prepare a plan for setting up local citizen's committees over the state thru which our committee will work for wide public education on constitutional revision.

Resource Mr. Gerald R. Dillon, chairman
Suggested members: Mr. Howard, Beverly Gannon, Mrs. Donald Guthrie
Research and preparation of literature.

Public Relations Mrs. Livingston, chairman
Suggested members: Peg Foley, Hale Wavanor, Stuart Leck
Press, radio, visual aids (posters, stickers, movie trailers, etc.), and speakers bureau. Advisory to the other committees on use and distribution of materials, how to approach the public, strategy in specific areas of the state, etc.

Finance Maynard Hazelquist, chairman
Orlin Folwick and Walter Crammond
Fund-raising and drafting of a finance policy. It was pointed out that New Jersey committee had \$125,000 to spend on campaign.

All representatives to this committee will be asked to indicate the sub-committee of their choice to work on; else beware of assignments because we have no place for drones.

Mr. Antilla asked that our meetings be held on Mondays. It was decided to meet on the last Monday of every other month for regular meetings. Sub-committees to meet at call of chairman of committee.

Edith Meinecke, Sec.

MINUTES CITIZEN'S COMMITTEE FOR A CONSTITUTIONAL CONVENTION
Monday, October 29, 1951

The executive committee of the Citizen's Committee met Monday, October 29, 1951, at 8:00 P.M. at Mrs. Meinecke's home, 1556 Fairmount, St. Paul. Present were Mrs. Hargraves, Mrs. Zack, Mrs. Livingston, Judge Matson, Mr. Howard, Mr. Pearson, Mr. Dillon, Miss Stuhler, and Mrs. Meinecke.

First subject under discussion was what do we do now?

Suggestion made that we use our member organizations to work out from various centers strategically selected in the state. Point was made that the Grange has members in 18 counties; the League of Women Voters has 44 local leagues; the Council of Jewish Women has groups in the Twin Cities, Duluth, Austin, Albert Lea, Hibbing, and Virginia; unions have locals thruout the state, as has the co-operative movement.

Obvious weakness is that we do not have enough people interested from rural areas. How to remedy this? Suggested we enlist Farm Bureau and Farmer's Union. Mr. Ed Christianson, President of the Farmer's Union, was suggested as a possibility in helping work out a plan to interest more people in rural areas.

Second subject discussed was whole question of our attitude toward proposed amendments concerning constitutional revision. It was decided to ask Mr. Howard to thoroughly review this at next meeting.

Third subject was finances. It was decided to ask Mr. Hazelquist and Mr. Folwick to work out a plan to raise money.

Fourth subject brought up was question of materials to work with. 1. Member groups were asked to bring samples of their available materials. 2. Mr. Dillon was selected to help us in working out good material. 3. League of Women Voters was asked to work on a fact sheet.

The relationship between this committee and the Governor's Committee was explored and somewhat clarified.

The next meeting was set for Tuesday, November 27, at the Minneapolis Y.M.C.A., 9th and La Salle, from 6:15--8:15 P.M. with the opportunity of eating together preceding the meeting.

The meeting was adjourned.

Edith Meinecke, Sec.

Note: Mrs. Livingston pointed out that 47 of 62 chairmen of committees and sub-committees in the House voted against revision. On the bright side, Mrs. Meinecke pointed out that 100% of the women in the legislature voted for the calling of a convention.

MINUTES--CITIZEN'S COMMITTEE FOR A CONSTITUTIONAL CONVENTION
Monday, January 28, 1952

The Citizen's Committee met Monday, January 28, at the Minneapolis Y.M.C.A. at 6:30. Present were Mrs. Hargraves, Mr. Dillon, Mr. Hazelquist, Mr. Gerald Mullin, Mr. Thomas, Mr. and Mrs. Guthrie, and Mrs. Meinecke, and those present suffer just as much from weather 24° below zero as those who stayed home.

The minutes of the preceding meeting were not read since the members had received a report of the principal action--the formation of 4 sub-committees along with a request ~~for~~ to indicate their preference for assignment. No treasurer's report.

Senator Gerald Mullin gave a splendid analysis of the situation facing us, summarizing the action of the last session of the legislature relative to the question of a constitutional convention as well as the situation in the Bar Association. He promised his full co-operation. Discussion of the problem before us followed, including the question of how to win over the education-lobby.

Our chairman, Mrs. Hargraves, has had to pay out \$5.00 each time for use of the room for meetings at the Y.M.C.A. because so few have turned up to eat dinner. In addition she has had the expense of numerous trips from Rochester. When we locate the treasurer, this should be corrected. The decision was reached to meet at the League Office in the future, if they would have us.

The chairman reported on the work of the sub-committee on organization in the absence of Mrs. Zack, who is ill.

The chairman of the finance committee, Mr. Hazelquist, submitted a report on suggested financial policy, a copy of which is included with the minutes. Discussion of finance followed, and all were urged to find some big contributors to help the cause. It was decided that we need a budget, and the chairman was authorized to see that one was set up.

Mrs. Guthrie of the resource committee presented us with excellent materials prepared by the League of Women Voters. She reported on additional materials being worked out. Mr. Dillon reported on costs for a fact-sheet, and raised question of whether we want to reach general population or have specialized materials for different groups. In ensuing discussion, consensus was that for general distribution we will need simple fact-sheet, but that ~~xxxx~~we must have specialized material available as well that will fill a variety of needs.

Problem of finding dedicated persons to work on committee and take real responsibility appears as difficult as raising money or accomplishing our purpose.

Edith Meinecke, Secretary

Note: Secretary would like just one plain old motion; moved, seconded, and carried. This consensus-stuff is getting her down.

edit
NOTED
10/10/01

THIS SIDE OF CARD IS FOR ADDRESS



You may - may not use the name of this organization under statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL CONVENTION FOR MINNESOTA ARE:"

Correct name of organization

by _____

*File - Const. Rev.
Correspondence*

February 14, 1952

Minnesota State Bar Association
500 National Building
Minneapolis, Minnesota

Gentlemen:

The League of Women Voters of Minnesota would like to use the name of the Minnesota State Bar Association in a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

February 26, 1952

Mr. C. C. Ludwig
League of Minnesota Municipalities
15 University Library Building
Minneapolis 14, Minnesota

Dear Mr. Ludwig:

The League of Women Voters of Minnesota would like to use the name of the League of Minnesota Municipalities in a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying.
May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

70

February 14, 1952

Mr. Kenneth Peterson
Republican State Central Committee
1215 Pioneer Building
St. Paul, Minnesota

Dear Mr. Peterson:

The League of Women Voters of Minnesota would like to use the name of the Republican party on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying.
May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

*Robert Glen
State EO
925 E
St Paul
St. Paul*

Guthrie-Heller

yes

February 14, 1952

Mr. Robert Hess, President
State CIO Council
925 East Seventh Street
St. Paul, Minnesota

Dear Mr. Hess:

The League of Women Voters of Minnesota would like to use the name of the State CIO Council on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying.
May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

Yes

February 14, 1952

Disabled American Veterans
609 State Office Building
St. Paul 1, Minnesota

Gentlemen:

The League of Women Voters of Minnesota would like to use the name of the Disabled American Veterans on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

February 14, 1952

Mr. William Nystrom
Minnesota Farmers Union
2470 University Avenue

Dear Mr. Nystrom:

The League of Women Voters of Minnesota would like to use the name of the Minnesota Farmers Union on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

February 14, 1952

Minnesota Farm Bureau Federation
478 St. Peter
St. Paul, Minnesota

Gentlemen:

The League of Women Voters of Minnesota would like to use the name of the Minnesota Farm Bureau Federation on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

76

Minnesota Editorial Association
835 Palace Building
Minneapolis, Minnesota

Gentlemen:

The League of Women Voters of Minnesota would like to use the name of the Minnesota Editorial Association on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

February 14, 1952

Railroad Brotherhood Legislative Board
for State of Minnesota
743 Lumber Exchange
Minneapolis, Minnesota

Gentlemen:

The League of Women Voters of Minnesota would like to use the name of the Railroad Brotherhood Legislative Board on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

February 14, 1952

Minnesota Junior Chamber of Commerce
529 Palace Building
Minneapolis, Minnesota

Gentlemen:

The League of Women Voters of Minnesota would like to use the name of the Minnesota Junior Chamber of Commerce on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

February 14, 1952

Mr. R. E. Ellingson
Minnesota Grange
Hugo, Minnesota

Dear Mr. Ellingson:

The League of Women Voters of Minnesota would like to use the name of the Minnesota Grange on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying.
May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

February 14, 1952

Mr. Harry J. Peterson
Minnesota Association of Cooperatives
2651 University Avenue
St. Paul 8, Minnesota

Dear Mr. Peterson:

The League of Women Voters of Minnesota would like to use the name of the Minnesota Association of Cooperatives on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

70

February 14, 1952

Mrs. Stanley Zack
National Council of Jewish Women
234 North Mississippi Boulevard
St. Paul, Minnesota

Dear Mrs. Zack:

The League of Women Voters of Minnesota would like to use the name of the Minnesota branch of the National Council of Jewish Women on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

yes?

February 14, 1952

Mr. Orlin Folwick
Minnesota Federation of Labor
Labor Temple
St. Paul, Minnesota

Dear Mr. Folwick:

The League of Women Voters of Minnesota would like to use the name of the Minnesota Federation of Labor on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

Yes

February 14, 1952

Mr. William McKenzie
Minnesota Machinists' Non-Partisan Political League
911 Edmund Avenue
St. Paul 4, Minnesota

Dear Mr. McKenzie:

The League of Women Voters of Minnesota would like to use the name of the Minnesota Machinists' Non-Partisan Political League on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

February 14, 1952

Mr. Orville Freeman
Americans for Democratic Action
334 Midland Bank Building
Minneapolis, Minnesota

Dear Mr. Freeman:

The League of Women Voters of Minnesota would like to use the name of the Americans for Democratic Action on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE: "

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

February 14, 1952

Mr. Karl Rolvaag
Democratic-Farmer-Labor Party
320 Midland Bank Building
Minneapolis, Minnesota

Dear Mr. Rolvaag:

The League of Women Voters of Minnesota would like to use the name of the Democratic-Farmer-Labor Party on a publication which they are issuing to interest the public in constitutional revision.

We would like permission to list your organization under the following statement:

"AMONG THE ORGANIZATIONS FAVORING A CONSTITUTIONAL
CONVENTION FOR MINNESOTA ARE:"

We are enclosing a postcard for your convenience in replying. May we have your answer by February 26? Thank you.

Sincerely,

Mrs. Donald Guthrie, Chairman
Constitutional Revision

yes

ELMER L. ANDERSEN
SENATOR 42ND DISTRICT

2188 HENDON AVE. 2230 W. HOYT AVE.
ST. PAUL 8, MINN.



State of Minnesota
SENATE

COMMITTEES
CITIES OF THE FIRST CLASS
EDUCATION
ELECTIONS
FINANCE
INSURANCE
PUBLIC DOMAIN
PUBLIC WELFARE
UNIVERSITY



February 12, 1952

Mrs. S. L. Lyksett
League of Women Voters of Minnesota
84 So. Tenth Street, Room 406
Minneapolis, Minnesota

Dear Mrs. Lyksett:

Thank you very much for your letter of February 9th. In reference to the constitutional amendment proposed, relating to constitutional revision, I strongly feel that this amendment should have active support.

In reference to your questions 1 and 2, the present constitutional provision is that any amendment to the constitution requires a majority vote of the people voting at the election. As you know, many good amendments have been lost simply because many people fail to vote on the question at all and therefore their votes were counted against it. There have been cases where 57% or more of the people voting on the question supported an amendment and still it lost. So, to change from "all those voting at the election" to "all those voting on the question" at least places the decision in the hands of those taking interest enough to cast a vote one way or the other on the constitution. It was felt that to make this change and leave the plurality required as a simple majority could result in a relatively small percentage of the voters approving an amendment to the constitution, if many failed to vote at all. So the 60% requirement was put in and although this is a large vote to get, yet I think it is fair enough when a matter so fundamental as the constitution is involved. In states where constitutional conventions have been called, and the constitution submitted to the people for ratification, the record has been that constitutions have been approved by very large majorities.

In reference to members of the legislature being permitted to be delegates to a constitutional convention, this seems to me to be a fair provision also. It is made necessary by an obsolete provision in the constitution that prohibits members of the legislature from serving in any other state or federal capacity during the term for which they are elected to the legislature. This even prohibits a member of the legislature from being appointed to some other state job or federal job, during their legislative term. It was put in the constitution in the early days when the legislature was very small, when it did such things as select United States Senators, and it was felt this bar to members of the legislature was a good thing. It is generally felt that it is outmoded under present conditions. Certainly it would seem that members of the legislature who work closely with state government should have something to offer in a constitutional convention. As you know, the delegates to a constitutional convention would be elected from the legislative districts of the House of Representatives. It is to be hoped that leading citizens from

Page 2 - Mrs. S. L. Lyksett
League of Women Voters of Minnesota

all walks of life would offer themselves for the position of delegate to the convention and in many cases the voters may feel that a candidate other than a legislator would be preferable from their particular district but it seems unsound to bar the people from sending a legislator to the constitutional convention if they feel he could make a worthy contribution.

This constitutional amendment was offered because some of those who opposed constitutional revision did so because they felt there was no assurance that a constitution drawn at a convention would be submitted back to the people for approval. To me this was rather a thin reason for objecting, but it did result in a number of legislators opposing constitutional revision. By passing this amendment, their objections will be overruled and it would seem to me that the resolution providing for a submission of the question to the people would easily go through the next legislative session. However, were this amendment to fail then the objectors would have further grounds for feeling that the people are not particularly interested in constitutional revision. Actually, I think from a practical standpoint that passage of this amendment might be even more important than general work urging constitutional revision.

If I can be of any further help, please let me hear from you and I hope this letter is helpful in answering the questions you raised.

Cordially yours,



Elmer L. Andersen

ELA:DP

League of Women Voters of Minnesota
84 South Tenth Street, Room 406
Minneapolis 3, Minnesota

March 7, 1952

Additional copies - 1¢

U R G E N T

To: Constitutional Revision Chairman
From: Mrs. Donald Guthrie, Chairman, Structure of Government

As you begin your work for a new constitution will you also solicit support and build public opinion for the amendment to be voted upon in November referring the proposed constitution to the people for approval. In supporting this amendment the Board feels that previous League action on this subject indicates that the membership will support measures that help bring about the calling of a convention. The passage of this amendment is the next step in our fight for a new constitution.

The amendment, adding a third section to Article XIV of the present constitution, reads as follows: "Any convention called to revise this constitution shall submit any revision thereof by said convention to the people of the State of Minnesota for their approval or rejection at the next general election held not less than 90 days after the adoption of such revision, and, if it shall appear in the manner provided by law that three-fifths of all the electors voting on the question shall have voted for and ratified such revision, the same shall constitute a new constitution of the State of Minnesota. Without such submission and ratification, said revision shall be of no force or effect. Section 9 of Article IV of the Constitution shall not apply to election to the convention."

The amendment provides:

1. That whenever there is a revision of the constitution by any convention the proposed constitution must be submitted to the people to be approved by a three-fifths (or 60%) vote of all the electors voting on the question.
2. That members of the legislature may serve as delegates to a constitutional convention.

The first provision places decision in the hands of those taking interest enough to vote one way or another on the constitution. Though the 60% requirement is a large vote to get, it is easier than the present requirement for passage of amendments. (Amendments to the constitution require a majority vote of all the electors voting in the election.) The record shows too that in states where constitutional conventions have been called and the constitution submitted to the people for approval, the constitutions have been approved by very large majorities.

The second provision was made necessary by an obsolete provision in the constitution prohibiting legislators from serving in any other state or federal capacity while serving their legislative term. Delegates to the convention would be elected from the legislative districts on the same basis as members of the House of Representatives. It is hoped that leading citizens from all walks of life would offer themselves for the positions of delegate, but it seems unfair to bar people from sending a legislator if he could make a worthy contribution.

The amendment was offered because some of the legislators who opposed constitutional revision in 1951 did so on the basis that there was no assurance that a constitution drawn at a convention would be submitted to the people for approval. If the amendment passed, their objections would be overruled and the bill to submit to the people the calling of a convention could more easily be passed by the 1953 legislature. But if it were to fail, then the objectors would have further grounds for feeling that the people are not interested in revision.

It is particularly important to our constitutional revision work that this amendment pass, because citizen reaction to it may well be used as a yardstick to any future activity on the part of the legislature in regard to calling a constitutional convention.

File Copy F3D2A14

CITIZENS COMMITTEE FOR A CONSTITUTIONAL CONVENTION

Room 406 Essex Building
84 South Tenth Street
Minneapolis 3, Minnesota
April 22, 1952

Mrs. Donald Guthrie
League of Women Voters of Minnesota
Minneapolis, Minnesota

Dear Mrs. Guthrie:

The Executive Board of the Citizens Committee for a Constitutional Convention thinks that now is the time for action from the organizations which volunteered to furnish the impetus for a revised constitution. There are three jobs for us to do between now and the November election.

1. We should reach all legislative candidates, through voters in their district about their opinions on constitutional revision. To this end will you write to members in each district where you are organized requesting them to see, telephone, or write the incumbents and new candidates as they file? Please send to our office the names and addresses of these people in order that we may keep each other informed of developments.

2. We should distribute as widely as possible "8 Reasons Why Minnesota Needs A New Constitution". Samples of this pamphlet are enclosed. It is simple, factual and appealing. The cost is \$2 a hundred. Order from our office as many as you can use. It will be a useful enclosure to those members in each legislative district who are asked to talk to their representatives.

3. We must prepare for broadside distribution a sheet explaining and supporting amendment number 2 which will come before the voters in November. The amendment provides:

- a. That whenever there is a revision of the constitution by any convention, the proposed constitution must be submitted to the people to be approved by a $\frac{3}{5}$ (60%) vote of all the electors voting on the question.
- b. That members of the Legislature may serve as delegates to a constitutional convention.

This amendment is crucial because action on it will indicate to the 1953 Legislature the people's interest in constitutional revision. If it is defeated there will be no possibility that a bill on the question of calling a constitutional convention will pass at the next session. Passage of the amendment is particularly difficult in a presidential election year when the majority go to the polls interested in candidates only, because the amendment must receive a majority of all votes cast in the election. Our amendment broadsides will be ready for intensive use following the primary.

The office has available other materials on the constitution and the names of speakers who will discuss the subject.

Sincerely,

Mildred Hargraves

Mrs. Malcolm Hargraves, Chairman

League of Women Voters of Minnesota
33rd Annual Convention
May 21 and 22, 1952

FILE COPY

PRESENTATION OF PROPOSED CURRENT AGENDA

A Constitutional Convention

by Mrs. Donald Guthrie, White Bear

How can we achieve greater efficiency and economy in government? This question is fast becoming one of major concern to citizens all over the nation. At the recent Presidential Candidates Meeting before the National Convention of the League of Women Voters in Cincinnati, the number one question asked was, "How can we prevent dishonesty and inefficiency in government?"

Never before in history have there been so many official studies being made at one time of the form of state governments. In 1950-51, twenty-seven states were conducting or had recently completed surveys having to do with organizing state government along sound lines so as to obtain more effective and economical government.

Government has become a vast service organization. Forty-eight new activities have been added to Minnesota state government in the last ten years. Our state government is one of the largest spending operations in the state. Expenditures reached \$256,715,000 for the fiscal year ending June 30, 1951. It is, therefore, very important that our government be reorganized along efficient, business-like lines.

Recognizing this need for more efficient government in Minnesota, the League of Women Voters in 1947 began a survey of the state's basic governmental document - the Constitution. Five years of study have convinced us that our 1857 blueprint does not measure up to principles which have earned wide acceptance by students of government. We have learned, too, that it contains many provisions which are obsolete, confusing and unenforceable. In short, what we have learned has convinced us that we must work for a new constitution even though we know it will take six to eight years to get one.

Two other recent surveys have been made in Minnesota. In 1947, the Constitutional Commission examined our present constitution. They recommended 34 major changes and 78 minor alterations in our constitution.

In 1949 the legislature established the Minnesota "Little Hoover" Commission. It was directed, by the legislature, to study and investigate primarily the executive branch of the government. Some of its recommendations including the four-year term and shortened ballot will depend on constitutional change.

The League must be informed on the Little Hoover Commission's recommended changes which require constitutional revision. The state Board proposes that material on these recommendations be prepared for study by the local Leagues.

Other changes which we have studied and on which we must keep informed are: 1) a more flexible tax article, 2) strengthening of the judicial system, 3) the problems of special legislation and home rule, 4) strengthening of county government, 5) reapportionment, 6) reducing the size of the legislature, 7) lengthening the legislative session.

I remind you that we as League members have an important job before us. We must let the public know that a blueprint for reorganization in all three branches of government - executive, legislative and judicial - can be secured only through constitutional revision.

The past year the local Leagues have been "building public opinion" for the calling of a constitutional convention. The legislature must set into motion the machinery for calling this convention. The 1949 and 1951 legislatures refused to do this. Their reason or "excuse" as the case may be for not doing so was - there is no assurance in the present constitution that the people will get a chance to vote to accept a new constitution. So before the legislators were willing to give the people a chance to vote on whether they wanted a constitutional convention, they want to amend the present constitution again to insure the voters of the right to ratify any proposed new constitution.

In order to proceed with our work, we must, between now and November, concentrate all our energies on getting this amendment passed.

Passage of this amendment will be particularly difficult in a presidential election year, since voters will go to the polls interested only in their choice of candidates. Because a majority of all votes cast in the election is needed for passage, failure to vote on the amendment counts as a "no" vote. Also a great deal of propaganda urging no votes on another amendment sometimes causes the people to think all amendments are bad.

If the amendment fails, the legislators will say the people are not interested in revision. If it passes, they will know the people are interested and have given them a green light to move ahead and to set up the machinery for calling a constitutional convention.

I cannot over-emphasize the urgency of your work on this amendment. We must use all of our available Voters Service techniques: broadsides, radio, newspapers, and discussion units. We must literally cover the state to secure "yes" votes for amendment No. 2.

Passage of this amendment is our next step in securing constitutional revision by a convention.

Therefore, in the interests of responsible, efficient and democratic government in our state, I move the adoption on the Current Agenda of the item "A constitutional convention".

LARSON, LOEVINGER, LINDQUIST, FREEMAN & FRASER

ATTORNEYS AT LAW

EARL R. LARSON
LEE LOEVINGER
LEONARD E. LINDQUIST
ORVILLE L. FREEMAN
DONALD M. FRASER
ROBERT C. MUSSMAN
LOUISE A. HEROU

June 30, 1952

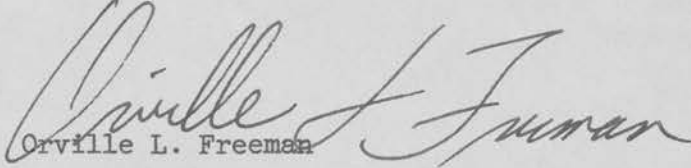
MIDLAND BANK BUILDING
MINNEAPOLIS 1, MINNESOTA
TELEPHONE MAIN 6076

Mrs. Malcolm Hargraves, Chairman
Citizens Committee for a
Constitutional Convention
406 Essex Building
84 South Tenth Street
Minneapolis 3, Minnesota

Dear Mrs. Hargraves:

You are free to use my name as one who strongly and unequivocally favors Constitutional Amendment No. 2. I want you to know I am doing everything within my power to bring to the attention of the voters of this State the vital need for constitutional revision.

Sincerely yours,


Orville L. Freeman

OLF:LA

File copy

To members of the Minnesota Editorial Association

Dear Sir:

The Citizens Committee for a Constitutional Convention was organized just prior to the 1951 session of the Legislature to support the bill submitting to the people the question of calling a constitutional convention. It is made up of eighteen state-wide organizations including labor, farm and civic groups.

At present it is working for the passage of Amendment #2 in the November election and for better understanding of the need for constitutional revision. Enclosed is a cartoon folder "8 Reasons Why Minnesota Needs a New Constitution" and a broadside explaining the provisions of Amendment #2.

We hope that as a newspaper editor you will help inform the people in your community on this issue which is so important to the cause of more efficient and economical government in Minnesota.

Yours sincerely,

Mrs. Malcolm Hargraves, Chairman

mailing to be done by
State Federation of Labor
Public Relations office
(Mr. Folwick) who has
the DTencils of M.E.A.

will go out
following
Sept 9th
Primary

Aug 29th
1952

LETTER FROM LUTHER W. YOUNGDahl TO MRS. HARGRAVES

.....(personal) Mrs M.H., Chairman, CCCC, said today etc

"Now, more than ever before, is it necessary for us to prove to the world that Democracy works. Much more important than the military, is to be strong at home. We need a united people, a disciplined people, a people dedicated to efficient and honest government. If we permit the self-interest groups to stifle our efforts for more efficient government thru constitutional revision, then the people are not properly disciplined.

We must show that we are willing to pay the price for our freedom-and a part of that price is the willingness to submit to rules that are beneficial for the people as a whole.

I believe it is imperative that the people of Minnesota approve amendment #2 at the next election. It is an important step in securing a constitutional convention. One of the arguments used in the last legislature in opposition to the bill calling for a constitutional convention was the fact that the constitution was silent on the question whether it had to be submitted to the people for approval. The adoption of this amendment will make it easier to get approval at the next legislature for the act calling a convention.

This is probably the most important moment in history. Each citizen must be alert and active in his government if we are to survive. The important battle for constitutional convention to secure a modern constitution that will better serve the needs of our people gives to the average citizen an opportunity to work for his country and the cause of freedom everywhere."

XXX

.....

I have faith in the progressive people of Minnesota. When they know the facts and the problem they will not fail.

Sincerely,yours,

Luther W. Youngdahl

copy ~~by~~ written
will be mailed following
primary. Release Date Sept. 15

File

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON 1, D. C.

LUTHER W. YOUNGDAHL
UNITED STATES DISTRICT JUDGE

July 15-52.

Mrs. Malcolm Hargrove,

Imps., Minn.

Dear Mrs. Hargrove:

Thank you for your

thatful letter of July 13th.

It is a significant thing
for our country that women like you
are willing to give of themselves for
causes that strengthen our country.

Now, more than ever
before, is it necessary for us to
prove to the world that Democracy
works. Much more important
than the military, is to be strong
at home. We need a united people,
a disciplined people, a people
dedicated to efficient and honest government.

omit
could be omitted, it
is stated seems too long

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON 1, D. C.

LUTHER W. YOUNGDAHL
UNITED STATES DISTRICT JUDGE

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This is probably the most important moment in history. Each citizen must be alert & active in his government if we are to survive. The important battle for constitutional convention to secure a modern constitution that will better serve the needs of our people gives to the average citizen an opportunity to work for his country and

the cause of freedom everywhere.

Congratulations to you on
the fine job you are doing.

You can use any portion
or all of the statement you
desire if it is worth
anything to you.

I have faith in the
progressive people of Minnesota.
When they know the facts
and the problems they will
not fail.

Sincerely yours,
Luther W. Langford



State of Minnesota

EXECUTIVE DEPARTMENT

Saint Paul 1

C. ELMER ANDERSON
GOVERNOR

August 4, 1952

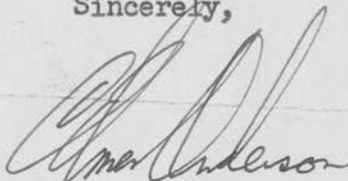
Miss Mildred Hargraves, Chairman
Citizens Committee for a Constitutional Convention
Room 406 Essex Building
84 South Tenth Street
Minneapolis 3, Minnesota

Dear Miss Hargraves:

There has been a slight delay in acknowledging your recent letter, pending definite developments which were under consideration for some days.

I can tell you now that I am making definite plans to call the advisory committee on constitutional revision into meeting as soon as possible and asking them to do what they can to promote the adoption of Constitutional Amendment Number Two.

Sincerely,


Governor

CEA:rm

Request was for a statement in
response of Amendment #2

Oct 1952?

FILE COPY

CONSTITUTIONAL REVISION

PLEASE RETURN

By M. J. Galvin, former President of the Minnesota State Bar Association and former State Senator.

The question of general revision of the Constitution of the State of Minnesota has been a subject of discussion in the Legislative Sessions to my intimate knowledge ever since 1935, but during all of that time nobody has been able to make any forceful argument to convince the Legislature that there is any great necessity for attempting to upset our general economy and the fairly good government that we have in the State by taking a chance of facing a general Constitutional Convention. No one is suffering because of the failure to have such a Convention. There is no great economic distress; there are no provisions that impose hardships upon the people of the State but there are a large number of theorists who are constantly advocating theories which would change fundamental government. I'm opposed to experimenting with them in the State of Minnesota, and I would like to give some of the reasons why a Constitutional Convention should not be held. I think they can be summarized as follows:

- I. There is no good reason for having a Constitutional Convention.
- II. A Constitutional Convention would be a dangerous undertaking at this time when so many hidden means are being used to attempt to change our form of government.
- III. There is grave danger of the new Constitution concentrating power in the State Government or particular State Officers.
- IV. Important changes in our Constitution should be submitted individually to the people and each change should stand or fall on its own merits.
- V. A Constitutional Convention would be a useless waste of the taxpayers' money.

I.

The 1947 session of the Legislature established a Commission to study the subject of Constitutional Revision and to make recommendations, which the Commission did make and which were submitted to the 1949 legislative session. That Commission had gone through the Constitution with a fine-toothed comb and made many recommendations, all of which are found in its report. I can find no important reason anywhere in that report why a Constitutional Convention should be held. A resolution proposing the calling of a Constitutional Convention was introduced and defeated in the House in 1949 after the report of the Commission had been submitted. In 1951 a similar resolution met defeat in the House by an even larger margin.

It is true that some of the provisions of the present Constitution are obsolete. Among these are the following:

1. Women are prevented from voting (which it is admitted was corrected by the 19th Amendment to the Federal Constitution).
2. The Constitution provides that the United States Senators shall be elected by the Legislature (which it is admitted was corrected by the 17th Amendment to the Federal Constitution).
3. The provision regulating currency to be issued by State Banks (which it is admitted has been eliminated since 1863).
4. The Constitution refers to Indians as not being citizens (the Act of Congress of 1924, it is admitted, overruled this provision and gave them full citizenship).
5. The Constitution provides for a census to be taken every ten years, which has not been taken since 1905.

It appears to me that any or all of these could be easily rectified by the voters if Constitutional Amendments were submitted to them and no Constitutional Convention would be necessary because there should be no objection to making these changes, and, of course, the vast number of voters would vote for the Amendments. The expense would be small compared to the expense of a Constitutional Convention, and if anyone feels it is necessary to modernize our Constitution in that manner, the purpose would be accomplished.

Amendment #3 which is being submitted to the voters at the General Election on November 4, 1952, relating to the right to vote will correct items 1 and 4 above and should receive the support of all of the electors who are interested in revising the Constitution by removing obsolete provisions.

But, of course, no one is suffering and there is no trouble or distress on account of the above provisions of the present Constitution to necessitate our taking a chance on putting all of our basic constitutional government before a Constitutional Convention for such a convention to do with as it might see fit, or taking the chance that other fundamental governmental principles contained in the Constitution might be changed in such a manner as would be undesirable. The last Constitutional Convention was quite a hectic affair with the delegates splitting up and holding two separate conventions and the Constitution was finally drafted by a committee from the two conventions and subsequently adopted by each of the two groups separately. If such a thing should happen again, which is not beyond the realm of possibility, we might not get as good a compromise Constitution as was obtained at the last Constitutional Convention. Those of experience know that all matters of legislation are to a considerable extent matters of compromise and that the proposition as submitted would be subjected to a great deal of debate, and if a Constitution would be agreed upon, it would be enacted much like legislation is enacted, both in the states and in the Federal Government. For a majority to agree, there might be compromises on things that we would be better off to leave untouched.

One of the reasons principally advanced why there should be a Constitutional Convention and a change in the Constitution is that the legislative sessions are limited to 90 days and the Constitutional Commission recommended that that be extended by action of the Legislature. The Legislature has not seen fit to take steps to extend its term by submitting a Constitutional Amendment and I think those of experience in the legislative service would be much opposed to it. Certainly those who are interested in legislation or in government should not be interested in seeing the Legislature in session the year around or for any major part of the year, such as the system existing in the State of Wisconsin, where sessions last for 7 months or more. There is always a great deal of uncertainty during a legislative session and there is a necessity for every type and kind of business to be constantly alert during a legislative session, so that they may apprise the members of their position on the various proposals which affect their welfare. If the limit is extended, there is no assurance that the clock might not be covered for a day or two or more after the time fixed for adjournment in any new Constitution adopted. If there is no limit, the Legislature could stay in constant session, or it might continually postpone the time agreed upon for adjournment.

It would seem to me that if we did have a Constitutional Convention, we would not have any assurance that referendum and recall would not be put into the new Constitution. A few states did adopt referendum and recall and their experiences with it were frequently expensive and not very satisfactory. A few years ago we had a period when it was popular to advocate referendum and recall and now it seems that we are in a period when it is popular to advocate Constitutional Revision by Constitutional Convention.

Another proposal of the Constitutional Commission was to permit revenue bills to be originated in the Senate as well as in the House. This surely is not important. No State Department or meritorious function has so far suffered by reason of its failure to have money to spend.

It has been argued that people don't vote enough on Constitutional Amendments and that they get rejected by reason of the provision of the Constitution which requires that a majority of the people voting at the election voted in favor in order for an Amendment to be adopted. This was not in the Constitution as originally adopted, but was put in by an Amendment in 1898. The Constitution has been amended a number of times in Minnesota and most of the meritorious Amendments I believe have been adopted. We have not been able to pass Amendments to the gasoline tax provisions of the Constitution because people feel that they are paying enough gasoline taxes. In the 1948 election a number of Amendments to the Constitution were submitted:

1. On distribution of petroleum excise taxes.

1,073,762 people voted on this Amendment.

2. The soldiers' bonus Amendment to the Constitution was adopted.

There were 664,703 for and 420,518 against, a total of 1,085,221

4.

votes cast on this Amendment. So there is no logic to the argument that people will not vote for meritorious Constitutional Revision.

3. Another Amendment proposed changing the method of calling a Constitutional Convention.

935,855 persons voted on this proposed amendment - 294,842 for and 641,013 against. People obviously are not interested in Constitutional Revision by Constitutional Convention because only about 25% of the people voting in that election voted in favor of this Amendment. The total votes cast at this election were 1,257,804.

4. An Amendment was also proposed to provide for submitting two or more Amendments to the Constitution without requiring that the voters vote on each separately at any one election. The vote on that was 310,667 for and 621,523 against, a total vote on the Amendment of 932,190.

The total vote cast for candidates for Justices of the Supreme Court at that election was 1,832,607, which would indicate that more people voted on these Constitutional Amendments than voted for Justices of the Supreme Court, as the above figure is a total for two Justices to be elected, unless there were a great number of voters who only voted for one Judge. The total Judge vote, if voted for two, is less than the total cast on the two Amendments for revision of the Constitution.

II.

Everyone knows that we are living in a period of uncertainty where there is great stress on all persons and that there is a grave danger of hysteria under which circumstances things might be placed in the basic law of the State which we would afterward have cause to regret. We are at war. Many of our voters and citizens may be in places or living under circumstances where they will not have an opportunity to vote. Should we under such circumstances consider disturbing our fundamental law? We also would probably have some communists or their fellow-travelers in any such proposed Constitutional Convention. We have had them in the Legislature and that group will undoubtedly not overlook the chance to get in on changing our form of government.

If we have a Constitutional Convention, we run into a danger of a number of things being done. A number of people would now like to take out of the Constitution the provision for creating the school fund from the sale of swamp land and making a trust fund of a portion of the money obtained from iron ore taxes. The Constitution also contains a provision which prevents the State from getting into private business. There are a number who would like to have the State engage in business and undoubtedly these things would come up for long discussions and great arguments. The

report of the Constitutional Commission would indicate that there is a tendency toward eliminating some of these provisions. The Constitution now prevents the use of public funds for private school purposes. The Commission advocated a change in that provision by proposing to limit the expenditure of public funds for private schools only so far as state funds are concerned. If these things are proposed to be done and they have merit, they should stand on their own feet and be submitted to the voters as separate issues.

Constitutional Revision by Constitutional Convention hasn't worked out so satisfactorily in some of the states where it has been adopted and I would not be willing to take the chance of having a Constitutional Convention where we might be faced with the probability of including a provision as advocated by the Constitutional Commission of selecting judges by appointment and after they are once elected, to have their name on the ballot and let the people vote only one way, as to whether the man should be retained or rejected. If you will note on page 43 of the Commission report, it is stated in the proposed revision that if the judge is a candidate for re-election, "the vote shall be on the question whether he shall be continued in office". I have opposed this method of selection of judges ever since it was first discussed in Minnesota and I hope that I may be always able to continue to oppose it and I believe that we cannot have any better court by adopting this suggestion. A large number of lawyers from all over the State have expressed their antagonism toward this proposal. I do not believe that Minnesota should do as they did in New Jersey a few years ago and those of experienced and sound judgment in New Jersey agree with me in this matter. When the Constitutional Commission was studying the question, I wrote to United States Senator Hawkes for his expression on the new New Jersey Constitution with particular reference to the methods of selection of the judiciary, expressing to him that I was fearful that such a plan would place too much power in the chief executive and would destroy the equality that now exists between the judicial and executive branches of government. I received a letter from him dated May 28, 1948, in which he confirmed my suspicion and said that the Constitutional Revision in New Jersey resulted in the concentration of too much power at one time in the hands of the Governor and that he looked very much on the plan being considered in Minnesota just as I do.

Missouri has some such plan. I would dispute anybody's contention that the judiciary in Missouri is superior to the judiciary in Minnesota or that you will ever get any better judges by having them appointed by a governor rather than selected by the people. I would point out the danger of concentrating powers in any individual and draw your attention to the fact that this would be the start I would figure to taking away from the people such powers as the Founders of this Government originally intended should rest directly with them. When the kings appointed the judges, they were found to be much more amenable to the will of the king than they were to the consideration of the welfare of the subject. Now we have a plan to take away from the subject, whom we consider the source of all governmental authority, the right to select his judges by delegating it to some State Official even though it might be by use of an advisory committee. The people in a number of European countries not long ago had some voice in Government which was taken away from them and the disintegration of the powers resting in the people commenced with the concentration of the power of appointment of the judiciary. If a chief executive of the State should desire to hold political control over the judiciary, he could very easily make a condition of the appointment that they would support his administration during his continuance in

office and then, of course, we would have only a political judiciary. To a considerable extent, I believe, this exists in some of the States where the judiciary is appointed rather than elected. If we do have a Constitutional Convention, that will be one of the things that will be considered and will probably be recommended. I see no necessity for it and I believe our judiciary as presently selected is good and sound. I think it is healthy for the judges and for all concerned for them to be elected in order to continue in office.

At the present time there is no assurance that any Constitution approved by a Constitutional Convention would ever get back to the people for a vote of approval or disapproval. There is proposed at the forthcoming election an Amendment to our Constitution to provide that any revision of our Constitution by a Constitutional Convention shall be submitted to the voters for their approval or rejection before it shall become effective. Approval of such an Amendment by the voters of Minnesota would require the submission of any revision by a Constitutional Convention to the voters. If such an amendment is not adopted, it is my opinion that the convention can do just as it pleases, and that if once established, it becomes the supreme law of the State and need not resubmit the question to the people for an approval vote, even if the resolution proposing the Constitutional Convention provided that such a vote is required. Perhaps no Convention ever did disregard such instruction from the Legislature, but why should the people of the State of Minnesota take any chance that the legislative wish might not be fulfilled? The people when they once select delegates to a Constitutional Convention under the representative theory of government delegate an authority to that Convention which in my opinion is superior to the authority that they delegate to the members of the Legislature when they elect them. Limiting of a Constitutional Convention is inconsistent with the plan of representative government. If it were consistent, the Federal Government in enacting legislation for the establishment of a state could limit the provisions by the enacting or organic act in addition to the limitations placed in the Federal Constitution.

III.

Another grave danger that a Constitutional Convention might bring on would be the elimination of the election of the executive officers of the State outside of Governor. The Commission recommended the elimination of a number of these people in its proposed revision and that their functions be performed by appointive officers. This I believe concentrates too much power in the handling of the state's business in one person and I know of no reason why the State Auditor should be elected by the Legislature rather than by the people, as is proposed in this report. Some of the reasons for electing these officers are as follows:

The proponents of this recommendation never have and do not now submit any existing public ills as a justification for the proposed change. They advance only the theory that a Governor, elected by the people and responsible to them for the administration of his office, would suffer less objection to his plans and denial of his hopes on the part of the so-called subordinate executive officers, were he to have the power of direct appointment. This is axiomatic, but it is neither necessary, nor right. The principle involved is one of centralized power and absolute authority, the very proposition which caused revolution after revolution throughout history,

which directed the original immigration to the new world, and out of which has sprung the great ideal and the proven theory of representative government in the United States.

The adoption of such an Amendment would give the Governor complete control, not only over the military and naval forces of the State which he now has, and the power of veto of legislative enactments, the power of pardon, and the authority to appoint the heads of every executive department and division of State Government, which he now has, but it would give to him complete and final authority over the financial structure of the State. Under such an Amendment he would have unlimited control over every receipt and disbursement, every loan and investment, every bond and security, and every dollar in the treasury. Nor would there be any individual or government institution to check or question or audit the propriety, the necessity, or the honesty of any financial transaction authorized by the Governor.

Under the present Constitution as interpreted by the Supreme Court of Minnesota, the Secretary of State is the custodian of records, the State Auditor re-audits all bills and claims presented for payment, the State Treasurer is the custodian of the State's cash and securities, and the Attorney General is the legal advisor for every state department and agency.

Under existing law, the Governor as chief executive appoints the Commissioner of Administration whose duties are to prepare and submit a financial budget to the State Legislature and who may cut or curtail the use of legislative appropriations for specific purposes. He buys all of the materials and supplies needed by the State, from the pencil upon the desk of a filing clerk to the concrete and steel that goes into the building of trunk highways, and the food and fuel and clothing for the population of our State institutions. He enters into every construction and building contract. Through his Commissioner of Administration, the Governor now controls and directs these and many other state activities. In addition, he appoints the heads of the various institutions and governmental agencies who collect and spend the peoples' moneys.

Under existing law, the Governor appoints the Public Examiner whose peculiar and especial duties are those of post-audit to investigate and check and criticize the use of public moneys.

Under existing law, a system of checks and balances exists, however, which prohibits an unrestrained, unchecked, unlimited financial transaction. The State Auditor elected by the people and as a representative of the people checks the authenticity, the legality and the propriety of every bill or claim against the State. If he finds the bill or claim legal and proper, if moneys have been appropriated for the purpose of paying it, if the State has received true value in labor or material and if there are moneys allocated and encumbered, then the bill is paid by auditor's warrant. The State Treasurer elected by the people and responsible to the people, keeps their money safe and secure and acts as a check and balance against the Auditor even as the Auditor acts as a check and balance against the Treasurer.

To give the Governor the authority proposed would take away from the people of Minnesota all of these checks and balances against the expenditures of their own money. A Governor who was wise and just, honest and fair in acceptance of such new authority would not abuse his privileges and his opportunities. A Governor lacking in any or all of those qualifications could, and experience says he would spend as he pleased to the bankruptcy of the State Treasury on the one hand, and a creation of a political distastefulship on the other, which would be as graft ridden and sordid as the Prendergast machine in Missouri, or the Hague machine in New Jersey.

If the Governor had the authority to appoint the Secretary of State, there would be nothing but a sense of high moral responsibility on the part of the individual Governor to prohibit the destruction or falsification of the records and the loss to the people of their public domain and the millions of dollars of income derived from the sale of land and timber and iron ore throughout the State.

If the Governor has the authority to appoint the Attorney General, there would be no limit beyond which he could not go because his own appointee would pass upon the validity of each individual act.

The proposal that the Governor appoint the constitutional officers is not only a violation of the basic principles of representative government, but it is materially and practically wrong in application and dangerous in practice. It is a step away from, rather than a step toward, the protection and safety and security of the people which is set down as the reason, in Section I Article I of our Constitution, for the institution of government.

When and if the established constitutional system of checks and balances resulting from the popular choice of the people's representatives in these offices under consideration is destroyed by giving the appointive power to the Governor, it would be necessary to create by legislative action or by constitutional amendment other agencies or divisions of government, and other investigators and examiners, to check the otherwise unrestricted authority of the Governor. Our experience in the centralization of government in Washington today together with the multitudinous bureaus and restrictions and regulations which have resulted, should be the best evidence of the fact that centralization always costs the people more money and restricts their voice in its expenditure. It would establish a government of men rather than of law.

It is contended that political differences as between the Governor and the Auditor, or the Treasurer, or the Secretary of State, or the Attorney General, might handicap the progress of state government and jeopardize the welfare of the people. While it is true that upon occasion a Secretary of State or an Auditor or a Treasurer or an Attorney General has disagreed with and refused to go along with the program of a Governor, there is no evidence that the welfare of the people or the State has been handicapped or injured thereby. As a matter of fact, history proves that through those objections, which have thrown the final decision of the matter into the courts of the State or placed it upon a ballot for the people to decide, the welfare of the State has been maintained and progressed.

There is no justification for this proposal. The present system has worked so well that, particularly since the Reorganization Act of 1939, the State is on a cash basis. Its appropriations cannot be misspent nor over-incumbered regardless of the party in power or the political or moral stripe of a Governor. The finances of the State are protected by the present system of checks and balances in which the constitutional officers are elected by the people and responsible directly to them.

The official records, the political history, and the financial and social progress of the State, emphasize that the election of these members of the executive division of state government, instead of denying the progress of the people and jeopardizing their interests, has worked only to their betterment, their security, and their progress.

IV.

Any general revision of our Constitution by a Constitutional Convention, if it is submitted to the electors, must be submitted as a unit, which means that the voters must approve or reject it in its entirety. Voters will have to weigh the features they object to against the features they approve and make their decision on the whole.

It is important, in my opinion, to afford the voters an opportunity to express their opinions on each proposed change in our Constitution separately. Such items, for instance, as changes in the selection of our judiciary, the elimination of elective officers and the concentration of power in the chief executive, as well as changes in handling our permanent trust funds, and similar provisions, should stand or fall on their own merits. These would be fundamental changes in our basic law and the voters of Minnesota should be afforded an opportunity to pass on them individually and separately.

In this connection I would call your attention to the vote on an Amendment submitted to the voters in 1948 which proposed to provide for submitting two or more amendments to the Constitution without requiring the voters to vote on each separately. This Amendment was decisively defeated and clearly indicates that the voters want to express themselves on each issue individually and not buy a pig in the poke.

Constitutional Revision through the usual processes by legislative action followed by submission to the electorate at the next general election will provide our voters this opportunity. Clearly it will prove more satisfactory to the voters and in addition it will save the taxpayers of the State a great deal of money.

V.

A Constitutional Convention would probably cost about one million dollars. It might run a little shorter, or as long as, or longer than a legislative session. In 1949, the legislative cost was about \$938,000.00. It is estimated that a one mill levy on all the real and personal property in the State of Minnesota will yield about a million and a half. In addition to the expense of the Convention, there would be the expense of holding a primary and general election for the election of members to the Convention.

If the citizens of the State were suffering any real hardship or the State Government was prevented from caring for any substantial portion of its people on account of the provisions of the present Constitution, this might be a justifiable expenditure. No such reason has been advanced. The State does not have that kind of money to throw away. We are constantly looking for new revenue. Every few years the legislature appoints an interim tax committee to study the problem and each session of the Legislature there is trouble to balance the budget. Raising money is the greatest cause of the Legislature running over the 90-day period. A Constitutional Convention would be an unwarranted expenditure of the taxpayers' money.

There is one more thought on this subject which I should like to mention. We have in Minnesota at this time nearly 100 years of Constitutional Law which has been subjected to judicial decision by our courts and which decisions are relied upon by the lawyers^{and courts} of this State daily in their application and interpretation of our laws. If we do get a new Constitution, I might ask, what questions of interpretation might arise? Would we not have to scrap most of the court decisions and start Constitutional Law all over again in Minnesota? A great deal of uncertainty and confusion would be sure to result from any general overall revision. In view of the fact that there is no great need for such drastic action as general Constitutional Revision by a Constitutional Convention, I am of the opinion that we should save ourselves the uncertainty, the time and the money involved, to say nothing of the economic and political issues affected, by such litigation as might arise because of an overall Constitutional Revision by a Constitutional Convention.

10/10/52

This memo was sent last week in September (1952) to the corrected list of members.

To: Members of the Citizens Committee for a Constitutional Convention

From: Mrs. Malcolm Hargreaves, Chairman

Enclosed are copies of the flier prepared by the Citizens Committee explaining the provisions of Amendment Number Two.

The last legislature gave as a reason for opposition to a bill submitting to the people the question of calling a convention that our constitution makes no provision for the voter to pass on the work of such a convention. If Amendment Number Two, which remedies this situation, should be defeated, it will seem to our legislators to show a lack of interest, or of approval, on the part of the electorate to a constitutional convention and we need not expect action on any aspect of revision during the 1953 session. This includes those recommendations of the Little Hoover Commission which would help reduce the state budget by 4 million dollars.

Copies of the flier are available at \$2 a thousand from the Meyers Printing Company, 2106 Fourth Avenue South, Minneapolis 4. Use these for distribution to and by your members.

Shuns Oct 2nd 1952

To: The Governor's Advisory Committee on Constitutional Revision
From: The Citizens Committee for Constitutional Convention
Re: Summary of activities from January 1952

Member Organizations

Americans for Democratic Action
Democratic-Farmer-Labor Party
Disabled American Veterans
Duluth Federated Trades Assembly
Duluth Industrial Union Council
Governors Advisory Committee on Constitutional Revision
Hennepin County Industrial Union Council
Machinists Local 459
Minneapolis Junior Chamber of Commerce
Minnesota Grange
Minnesota Junior Chamber of Commerce
National Council of Jewish Women
Republican State Central Committee
St. Paul Trades and Labor Assembly
State Federation of Labor
CIO State Council
League of Women Voters of Minnesota

To Members of the Minnesota Editorial Association

Have made available educational materials on constitutional revision, including "8 Reasons Why Minnesota Needs a New Constitution" and the broadside explaining provisions of Amendment 2.

Requested members in each legislative district where they have local organizations to designate people to discuss the need and problems of constitutional revision and the passage of Amendment 2 with candidates for office before and/or after primaries.

Offered to supply speakers.

Representative People in Each Legislative District in Minnesota

Sent broadside on Amendment 2 and "8 Reasons"

Requested they discuss with members of community and call to attention of candidates for office representative the significance of Amendment 2

To Members of the Minnesota Editorial Association

"8 Reasons" and the broadside

Letter explaining the importance of the passage of Amendment 2 to

constitutional revision and to those recommendations of the Little Hoover Commission which require constitutional change.

Requested Statements in Support of Amendment #2 from

- *Former Governor Luther Youngdahl
- *Judge Leroy Watson of the Minnesota Supreme Court
- *Representative George French from the 33rd district (and author of Amendment #2)
- *Mr. Arnold Paulsen, resident of the Minnesota Junior Chamber of Commerce
- *Dr. Lloyd H. Short, Chairman of the Constitutional Commission

* Have received statements.

The Citizens Committee's chief problems have been

- Apathy of the majority of its member organizations
- Lack of funds
- Lack of secretarial help

Suggestion

In the interest of economy and efficiency of which we hear so much and do so little, I suggest that the Governor's Committee and the Citizens Committee pool their resources, human and financial until something significant is accomplished on this issue.

Mrs. Malcolm Hargraves, Chairman

Released Sat. Nov. 1, '52

Exhibit A

Statement by Leroy E. Matson

in re

Amendment No.2

Our 95 year old State constitution with its 75 overlapping patches needs a complete overhauling. We can't do the job by just adding a few more amendatory patches. We need a complete revision and that means the calling of a constitutional convention. The first step, however, is to adopt Amendment No.2 in November whereby all doubt will be removed that any new constitution proposed by a convention must be approved by vote of the people before it can take effect. By adpting Amendment No.2 we pave the way for a constitutional convention and strengthen the very foundations of our democracy.

All citizens should vote in favor of constitutional Amendment No 2.

SPECIAL LEGISLATIVE MEMORANDUM
FROM OTTO F. CHRISTENSON
January 2, 1953

PLEASE RETURN

CONSTITUTIONAL CONVENTION

There has been a movement on foot for a number of years in Minnesota among a number of groups to revise or redraft the Constitution of the State.

If you ask most proponents of this idea what is wrong with our present constitution, or wherein an evil exists that is in our constitution that is injurious to the welfare of the citizens of the state, they are unable to cite any specific instance, but answer that the constitution is many years old, that it has been amended frequently, and that it should be thoroughly revised - never saying where or how - but just that it ought to be done.

If you point out to them that the constitution can be amended, as it has in the past, by the Legislature first considering an amendment and then submitting it to the voters the proponents answer that such a process is "too slow."

Here again the principal supporters of this plan are the CIO, the AFL and the League of Women Voters, and planks are in the platforms of both political parties in the state supporting the idea.

The Republican platform says:

"We urge the Minnesota Legislature to enact a bill submitting to the voters of the State the question of calling a Constitutional Convention to revise our state constitution. This cannot be accomplished effectively within a reasonable period of time by the slow amending process."

The Democratic Farmer Labor platform says:

"Constitutional revision is necessary in order to return the government to the people. . . . The 1953 Legislature should provide for the calling of a constitutional convention at the earliest possible date The constitution should provide that if the Legislature fails to reapportion at its first session after each Federal census, such powers and duties shall automatically transfer to the State Supreme Court."

There are three facts to be borne in mind if such a State Constitutional Convention were called:

- (1) Under the provisions of our present constitution no members of the Legislature could participate in such a convention.
- (2) Unless such a convention chose to submit their work to the electorate, such constitution as they chose to draft would immediately take the place of our present constitution. It would become the basic law of our state, automatically nullifying any law or procedure now on the books that were in conflict with it.

(3) Pressure groups would be working in such a convention to do such things as:

- A. Reapportionment.
- B. Party Designation.
- C. FEPC
- D. Change labor laws. Repeal anti-secondary boycott law, Public Employees Not Strike Law, etc.
- E. Reduce voting age to 18 years.
- F. Abolish time limit on legislative sessions.
- G. Reorganize local, city and county governments.
- H. Reorganize relief and rehabilitation programs.
- I. Authorize some form of socialized medicine.
- J. Reorganize the educational system of the state.
- K. Deal with highways and highway funds.
- L. Deal with taxation in all its phases, approaching it with a strong demand for prohibition of all sales taxes, greater exemptions for lower income levels, etc.
- M. Redistrict the judiciary of the state.
- N. Handle housing, rent control, urban development, slum clearance, etc. clearance, etc.
- O. Revise business regulations, develop co-ops, etc.
- P. Revise banking regulations, small loans, interest rate maximums, etc.
- Q. Revise Unemployment and Workmen's Compensation regulations.

Those opposed therefore argue that until such time as the people of this state would rather entrust the laws of this state to a constitutional convention than to our Legislature that care and caution would dictate that we choose to amend our constitution by submitting each proposed amendment to the electorate rather than by giving carte blanche to a constitutional convention.

CITIZENS COMMITTEE FOR A CONSTITUTIONAL CONVENTION

January 21, 1953

To: Members of the Citizens Committee for a Constitutional Convention
From: Mrs. Malcolm Hargraves, Chairman

The Executive Board of the Citizens Committee met December 19th to discuss action the Committee might take during the legislative session. It is the opinion of the Board that the Committee should work for the passage of a bill to submit to the people the question of a constitutional convention, as it did at the last session. A convention is the only means of revising the Constitution in a thorough and orderly way. Revision by amendment under the present Constitution is practically impossible. All five amendments submitted in November were defeated. Amendment Number 2, which the Committee supported, received an affirmative majority of the votes cast on it, but passage required a majority of all votes cast in the election.

A constitution convention bill has been introduced in the House, H. F. 100. Its authors are Representatives Holmquist, Wozniak, P. Kenneth Peterson, Reed, and Langley. The bill has been referred to the General Legislation Committee. Members of that committee are Representatives Windmiller, Chairman; Beanblossom, Vice-Chairman; Anderson, A. A.; Anderson, H. J.; Bouton; Daley; Dirlam; Duxbury; Ernest-vedt; Fitzsimons; Forbes; Haeg; Hagland; Holm; Iverson; Johnson, V. C.; Kennedy, K.; Kording; Murk; Otto; Rinke; Schwanke; Silvola; Tomczyk; Wozniak.

A similar bill will be introduced in the Senate with Senator Mullin one of the chief sponsors.

Effective support for these bills can be given by members of the Committee in three ways:

1. An official letter from your organization.
2. Appearance of your legislative representative in support of the bill at a committee hearing.
3. Letters to and personal contact with their legislators by members of your organization in the various legislative districts.

Members of the Citizens Committee for a Constitutional Convention

Americans for Democratic Action - 334 Midland Bank Building, Minneapolis
Democratic-Farmer Labor Party - 320 Midland Bank Building, Minneapolis (attn - Wm. Carlson)
Disabled American Veterans - 609 State Office Building, St. Paul
Duluth Federated Trades Assembly, Labor Temple, Duluth
Duluth Industrial Union Council - 1820 1/2 West Second Street, Duluth
Hennepin County Industrial Union Council - 729 Fourth Avenue South, Minneapolis
Machinists Local 459, c/o Mr. Phil Ericson - 2900 28th Avenue South Minneapolis 6
Minneapolis Jr. Chamber of Commerce - Metropolitan Life Building, Minneapolis
Minnesota Grange, c/o Mr. William Carlson, Ogilvie, Minnesota
Minnesota Jr. Chamber of Commerce, 529 Palace Building, Minneapolis
Minnesota Farmers Union, c/o Mr. William Nystrom, Willmar, Minnesota
National Council of Jewish Women, c/o Mrs. Stanley Sack, 234 N. Mississippi Blvd, St. Paul
Republican State Central Committee - 1215 Pioneer Building, St. Paul
St. Paul Trades and Labor Assembly - St. Paul
State Federation of Labor - Labor Temple, St. Paul
CIO State Council, Lumber Exchange, Minneapolis Minnesota

To: Members of the Citizens Committee for a Constitutional Convention
From: Mrs. Malcolm Hargraves, Chairman
Subject:

The Executive Board of the Citizens Committee met December 19th to discuss action the Committee might take during the legislative session. It is the opinion of the Board that the Committee should work for the passage of a bill to submit to the people the question of a constitutional convention, as it did at the last session. A convention is the only ~~way~~ means of revising the Constitution in a thorough and orderly way. Revision by amendment under the present Constitution is practically impossible. All five amendments submitted in November were defeated. Amendment Number 2, which the Committee supported, received an affirmative majority of the votes cast on it, but passage required a majority of all votes cast in the election.

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Effective support for these bills can be given by members of the Committee in three ways:

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2. Appearance of your legislative representative in support of the bill at a committee hearing.
3. Letters to and personal contact with their legislators by members of your organization in the various legislative districts.

General Legis. Com

Thursday

Dear Luella,

It scarcely seems necessary to mention that weather has intervened in such a way that Betty Grindlay and I are at home today, although not receiving. I wonder whether the Board will have a quorum today. Enclosed are the last of the C.C.C.C. envelopes in my possession, a mailing list and a letter to go to those on it. I was to check with Florence Livingston today to fill in the blanks in the second paragraph and am sorry to ask you to do this, but the information was not available when I communicated with her last. Will you confirm, also, the proper tense for "convention bill has been introduced in the House"? It may be will be, but introduction was expected early this week.

Snow now coming down thick and fast on top of early morning rain and sleet. I hope you get home safely tonight.

W. H.

League of Women Voters of Minnesota
84 South Tenth Street, Room 405
Minneapolis 2, Minnesota

A BILL

FOR AN ACT PROPOSING AN AMENDMENT TO THE
CONSTITUTION OF THE STATE OF MINNESOTA,
ARTICLE XIV, SECTION 1, RELATING TO
AMENDMENTS TO THE CONSTITUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. An amendment to the Constitution of the State of Minnesota, Article XIV, Section 1, is hereby proposed to the people of this state for their approval or rejection. The amended section 1 will read as follows:

Section 1. Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this Constitution, they may propose such alteration or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection at any general election, and if it shall appear, in a manner to be provided by law, that ^{60%} ~~majority~~ of all the electors voting on the question at said election shall have voted for and ratified such alterations or amendments, the same shall be valid to all intents and purposes as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.

Sec. 2. This proposed amendment shall be submitted to the people of this state for their approval or rejection at the general election for the year 1954 in the manner provided by law for the submission of amendments to the Constitution, and the votes thereon shall be counted, canvassed, and the result thereof proclaimed as provided by law. The proposed amendment shall be printed at the top of the so called "white ballot" upon which the governor and other officers are listed. The ballot shall state the question as follows:

Messier
Johnson A1
Ray
Papovich
Childgren

H. F. #15
Amend Const
File Copy

MANIFOLD
RECORDED

"Shall Article XIV, Section 1, of the Constitution of the State of Minnesota be amended to allow a proposed amendment to the Constitution to be approved upon receiving a majority of the votes cast upon the question rather than a majority of all votes cast at the election?"

"The amended section will read as follows:

Section 1. Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection at any general election, and if it shall appear, in a manner to be provided by law, that a majority^{60%} of the electors voting on the question at said election shall have voted for and ratified such alterations or amendments, the same shall be valid to all intents and purposes as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.

Yes _____

No _____"

1953
100

STATE OF MINNESOTA

FIFTY-EIGHTH
SESSION }

H. F.

No. 49

Introduced and Read First Time Jan. 15, 1953, By Messrs. French, Haeg, Allen and Windmiller.

Referred to Committee on General Legislation.

Reported Back To Pass Feb. 23, 1953.

Read Second Time Feb. 23, 1953.

Matter in italics is new; matter in capitals when in () is old law to be omitted.

A BILL

For an Act Proposing an Amendment to Article 14 of the Constitution of the State of Minnesota by Adding Thereto a New Section Providing that any Convention Called to Revise Said Constitution Shall Submit any Revision Thereof by Said Convention to the People for Their Approval or Rejection at the Next General Election Held not Less Than 90 Days After the Adoption of Such Revision and That, if it Shall Appear in a Manner Provided by Law That a Majority of all the Electors Voting at Said Election Shall Have Voted for and Ratified Such Revision, the Same Shall Constitute a New Constitution of the State of Minnesota, but Otherwise to be of no Force or Effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The following amendment to Article 14 of the Constitution of the State of Minnesota 2 is hereby proposed to the people of the state for their approval or rejection and, if adopted, shall be 3 known as Section 3 of said Article 14. The proposed amendment reads as follows:

SEC. 3. Any convention called to revise this constitution shall submit any revision thereof by 2 said convention to the people of the State of Minnesota for their approval or rejection at the next 3 general election held not less than 90 days after the adoption of such revision, and, if it shall appear 4 in the manner provided by law that a majority of all the electors voting at the election shall have 5 voted for and ratified such revision, the same shall constitute a new constitution of the State of Min- 6 nesota. Without such submission and ratification, said revision shall be of no force or effect. Sec- 7 tion 9 of Article IV of the Constitution shall not apply to election to the convention.

SEC. 2. This proposed amendment shall be submitted to the people of this state for their approval

2 or rejection at the general election for the year 1954 in the manner provided by law for the submis-
3 sion of amendments to the constitution, and the votes thereon shall be counted, canvassed, and the re-
4 sult thereof proclaimed as provided by law. The ballots used at such election shall have printed
5 thereon the following:

6 "Shall the Constitution of the State of Minnesota be amended by adding to Article 14 thereof
7 a new section to be known as Section 3, providing for the submission to the people of the state
8 at the next general election after any revision of the constitution by any convention called for
9 that purpose, and providing that before any such revision shall go into effect there shall be an
10 approval and ratification thereof by a majority of all the electors voting at the elections?

11 Yes——

12 No——"

1953
C C

STATE OF MINNESOTA

FIFTY-EIGHTH
SESSION }

H. F.

No. 100

Introduced and Read First Time Jan. 19, 1953, By Messrs. Holmquist, Peterson, P. K., Wozniak, Reed and Langley.

Referred to Committee on General Legislation.

Reported Back To Pass Feb. 23, 1953.

Read Second Time Feb. 23, 1953.

Matter in italics is new; matter in capitals when in () is old law to be omitted.

A BILL

For an Act Proposing a Convention to Revise the Constitution of the State of Minnesota.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There shall be submitted to the electors, at the general election to be held in November, 1954, the question:

“Shall there be a convention to revise the Constitution of the State of Minnesota”

SEC. 2. The electors may vote by ballot for or against a convention. The election shall be conducted and the returns thereof made, canvassed, and certified in the manner provided by law for general elections. The form of the ballot shall be:

Shall there be a convention to revise the Constitution of the State of Minnesota, the revised constitution to be submitted to the electors for approval or rejection?	Yes———
	No———

The voter shall designate his choice by a cross mark opposite the word “Yes” or the word “No” in the space provided therefor.

If a majority of the voters voting at the election shall have voted for a convention, the legislature at its session next succeeding this election shall provide for calling such convention.

STATE OF MINNESOTA

FIFTY-EIGHTH
SESSION }

H. F.

No. 238

Introduced and Read First Time Jan. 23, 1953, By Messrs. Johnson, A. I.,
Moore, Nelson, Will, Appledorn, Cina.

Referred to Committee on General Legislation.

Reported Back To Pass Feb. 23, 1953.

Read Second Time Feb. 23, 1953.

Matter in italics is new; matter in capitals when in () is old law to be omitted.

A BILL

For an Act Proposing an Amendment to the Constitution of the State of Minnesota, Article XIV, by
Adding a New Section Thereto, Authorizing the Legislature to Propose a Revision of the Consti-
tution Subject to Ratification by the Electors.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The following amendment to the Constitution of the State of Minnesota, Article
2 XIV, by adding a new section thereto, is hereby proposed to the people of the state for their ap-
3 proval or rejection, which new section shall read as follows:

*Sec. 3. As an alternative to the provisions of Section 2 of this Article and whenever two-thirds
2 of the members elected to each branch of the legislature shall think it necessary to authorize a re-
3 vision of this constitution, they shall recommend to the electors to vote at the next general election
4 for or against such revision; and if a majority of all the electors voting at said election shall have
5 voted for such revision, the legislature shall meet in special session during the next even numbered
6 year, and by legislative act, the legislature at such special session, is authorized to prepare a revision
7 of this constitution, which revision shall be submitted to the people for their approval or rejection
8 at a special election which shall be called by the Governor. Such special election shall be held not
9 later than fifteen months following the adoption of this amendment, and if it shall appear, in a man-
10 ner to be provided by law, that a majority of all the electors voting at such election shall have voted
11 for and ratified such revision, the same shall be valid for all intents and purposes as a revision of*

12 *this constitution.*

13 *At the regular session of the legislature immediately following the vote of the electors author-*
14 *izing such revision, the legislature shall provide by law for the legislative expense of such special*
15 *session.*

16 *The proposed amendment shall be submitted to the voters of the state for their approval or re-*
17 *jection at the general election for the year 1954. The ballot used at the election on the proposed*
18 *amendment shall have printed thereon:*

19 *Shall the Constitution, Article XIV, be amended by adding a new section so as to provide for*
20 *revision of the Constitution of the State of Minnesota by the legislature, at a special session there-*
21 *of to be called for that purpose by the Governor within three months following this election, subject*
22 *to the ratification or rejection of such revision by the electors of this state at the next succeeding*
23 *general election under conditions to be provided by law?*

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STATEMENT TO BE GIVEN BEFORE THE GENERAL LEGISLATION
COMMITTEE OF THE HOUSE REGARDING BILL HF100 ON BEHALF
OF THE LEAGUE OF WOMEN VOTERS OF MINNESOTA ON FEBRUARY,
9, 1953.

I am Mrs. Gordon Grunditz, constitutional revision chairman of the League of Women Voters of Minneapolis.

The League of Women Voters in Minnesota has worked for constitutional revision since 1948 because we believe that only when we get a new constitution will our state have the kind of efficient, democratic, and responsible government which all of us want it to have.

In behalf of the League, I want to make just four points relative to our support of the bill HF 100:

1) We believe that a convention should be called to write a new constitution because our present constitution is unfair. Democracy means equal representation for citizens but all citizens in Minnesota are not equally represented. There are inequalities not just in the large cities but all over the state. To describe this inequality in the city, I should like to compare the representation of the 28th and 33rd legislative districts of Minneapolis. The 28th district has a population of 24,400 and has 1 senator and 2 representatives. The 33rd district with a population of 148,300--more than six times as many people--has the same representation. This may be an extreme example, but it is not the worst in the state. To describe the inequality in the rural areas, I am going to compare the representation of the 4th and 10th legislative districts. The 4th district consists of Olmsted County and has a population of 48,228 with 1 representative and 1 senator. The 10th district which consists of Cottonwood and Jackson counties has a population of 32,069--roughly 16,000 less than district 4--and yet has 2 representatives and 1 senator. A new constitution would put teeth in the reapportionment article so that these inequalities would not exist.

2) The constitution is also rigid. Changing times mean changing financial needs. Nearly one half of the 75 amendments to the constitution have dealt with taxes and financing. While many of these amendments have provided new ways of getting revenue, they have also set down rigidly how this money must be allocated. If revenues were not so rigidly earmarked, perhaps a more efficient use of the tax dollar would result, and we would have a better way of handling the tax problem in Minnesota.

3) We, of course, were disappointed that amendment number 2 did not pass at the November 4th election, but we feel its failure is a great talking point for the need to call a convention to write a new constitution. Let me clarify this statement: The official vote on the first four amendments on the November 4th ballot shows how difficult it is to get an amendment to our constitution passed even though the majority of the people voting on an issue approve it. Although the League of Women Voters took no stand on the third amendment, it was not controversial and even opponents to constitutional revision were said to favor it because the amendment would merely have brought our

constitution in line with the Federal constitution in regard to voting. Yet even that amendment failed although 65.8 percent of the people voting for it approved it. 60.7 percent of those voting on amendment number 2 voted "yes".

Since 1898 the present amending process has been in effect and only 28 amendments have been adopted. Those amendments which have been passed are usually of two kinds--either they are amendments which have been voted on again and again and have no real opposition or they have a strong backing by organizations which are able to spend much time and money in propaganda. Many amendments which should be made to promote better government in the state are not given a chance under the present amending process. It seems we need a change in this process so that the will of the majority of informed and active voters can be expressed.

4) My fourth and final point--we believe that the members of the Legislature are aware of the need for constitutional change as evidenced by their support of acts which created commissions to study aspects of our state government. In 1937 the Legislature set up a State Judicial Council to make a continuing study of the judicial system, the Constitutional Commission was created by an act of the 1947 Legislature, in 1949 the Legislature established the "Little Hoover Commission". The recommendations of all these groups would require some constitutional change. These actions by the Legislature plus all the interest shown here today by people who represent many citizens point out forceably, it seems to us, that there are a great many people in Minnesota who feel we need a new constitution if our state is to realize its full potentialities.

File F3 D3
Const. Revision
LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 SOUTH TENTH STREET, ROOM 406
MINNEAPOLIS 3, MINNESOTA
Atlantic 0941

November 30, 1953

To: Local League Presidents
From: Mrs. Basil Young, President

OPERATION You will remember that at our May, 1952 Convention discuss-
CONSTITUTIONAL ion on Constitutional Revision, which has been on our Agenda
REVISION in some form or other since 1948, revealed how truly basic
 we feel this item is and how the solution of so many prob-
lems depends upon it. The thinking of the Convention was therefore that it
would be far more important to do a concentrated, conscientious, information-
building job on this item than to spread our energies over a wider field. By
now we know pretty well what's wrong with our Constitution. During these two
years we will of course want to review all these things we have studied and
analyzed, help our newer members catch up, and then go on to consider what we
would like to see a new constitution contain.

REAPPORTIONMENT Enclosed you will find material on reapportionment in the
LEGISLATIVE State of Minnesota; you have already received the material
REORGANIZATION on legislative reorganization, which, together with taxation,
 were voted by the Convention as the three emphases for the
biennium. Mrs. Stanley Kane and Mrs. Frank Chesley, Chairmen of these two
items, respectively, have spent long hours in research on these very important
subjects, and I know when you sit down and examine the material carefully, you
will agree they are very detailed, lengthy and involved subjects, worthy of no
less than one full meeting's discussion. I strongly urge you to devote as much
time as possible to them. This new supply of information, plus what we already
know, should give us a solid background for making the processes of our Legis-
lature, the broad areas of government defined by our Constitution, and the nec-
essity of calling a Constitutional Convention, an open instead of a closed book
to the citizens of Minnesota.

CIRCULARIZATION I would like to remind you that in the event a local League
OF LOCAL LEAGUES wishes to circularize other Leagues with reference to parti-
 cular items and wording in state program suggestions or mod-
ifications, or any subject, it should first be cleared with the State Board
before it is sent out, since it is important that we be kept informed on League
thinking. You have recently received a letter from Mrs. Wm. Lee of Granite
Falls regarding a constitutional change in our Probate Courts. This issue
was not included as one of the emphases under our present Agenda, and Mrs. Lee's
wish is that Leagues will support it at the State Council Meeting in May as a
program modification.

LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 SOUTH TENTH STREET, ROOM 406

MINNEAPOLIS 3, MINNESOTA

Atlantic 0941

November 30, 1953

To: Local League Presidents and Constitutional Revision Chairmen
From: Mrs. Stanley Kane, Reapportionment Chairmen

The enclosed material is a background study on reapportionment in Minnesota. It attempts to show why for forty years this state has gone ~~un~~reapportioned; the inequities of our present status; the dangers these inequities present to orderly, democratic government in this state; and the ways in which ~~re~~apportionment could be achieved.

Of all the avenues of constitutional reform you pointed out for study at last year's Convention, reapportionment could be the most easily translated into specific action in the form of one legislative decision. Whether it will become an item for action, to what extent and in what form await your decisions. We ask, therefore, that after you discuss reapportionment you get the consensus of your group as to the kind of legislation they would like to see the League work for in the future (whether in the 1955 legislature or later) particularly as to whether we should press for reapportionment on a population basis in both houses or accept a compromise in one house.

Since many legislators say they would support reapportionment if such a compromise on area could be reached in one house, it would be invaluable to have the opinion of your legislator on the matter. Perhaps you could send him this material, then discuss together your ideas. This would give us some idea of the kind of legislative climate we will find on the question of reapportionment.

If you could get your legislator to even thinking about the matter of reapportionment, if you could show him you are really interested, we would already have made progress toward our goal. Our legislators have too long relied on public disinterest in their failure even seriously to consider the reapportionment bills presented to them.

We will hope to be hearing from you.

p.s. A statistical table on Legislative Districts will be sent you under separate cover before your January meeting.

League of Women Voters of Minnesota
Room 406, 84 South Tenth Street
Minneapolis 3, Minnesota

Additional copies - 1¢

STUDY HELPS ON REAPPORTIONMENT

By guiding your unit to answers on the following questions, you will have given them an understanding of the main factors involved in why we haven't achieved reapportionment in this state and how we may do so in the future:

1. How does Minnesota compare with other states in its neglect of reapportionment? (pp. 2 and 3)
2. Reapportionment laws have failed to do their job in many states because of two types of factors:
 - a. Defects in legal machinery (pp. 4 and 5)
 - b. Social, economic, sectional, and other community pressures (pp. 5 - 7)

What are these factors and in the opinion of your group which have been the main factors delaying reapportionment in Minnesota?

3. What are the evils usually pointed to as resulting from bad apportionment? (pp. 7 - 11).

To what extent does your group think they apply in Minnesota?

4. What 5 kinds of disproportion apply in Minnesota? (pp. 11 - 13)

Are these deviations serious in your opinion?

5. In what legal ways can reapportionment be achieved in Minnesota? (pp. 13 - 16)

6. What are the arguments for and against considering area in apportioning one house? (pp. 16 and 17)

In the opinion of your group, should we, or will we have to, change our present use of population in both houses to achieve reapportionment?

7. What are the methods of area-population compromise used by other states? (p. 18)

What is your reaction to the Missouri Plan? (p. 18) To the recommendations of the Minnesota Constitutional Commission? (p. 19)

Re: REAPPORTIONMENT IN MINNESOTA: DEMOCRACY DENIED

Please make the following corrections:

1. On the inside of the blue cover, second paragraph, line 5 - change "49,019" to "75,887". It will read then "....House districts range from 8,053 to 75,887;.....".
2. On page 12, second section under Over-represented Counties - change to read "By this 15% standard 56 of Minnesota's counties are over-represented in the House....". Add these counties to the list following: Benton, Cook, Lake.

At the ballot box, in a representative democracy, each citizen is supposed to be, and should be, the equal of every other citizen. (Oklahoma Supreme Court.)

REAPPORTIONMENT IN MINNESOTA: DEMOCRACY DENIED

prepared by

League of Women Voters of Minnesota

Room 406, 84 South Tenth Street

Minneapolis 3, Minnesota

Authorization for League work on Reapportionment is contained in the 1953-1955 state Current Agenda:

"The League of Women Voters of Minnesota will work for the calling of a Constitutional Convention and will make recommendations as to what a new constitution should contain."

Minnesota's constitution places upon our legislature the duty of reapportioning House and Senate every ten years "equally throughout the different sections of the state, in proportion to the population thereof." That duty, last carried out in 1913, was ignored after the federal census of 1920, of 1930, and of 1940; and as yet has not been carried out according to the 1950 census.

Only three other states in which periodic reapportionment is a legislative duty have gone so long unreapportioned. During this forty years of neglect growth has been so rapid and shifts in population so pronounced that in the House districts range from 8,053 to 49,019; and in the Senate from 16,878 to 151,775. The net result is that over 50% of our legislators are chosen by 35% of our voters.

It is a serious question whether a state in which government is so unrepresentative can call itself a democracy.

The gravity of the problem was recognized by the 1953 state convention of the League, which directed that reapportionment be one of the first three subjects to be studied in our present consideration of a new constitution. It will be seen from this report that reapportionment can be achieved in one of three ways: as part of a new constitution, as a separate amendment or under our present law. League decisions have still to be made on what constitutes equitable reapportionment and on the most practicable way of achieving it.

Support of the principle of reapportionment by the League of Women Voters is implicit in our Platform statements "legal protection of all citizens in their right to vote;" and "a system of government which is responsive to the will of the people and enables the voter to carry out his obligation as a citizen."

REAPPORTIONMENT IN MINNESOTA: DEMOCRACY DENIED

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In 1936 an indignant Chicagoan petitioned the Circuit Court to declare the Illinois legislature illegal because great inequities in apportionment prevented its being a representative body. When a judge refused to hear the case, the petitioner shot at the judge, and shot and killed the opposing attorney--because, he said, "Something drastic has to be done to awaken the people."

The League of Women Voters would hardly agree that such drastic action is justified--even to awaken the people. Instead it is calling on you, in more patient, informed League fashion, to awaken the people in your community to Minnesota's need for reapportionment, beginning with your family and your neighbors, reaching out to your local organizations, and finally, we hope, catching your legislators' ears!

APPORTIONMENT IN A REPRESENTATIVE DEMOCRACY

Basic to the democratic system is the right of every adult citizen to vote. A corollary is that every vote carry the same weight. When legislative districts become as grossly uneven as they have in many states, including Minnesota, the inevitable result is a grave distortion of public opinion in our legislative assemblies and a corresponding departure from truly representative government.

In commenting on an apportionment case, the Kentucky Supreme Court said: "He has studied our constitution in vain who has not discovered that the keystone of that great instrument is equality--equality of men, equality of representation, equality of burden, equality of benefit... Equality is a vital principle of democracy. Without equality, representative institutions are impossible. Inequality of representation is a tyranny to which no people worthy of freedom will tamely submit. To say that a man in Spencer County shall have seven times as much influence as a man in Butler County is to say that six men out of seven in that county are not represented in the government at all. They are required to submit to taxation without representation."

"Equality is the basis of patriotism. No citizen will, or ought to, love the state which oppresses him; and that citizen is arbitrarily oppressed who is denied equality of representation with every other of the commonwealth."

With this broad principle of equality every American must agree. How is it, then, that in many representative bodies we have a government not of men but of acres? How has the city voter come gradually to be looked upon as dangerous, or at least as so inferior to his rural cousin in intelligence, honesty, and patriotism that the state must be protected from him? The answer is complicated, bound up not only with regional conflicts and vested interests, but with traditions, with legal, administrative, and even mathematical difficulties. We will try below to explore some of the answers.

FITTING MINNESOTA INTO THE NATIONAL PICTURE

Time has compounded the apportionment problem. What started out in our state constitutions as only a minor slight to much smaller urban areas has ended up with gross inequalities to 84,000,000 city dwellers; these 59% of our citizens elect only 25% of our representatives.¹

¹ Figures, from Conference of Mayors, are as of 1948. Generally quoted by most writers on the subject. Though some inequalities have since been corrected, urban growth has probably been sufficient to keep the percentages fairly constant. One of the confusing factors in working with such "urban" statistics is that any village or city over 2,500 is classed officially as "urban," yet we know that the sympathies of many places this size are rural--rather than urban-oriented.

Although we are not here concerned with Congressional apportionment, it may be noted that throughout the nation urban dwellers are just about properly represented (continued on page 2)

For several generations, the problem of representation for growing urban areas could be met by simply giving them additional legislators; the unwieldy size of legislatures finally made this impossible.

Minnesota increased its legislature from 63 to 198 in the period between 1840 and 1913. Since then, our legislature has been caught on the horns of this dilemma--to add to a legislature already the ninth largest in the nation by giving under-represented areas more legislators; or to rectify inequities by redistricting and reapportioning the entire state. Ostrich-like, our legislature has responded by burying its head in the sand, where it can see neither need nor duty to change the gross inequalities surrounding it.

In this disregard of duty how does Minnesota fit into a national picture which we know gives a far from flattering view of democracy in our state assemblies? Answer: Minnesota is one of only seven states² which have taken no action on reapportionment in the last 40 years (though some of the other 41 states have changed only one house).

Analyzing the situations in these seven states we find that in only three others besides Minnesota is periodic reapportionment a duty of the legislature:

Alabama is longer overdue for change than Minnesota, her last apportionment having been made in 1901. Deviations are also wider. However, her situation is complicated not only by the usual rural-urban split, but in addition by an emotionally charged racial issue and a north-south regional stress.

In Delaware no reapportionment could be expected, as it is the only state where districts are laid out and representation assigned by constitution, with no provision for reapportionment.

In Illinois, unapportioned since 1901, a long, bitter, and complicated fight has been in progress, with reapportionment a hopeful result of the 1954 election (see page 20).

In Mississippi districts are laid down by the constitution and reapportionment could be only by amendment. In Rhode Island constitutional provisions are so exacting that little change could be effected. In both these states, the legislature is not mandated but only permitted to reapportion.

In Tennessee in 1949 the legislature submitted to the voters the calling of a limited constitutional convention to deal, among other things, with reapportionment. The measure was rejected by a narrow margin, like every other amendment that had ever been submitted in this state, where the amending requirements have been termed "impossible to meet." Just recently (November, 1953) the voters approved several changes in the constitution, including the amending process, which should now ease the path to reapportionment in Tennessee.

We can hardly be satisfied that in its refusal to meet a constitutional mandate, Minnesota's record is only not as bad as Alabama's. (We will be challenged in use of the word "mandate" by legislators who prefer to think reapportionment is a

(footnote 1 continued) in the U.S. House of Representatives. This is in spite of wide deviations in Congressional districts (which are laid out by state legislatures). In Minnesota, the Third District is most inadequately represented, having 30% more people than the average; note that in general this mostly metropolitan area is also badly under-represented in the state legislature.

² Connecticut missed this list by reapportioning her Senate in June, 1953, for the first time in 50 years; her House remains the same as in 1818. To these facts can be laid many of her urban woes, some cited below.

privilege, not a duty, of the legislature. The constitution says "the legislature shall have the power" to reapportion, which permits of some interpretation, it is true. However, in 1914, the state Supreme Court construed this language as "imposing a duty of reapportionment, and that the duty so imposed continues until performed" (State ex rel, Meighen v. Weatherill 125 Minn. 336). In 1945, asked to pass on inequities existing under the 1913 law, the Court reiterated this position: "The remedy lies in the political conscience of the legislature, where lies the burden of the constitutional mandate" (Smith v. Holm 220 Minn. 486).)

It must be admitted that all the reapportionments carried out by other states since 1913 have not been good ones. Some of the worst discrepancies exist in states recently or frequently reapportioned--and are the result either of constitutional difficulties, of niggardly concessions to urban areas, or of a population-area compromise reached in order to secure any reapportionment at all.

But even where it fails to bring about all desired improvements, periodic reapportionment almost always accomplishes something: concessions are quite uniformly made to under-represented areas.

WHAT APPORTIONMENT LAWS DEAL WITH

Two types of factors are responsible for malapportionment: first, inadequate apportionment laws; second, community stresses and strains - political, economic, regional. To understand the first type of difficulty we shall have to investigate the laws a bit. They commonly provide for the following:

1. Basis upon which number of representatives shall be figured. The word most frequently mentioned in state constitutions is "population." (A few states exclude aliens or Indians not taxed; in Minnesota this latter provision has been negated by a supreme court decision that all Indians are subject to some form of taxation and should be counted.)

"Area" is the other word to remember. Area representation usually results from giving counties representation, with complete or modified disregard for their populations. (See page 18 for particulars.)

In 14 states, including Minnesota, population is the basis specified for reapportioning both houses.³ In 14 states population is the basis in one house; in the other, area prevails. In 20 states straight population is the basis in neither house.

2. Restrictions on the laying out of districts. Framers of our state constitutions took firm measures to prevent gerrymandering (laying out districts for the benefit of one political party). Districts must be "compact," "contiguous," "as nearly equal as possible," and/or "with no division of counties." Most important to remember for practical purposes: the county is the basis for districting in most states.

3. A limit on legislative size is often specified in the constitution, added by later statute, or observed by common consent.

4. Reapportionment agencies are, in the large majority of states, the legislatures themselves. In some states provisions are made for another body to act if the legislature does not. In a few, the power is in a separate commission, with the legislature quite divorced from the proceedings. States which have recently made basic changes in their reapportionment laws vary widely in other respects, but all specify some sort of "self-enactment provisions" to assure periodic changes in

³This figure, which changes rapidly, is given as 16 in the 1951-52 studies used in preparation of this section (mainly Greenfield, Legislative Reapportionment, University of California, 1951). But Michigan and Nevada have recently dropped into the next category and Illinois is preparing to do so.

the future.

5. Time for reapportionment is specified as every ten years in 42 states (six and five in two others).

6. In a few states where the power of initiative exists, petitions were used by voters to place reapportionment on the ballot, thus bypassing unwilling legislatures. This was done with notable success in Colorado, Oregon, and Washington, with notable failure in California. Minnesota hasn't this channel.

It can be seen from the above provisions that most constitutions aim at excellent broad principles, designated by several writers in the field as:

- a. Equality of representation (i.e., equal districts)
- b. Convenient geographic basis for districting (i.e., county)
- c. Flexibility to meet population changes (i.e., periodic reapportionment)
- d. Stability of membership (i.e., limit on size of legislature).

It can also readily be seen that these four admirable principles are far from compatible. The difficulty in reconciling them has become more difficult with each year. Those who complain of unfair apportionment claim that equality and flexibility have been sacrificed to geographic considerations and stability. Let's examine why this has happened.

WHY REAPPORTIONMENT LAWS DON'T WORK

There is a wide gulf in many states between the theory and practice of reapportionment, between what constitutional framers laid down and what legislators are able or willing to carry out.

The following factors either prevent legislators from effecting a fair apportionment or offer a legal cover-up for their unwillingness to do so:

1. It is sometimes impossible effectively to reconcile the provisions of a reapportionment law. More than one constitution lays down an "equal population" formula, and then prohibits cutting up counties which would be the only way of making equal districts. Consider, for example, difficulties to be met in Kentucky, where the law provides that 76 counties be divided to make 100 representative districts, yet no county may be divided unless large enough to make two districts, and no more than two counties may be joined. Indeed, two of Kentucky's four reapportionments since 1900 have been thrown out by the Supreme Court on grounds of gross inequality.

The use of county lines in redistricting is perhaps the most maddening of all barriers to equal apportionment. The practice would seem so easy to get rid of, yet has become sort of a sacred cow demanding eternal obeisance.

Arguments against county districts: Rigidly drawn county lines were originally tended to prevent gerrymandering; however, they allow so little discretion in redistricting that we now have "gerrymandering by inaction." The importance of the county as a unit in pioneer society has almost disappeared with modern modes of transportation and communication. The county hasn't the same significance in state legislatures as has the state in Congress, since states are policy-making bodies, counties purely administrative. County districts come easily to serve as tools of political party control; we have all heard impolite references to "the courthouse gang." In short, most writers on reapportionment feel that rural supremacy is well served by county lines.

Proponents of the county line have, and need, only two short arguments: the almost psychological hold of the county on the American political imagination; and convenience of election procedures.

None of the states with new apportionment laws have disturbed the county line.

2. We have come to see the doubtful wisdom of most state constitutions in giving the reapportioning power to the body affected by the process - the legislature itself. In judicial procedures, a judge is not allowed to preside over a case in which he has an interest. Yet legislators make decisions in a matter in which they have the closest personal interest. It is only human nature not to change the status quo if it is favorable to you--and of course it is only charity not to change it if it is favorable to your friend from the next legislative district!

3. The problem is complicated by two legal considerations which are not defects in apportionment laws themselves. On first becoming aware of the need for reapportionment most people say, "Well, why don't the courts do something about it?"

Courts have had regretfully to decline the honor whenever approached--on the basis that our government is one of separation of powers. The legislature is a separate and distinct branch of government, and cannot be coerced into action by either the executive or judicial branch.

As in Minnesota, many supreme courts have underlined in clearest language the absolute duty of the legislature to reapportion. In some cases they have thrown out reapportionment laws which violated constitutional requirements as to number of legislators, compactness of districts, etc. But they have consistently refused, and must, to issue a writ of mandamus forcing a legislature to reapportion. (That courts are becoming a factor under some new reapportionment laws will be seen on page 19).

4. Difficulty of amending the constitution is the other legal handicap to reapportionment in many states. Says Dr. Lloyd M. Short:⁴

"If present state constitutional provisions are unworkable, inconsistent, and outdated, why are these constitutional barriers to reapportionment permitted to continue? The answers to this question are pretty obvious to anyone familiar with recent attempts to amend or revise state constitutions. The amending process, frequently made difficult for the purpose of providing constitutional stability, stands in the way. Except in those few states which permit use of the initiative and referendum, proposed amendments must run the gauntlet of a hostile or indifferent legislature and require an extraordinary majority in both houses before they can be submitted to the voters. If they pass the first hurdle, they must then often win an extraordinary majority of the popular vote to become a part of the constitution."

(Relation of the amending process to Minnesota's problem is discussed on page 14 below).

COMMUNITY PRESSURES OPPOSING REAPPORTIONMENT

We pass now from the rusty, creaking legal machinery inherited by many states to a consideration of those interests which profit from keeping it in unusable condition. "The apportionment struggle compounds other important partisan, economic, sectional, class, and racial pressures, depending upon the historical background of the particular state."⁵

1. The rural-urban controversy is the bogey-man of reapportionment. On the one

⁴ Of the University of Minnesota, in Legislative Reapportionment, Volume 17 of Law and Contemporary Problems, Duke University, 1952. These 13 studies by national authorities on both congressional and state reapportionment come to have almost the validity of Scripture to anyone working in the field. This volume will hereafter be referred to simply as the Duke University study.

⁵ Thomas Page, Legislative Apportionment in Kansas, 1952. This report, by a University of Minnesota graduate, goes far beyond the situation in Kansas to an interesting, theoretical, even philosophical treatment of the problem in context.

hand, we have to concede that this feeling is the most difficult obstacle to reapportionment both in Minnesota and throughout the country. On the other hand, we must convince the rural population of Minnesota that the split is founded less on reality than on inherited mistrust; that the sharp demarcation between town and country is fast disappearing as farms become more mechanized and industry spreads into rural areas; that a healthy economy in a rural state demands stable metropolitan and industrial centers; that satisfactory settlement calls mainly for good will on both sides. States which have done a reasonably fair job of reapportionment find no evidence of damage to their rural areas.⁶

The split is deliberately fostered by some urban interests who find it convenient, and by many rural legislators honestly mistrustful of urban motives. As a practical matter, rural legislators from over-represented counties naturally dread campaigning in an enlarged district, quite probably against another veteran legislator.

The feeling of many rural and small-town dwellers also runs deep; and is reinforced by the more conservative urban dweller, who would rather see what he calls his "conservative" country cousin in the saddle than a more "liberal" member of his immediate urban family. The extreme position has been somewhat startlingly stated by Herbert Nelson, then president of the National Association of Real Estate Boards:⁷

"Today the greatest threat to democratic institutions, to the republican form of government, and ultimately to freedom itself, lies in our big cities. They are populated for the most part with the mass-man devoid of intelligence and devoid of civic responsibility. . . . Our one hope of survival as a free country is that rural and semi-rural areas still dominate most of the state legislatures. . . . Our best hope for the future is to keep it that way."

2. Sectional interests are often not rural-urban. In Alabama, for instance, an important stress is north-south, with an additional "white supremacy" factor. San Francisco--Los Angeles rivalry has been so strong as to make rural-urban division take a back seat in California; in 1927 northern urban centers accepted a compromise limiting their Senate representation in order to curb the influence of rapidly expanding southern cities. New York has a strong upstate--New York City rivalry.

3. In some places emotionally charged issues such as prohibition, blue laws, or racial supremacy have complicated change.

4. Resistance to reapportionment has a strong partisan basis in many states. "The shameful reason for this nullification of representative government is clear: currently successful political organizations don't want to risk loss of control."⁸ In northern states this reluctance is primarily based on fear of increased Democratic influence from properly represented urban centers. In Minnesota, because our legislators are not chosen by party, the struggle is translated into Conservative-Liberal terms.

Lashley G. Harvey contends that the rural-urban split in Minnesota is intensified because our legislators have no party affiliations; parties are the one force capable of merging city and farm elements.⁸

5. Large tax-paying interests frequently gain from rural domination and will go to great lengths to maintain existing apportionments.⁸ Banks, private utilities, transportation systems, and insurance companies come in for most of the blame.

6 "Self-Destruction by the States," National Municipal Review 34:534 (Dec., 1945)

7 Madison (Wisc.) Capital Times, Aug. 26, 1947. Quoted by Page, p. 332.

8 Lashley G. Harvey, chairman, Department of Government, Boston University. First quotation is from Western Political Quarterly 3:428 (1950); second from Duke University study.

7

Lord Bryce long ago pointed out that "the money power, which is most formidable in the shape of large corporations, chiefly attacks the legislatures of the states."

These economic interests all too often use the rural-urban controversy as a covering smoke screen for their behind-the-scenes activities; the rural legislator whose district has no direct interest in a problem may become its arch-defender or opponent.

We shall see that in Michigan the constitutional plan for reapportionment lost by being identified with labor groups, and that city industrialists teamed up with rural areas to defeat it. Every state that has enacted a "little Taft-Hartley" act is rural-dominated.⁹

6. While rural feeling presents an almost solid front, urban areas are not united on reapportionment. Business and partisan interests have already been mentioned as breaks in the front. Also to blame are some urban legislators who do not relish the thought of unknown constituencies in which to campaign.

Seldom would the legislator from an under-represented area cast a vote against reapportionment. However, many can be charged with failure to study reapportionment bills presented by others, or use their influence with fellow legislators, or impress their constituents with the seriousness of the problem. Only too often these legislators count on public apathy.

From public apathy to public knowledge to public action are long steps--peculiarly suited to seven-League boots!

EVILS ATTENDING LEGISLATIVE DISPROPORTION

When opponents of reapportionment run out of arguments on the principle of the matter, they often take refuge in a type of question which demands prompt and specific answer--or it may be widely assumed they have the best of the debate. This type of question we have long been familiar with in arguing the need for constitutional revision.

What difference does it make, anyway? Isn't our state pretty well governed? If not, how is unfair apportionment to blame?

Around the nation, we may point to the following evils which authorities on reapportionment uniformly point to as being intensified by malapportionment. They are applicable to Minnesota in varying degree.

1. Decline in legislative prestige, described thus by Robert Kramer:¹⁰ "When the United States, in 1790, began its career as a nation, the legislatures, both state and federal, stood high in public esteem. One of the chief reasons for this was the fact that, unlike most colonial governors and judges, the legislatures had been that part of the government most closely associated with and representative of popular sentiment and feeling for independence. . . . But subsequent to the high point of congressional power immediately following the Civil War, a rapid decline in legislative prestige and, to a limited extent, even in legislative power, occurred. This decline has continued even until today. . . .

"The causes for this decline in American legislative prestige and leadership are numerous and complex. Certainly one factor was various structural defects in the typical American legislature. . . . Equally if not more important was the widespread feeling among the electorate that for various reasons the legislature had ceased to

⁹ According to Robert Allen, introducing Our Sovereign States (1949).

¹⁰ In introducing the Duke University study.

be truly representative of the wishes of all the people and had become frequently a tool for certain favored classes or interests. Substantially contributing to this feeling of nonrepresentation was the patent under- or over-representation of many localities in the state or federal legislature arising from the failure properly and periodically to reapportion the seats in that body."

2. Concentration of power in the federal government. One of the complaints most frequently, indeed most noisily, heard in state legislative halls, is the tendency to bypass local government channels and look to Washington for the solution of local problems. Legislators should hardly express either surprise or disapproval, since the situation is largely of their own making. "There is much clatter in state circles about federal encroachment upon the domain of the states. That is pure balderdash. The federal government has not encroached upon state government. State governments have defaulted."⁹

Says Douglas H. MacNeil,¹¹ Director of Division of Statistics and Research of New Jersey: "It cannot be doubted that the trend toward encroachment upon fields of service heretofore reserved to the states has been accentuated by the long-continued reluctance of legislative bodies in many states to accord to cities representation proportionate to their population."

President Eisenhower has repeatedly taken the stand that many duties of the federal government should be assumed by the states, pointing specifically, during the campaign and later, to minority rights. Yet legislatures in Illinois, Missouri, and Minnesota have just recently turned down FEPC bills.

3. Insoluble urban problems. A large share of the problems which plague legislatures all over the nation are the result of rapid urbanization and industrialization of our society: social welfare legislation, home rule, housing, labor-management problems, transportation, traffic control, consumer protection, metropolitan planning, etc. The increasing demand for services is strained on one hand by limited taxing powers, on the other by suburban developments which decrease the tax base. Commented the Conference of Mayors in 1948: "The matter is not now one of theory or nebulous ideals. It has become almost a case of life or death for cities."

Can a legislature topheavy with rural interests be expected to treat these problems with either the knowledge or sympathy they deserve?

Of America's 67 largest cities, Douglas McNeil points out that 45 have less than their proper representation, including all 10 of the largest; 12 of the 45 have less than one-half their true share. Los Angeles, for example, with 39% of California's population, has 21% of its senators. St. Louis has 18 representatives for its 816,000, the same number as 18 rural counties with 158,000. Atlanta has 1 representative for 131,000, neighboring rural counties 1 for 3,000.¹²

Typical of the countless injustices to American cities cited in the literature are these three examples:¹³

In Oregon, the recent fight for true population representation was sparked by rural-engineered defeat in 1949 of a state-supported junior college in Portland, a bill to repeal the oleo tax, and a bill which would have cut milk costs--all "discriminatory against low-income city families" (Rep. Richard Neuberger).

¹¹ "Urban Representation in State Legislatures," State Government 18:59 (Apr., 1945).

¹² See note 11 for source. The alarming discrepancies in the three cities mentioned are in one chamber only, and are on basis of 1940 census.

¹³ Many of the urban injustices cited throughout this section are from "Our Plundered Cities," This Week, Aug. 28, 1949.

Knoxville, Tennessee, has twice (1937 and 1947) had its city manager form of government taken away by the legislature, which replaced it with a mayor-council form more to its liking.

In New Orleans in 1946 Mayor Chep Morrison's reform government went about routing out the vice, corruption, and inefficiency left by the Huey Long machine. Immediately the rural-Long controlled legislature rammed through one hamstringing bill after another: city courts were abolished and reestablished under legislative control; merit system was wrecked; sales tax was cut in half; five-man city commission was replaced by a seven-man council elected by districts, with much greater pork-barrel potential.

4. Home rule is often denied, limited, or taken back by rural-dominated legislatures. Under our federal constitution the power of the State also extends to municipal affairs of all kinds; powers granted to cities are completely at its discretion. An unsympathetic legislature can exert power over a city that is close to tyranny.

In Ohio, where rural-urban cleavage is sharp, cities were granted home rule in 1912. The legislature soon repented and took away: in 1918, right to fix gas and electricity rates; 1925, right to create municipal courts; 1941, right to prescribe qualifications for city policemen; 1943, right to establish a retirement system for firemen.

In Minnesota, Prof. William Anderson¹⁴ cites these legislative acts which have had the effect of overruling provisions of our fairly adequate home rule legislation: limiting the amount of wheelage tax which cities can levy on cars to one-fifth of the state tax thereon; putting a per capita limit on municipal taxes and local school taxes.

Weak home rule charters also crowd the legislative calendars with special bills, diverting time and attention from matters of statewide importance. Thomas Page⁵ points out that although legislatures usually yield to requests of local governments, urban legislators must often trade for these concessions to their constituencies, a favorable attitude toward some more important and general program. In general, rural legislators enjoy their power of special legislation, as it "facilitates their keeping the upper hand in tax matters."

Another evil of overcrowded calendars is cited by Robert Allen:⁹ It is when legislatures are harassed by lack of time that "self-seeking and obstructive forces have their greatest sway."

In Minnesota, in spite of quite liberal home rule provisions, 653 (30%) of bills introduced between 1929 and 1937 fell into the class of special legislation, 179 dealing with municipalities. Minnesota's chief needs are for change in the charter amending process, now so difficult that cities take the easier course of applying to the legislature for needed change;¹⁵ and increased powers to cities and villages without home rule.

Persons close to Minnesota's legislative scene say that objections to home rule liberalization come less from rural than from certain urban legislators--which leads to three observations and questions: (a) This is excellent proof that urban areas do not vote in a bloc. (b) Is this an example of urban economic interests siding with like-minded rural legislators, out of fear that liberalized enabling

¹⁴ "Municipal Home Rule in Minnesota," Minnesota Municipalities 23:408 (1938).

Those interested in home rule will find suggested remedies for home rule inadequacies in this article and the one cited in note 15.

¹⁵ Horace E. Read, "Congestion in the Minnesota Legislature," Minnesota Municipalities 23:405, (1938).

legislation might provide cities with power to levy new taxes? (c) The best interests of small cities throughout the state are here identical with those of large urban areas, yet they are served by "rural" legislators--a rebuke to those who emphasize the sharp cleavage between urban and rural interests.

5. Elimination of unnecessary local government units has often been opposed by rural blocs. Multiple small units, of course, make it impossible to use centralized budgeting, purchasing, and other modern administrative methods, and consequently impose much heavier tax burdens than are justified by their services.

Minnesota now has the largest number of local units (9,026)¹⁶ of any state in the union. Of these the majority are school districts. Under enabling legislation passed in 1947, such great progress has been made in school reorganization that an original 7,800 school districts now stands at 5,300. This is still two or three times too many, according to our Commissioner of Education.¹⁷ In the face of these great accomplishments and these great needs, determined opposition to renewal of the reorganization bill developed in the 1953 legislature, led by rural legislators from the southern part of the state.

6. Unfair distribution of taxing power and receipts. It is easy to make unfair accusations in this complicated field. For instance, the 1948 Conference of Mayors charged that under-represented cities pay 90% of state taxes, and raised the war cry "Taxation without representation!" The fact is, of course, that corporations pay taxes on income earned in both urban and rural communities through their metropolitan offices.

However, it is obvious that there is too much taxation with too little representation. The Wall Street Journal points to the fact that state governments are monopolizing lucrative sources of taxation and starving municipal governments for revenues. The states lay heavy taxes on city business, while cities are restricted largely to property and "nuisance" taxes. Between 1932 and 1941, federal revenues increased 313%; state 138%; city 25%.

Connecticut, in whose House six rural towns with a population of 10,000 can out-vote five cities with 700,000, provides an extreme example of how rural domination has set unfair tax patterns. City schools get \$30 in state aid per pupil; rural schools \$100. Union (population 234) receives \$50,000; so does Hartford (1950 population 177,397). Connecticut is also renowned for her "gold highway law." Waterbury, the fourth largest city, is taxed over one million dollars annually for state road maintenance and gets back \$26,000 for its 200 miles of streets. Rural Canaan with 555 persons pays \$6,000 and receives \$26,000, which it can't even use.

"About as democratic," comments the Waterbury Republican, "as election day in a concentration camp."

From subsequent League material on Minnesota's tax structure, you can get a fair idea of whether and how far our cities are treated as stepchildren. For instance, Minnesota is one of the states where municipalities receive none of the proceeds from gas tax or motor vehicle registration proceeds. The large cities complain of unfair distribution of the state income tax, and legislative observers say this is one place that sharp rural-urban cleavage is evident every time the matter comes up for legislative discussion.

William Anderson¹⁴ recommends revising home rule provisions so that, within constitutional limits, each home rule city may set up its own system of local taxation.

¹⁶ Table 1, p. 11, of Government in the United States in 1952 (Census Bureau Publication).

¹⁷ Radio broadcast, Listen with the League, KUOM, Nov. 11, 1953. An Analysis of Projected Public School Building Needs in Minnesota (Dept. of Education, 1953).

He points out that the legislature has to date practically deprived cities and villages of power to tax railroads and other large corporations so that almost the entire local burdens fall on homeowners and local businessmen. (The gross earnings tax constitutionally accorded to railroads has been extended to freight lines and telegraph and telephone utilities. The result is to exempt these operations from the local property tax. They thus bear no direct share of the cost of local services.)

DISPROPORTIONS UNDER THE MINNESOTA LAW

Constitutional provisions on apportionment are contained in Article IV, Secs. 2, 23 and 24, of the 1857 Constitution and read as follows:

"The number of members who compose the Senate and House of Representatives shall be prescribed by law, but the representation in the Senate shall never exceed one member for every 5,000 inhabitants, and in the House of Representatives, one member for every 2,000 inhabitants. The representation in both houses shall be apportioned equally throughout the different sections of the state, in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law (Sec. 2).

"(After each census) the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article (Sec. 23).

"The senators shall also be chosen by single districts of convenient, contiguous territory, at the same time that members of the House of Representatives are required to be chosen, and in the same manner; and no representative district shall be divided in the formation of a senate district (Sec. 24)."

Although the law itself is just, simple, and flexible, the impossibility of enforcing it upon an unwilling legislature makes it empty legislation. The true state of affairs under it is this:

Over 50% of our legislators are chosen by 35% of our population. That is certainly minority rule.

Inequities in representation are of five types:

1. Under-representation of fast growing counties.
2. Over-representation of counties with declining population.
3. Under-representation of the two largest cities.
4. Under-representation of suburban areas amounting almost to non-representation.
5. Unequal districting within the metropolitan districts.

1. Under-represented Districts. The population of Minnesota increased 43% from 1910 (basis of our last apportionment) to 1950. Because this growth has been very unevenly distributed, the following districts and counties are at present under-represented in the Senate: that is, they have a population over 44,514 (this figure is arrived at by dividing the population of 2,982,483 by the number of senatorial districts, 67): Dist. 4 (Olmsted), 5 (Dodge, Mower), 14 (Redwood, Brown), 20 (Dakota), 28-36 (Hennepin), 37-42 (Ramsey), 44 (Anoka, Isanti), 45 (Benton, parts of St. Cloud, Stearns), 50 (Otter Tail), 52 (Itasca, Cass), 53 (Crow Wing, Morrison), 62 (Beltrami, Koochiching, Lake of the Woods).

This under-representation is further pushed out of line by over-representation in the districts listed under (2) below, so that the lopsided picture really looks like this:

Senators represent districts that range in population from 16,878 in Dist. 3 (Wabasha) to 151,775 in Dist. 36 (rural Hennepin). The Wabasha County voter is thus over nine times as important in the Senate as the voter from rural Hennepin. He is over three times as important as the voter from Dist. 5 (Dodge, Mower), 37-42 (Ramsey), 45 (Benton), 50 (Otter Tail), 52 (Itasca, Cass) and 53 (Crow Wing, Morrison).

In the House, each legislator should represent 22,767 people (state population divided by 131, the number of representatives). However population has increased so rapidly in Dist. 4 (Olmsted) and Dist. 20 (Dakota) that by this yardstick, 53% of the people are not represented at all. In Dist. 44 (Anoka, Isanti) 52% of the citizens are without representation; in Dists. 28-36 (Hennepin) 39%; in 18 (Rice) 37%; in 6 (Freeborn) 34%; in 37-42 (Ramsey) 23%.

In the House, deviations run from 8,053 voters in Traverse County to 49,019 in Dakota County. This is a 1-6 ratio for un-representative democracy.

2. Over-represented Counties. There is, even in a fairly apportioned state, unavoidable deviation between districts. This is due to difficulties in cutting up districts according to county lines. The amount of acceptable deviation is often put at 15%. By this standard, 38 of Minnesota's counties (25 districts) are over-represented in the Senate (have less than 37,838--which is 44,514, the population of the average Senate district, minus 15%):

Dist.	Dist.	Dist.
3 Wabasha	19 Goodhue	47 Douglas, Pope
6 Freeborn	21 Carver, Scott	55 Mille Lacs, Kanabec, Sherburne
7 Faribault	22 McLeod	56 Pine, Chisago
10 Cottonwood, Jackson	23 Renville	63 Becker, Hubbard
11 Nobles, Rock	24 Lac qui Parle, Chippewa	64 Norman, Mahnomon
15 Nicollet, Sibley	26 Meeker	65 Pennington, Red Lake, Clearwater
16 Waseca, Steele	27 Wright	66 Polk
17 Le Sueur	43 Washington	
18 Rice	46 Stearns (part)	

By this 15% standard 53 of Minnesota's counties are over-represented in the House, (have less than 19,352--which is 22,767, population of average House district, minus 15%):

Aitkin	Houston	Murray	*Sibley
Big Stone	*Hubbard	Otter Tail	*Stearns (part)
Blue Earth	*Jackson	*Pennington	Stevens
Brown	*Kanabec	*Pine	Swift
*Carver	Kittson	Pipestone	Traverse
*Chippewa	Koochiching	*Polk	*Wabasha
*Chisago	*Lac qui Parle	*Pope	Wadena
*Clearwater	*LeSueur	*Red Lake	*Waseca
*Cottonwood	Lincoln	Redwood	*Washington
Dodge	Marshall	*Rock	Watsonwan
Fillmore	*Meeker	Roseau	Wilkin
*Goodhue	*Mille lacs	*Scott	Winona (not city)
Grant	Morrison	*Sherburne (part)	*Wright
			Yellow Medicine

(*The 27 starred counties are over-represented in both houses. It is from these counties that most opposition to reapportionment could be expected to come--except for the fact that opposition to reapportionment often comes from quite unexpected sources.)

3. Under-represented Cities. This means Minneapolis and St. Paul. Duluth, being part of three fairly represented districts, does not figure in this picture.

Minneapolis, with 17.5% of the state's population, has 12% of the representation in the Senate, or 68% of its rightful share; in the House it has 69% of its rightful share.

Ramsey County has a population of 355,332 (St. Paul making up 311,349 of this figure); this is 12% of the population of Minnesota. Ramsey County has a little less than 9% of the representation in the Senate, or 75% of its share; a little more than 9% of the representation in the House, or 77% of its share.

Two things become apparent: (a) The metropolitan area is badly in need of adjustment. (b) In Minnesota, the reapportionment battle should not center around domination by one large urban center as in Illinois and New York, where the largest city in the state contains over half of its population. Together, Minneapolis and St. Paul have less than 30% of the state's population.

4. Under-represented Suburban Areas. The Twin Cities are surrounded by mushrooming areas which are not only inadequately represented in the legislature, but practically nonrepresented. In 1950 suburban Hennepin County had only 28% of its rightful representation in the Senate; 29% in the House.

By 1953, the population has already increased by such amazing proportions that the representation is probably about 15% of what it should be. For instance, on the basis of building permits, allowing about 4% error, Crystal has increased from 6,000 to 15,000; Golden Valley from 5,551 to 9,600; St. Louis Park from 22,604 to 31,000; Richfield from 17,415 to 30,000; Edina from 10,000 to 15,000.

What is more, these almost totally unrepresented areas are faced with particularly difficult problems of schools, transportation, road-building, fire and police protection, etc. Their need for a voice in the legislature is currently very acute.

5. Discrepancy in Metropolitan Districts. Within Minneapolis, Senate districts vary from 27,078 (28th) to 126,999 (33rd), a variation of almost 1 to 5. (Strangely enough, Minneapolis has three over-represented districts: the 28th, the 30th and, by a narrow margin, the 31st.)

St. Paul's districts vary from 36,955 (37th) to 115,117 (42nd).

In rural Hennepin, which is allotted two representatives, the south half has the same representation in the House as the north half but well over twice the population.

WAYS OF ACHIEVING REAPPORTIONMENT IN MINNESOTA

What we expect of reapportionment in Minnesota and the ways in which we hope to achieve it are inextricably bound up together.

1. Achieving reapportionment as part of a constitutional convention is the League ideal. The chicken-egg aspect of the situation, however, is emphasized by many League members who feel a constitutional convention will never be called without previous reapportionment.

It may be pointed out that New Jersey, where apportionment is on a population basis in neither house, had high hopes of a 1943 constitutional convention--only to have the legislature prohibit the convention from even considering the subject of reapportionment. Thomas Page, considering the same question in Kansas, warns that a constitutional convention must have other purposes so important to legislators that probable reapportionment would not be likely to block a whole group of changes.

2. Under the framework of our present constitution we can achieve reapportionment on a population basis in both houses. The method is simple; the difficulties are herculean. The strategy would have to be flawless. The entire state would have to be mobilized in no less than a crusade for democracy. What has been done so far by a few legislators, the metropolitan papers, and the League of Women Voters would be a mere starting point for a long, bitter, dedicated, and uncertain fight. It has been done, as we shall see later on.

3. It is quite possible that a compromise plan with greater chances of success could be achieved under our present constitution. The carefully drawn bill (H.F. 525) presented to the House in 1953 was in effect a compromise measure, retaining some metropolitan under-representation in both House and Senate while adjusting rural inequities. (Hennepin and Ramsey Counties would have been given 19 as against the 23 senators to which their population entitles them; and 38 as against 45 representatives.)

There is some opinion that the constitutionality of such a bill would be challenged on the basis it is not the true population reapportionment our constitution calls for (of four persons polled, a legislator, an administrative officer, a political scientist, a law professor, one was positive such a bill would be declared unconstitutional; the other three felt quite sure it would be upheld by the courts.)

4. A constitutional amendment is viewed by many Minnesotans who have studied the problem as the only practical way to reapportionment. The rural areas would find reapportionment quite palatable if sufficiently seasoned with compromise. Compromise accepted in other states usually retains a population base in one chamber and uses some sort of area arrangement in the other. This sort of compromise could be achieved only through constitutional amendment.

An amendment would also be necessary to incorporate the reinforcement provisions necessary to insure future periodic reapportionment.

Pertinent to this part of the discussion is this question: Does Minnesota's amending process pose such difficulties to constitutional change that it must be modified before we work for other reforms? Constitutions in Illinois and Tennessee presented such obstacles to amendment that Illinois had to work for its Gateway Amendment (easing the amending process) for over half a century before making headway on reapportionment and other reforms. In Tennessee an amendment had never been passed until November, 1953; in that election voters approved several changes in the constitution, one of which will facilitate amendment.

While not faced with these insurmountable obstacles, Minnesota is one of eight states still requiring for ratification a majority of those voting at the election rather than a majority of those voting on the amendment (of these eight, Arkansas and Oklahoma have the initiative and for initiated amendments only a majority voting thereon is required; and Tennessee has made recent modifications).

The Book of States points to Minnesota, Indiana, Illinois, and Arkansas as states where noncontroversial and nonpartisan measures with no real opposition have been defeated by blank ballots. Is W. Brook Graves in his textbook classic, American State Government, also referring to Minnesota when he says: "Unworkable amending provisions in many states constitute a serious barrier to their progress. Government is a changing, growing, developing, dynamic institution, in need of continuous adaptation to changed social and economic conditions. A constitution whose amending process makes it impossible to make necessary modifications comes to be a sort of strait-jacket."

The Minnesota Constitutional Commission (1948) advocated a two-thirds vote of the legislature to submit amendments to the voters, instead of the present one-half; but only a majority of those voting on the amendment for ratification. The Model

- Constitution¹⁸ advocates proposal of amendments by initiative or by a simple majority of the legislature. Ratification would be by a majority of those voting thereon if 20% of those participating in the election vote affirmatively.

5. Whether reapportionment is achieved through constitutional convention, under the present law, or by amendment, three possible auxiliary methods might be effective:

a. Gubernatorial leadership. The governor has an actual role in securing reapportionment only in Florida, where he is to call a special session if the legislature fails to reapportion. However, the governor of Kentucky is held largely responsible "through prestige and patronage" for the 1942 reapportionment in his state. Governor Dewey called a special session in 1951 for congressional reapportionment. Governors in Illinois, particularly Horner and Stevenson, played a significant role in that state's fight. Recently, Governor Battle called the Virginia legislature into special session because it had neglected reapportionment during the first session after the 1950 census. There is evidently a wide difference in the sensitivity of legislative consciences, as the legislature immediately obliged with a new apportionment bill.

In Minnesota the governor has the prerogative of calling a special session when emergencies require it.

b. An interim commission is given great credit for the fair and systematic reapportionment Virginia has enjoyed after each federal census. In California an interim commission was appointed to carry out planning and research for the apportionment due in 1951.¹⁹ A bill with the power and prestige of a committee in back of it should have easier sledding than a one-man bill which the legislators have no chance to study before the hustle and bustle of the session--and consequently never study at all.

c. It would be quite possible to propose an amendment that would provide for a commission to reapportion should the legislature fail to do so. Such an amendment probably would not pass, but its very threat might possibly initiate action and it might possibly be of some educational value.

6. Getting reapportionment in Minnesota is like weaving her a new cloak. Only the warp can be supplied by the legal methods described above. The woof must be filled in by the perserverance and purpose of her people.

The Fort Wayne News-Sentinel describes the task thus: "(Disproportion) won't get any better until the pressure of an aroused public goes to work on our legislatures. It won't be done by editorials or by a few isolated complaints from scattered sources. The subject will have to be talked about in homes, on street corners, in organization meetings, in business, professional, and labor circles. The case for reapportionment will have to be carried through in an organized way, on a nonpartisan basis, and in support of a fundamental principle of democracy."

Although political parties could be powerful allies for reapportionment because their financial support comes largely from under-represented cities, parties usually split into rural-urban segments on the matter. Thomas Page⁵ also attributes some of the decline in party pressure for reapportionment to the highly complex, even technical subject matter involved. However, he does recommend recourse to the young

¹⁸ Published by the Committee on State Government of the National Municipal League.

¹⁹ See the Duke University study, p. 440, for a detailed account of the scope and activities of such a body. Interim committees may be composed entirely of legislators or of legislators and citizens.

peoples' sections of both parties as having "potentialities for imaginative action"; and in Oregon this approach worked well.

In the absence of party leadership, Page continues, "it is left to segmental pressures, organized around persons, institutions, occupations, and lines of endeavour to press for legislation at present." Pressure groups for constitutional reform would need a broad membership, crossing party lines and including both rural and urban leaders. Such a group would make specific proposals, carry these proposals to the public, and make them an issue in the election of legislators.

SHOULD AREA BE ACCEPTED AS A BASIS IN ONE HOUSE IN MINNESOTA?

Before we can consider what kind of a reapportionment law would be desirable in Minnesota, we have to make up our minds on this highly debatable question: Should we follow other states which have accepted an area basis in one house to achieve reapportionment?

The principle of apportionment based on population is that democracy rests on a **vote for every citizen** rather than representation of area or group interests. The principle of apportionment based on area is that weight should also be given to territorial, sectional, and occupational interests.

Here are arguments most frequently advanced for and against area consideration:

Pro - In order to obtain a "true equilibrium" between rural and urban constituencies, it is desirable for the latter to forego full representation. This is because city dwellers vote more cohesively than rural ones. Also representation is only one of the avenues by which citizens have access to the legislative ear; city dwellers are better organized into pressure groups for purposes of lobbying and better situated geographically to engage in its activities.²⁰

Con - There is no more evidence that city groups vote cohesively than rural ones. Indeed, on levying and division of taxes, grants-in-aid, etc., country dwellers have voted much more consistently as blocs. The resistance to reapportionment is per se a proof of this cohesiveness.

Pro - In varying degrees in most states geographic factors (semi-arid and fertile lands, valley and mountainous terrain) and economic factors (grazing and agriculture; mining and manufacturing) represent such different outlooks they have been given consideration in reapportionment.

Con - Even in a legislature based strictly on population, we have representation by area interests because legislators are elected by districts. Only if all legislators were elected at large, would area not be represented. Also, too much emphasis has been put on sectional interests, too little on the health of the state as a whole.

Pro - In our federal government one house is based on area. This has worked well, preserving an excellent system of checks and balances. Indeed, two houses based on population cannot be justified, but are simply duplications of the same interests, involving extra expense.²¹

20 Alfred de Grazia, of political science and government departments at Indiana, Northwestern, Minnesota, Brown, and Stanford universities, says: "Since reapportionment is only one stage of the process of representation, values that are blocked entrance into politics at that level may seek and find other levels on which they may enter and be counted. . . . The most conspicuous example of such interests in American experience is the pressure group and its lobby. The lobby, practically viewed, is based on a functional constituency, self-apportioned (Duke University study, p. 265).

21 To anyone interested in a unicameral legislature, this quotation from Professor Short (p. 378 of Duke University study) will be provocative: "It is the view of this writer that one of the most powerful deterrents to (continued on page 17)

Con - This argument from tradition is a false analogy. There is no parallel between the position of states in the upper house of our Congress and of counties in our state legislatures. States are policy-making bodies, the original sources of power in our union. Counties are mere administrative units, almost lacking in corporate power. Anyway, the federal plan was never looked upon as an ideal solution, but as a necessary compromise in attaining union.

Pro - To quote the New York Joint Legislative Committee on Reapportionment (1950): A state legislator can more easily represent 290,000 constituents in a New York City district than a legislator in upstate New York can represent 130,000 citizens living in three cities and fifty-six towns, requiring services of 77 post offices with their many rural delivery routes and scattered in villages, farms, and hamlets over a mountainous territory of 5,000 square miles.

Con - It would be impossible for any representative, rural or urban, to maintain a personal relationship to his constituency unless districts were made so small as to make legislatures unwieldy in size.

Pro - City voters are more likely to be dominated by party machines, are more exposed to influence of graft and corruption. Rural legislators have usually been officeholders on the local level and bring more direct experience with self-government to legislative bodies. Urban communities provide such multiple outlets for ability that the ablest city dwellers are not drawn to political service.

Con - Rural legislators have all too often shown themselves more responsive to economic pressure groups than urban legislators. Also the rural viewpoint is too often circumscribed by lack of experience, is over-conservative, resistant to change. This whole argument as to the wisdom of any group of voters runs counter to deepest American principles--equal representation in government to every citizen no matter what his qualifications for the franchise. Is a man's vote to be expressed as a fraction because he is either a Democrat or Republican, a member of the N.A.A. or the C.I.O., owns a dairy farm or delivers milk in the city?

* * *

Political scientists find themselves in fairly wide agreement on these facts: that political, social, economic, and geographic factors need consideration; that population deserves greater consideration than at present; that whatever the theoretical merits of the arguments, reapportionment is seldom to be accomplished without some compromise.

The whole area-population conflict can be summed up in this somewhat comforting paradox: In most states where concessions have been made to the area principle, they have been made with the purpose of securing greater recognition of the population principle. A state may well change its requirements from "population in both houses" to "population in one, area in one," and still serve the interests of greater population representation, because the legislature will then carry out the constitutional provisions.

WHAT KIND OF REAPPORTIONMENT LAW FOR MINNESOTA?

The answers to these two questions: What kind of law do we want for Minnesota? and What kind of law can we get in Minnesota? may be miles apart or they may be closer together than we sometimes think. The gap is composed of many intangibles over which citizens' groups have no control. It is also composed of at least three tangibles very much under their control: a thoughtful study and presentation of the case, with possible recommendations; public pressure upon the legislature; and hard work.

If the League and/or other groups decided to press for a population basis in both houses, then we must prepare for the kind of fight just won in Wisconsin and Oregon and lost in Michigan (see page 20ff).

(footnote 21 continued) the spread of unicameralism in the states will be the pressure for compromise in the bases of legislative representation for which bicameralism is perhaps the most convenient though certainly not the only vehicle."

Compromise Plans Accepted by Other States

If we decide that compromise is desirable or necessary, then we must ask: What kind? (Once that is answered, we would at least have some basis for supporting or opposing any bills offered in the next legislature.) Our answer may be aided by a quick look at the plans adopted by other states. Some provide very wide concessions to the area principle, others only slight concessions.

1. The most complete representation of area is provided by allowing each county one representative, regardless of population (five states). This works two ways: it cuts down representation from urban centers and increases that from sparsely settled areas.
2. In seven states, one house is based on population but with a provision that each county have only one representative. This cuts down representation from large centers of population (and is the plan that makes Los Angeles so unhappy).
3. The most frequent area concession (22 states) is to base representation on population but guarantee that each county have at least one member. This increases small-county representation.

These three plans are the most common guarantees of area interests. In addition, we find in 15 states individually devised plans (e.g., dividing counties into groups of three sizes, the largest getting three representatives, intermediate two, smallest one; or allowing no county more than 1/3 of representation in a chamber, as done in New York to circumvent domination by New York City). As was previously pointed out, 20 states use one or another of these area plans in both houses.

Missouri Plan

Missouri should be singled out for special attention. Its new constitution (1945) contains an apportionment law pointed to by many political scientists as providing speedy reapportionment every 10 years on a clearly specified, yet flexible basis. The Senate is based on population, with 34 districts to be divided equally, with no more than 25% deviation between districts. The House makes concessions to rural areas through a ratio system of representation. This gives each county at least one representative and the more populous counties considerably less than true representation. St. Louis city ends up with 18, about 50% of its share, in the House.²² The House ratio is determined like this: the population of the state is divided by 200. Counties having 1 ratio or less elect 1 representative; counties having 2½ times the ratio elect 2; counties having 4 times the ratio elect 3; counties having 6 times the ratio elect 4. Above 6, 1 representative is allowed for each 2½ additional ratios.

The legislature has nothing to do with reapportionment. For the House, the secretary of state, after each federal census, applies the ratio system and informs each county of its representation; the county court draws the districts if the county has more than one representative. The Senate is reapportioned by a 10-member bipartisan commission appointed by the governor from lists submitted by party committees. Should this commission fail to reapportion within six months, all senators would be elected at large in the next election, and a new commission thereafter appointed. (In St. Louis city both House and Senate districts are drawn by the bipartisan Board of Election Commissioners.)

²² Compared with about 68% for Minneapolis. However, considering Senate and House combined, St. Louis comes out at 75%. Therefore, Minneapolis would come out better than at present under a plan such as Missouri's.

Reinforcement Provisions

Some sort of self-enacting process is essential to assure that a reapportionment law is carried out. Some states entirely remove the reapportioning power from the legislature. As we have seen, Missouri gives the power to a bipartisan commission; Arizona, to county boards of supervisors; Arkansas to governor, secretary of state, and attorney-general; Ohio to governor, secretary of state, and auditor; Maryland to the governor.

In the following states, should the legislature fail to reapportion within a specified period, the power passes to some other body: in South Dakota, Texas, Illinois, and California to commissions; in Oregon to the secretary of state; in Michigan to boards of canvassers.

Court review is specifically provided in New York, Oklahoma, and Oregon. Arkansas goes further, allowing the Supreme Court to devise and proclaim a substitute plan.²³

Other Necessary Provisions

It would also be advisable to put a limit upon the size of the house and senate.

"Total" population is generally used as a base, but there might be discussion of "legal voters," or of exclusions, as of aliens.

Recommendations of the "Model Constitution"

The Model Constitution might be of more help if it were less of a "model" and closer to accepted legislative traditions and procedures. It specifies a unicameral legislature (accepted only in Nebraska), to be chosen by proportional representation (a system totally unaccepted at the state level, except for a modified system in Illinois). The state would be divided into contiguous and compact territory, from each of which three to seven legislators would be chosen at large in accordance with population. The secretary of state would reallocate membership after each federal census.

Recommendations of the Minnesota Constitutional Commission

Minnesota's Constitutional Commission report of 1948 recommended achieving reapportionment by constitutional amendment--with the following provisions:

1. Limitation on size of legislature.
2. Representation in both houses to be apportioned "as nearly equal as practicable," with, however,---
3. Limitation of metropolitan representation in the Senate by restricting any one county to 1/8 of all senators or any two contiguous counties to 1/4 of all senators. (This would slightly reduce present Hennepin County representation in the Senate, as it now has 13.4% rather than the 12.5% provided here. But it would allow increase in Hennepin and Ramsey together--from the present 22.4% to 25%.)
4. Reinforcement would be provided by a 10-man bipartisan committee appointed by the governor from lists submitted by party committees. This commission would function if the legislature did not reapportion within the first regular session after each federal census report. Its recommendations would remain in force until the legislature reapportioned. (Should the commission fail to reach agreement, five senators would be elected from each Congressional district and one representative from each county.)

²³ "Has worked perfectly" - Kenneth Sears, Methods of Reapportionment (University of Chicago Law School, 1952).

5. The Supreme Court would review the validity of any reapportionment within 30 days on petition of any qualified voter. If the court declared the law invalid, the legislature would have to reapportion within 90 days; otherwise the commission would function as provided in (4).

A TALE OF FOUR STATES

The dubious honor of being one of the last states to tackle reapportionment gives Minnesota at least one advantage: it may be possible to profit from experiences elsewhere.

Four states which have had recent widespread campaigns provide particular help because they had situations like Minnesota's: constitutional provisions specifying a population base (somewhat modified in Michigan and Oregon) in both houses; reapportionment power in the legislature, with no provision for reinforcement; and decided urban under-representation. Two of these states, Wisconsin and Oregon, have won reapportionment on their constitutional basis of population in both houses. Illinois' peculiar situation led her to offer compromise from the outset. Michigan staged an area-population battle, with the former winning out.

Illinois - In Illinois reapportionment is not yet attained; but there is well-founded hope that an amendment to be submitted in 1954 will assure it. A thorny problem had to be disposed of first: The usual rural-urban split was intensified by the fact that Cook County dominates the state population-wise (51.9%); thus any hope of reapportionment demanded that Cook County be limited in one house; limitation demanded a constitutional amendment; an amendment, to have any hope of passage, demanded a change in Illinois' peculiarly difficult amending process. A Gateway Amendment, easing this process, was finally passed in 1950 (though it had been on the ballot intermittently since 1896). Under the Gateway Amendment it is now possible for an amendment to be passed by either 2/3 of those voting thereon or 1/2 of those voting at the election, whichever is less.

The subsequent legislature voted to submit a reapportionment amendment to the voters in 1954. Under its terms Cook County will be accorded a majority in the House (30 out of 59); of the 58 Senate districts, 34 will go "downstate"; 24 to Cook County. A 10-man bipartisan commission will reinforce reapportionment.

The Illinois League, while recognizing "certain weaknesses" in the law (some inflexibility in future districting needs; cumbersome self-enacting clause; no limit on deviations), supports it as a "long step forward." Opposition to the amendment can be expected not only from rural areas whose representation is decreased but from some districts on the industrial west side of downtown Chicago now over-represented at the particular expense of suburban Cook County.

Michigan - Here a bitter struggle took on the hue not only of a rural-urban contest but of a management-labor fight. Two reapportionment plans were presented to the voters in 1952. One bill called for reapportioning both houses on a population basis, and was supported by urban centers, liberal organizations, the League of Women Voters, and large segments of the Democratic party. This became dubbed the "C.I.O. Plan" by opponents, who backed a "Citizens' Plan" or "Balanced Plan." This was backed not only by rural areas, but by metropolitan papers, various conservative and Republican groups in Detroit, and industrialists who look to rural legislators for support in lobbying. This compromise plan won by a narrow majority. Under it Wayne County, which has 38% of the state's population, will have 20% representation in the Senate.

Warns John Greecy, a Detroit newspaperman who gives a highly readable account of the struggle in the August, 1953, Harper's: "It becomes clear that the embattled farmers have a trick or two up their sleeves--and disillusioningly clear that fair representation for city dwellers is the last thing that some city dwellers want....

One generalization can be made. The proposal should be as simple as possible. If the city campaigners allow the ruralites to outsimply them, as happened in Michigan, they won't stand much of a chance."

Oregon, whose legislature had neglected to reapportion since 1911, was fortunately armed with the initiative and thereby forced reapportionment. In the spring of 1952 petitions were circulated (by the League) to assure a reapportionment measure appearing on the ballot in the November general election. The League, which had been studying the matter since 1949 and had rejected a 1950 area compromise bill, was joined by the Young Republicans, Young Democrats, the important daily papers, the State Grange, and the labor unions. The League took major responsibility for informing the public, using all possible techniques, "press, radio, parades, gimmicks, flyers." The result was an overwhelming victory.

It must be noted that "population" was not the flaming issue in Oregon it is in many states. The constitution contained a "major fraction" proviso which did in reality effect some compromise with "area". (When a county or district has over $\frac{1}{2}$ of the ratio necessary for a member, it is entitled to a member. Also, since the senate is limited to 30 and the House to 60, there are not enough members to go around; the smaller counties get theirs first and Multnomah (Portland) what is left. Multnomah County now has seven senators, instead of the $9\frac{1}{2}$ her population would allow; 16 representatives instead of 19.) Also, Oregon hasn't the one very-large city problem of Illinois and Michigan; Portland has only 25% of the state's population in contrast to 50% for Chicago, 38% for Detroit (28% for Minneapolis and St. Paul).

Wisconsin - The Wisconsin drama has an extremely complicated plot, with villains, a rescuing hero, and a seemingly happy ending.

Scene 1 - In 1951 the Legislative Council's reapportionment committee drafted the Rosenberry Plan to reapportion the legislature on the population basis prescribed in the Constitution. After much opposition the plan was adopted by the legislature; however, an important concession was extracted by its enemies. An advisory referendum was to go on the ballot in the November, 1952, election: "Shall the constitution be amended to provide for reestablishment of either assembly districts on an area as well as population basis?" Passage of this referendum would kill the Rosenberry Plan.

Scene 2 - The referendum was rejected by a majority of 64,000 voters. This automatically insured that the Rosenberry Plan would go into effect January 1, 1954.

Scene 3 - To go back a step, the same legislature which passed the Rosenberry Plan had also passed three constitutional amendments, embodying some sort of area compromise. (In Wisconsin an amendment must pass two successive sessions of the legislature, then be submitted to the voters as a referendum.) When the legislature convened in January, 1953 (after voters' approval of Rosenberry Plan) the first matter of business was to pass for the second time one of these "areacrat" amendments, to be submitted to the voters in April, 1953.

Scene 4 - This April, 1953, election was cunningly timed by rural legislators to coincide with local elections in small cities, villages, and townships, at a time when Milwaukee was holding no election. As a result, only 33% of the eligible voters went to the polls and the areacrat referendum passed by a margin of 25,000.

Scene 5 - The legislature then implemented the amendment with the Rogan Law, apportioning the Senate on a 70% population, 30% area basis (the sum total of which, according to its opponents "was to give the veto power to a majority of senators representing a minority of voters").

Scene 6 - (The Rescue) In the meantime the Supreme Court had been asked to decide on the constitutionality of this amendment, inasmuch as the Rosenberry Law was already on the books. In October, 1953, the Supreme Court unanimously declared invalid the Rogan Act and the amendment it implemented. (The decision was based on the fact that actually three separate questions had been submitted in the April, 1953 referendum, whereas only one was proper. In addition to putting the area-population decision up to the voters, the referendum also contained a provision discontinuing exclusion of certain Indians and the military, and a drastic change in boundary limits of assembly districts.)

The Rosenberry Plan is now Wisconsin law.

Epilogue - The legislature, meeting in special session in November, 1953, passed three rural-inspired resolutions, one of which weighted rural representation in the House, another in the Senate. You remember that before being submitted to the voters, any of these resolutions would have to be passed by the next regular session; and in the next session legislators will be chosen on the population basis of the Rosenberry Law. Supposing that one of the resolutions did pass, it is doubtful that going to the voters with a third referendum would be successful.

Thus, although the Wisconsin situation bears future watching, there is much hope that the final curtain will come down on a happy ending.

* * *

We in Minnesota may decide the Wisconsin experience is discouraging in that it proves how overwhelming are the odds against securing true population reapportionment. Or we may take inspiration from the words of one of her League members: "The League in Wisconsin felt that if Wisconsin could reapportion on a population basis and finally have a legislature representative of all the people, we could prove to the rest of the states that government by the people still works; I'm sure the year of study was a real opportunity for each League member to reaffirm her faith in representative self-government even in the face of terrific odds.....And, all in all, we did get a lot of people to think about government who otherwise never would have thought about it at all."