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League of Women Voters of Minnesota
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BACKGROUND INFORMATION ON A CONSTITUTIONAL CONVENTION FOR MINNESOTA

by Mrs. Ralph Norgaard, Chairman

In one very real sense, Minnesota has never had a basic charter that was an expression of the will of the people. The document we now call the Minnesota Constitution was hastily thrown together in 1857 in order to get Minnesota into the Union as quickly as possible. Political historians William Anderson and Lloyd Short have presented in carefully documented articles an almost incredible picture of the contentious disorder and haste in which our present charter was adopted. It was the result of a conference committee of only ten men, two of whom withdrew before a week was out. This small group of 1857's legislators was appointed by two rival factions, each of which had drawn up separate proposals. In a little over one week, during a hot August in 1857, these eight men hastily pieced together a constitution. The contents did not matter so much as did agreement upon a single document so that Minnesota could become a state. The hodge-podge of bits and pieces that came out of that week's huddle was passed by both branches of the legislature within twenty-four hours, without change! The more thoughtful, conscientious members comforted themselves with insistence on the insertion of an easy amending process. They stated: "We admit that the constitution is not perfect. The important question now, however, is to adopt peacefully some constitution, whatever it may contain, and to get Minnesota into the Union as quickly as possible."

Even the final work of enrolling and signing was rushed through. Two groups of clerks made so-called "originals", but comparison reveals over 300 differences in punctuation, some of which change the sense of the sentences, and 17 outright discrepancies in wording. Both enrolled "originals" are of equal validity, therefore no one knows today exactly what was and is the legal Minnesota Constitution. To compound confusion further, printed versions all varied considerably from one another and from both originals!

THE ISSUE

Article XIV, Section 2 of the present constitution provides the means by which a constitutional convention may be called for the purpose of revision. Section 2, in substance, states that by a 2/3rds vote of each branch of the legislature the question of calling a convention shall be submitted to the people at the next general election. The question submitted to the people will simply be "for or against a convention."

If a majority of the electors vote for a convention, the legislature at the following session must provide for the calling of the convention.

Therefore, the issue before this legislature will be the passing of what might be called an enabling act; in other words, a bill submitting to the electors the question of calling a constitutional convention.

To summarize: for the purpose of orderly and systematic constitutional revision in the near future, a bill must be passed at this session of the legislature by a 2/3rds vote of both houses. This legislation would provide for the calling of a constitutional convention and further provide that this question shall be submitted to the electors at the 1956 general election.

There is nothing precipitate about such action nor has it been a concern solely of the League of Women Voters. The matter of calling a Constitutional Convention to revise the constitution has been introduced into Minnesota's legislature since 1895. The most recent expressions of legislative interest have been the establishment of a Constitutional Commission to recommend changes and the unanimous passage of a bill (Amendment #3) to remove obstacles to constitutional change. If the bill is passed by the 1955 session of the legislature, it would still take five years of successive

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legal procedures before a new state constitution could take effect - that is, if there were no further delays in the taking of steps necessary to arrive at this happy conclusion. The time-table would be as follows:

- 1955....The legislature passes a bill submitting to the people for vote the calling of a constitutional convention. (This is the bill that the League of Women Voters supports at the present time.)
- 1956....The people vote, at the general election, for or against a constitutional convention.
- 1957....If the majority of the voters vote for a convention, the 1957 session of the legislature sets up the machinery for the election of delegates to the convention.
- 1958....Delegates would be elected (in all probability, they would be nominated at regularly instituted party conventions).
- 1959....The constitutional convention might complete its deliberations so that in the 1959 session of the legislature arrangements could be made for a ratification vote in the 1960 election.
- 1960....Ratification of the new constitution by voters.

A Constitutional Commission of Minnesota, created by act of the 1947 Legislature to study the constitution and recommend changes, required 14 months of study by its steering committee and 8 study committees before a final report was ready. But the Constitutional Convention will have available for reference the Commission's exhaustive report and should be able to complete its work in less time than if research were still left to be done.

THE LEAGUE STAND

The League of Women Voters of Minnesota is not proposing anything as to the substance of the constitution at this time. We are not suggesting how the constitution should be revised. We are only supporting the adoption of the legal mechanics necessary to achieve a revision through a convention.

NEED FOR REVISION

The opponents of constitutional revision say the present constitution is adequate for the needs of the state and that a proposed revision would only be a waste of public funds. It is the contention of the League of Women Voters that one of the most important public matters under consideration today in Minnesota is that of constitutional revision. We base this statement on the following uncontrovertible facts:

1. A Constitution should be an enabling act and not a piece of legislation in itself. For one reason, absolute clarity and brevity in the language of the Constitution is important in order to avoid unnecessary litigation in the courts. There is an apt saying: "Least said, soonest mended." The more words there are in a state constitution, the more litigation is necessary to interpret them. The 20,000 word, book-length volume, partly composed of obsolete and unenforced provisions, which now comprises the Minnesota Constitution, is a costly document in the price of inefficiency it exacts.

2. An even graver fault than wordiness is the inflexible language of the nearly 100-year old constitution. The inflexible provisions tie the hands of the legislature and of the people; in truth, they tie the hands of progress. There have been 79 amendments, largely of matters which should never have required an amendment. The power in the constitution should have been sufficiently broad to enable the legislature to act without such amendment. We of the League of Women Voters have sufficient belief in the wisdom of the people's chosen representatives to believe that inflexible restraints need not be laid down by a constitution.

3. Our Constitution now places restrictions on home rule (the power of cities, towns, and counties to govern themselves) making it necessary for local communities to go to the legislature for special legislation. Special legislation, a law pertaining to only one community, is prohibited by the Constitution. This sounds contradictory - and it is! Whether or not citizens can more easily amend their home rule charters will be one of the most important problems to be debated by a Constitutional Convention.

4. State finances are one of the most important of our recurring problems. We are facing a critical situation in financing our schools. Rigid and obsolete constitutional provisions do not lend themselves to meeting this problem. Restraint should only be imposed by the constitution where real danger of dispersal of public funds can be foreseen; otherwise, the state is hampered in taking care of its financial needs.

5. Obsolete provisions in the Constitution are largely ignored but have not been deleted by law. Thus, a great state is operating under a basic charter which it observes in part and ignores in part without specifying which parts are being currently observed and which parts ignored. Parents and teachers cannot put the constitution into the hands of children without saying, "Here is our basic state charter, but because many of its provisions are obsolete, we have to ignore parts of it - and no one is quite sure which parts!" Such an honest statement of fact would build up disrespect for all legislation and law. To avoid this, Minnesota teachers, while using the Federal constitution for classroom instruction, do not use the Minnesota Constitution. Among the more often quoted antiquities in the Constitution are:

- a. The limitation of the state debt to \$250,000. In December, 1953, it was \$109,712,000.
- b. A section providing for the election of U. S. senators by the legislature.
- c. A section providing for woman suffrage only in school and library elections.
- d. Special provisions for Indians, as though they were not citizens.
- e. A provision that state senators be elected from even-numbered districts at one election and from odd-numbered at the next.

In addition to obsolete provisions are other ignored sections, such as the direction to the legislature to provide for a state census every tenth year and a provision for a reapportionment of representation and a redistricting of the state after each state and federal census.

6. The Constitution is too restraining because of mandatory allocation of revenues. A just contention of thoughtful legislators has been that legislative decision, based on current conditions, is a better way to determine fiscal policy. The subject of the state's finances has been dealt with in nearly half of the amendments to the Constitution. Article IX alone has been amended nineteen times. Each amendment has given greater rigidity to the taxing system since each one has, in some way, tied the hands of the legislators even when it seemed to be giving them more power.

CONCLUSION

Minnesota's Constitution, hastily drawn in the first place, and patched and amended for nearly a century, is a thoroughly confused and confusing document. It is not a bad document because it is old; it is bad because it was too hastily conceived.

Amendments have largely failed because no document can be amended properly out of text in such lengths. Amendments are proper only in the face of great social or economic changes.

Background Information on a Constitutional Convention for Minnesota -

Opponents to a Constitutional Convention maintain that the Federal Constitution, written 168 years ago needs no complete revision. There is small comparison between the Minnesota and the Federal constitutions. The Federal Constitution was written by the ablest and most brilliant group of men ever assembled in an American convention. It was fully debated in the legislative halls of 13 states both before and after its compilation, over a period of many years. It was thoroughly discussed in public, in the press, and by floods of pamphlets and written articles, the most noteworthy of which was the series known as The Federalist, which stands today as one of the greatest expositions on constitutional law in existence. There was no act in human history that was debated and explained and talked about by so many people as was the constitution of the United States. There is no other document that is so much a handiwork of all the people. There can be no serious contrast of this great work with the hodge-podge hastily thrown together in 1857 in order to get Minnesota into the Union as quickly as possible.

The League of Women Voters believes that the large "Yes" vote given by the people to Amendment 3 at the 1954 election, is a clear mandate to the legislature to call a Constitutional Convention. The time has come, indeed is long overdue, for a systematic and orderly review of our basic charter.

The League further believes there is little or no reason to fear the results of holding a constitutional convention. Delegates to such an important body would be fully cognizant of the gravity and importance of their task. There would be 131 such delegates, according to Section 2, Article XIV, of the present constitution. There would be as many members as the House of Representatives and they would be elected in the same manner.

There may be a difference of opinion on whether Minnesota's Constitution needs a complete revision, but there can be no serious question of the people's right to vote on whether a constitutional convention should be called. This is all the League of Women Voters is advocating at the present time.

DOLLARS & SENSE

Constitutional Provisions Relating to State Finance

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Introduction

This report consists of six major parts.

1. An examination of the purposes and functions of a constitution. In order to review the entire financial structure of a state government the state constitution provides the starting point. It is especially important in the state of Minnesota that the study of the financial structure originate with the basic document, because Minnesota has placed so much of its financial control within the constitution.

2. A review of legislative powers with respect to finance. Although legislative powers are also included as an integral part of our study on Legislative Reorganization, they are so inextricably bound up with finance that treatment of them in this report cannot be avoided.

3. A bird's-eye view of the scope of the subject of State Finance. Because it is impossible to make an exhaustive study of this field in the time at our disposal, this is given in outline form, its primary purpose being to provide a short orientation in what is encompassed in finance. The use of the outline facilitates more immediate comprehension of the relationships of each of the parts to the whole, and thus may serve as a guide for further work in this field. It is not so important at this time to become well-versed in all phases of finance as it is to become cognizant of the ramifications of the subject and of how the parts fit together.

4. An analysis of constitutional provisions relating to finance. This is limited primarily to a comparison of Minnesota provisions with those of the Model State Constitution, published by the National Municipal League.

5. Trends in state expenditures. Although the legislative powers and the finance procedures vary greatly from one state to another, expenditures show a remarkably uniform pattern. Government expenditures have a universal history of constant increase, though at varying rates. The years since the end of World War II, however, have witnessed an accelerated rate of increase in state expenditures, particularly in the areas of education, highways, mental health and welfare.

6. A preview of the 1955 legislative session. This does not truly belong in this report, but is included because this is a legislative year.

It may seem as though the topics of constitutional form and legislative powers are being overdone by their inclusion in the reports of both Legislative Reorganization and Finance. Their importance at this stage of the game, however, cannot be over-emphasized. These topics will form the nucleus and set the pattern for League decisions as to the most desirable type of constitution for which to strive. Later, details can be discussed and fit in or not according to such basic principles as we shall evolve as a result of this year's study.

I. PURPOSES AND FUNCTIONS OF CONSTITUTIONS

Definition: Webster defines the word constitution, in the sense in which we are using it, as the "fundamental, organic law or principles of government of a nation, state, society or other organized body of men, embodied in written documents or implied in the institutions and customs of the country or society; also, a written instrument embodying such organic law and laying down fundamental rules and principles for the conduct of affairs." The words "fundamental" and "organic" seem to be the keys for further analysis. In the legal sense of the terms, "fundamental" is given as a synonym of "organic". Because the definition of "organic" is more precise, we will use it to define more sharply the meaning of "constitution." "Organic" means: "designating or pertaining to, the law or laws by virtue of which a government or organization exists as such; designating the laws incorporated or involved in the organization of a state, political organism, other organized association."

A constitution need not be written to be effective. Because most of those with which we are familiar are written down, however, we tend to think of the document itself as the constitution, rather than the principles and rules embodied in it. Most states follow some principles and practices that are not printed in any written document but which, nevertheless, have the force and effect of constitutional provision. Usually we think of the written provisions as being the only ones enforceable by the courts. Many times, however, the courts will rule, not on the basis of the written word of the constitution, but on the basis of the spirit of the constitution.

Characteristics:¹ The characteristics which a constitution must have to be successful are stability and flexibility. Stability. "Unless the group of principles and rules which govern the operation of the government is somewhat stable, the government's relation to the individual, the relations of one part of the government to another part, and many other important political and legal relations, cannot be known to any degree of certainty...As a consequence progress will be seriously impeded." Flexibility. On the other hand, it is essential that it be possible to make changes in these rules and principles in order that the government may function effectively under different circumstances and changed conditions.

How can two so different qualities be reconciled? There are two ways. (1) The first is by drafting the constitution properly. "The written record...should deal only with the fundamentals of government and its functions. Only the fundamental inter-governmental relations should be included, and only the fundamental relations between the government and the individual should be cast into a somewhat permanent form. The constitution should be very short and phrased in terms which are precise and yet be possible of elaboration by the process of interpretation." (2) The second method of balancing stability with flexibility is to make the constitution amendable. "It should be possible to amend the constitution so as to vary the principles and rules which are to be applied in a given period of time in order that the people of that time may be well governed according to the needs and standards of their particular day."

Method 1 above was a prime consideration in the drafting of the new constitution which New Jersey adopted in 1947. "One factor which the delegates (to the Constitutional Convention) kept constantly before them in their deliberations was the need for a short, flexible, simple document which would be restricted to the incorporation of fundamental principles. The desirability of these characteristics was impressed on them very frequently by the Governor, the President of the convention, and witnesses who came before the committees. The delegates had learned a lesson from constitutions of other states which were long, incorporated much legislative material and hence proved inflexible."²

The Trend Toward Long Constitutions. The early state constitutions tended to be short; later ones, during the latter part of the 19th century and early part of the 20th, became lengthy. This trend has been attributed to the following causes:³

1. A distrust of legislatures had developed. This manifested itself in three ways. (a) An ever-increasing number of restrictions were imposed upon what the legislature was allowed to do.⁴ The many restrictions upon legislative control of state finance illustrate this point. (b) Subjects were dealt with in more detail in the constitution because of the fear that the legislature would not act properly with regard to them. (c) Numerous procedural limitations were imposed on state legislatures.⁵

2. Changing conditions created new problems of government. In order that these might be dealt with adequately by the state government, it was necessary to give the legislatures new powers.

3. The need for additional governmental machinery resulted in the creation of various boards and commissions. In a number of constitutions these boards were provided for in the body of the constitutions.

4. A tendency to insert into the constitution more provisions dealing with the administrative details of state government developed.

The most serious objections to long and consequently involved constitutions are: (1) Because they are detailed, they need change too often - more often than is possible and more often than the people should be called upon to participate in the work of government. (2) Measures of temporary importance are put into permanent form. (3) The greater the number of restrictions upon the legislature, the more often will

1. Quotes in this section from Bates and Field, State Government. 1928. Harper & Bros. Chapter 4.

2. Baisden, Richard N., Charter for New Jersey; The New Jersey Constitutional Convention of 1947. 1952. P. 104.

3. Bates and Field, Op. Cit. Chap. 4.

4. This is discussed in the next section.

5. See "Legislative Reorganization" material.

its acts be challenged in the courts. Hence, long constitutions throw a heavier burden on the courts than do shorter, simpler ones. (4) The inclusion of great detail tends to break down the distinction between constituent functions (those which belong in the constitution as functions of the people) and legislative functions. This differentiation, however, is difficult to make, and usually resolves itself largely into a matter of policy. (5) Because so many restrictions have been imposed upon legislatures by constitutional provisions, the courts have developed the doctrine of implied limitations by which any mention of a subject in the constitution is interpreted to mean that the legislature is prohibited from any legislation on it beyond the absolute letter of the law.

A constitution must be amendable. "If state constitutions were properly drafted, containing only very brief outlines of the government to be established and a few statements of the relation which the government is to bear to the individual, the process of amendment would not need to be easy" because such constitutions would not need so frequent change. Most state constitutions are not properly drafted and consequently do need frequent change, however. For this reason the trend has been to make the amending process easier.⁶ Minnesota, with its long and detailed constitution, is an exception to this trend. In 1898 after 41 years of operation with a simpler amending process, it enacted an amendment to make the process much more difficult.

II. LEGISLATIVE POWERS

Their Historical Development.⁷ It is essential to know the history of the changes which have taken place in the thinking about state government in order to judge whether these changes and their causes apply to present day needs and conditions.

The early legislatures had practically no limitations on the scope of their activities and relatively few directions as to their organization and procedure. The distrust soon engendered resulted in a curbing of legislative powers. It was produced mainly by two factors. (1) The questionable relationships of legislatures with private and special interests. These relationships were built up by the submission of the legislators to pressures of special interests for favorable grants and privileges. The legislatures then had many favors to dispense in the form of (a) the practice of creating corporations by special legislation; (b) the vast extent of public lands left to their disposition; and (c) legislation creating banks and extending banking privileges.

(2) Mismanagement of financial affairs. By 1837, when the great financial panic occurred, the states had incurred obligations of more than fifty million dollars in order to engage in banking activities themselves or to support private banking corporations by loan of their credit. At the insistence of land speculators and settlers the states embarked on ambitious programs of internal improvement. By the end of 1837 bonds had been issued or authorized (in addition to other forms of financial encouragement) in the aid of banks, roads, canals, railroads and similar undertakings to the extent of \$170,000,000.

The loss of prestige suffered by the legislatures because of such machinations began to be evidenced by the middle of the 19th century in the form of steps designed to circumscribe their activities and powers. These steps took three forms. (1) Strengthening the powers and expanding the functions of other branches of the government at the expense of the legislature, (2) restricting their freedom of action with respect to their organization and procedure, and (3) limiting the scope of their activities. This last method of restriction is the only one we will discuss here, because the limitations in scope of legislative activities dealt mostly with finance and special legislation. We are concerned here only with the restrictions on finance. Three areas of finance were affected - taxation, appropriation and indebtedness.

6. Bates and Field. Op. Cit. P. 81f.

7. Bates and Field. Op. Cit. Chap. 7.

Taxation. Among the early modifications were sweeping attempts to secure equality in taxation. Most widespread is the directive that taxes be uniform and equal upon all property.⁸ (This requires that all property be valued upon the same base and taxed at the same rate. Under this system all kinds of property, from houses to industrial plants, are lumped together and taxed alike.) Legislatures are thus directed to provide for the just valuation of all property, real and personal.⁸ In some instances this is supplemented by specific instructions as to the valuation of mines, livestock, land and improvements, as well as corporate property of all kinds.⁸ In some constitutions tax rates, either all of them or for special forms of taxation, have been fixed.⁹ Some prescribe that persons, corporations, and localities shall not be exempted from taxation,⁸ or that only specified exemptions shall be made.¹⁰

Appropriations. Appropriations are most frequently directed to be "made only by bill, and not by resolution or otherwise;¹¹ and that they shall be only for public purposes.¹² In a number of instances power to make appropriation is limited to the amount of estimated revenues, except in cases of dire emergency such as invasion or insurrection.¹³ Specific objects for which appropriation cannot be made are sometimes specified, including the support of sectarian schools or of private or corporate enterprises, or grants to local areas of government.¹¹ It is frequently required that the general bill shall provide only for ordinary expenses of government and that salary bills shall not contain other matters.¹⁴ In bills other than this, appropriations must be for specific purposes;¹⁵ and the specific sums in each case shall be mentioned."¹⁵

Indebtedness. "In most states there are found very definite limitations upon the power of the legislature to incur debt, either by borrowing or by the loan of the credit of the state to support debts incurred by persons, corporations, or localities.¹¹ In some instances there is an absolute prohibition upon the creating of a debt save for specific purposes mentioned. The purposes most commonly thus specified are to repel invasion, suppress insurrection, and to pay the interest on or to refund existing debt. Sometimes debt for other unspecified purposes is permitted, but to a very limited amount.¹³ The maximum of indebtedness either as a fixed amount, ranging from fifty thousand dollars in some of the older states, to as much as two millions in the far west, or it may be determined as a certain per cent of the total valuation of the state.¹⁶ In perhaps a third of the states, these limits may be ex-

8. These provisions are not found in Minnesota's present constitution. In 1906 the so-called wide-open tax amendment was adopted, which, with additional amendments, constitutes the present clause. It states that taxes shall be uniform upon the same class of subjects. An Illinois amendment to allow classification of property for tax purposes failed of ratification in 1953!
9. Although the constitution does not actually fix any tax rates, the clause on gross earnings tax on railroads does so in effect by stipulating that any rate change must be submitted to referendum.
10. Our constitution specifies exemptions but they are broad - so much so that the Constitutional Commission noted with its recommendations that "in 1944 approximately 25% of the assessed value of all taxable real property in Minnesota was exempt from taxation."
11. True of Minnesota constitution.
12. This applies to the Minnesota Constitution by interpretation of Article I, Section 1, (Bill of Rights). "Government is instituted for the security, benefit and protection of the people."
13. The Minnesota Constitution allows for the contraction of debt for extraordinary expenditures, in addition to war, invasion and insurrection, but does not specifically limit appropriations to amount of estimated revenue.
14. These provisions are not in the Minnesota Constitution.
15. In Minnesota appropriations are made for specific purposes and in specific amounts. This is standard practice, though not required by the constitution.
16. Minnesota's Constitution limits the amount of debt to \$250,000. For the building and maintenance of the trunk highway system, however, the debt limit is \$75,000,000. The general limit is actually no longer operative, as ways have been found to circumvent it.

ceeded with the consent of the voters obtained through a referendum.¹⁴ Still other limitations upon the debt-incurring power are requirements that the act of authorization shall specify distinctly the object of the debt, and shall be passed with certain unusual formalities or by an unusual majority.¹¹ To prevent the accumulation of arrearages of interest and delay in the payment of the principal, the duty of making specific provisions for meeting both are imposed on the legislatures.¹¹ Not only is the power to create and to perpetuate debts by direct means thus closely restrained, but the power to create them indirectly is still more strictly limited. The disastrous consequences of the liberal and even reckless policy pursued in aid of internal improvements led the people to specify in no uncertain terms that the credit of the state shall not be given or loaned to any political subdivision or to any private individual or corporation.¹¹ Neither can any local or private debt be assumed or paid by act of the legislature.¹¹ The budget system, when incorporated in state constitutions, has for its purpose the limitation of the power of the legislature to continue the haphazard methods which they had hitherto pursued in making appropriations and levying taxes" as well as the purpose of strengthening the powers of the executive department.¹⁴

In reading this material and paying close attention to the footnotes it may seem at first glance that Minnesota has a minimum of these limitations of legislative powers in her constitution. Minnesota, however, had devised a different scheme for tying the hands of the legislators even more firmly than do many of the provisions listed above. That is the earmarking of revenues for specific purposes, and in exact percentages in the case of revenues allotted to more than one special fund. The stringent restrictions imposed by this method leaves our legislatures with little authority to act constructively in the field of finance. Not only does this system allow the accrual of unusable balances in some funds at the expense of other services, but prevents constructive budgeting or other control of expenditures of these revenues, and limits legislative discretion with respect to use of state revenues.

The Present. Two questions arise from this discussion of the history of legislative powers in the state constitutions.

(1) Do the reasons for the 19th century distrust of legislatures still obtain? If so, are our most effective controls to be found in constitutional limitations? If not, is it desirable to continue from force of habit treatment of a disease long-since cured? The downfall of the early legislatures was caused primarily by their being able to create corporations and banks and to dispose of public lands. No longer are the legislatures able to do these things, not only because such powers have been removed from them, but also because (a) there are so many corporations and banks that their establishment and regulation must necessarily be accomplished under general laws, and (b) the vast extent of public lands no longer exists. It is probably safe to predict that legislatures will always be besieged with requests of special interest groups, however. Rather than specify what the legislatures cannot do with respect to special interests, it might be more effective to specify restrictions on the activities of the pressure groups themselves. (This is hardly a matter for constitutional consideration, however.) Such action has been taken in some states and is being urged in others, including Minnesota.

The radical changes in our communication and transportation systems in the past hundred years have been of prime importance in bringing about more popular control of our legislatures. Whereas today we get an almost blow-by-blow account of what the legislature is doing, and can voice comments in practically a matter of minutes, it must have required virtually months, long ago, to find out what the legislature had done.

(2) With the advent of modern management techniques in government might not the principles of good management better be served by a different approach to these legislative problems? An even cursory discussion of management techniques would take us far afield into the administrative sphere of government, with which we are not directly concerned at the moment. Suffice it to say that many of these techniques should be, are being, and have been adopted by government. Among them, in the area of finance, are the executive budget system, uniform accounting, consolidation of finance functions in a single department, the pre-audit as an administrative function, and the post-audit as a legislative function. (In this state the post-audit is an administrative function.)

We are not alone in our consideration of these problems. The National Municipal League in its explanation of its Model State Constitution has this to say: "As a result of the necessity for re-assessment of the fitness of our institutions in this postwar atomic age, we appear to be entering another great era of constitution-making in our states. It is important that the planning that goes into this revision be thoughtful, hard-headed, and up-to-date."

III. THE SCOPE OF STATE FINANCE

Public finance, of which state finance is a part, is the science of governmental financial management. It deals with the provision, custody, and disbursement of the resources needed for the conduct of public or governmental functions. Its scope has broadened to cover all phases of governmental financial activity and its importance becomes greater as the burden of government increases.

To discuss the scope of activities encompassed by the field of state finance in any detail requires at least one entire volume. Therefore, that we may get acquainted with the extent of the subject without the burden of too much reading, it is presented here in outline form. This outline is not intended to be comprehensive. Much detail has been omitted for the sake of emphasizing major points.

Taxes and debt are both sources of revenue. In the outline, however, they are treated separately - taxation because it is the most important and complex source of public income; debt because its operations are so distinct from those of other revenues.

AN OUTLINE OF STATE FINANCE¹⁷

- I. EXPENDITURES. The expenditures of government are a measure, in terms of money, of the services performed by public agencies.
 - A. Classification of expenditures is a systematic arrangement of expenditures into groups.
 1. There is no standard classification system.
 2. Classification is necessary for several purposes.
 - a. It aids the budget procedure.
 - b. It helps give meaning to financial reports.
 - c. It permits comparisons of comparable figures.
 - d. It simplifies accounting procedures.
 - B. The trend of governmental costs is one of a strong and steady increase, which has been manifest for centuries. It has risen at a rapid rate during recent years.
 - C. Expenditure programs should be watched closely since demand for additional or increased spending is the creator of new or more onerous tax measures.
- II. REVENUES, or public income.
 - A. Since the government does not operate on a profit basis, the total income from revenues and borrowings should generally correspond rather closely to the total expenditures.
 - B. Sources of revenue
 1. Commercial revenues (or proprietary revenues): Those which arise from operations in which the state stands in the position of a proprietor.
 - a. The public domain
 - b. Public industries (water supply systems, etc.)
 2. Administrative revenues. The outcome of governmental activities, incidental to the routine process of governmental administration.
 - a. Fines: a charge levied upon an individual, for law-enforcement purposes.

17. Material largely from: Lutz, H. L. Public Finance. Appleton Century Co. 1947. Bates and Field, Op. Cit., Chap. 9.

- b. Fees: a charge made for a special service rendered or a privilege granted to the individual by the government.
 - (1) Service fees: Charges made for service rendered to the individual against whom the charge is made. Eg., recording deeds.
 - (2) License fees: a charge levied for a privilege or permission granted to the party paying the fee.
- c. Special assessments: a proportional contribution upon land to defray the cost of a public improvement which is assumed to confer special benefit upon the property assessed. (This is used primarily by municipalities.)

III. TAXES. A tax is most generally defined as a compulsory contribution from the individual to the government to defray the expenses incurred in the interest of all, without reference to benefits.

A. Essential characteristics of a tax system.

- 1. Adequate to provide, combined with other sources of income, sufficient funds for the support of government.
- 2. Equitable in its distribution of the burden through the community.
 - a. Double taxation, a problem of the distribution of the tax burden, occurs whenever an object is taxed twice by the same or by coordinate jurisdictions. For example:
 - (1) Taxation of the same property or income by more than one state.
 - (2) Taxation of property for both local and state purposes.
 - b. Two major issues are involved in double taxation.
 - (1) It may be discriminatory. Only then is it inequitable.
 - (2) The weight of the combined taxes on the individual taxpayer.
- 3. Economical in that it takes from the taxpayer no more than required for the needs of economically administered government.
- 4. Elastic, so that it may be capable of expansion and contraction to meet the varying needs of the treasury.
- 5. Flexible, so that if changed conditions make changes desirable in the system, they can readily be made.
- 6. Simple, both in structure and in administration, so that it may be easily understood and grievances readily adjusted.

B. Forms of Taxation. No one form can satisfy all essentials of equitable taxation. Consequently a number of different taxes are imposed, together forming a system and designed to supplement one another.

1. Property Tax.

a. Characteristics of the property tax.

- (1) It provides virtually all of the tax revenue of the counties, school districts, and miscellaneous minor subdivisions of the United States, and 87% of the tax revenue of the cities and towns. (1942)
- (2) Another characteristic of American property taxation has been the rise and decline of the so-called "general property tax."
 - (a) Originated as a tax on property in general, on all property considered as a homogeneous whole - real and personal, tangible and intangible.
 - (b) Its defects in theory and administrative procedure became apparent, and eventually insuperable, with the transition from primitive to complicated methods of economic organization, and with the emergence of large amounts of corporate securities and other forms of intangible wealth.
- (3) The next characteristic is the emergence of various schemes of property classification - creation of classes of property - each of which is to be dealt with in some manner separately from other classes in determining the taxes to be imposed.

- b. Problems of property taxation
 - (1) To base property taxation on capital or annual income values.
 - (2) The establishment of appropriate property classes.
 - (3) Elimination of property tax legislation from constitutions.
 - (4) Development of an assessment and equalization technique.
 - (5) The attainment of more effective central administrative control.
 - (6) A rational exemption policy.
 - (7) The increase in the use of property tax rate limitation (the mill-levy limit allowed) indicates the problem of control of public expenditures and the proper and equitable distribution of tax burdens.
 - (8) Improvement of the collection system. This has been the weakest aspect of property tax administration.
2. Income Tax. Has been adopted on the assumption that income is the best index of ability to pay.
 - a. Rates are usually progressive, i.e., the higher the income, the higher the rate.
 - b. A few states apply the income tax to corporations only, while in a few others individuals only are affected.
3. Poll Tax. Also known as a head tax or capitation tax, a levy at a fixed amount per person or, in other words, per head.
4. State taxes on specific commodities. All states now tax gasoline and alcoholic beverages.
 - a. Gasoline tax.
 - b. Alcoholic beverages tax, including licenses to handle and tax on the commodity.
 - c. Non-alcoholic beverages. Some states now tax these beverages too.
 - d. Tobacco, including dealers' licenses and cigarette tax.
5. Taxation of business
 - a. Principal methods of taxing business.
 - (1) Capital stock
 - (2) Gross receipts (or equivalent term as gross sales, etc.)
Not included in this category are taxes on gross earnings in lieu of property tax.
 - (3) Net income. Applied only to corporations. All states except New York follow the practice of the federal government in taxing business income of partnerships and sole proprietor concerns to the individuals receiving it, instead of taxing the business as such.
 - b. Taxation of airlines.
 - c. Taxation of banks.
 - d. Other business taxes.
 - (1) Sales tax. From the standpoint of the theory of the legal nature of this tax, the laws fall into two groups:
 - (a) Those that impose the tax on the privilege of selling.
 - (b) Those that impose it on the act of sale.
 - (2) Use Tax: a levy on the use, storage, or consumption of tangible personal property bought outside the state, which would be subject to the sales tax if bought within the state.
 - (3) Motor vehicle licenses.
 - (4) Severance taxes: The name "severance" tax was originated in Louisiana to describe a tax imposed on the privilege of removing, or severing, certain raw materials or natural resources from the land or water within the state's jurisdiction. The Minnesota tax on iron ore (called "occupational") may properly be regarded as a severance tax.

6. Inheritance and estate taxes
 - a. The inheritance tax is based on the shares received by the respective heirs.
 - b. The estate tax is based on the entire estate before it is distributed to the heirs.
 - c. The Gift tax is a plan of dealing with the problem, inherent in death taxes, of transferring property before death. It is imposed on all gifts whenever made, in excess of established limits.
- C. Constitutional limitations on taxation.
 1. Federal restrictions on state taxing powers
 - a. States prohibited from levying any duty on imports or exports, except such charges as may be necessary to carry out the state's inspection laws for police purposes.
 - b. No state may levy any tonnage duty upon vessels entering its ports.
 - c. Grant to the federal government of the exclusive control over interstate commerce.
 - d. Neither the property nor agencies of the United States subject to state taxation. (By judicial action)
 2. The most common restriction in state constitutions has been that the rate of assessment and taxation shall be uniform and equal.

IV. DEBT

- A. Public borrowing has been resorted to because the public has been demanding that the state perform a wider range of services which calls for extraordinary expenditures such as for lands, buildings, public improvements and bonuses.
- B. Rules have been generally accepted for guidance in the creation of public debts.
 1. Borrowing should not be employed to meet current expenses except in anticipation of revenues, but should be resorted to only to pay for improvements of a permanent character or for emergencies such as war or public calamity.
 2. When debt is contracted the period allowed for discharging it should not be longer than the life of the object for which the debt is incurred.
- C. Classification and form of debts: debts of public bodies are usually distinguished with respect to their time of maturity and the form of the certificate or evidence of the debt.
 1. Funded debt. Usually created by emergency or expensive and permanent improvement.
 - a. Has a long but definite period to run
 - b. Evidenced by bonds or serial notes
 2. Floating debt.
 - a. Has no fixed time to run, but the period is expected to be short.
 - b. Evidences are "treasury notes" or "treasury warrants."
 3. Current debts. Incurred in the course of the current operations of government.
 - a. Presumed to be payable from the revenues of the current year.
 - b. Evidenced by book accounts or by short-term paper called "revenue loans," "tax-warrants," or "auditor's warrants."
 4. Status of debts may be changed from short to longer forms, up to funded debt.
- D. Debt redemption. Methods of paying public debts.
 1. Bonds
 - a. Definition: a series of notes with the following characteristics in common:
 - (1) Form
 - (2) Interest rate
 - (3) Date of issue
 - (4) Date of maturity

- b. Usual method of payment is by the accumulation of a sinking fund.
 - (1) This is a fund into which is to be paid periodically a sum which will, with accumulated interest, suffice to redeem the bonds at the date of maturity.
 - (2) Sinking fund method not effective if:
 - (a) Annual contributions not regularly made.
 - (b) The accumulations in the fund impaired by unwise or corrupt management
- 2. Serial notes (or certificates of indebtedness)
 - a. Characteristics:
 - (1) These securities also have a common date of issue
 - (2) Are divided into a number of groups equal to the number of years allowed for payment of the whole debt.
 - (3) The several groups are arranged to mature in succession at intervals of one year until the debt is paid.
 - b. Advantages of this method.
 - (1) Avoids the uncertainties of the accumulation and preservation of large sinking funds.
 - (2) Compels the government to provide in its budget for both the interest charges and the redemptions falling due each year.
- E. State constitutional limitations upon borrowing. Result of the tendency to substitute for the rigorous methods of taxation the easier way of borrowing and leaving to succeeding administrations the task of repayment.

V. FINANCIAL ADMINISTRATION

- A. Financial administration may be viewed as a cycle of operations, including
 - 1. Assessment. The determination of the amount of the tax base by appraisal or other appropriate means. (The term "assessment" is improperly applied when used to mean the imposition of the tax. That step is the "levy.")
 - a. Valuation. The work of the assessors is to prepare a list of all persons holding property within their jurisdictions subject to the levy, and to determine the valuation to be placed on it for purposes of taxation. Valuation of incomes is usually done by the taxpayer.
 - b. Certain forms of highly specialized property and property extending through more than one taxing jurisdiction are generally assessed by state officials.
 - c. Local review and equalization. This function is performed to place upon the roll omitted property and to equalize valuations between individuals and between assessment districts.
 - d. Certification to the state. Any equalization among counties is done by state agency.
 - 2. Levy. The formal order for tax payment upon the assessed base, at certain rates or in specified amount. The procedure of levy varies with the different taxes.
 - 3. Collection. The goal of the whole taxing process is the provision of revenues. Therefore it is important that the taxes be collected.
 - a. General characteristics of collection.
 - (1) The collection process requires authoritative sanction because it involves taking private property for a public purpose.
 - (2) Collection may be handled by the officer who makes the assessment, or by some one connected with another division of the government.
 - (3) It is generally desirable to make collection convenient for the taxpayers.
 - b. Tax laws, like any other laws, must provide adequate penalties in order to produce results through proper observance.

4. Custody. The means for securing the proper public custody of the monies collected as public receipts, and for providing adequate means of collection, safe-keeping, transfer and disbursement.
 - a. Practice originally prevailed of keeping the funds in the vaults of the treasurer's office.
 - b. Funds are now deposited in depository banks throughout the state. Such bank deposits are called "demand deposits" because they must be surrendered upon request.
 - (1) For the protection of public deposits, most states:
 - (a) Require that the depository banks must either give an approved surety bond or pledge approved collateral security.
 - (b) Limit the amount that may be deposited in any bank.
 - (2) The federal banking act of 1933 prohibits payment of interest on these demand deposits.
 - c. The fund system of finance. Under this system the revenue in the state treasury are not all available for general state purposes. (Minnesota is an example of this system.)
 - (1) "Special" funds are created for certain specific purposes and such proceeds cannot be drawn upon for other purposes.
 - (2) Disadvantages of special fund system
 - (a) Seriously handicaps the development of an effective budget system.
 - (b) It can easily happen that very desirable work in one department must be stopped for lack of money while at the same time a considerable surplus may be lying unused in another fund.
5. Budgeting. A budget is a comprehensive financial plan for a definite period, based on careful estimates of expenditure needs and probable income of government.
 - a. Essential elements of a budget
 - (1) Presupposes an intelligent consideration by some central authority of the various services to be performed, their relation to one another and to the welfare of the state as a whole, and the wisest distribution of available funds among these services.
 - (2) Implies also the consideration of revenues, whether to be increased or decreased, at what point, and to what extent.
 - b. The budgetary cycle is composed of three major steps.
 - (1) Formulation of the budget plan.
 - (a) Gathering of information
 - (1) Obtaining estimated expenditures from departments.
 - (2) Conducting hearings for more complete explanation of the estimated expenses.
 - (3) Obtaining suggestions from departments for more efficient administration.
 - (b) Preparation of a financial plan to make the most advantageous distribution of the state's revenues.
 - (c) Plan must include:
 - (1) Statement of anticipated revenues
 - (2) Debt statement
 - (3) Balance sheet for the period just closing
 - (4) Plans for meeting any anticipated deficits.
 - (2) Determining the plan - the appropriation function. An appropriation is an authorization from the legislature to some spending agency, subject in many instances to administrative review, to spend a certain amount of money for a specific purpose; and to the treasury to pay that amount from the proper fund, if money is available, upon presentation of proper vouchers. (Allotment and setting-aside of specified sums (encumbrances) are usually required before obligation can be incurred.)

- (3) Control of the execution of the plan.
 - (a) The old rigid legislative control of expenditures has largely been supplanted by an administrative control, which on account of its flexibility lends itself more readily to an efficient and economical conduct of the state's business.
 - (b) Trend has been away from the original lump-sum appropriations and appropriations of detailed itemization which followed that period, to a system between these two extremes in which appropriations are made under a few main headings, such as:
 - (1) Personal services
 - (2) Supplies
 - (3) Equipment
 - (4) Capital outlays
6. Disbursement, or paying bills. The typical method is as follows:
 - a. After the appropriation has become law the auditor opens accounts with each of the spending departments and credits to each the amounts appropriated to it under the proper heads.
 - b. When an obligation is incurred by a department (in Minnesota, before an obligation has been incurred), the bill, memorandum, or purchase order, etc., is certified by the department and presented to the auditor.
 - c. The auditor sets aside funds for payment of that obligation, if he finds that:
 - (1) The expenditure is authorized by law
 - (2) There remains unexpended a balance to the credit of that particular heading of appropriation
 - (3) There are funds available in the treasury.
 - d. A warrant is issued (not necessarily by the auditor) which may be presented directly to the treasurer for payment. In practice it is customary for the creditor to deposit the warrant in his own bank.
 - e. From the bank of deposit it goes through the clearing house to a state depository and thence, usually, to the treasurer to be retained by him as his voucher.
- B. The trend in recent years, under the reorganized state governments (including Minnesota) has been toward integrating the financial functions in a single department of finance, in which the administrator is directly responsible to the governor.
 1. Such a department ideally would centralize the following functions:
 - a. Budget
 - b. Accounting, including: (In Minnesota these functions are presently done by the State Auditor)
 - (1) Maintenance of the central accounts.
 - (2) Pre-audit of the revenues and expenditures
 - (3) Settle all claims
 - c. Treasury
 - d. Purchasing, to include:
 - (1) Buying of supplies, materials, and contractual services used by the state
 - (2) Maintenance of central stores
 - (3) Supervision of the inventory and care of movable properties of the state.
 - (4) Supervision of capital investment, buildings, etc.
 2. The smaller states might have a bureau or division of taxation to administer the tax system. The larger states might require a separate department to administer taxes. Functions of a tax department include:
 - a. Equalization of local assessments
 - b. Supervision of original assessments made by local officials
 - c. Assessments of certain classes of corporate property
 - d. Administration, including collection, of all the state taxes, such as income, inheritance, motor vehicle, gasoline and drivers' license.

IV. CONSTITUTIONAL FINANCE PROVISIONS

We have had a preview, though sketchy, of how Minnesota's constitutional finance provisions compare with state constitutions in general in Section II on Legislative Powers. Here we will examine them in more detail, comparing them with those of the Model State Constitution as a yardstick. This model constitution represents the consensus of a large number of the persons best-qualified to do this job in the United States and is the product of many years' efforts. The first edition was published in 1921, the second in 1928, the third in 1933. In 1940 another edition was drafted after a year's study by committees and discussion by the National Municipal League as a whole. The document was re-edited again when the time came for reprinting and became the fifth edition, published in 1948.

COMPARISON OF CONSTITUTIONAL FINANCE PROVISIONS

<u>MINNESOTA</u>	<u>MODEL</u>
<u>TAXATION</u>	
"The power of taxation shall never be surrendered, suspended or contracted away."	Same statement used, but reference to taxation stops here.
"Taxes shall be uniform upon the same class of subjects and shall be levied and collected for public purposes."	No tax to be levied except for public purpose.
Describes many real properties exempt from taxation including	---
"Personal property not exceeding in value \$200 for each household, individual or head of a family, and household goods and farm machinery as the legislature may determine."	---
Establishes the occupational tax on all ores mined or produced; taxes on gasoline, motor vehicles, gas used in airplanes, forested lands, and timber yield.	---
Change in gross earnings rates on railroads subject to referendum.	The omission of any reference to the subject implies legislative jurisdiction over ratemaking.

SPECIAL FUNDS

Provides for the apportionment of revenues from almost all of above sources to special funds.	"...no appropriation shall allocate to any object the proceeds of any particular tax or fund or a part or percentage thereof."
Specifically establishes funds for special purposes; some others by implication and interpretation. Among them: Internal Improvement Land Permanent School Swamp Land Trust Trunk Highway Road and Bridge Trunk Highway Sinking Permanent University	See excerpt immediately above.

Permanent School Fund may be loaned to counties or school districts for buildings.

No mention made of objects of investment.

Principals of three trust funds may be loaned to political subdivisions and in first mortgages upon improved and cultivated farm lands.

Ditto above.

"The credit of the state shall never be given or loaned in aid of any individual association or corporation, except as hereinafter provided."

"The credit of the state or any civil subdivision thereof shall not in any manner, directly or indirectly, be given or lent to or used in aid of any individual, association or private corporation."

BORROWING

Sets conditions of state borrowing: For the purpose of defraying extraordinary expenses; \$250,000 limit; payment in 10 years; levy enough property tax each year to meet payments. Bill must pass by 2/3 in each houses.

No law authorizing borrowing to be effective until ratified by majority voting on the question at a regular election, except in case of dire emergencies, which are specified.

Qualified statement of authorization to borrow to meet expenses for a fiscal year, until revenues received.

Monies borrowed to be used for the object specified in the authorization act.

Debt must be authorized by law for a single object distinctly specified.

Different conditions of borrowing set for financing highways - payment in 20 years, \$75 million limit. Debt limit waived.

General provisions apply to all borrowing situations.

Amendments to waive debt limit passed also for airports, rural credits and veterans' bonus.

Ditto above statement.

APPROPRIATIONS

Establishes budget system.

No special appropriation bill to be passed until the general bill has been enacted, except in case of emergency appropriation to serve until general bill is passed.

The legislature not to appropriate for any fiscal period in excess of income provided for that period.

"No money shall ever be paid out of the treasury of this state except in pursuance of an appropriation by law."

"No money shall be withdrawn from the treasury except in accordance with appropriations made by law."

MINNESOTA

MODEL

"...nor shall any obligation for the payment of money be incurred except as authorized by law."

"The appropriation for each department, office, or agency of the state, for which appropriation is made, shall be for a specific sum of money..."

"Government is instituted for the security, benefit and protection of the people..." (This clause used to restrict appropriation of funds for public purposes.) Re: taxes, they "shall be levied and collected for public purposes."

No tax to be levied or appropriation made, directly or indirectly, except for public purposes.

No public monies or properties to be used in any case for sectarian schools.

(No public money or property to be used in any way for any sect, church, denomination, or sectarian institution.)

(No public money or property to be appropriated for a charitable, industrial, educational or benevolent purpose, unless a government agency.)

"No appropriation shall confer authority to incur an obligation after the end of the fiscal period to which it relates."

Bills of revenue to originate in House of Representatives.

Not applicable. Unicameral legislature recommended.

"Governor may cut out items of appropriation bills and otherwise approve."

"The governor may strike out or reduce items in appropriation bills passed by the legislature."

The Model Constitution provides administrative items not found in the Minnesota Constitution. Hence, they are not shown in the comparison. They include:

The governor to have power to reduce expenditures of departments when necessary.

The legislature shall by majority vote appoint an auditor who shall serve during its pleasure.

The governor to appoint an administrative manager of state affairs to whom he may delegate any or all of his administrative powers.

The Model Constitution also incorporates in its finance article a clause on Excess Condemnation, which provides that the state or subdivisions, in acquiring property for public use, may buy more than is actually to be occupied by the improvement in order to restrict the use of such surrounding land. Bonds may be issued for this purpose, not subject to the debt limitation clause, when made a lien on the properties acquired in that way.

The itemized comparison points out the areas in which Minnesota's constitution could best be changed to bring it into better conformance with present-day thinking and conditions.

1. The system of taxation is a legislative function and should be left to the discretion of the legislature, within the limit only of imposing taxes for public purposes. Adherence to this principle would eliminate, perforce, the setting of specific tax rates by any body other than the legislature.

2. No revenues should be allocated to any specific purpose, and as a corollary, no special funds should be established to receive such revenues.

3. The constitution should not specify objects for which the state's credit might be lent. The general clause implies that credit might be extended to subdivisions of the state.

4. Control of the contraction of debt would better be secured through the requirement of referendum than by specific constitutional restrictions on total amount and method of payment.

5. The Minnesota Constitution could be strengthened with the addition of the recommended requirements on appropriations which set the procedure for sound financial management and general control of expenditures.

6. The inclusion in the constitution of the position of administrative manager and legislative authority for the post-audit function, as well as the budget system assure for the state government the basic structure of a good finance system.

All of the authorities in the field of finance and public administration seem to agree on two points: (1) that a constitution should not refer to methods or forms of taxation, and (2) that no revenues should be earmarked for any special purpose or fund. Putting these principles into effect is a different story, as the reports of the Minnesota Constitutional Commission of 1947 testify.

The major recommendations made by the committee were admittedly conservative. It recommended that (1) power to exempt personal property from taxation, in whole or in part, be granted to the legislature, (2) the provision requiring referendum on proposed changes in the gross earnings rates on railroads be eliminated, (3) the restriction on the incurring of indebtedness be eliminated, but with making rather definite and mandatory the provision for debt retirement, and (4) the present restriction on incurring debt for works of internal improvement be continued.

The proposals which created the most decided difference of opinion among the committee were those concerning the state trust funds and dedicated revenues. Although the committee as a whole decided against a ceiling on the trust funds, it was by the small margin of 10 votes to 8. The sub-committee on Taxation and Finance had proposed that measure by a vote of 5 - 2. The sub-committee also recommended a provision abolishing all constitutional and statutory dedication of current revenues and requiring that all such revenues be deposited in a general revenue fund to be disbursed in accordance with appropriations made by law. This proposal met opposition from persons and groups especially interested in highways, schools, and game and fish propagation, and hence was defeated when considered by the whole committee.

V. STATE EXPENDITURES¹⁸

The ten-year period from 1942 to 1952 witnessed an increase of 196.4% in total expenditures of all the states. (See Table I below.) Of the three parts contributing to this total, the increase in General Expenditures shows the greatest rise - 201.1%.

Education accounts for a considerably larger fraction of state general expenditure than does any other function. In 1952 the states spent \$4,026 million for this purpose, 240.7% more than in 1942. The increase has been a steady one during this period, the average annual increase being 24%. Of the 1952 total, \$2,525 million was in the form of fiscal aid to local governments for support of public schools, as against \$790 million in 1942. (These breakdowns are not shown.)

State expenditure for highways in 1952 amounted to \$3,290 million, or 11.3% more than in the previous year, and 190.2% more than in 1942. Public welfare cost, including \$976 million in fiscal aid to local governments, totaled \$2,386 million. That amount was an increase of 161.4% over the 1942 amount of \$913 million. Expenditures for health and hospitals showed the greatest percentage increase in the ten-year period - 304.8%. This reflects the increased emphasis being placed upon mental health. The largest increment in this item occurred in the period between 1948 and 1950. In 1942 these expenditures comprised 6.8% of the general expenditure total, in 1952 9.2%.

Ranking the amounts of the general expenditures from high to low reveals that

18. The Council of State Governments, The Book of the States, 1954-55.

education, highways and welfare were first, second, and third, respectively in both 1942 and 1952. The miscellaneous category was in 4th place in 1942, but moved down to 5th by 1952, yielding to health and hospitals for that place. Natural resources moved up to 6th place from 7th during the decade and public safety from 8th to 7th. Making way for these displacements was the position of general control, which moved from 6th place in amount expended in 1942 down to 8th in 1952.

Mention should be made of veterans' services because this item reveals a different trend during the decade. (This expenditure item is a part of the "Miscellaneous" category shown in Table I.) In 1942 and 1944 one million dollars was spent for this purpose. With the advent of bonuses to veterans, this expenditure took a quick leap to \$633 million in 1948. That was the peak, however. Since that time the cost of veterans' services has fallen to \$143 million in 1952. The drop is accounted for by the nearness to completion of the bonus programs in several states.

Under Insurance Trust expenditure employee retirement has shown the largest increase in the ten years - 277.8%. This is to be expected, not only because pensions have tended to increase in size, but also because of the increase in the longevity rate.

TABLE I

COMPARISON OF EXPENDITURES OF STATE GOVERNMENTS*
1942 and 1952

ITEM	AMT IN MILLIONS		% CHANGE '42 - '52	% DIST. 1952
	1952	1942		
<u>GENERAL EXPENDITURE TOTAL</u>	<u>\$13,697</u>	<u>\$4,549</u>	<u>201.1</u>	<u>100.0</u>
Public Safety	378	146	159.1	2.8
Public Welfare	2,386	913	161.4	17.4
Education	4,026	1,182	240.7	29.4
Highways	3,290	1,134	190.2	24.0
Health and hospitals	1,258	311	304.8	9.2
Natural resources	548	160	241.6	4.0
Employment and Security Administration	177	59	199.6	1.3
General control	368	166	121.6	2.7
Miscellaneous & unallocable	1,202	479	164.3	8.8
<u>LIQUOR STORES EXPENDITURE</u>	<u>\$ 723</u>	<u>\$ 288</u>	<u>150.9</u>	<u>- -</u>
<u>INSURANCE TRUST EXPENDITURE</u>	<u>\$ 1,413</u>	<u>\$ 505</u>	<u>179.8</u>	<u>100.0</u>
Employee retirement	247	65	277.8	17.5
Unemployment compensation	971	369	163.2	68.7
Other	195	71	175.4	2.7
TOTAL ALL EXPENDITURES (add the underlined sums)	\$15,834	\$5,343	196.4	- -

*The amounts in the table include intergovernmental expenditure.

Table II gives the 1952 expenditures for Minnesota for the three principal categories of general expenditure. These figures show that Minnesota is in step with the trend, spending the largest proportion for education and the next largest amount for highways.

TABLE II.

SELECTED GENERAL EXPENDITURES IN MINNESOTA	
1952	
ITEM	AMT IN THOUSANDS
GENERAL EXPENDITURE TOTAL	\$296,922
Public welfare	41,354
Education	102,235
Highways	70,536

Summary: These figures reveal that all expenditures of state government have increased absolutely since 1942. Relatively, some have increased faster than others. Those showing the fastest rates of increase, in descending order, have been expenditures for health and hospitals, natural resources, education, employment and security administration, and highways. Education accounts for the largest proportion of state expenditures, highways are next and welfare ranks third. These three areas of state expenditure accounted for over 70% of the total general expenditures in 1952. Minnesota follows the pattern set by the states as a whole. It may be concluded that these functions will continue to be of prime importance in state government under any method devised for financing them.

VI. LEGISLATIVE GUIDE

Although we are not immediately concerned with what the legislature does, or proposes to do, during the coming legislative session, it behooves us to follow its moves closely because of the effects any bills might have on the total financial picture.

This legislature is certain to have some serious financial headaches. The reason for the tremendous concern over making ends meet is that 79% of the total income of the state is dedicated to special purposes and thus cannot be used for the services in which many of the anticipated shortages of funds exist. While there is likely, apparently, to be a gap between estimated income and proposed expenditures, the total annual revenue of the state is usually somewhat greater than are its expenditures. Below are the current figures on total income and outgo for the fiscal year ending June 30, 1954.¹⁹

DISBURSEMENTS

Total Operating Disbursements (State employee services, other services, materials and supplies, fixed charges, acquisition of property, and unclassified)	\$296,884,836.13
Total Non-Operating Disbursements (Debt service, stores for resale, investments, etc.)	180,723,252.45
TOTAL Net Disbursements	\$477,608,088.5820

RECEIPTS

TOTAL Receipts, all sources	\$489,612,714.9820
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The favorable difference between the amount of monies received and the amount paid out of the treasury during the last fiscal year was a little over \$12,000,000. Now let us look at the balances for the same period. The Unencumbered Cash and Investments in each of the 110 active funds as of June 30, 1954 was \$401,181,465.85.²¹ Of that amount of cash and investments, the state's four major trust funds held \$251,058,041.17.

The Legislature's difficulties are created by the following factors: First, on the revenue side -

- (1) As just pointed out, 79% of the state's income is dedicated to specific purposes. The cash balance in the General Revenue fund suffered a decrease of close to three-quarters of a million dollars during this past year, bringing it down to \$12,677,444.81, of which very nearly \$5 $\frac{1}{2}$ million dollars has already been obligated. The Department of Administration recently announced that the surplus was depleted and cutbacks amounting to 5 $\frac{1}{2}$ were necessary to balance the budget.
- (2) The established tax sources supplying the General Revenue Fund will not produce the anticipated amounts this year. The major probable decreases are in the Occupational Tax on iron ore and the Gross Earnings Tax.
- (3) There is increased pressure to reduce if not to abolish the personal property tax. (This is being sponsored primarily by the Minnesota Taxpayers' Association.)

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19. State Auditor of Minnesota, Quarterly Report for period ended June 30, 1954.
 20. These two totals include all monies received and paid out, including those for grants to local subdivisions.
 21. The Auditor includes the warrants outstanding in arriving at his balance. On June 30, 1954 they totaled \$5,655,016.19.

On the expenditure side of this situation:

- (1) The educational organizations are proposing increases in the school aids from \$80 per-pupil unit to \$92 and \$100. The amounts presently appropriated annually for school purposes from the Income Tax School Fund exceed the annual receipts to the fund.
- (2) A decrease in the state's share of the highway funds is almost certain to demand a source for making up or exceeding the difference. This situation would present no immediate problems for this legislature, however, as any change in allotments to these funds must be made by constitutional amendment.
- (3) Already announced have been increases in the requests of the University and teachers' colleges. Other agencies of the state government will probably do likewise.

What, then, is the legislature to do? With such a situation confronting it, it seems inevitable that an additional revenue source must be found to finance the coming biennium. Two frequently-mentioned sources which might be tapped are a sales tax (on non-necessities) and a surtax for general government purposes, on non-corporate income tax returns.

In the realm of longer-range planning other solutions present themselves. Ceilings on the amounts which might be allowed to accrue to the principals of the trust funds could be imposed. As mentioned above, the total principal of the four major trust funds was over \$251 million dollars on June 30. In the last two years the amount in the Permanent School Fund alone has increased almost \$22 million.

Another aid toward balancing future budgets would be to install the organizational and administrative changes proposed by the Little Hoover Commission, which that committee estimated would amount to savings of over four million dollars each year. Such an extensive reorganization could not be accomplished over-night to be sure. Some of the recommended changes would require constitutional as well as statutory amendment.

Three interim committees have been working on problems directly affecting finance during the current biennium. One is the Committee on Taxation, another a committee to study the highway problems, and the third a Iron Ore committee. Watch the newspapers for these committees' reports, which will be issued toward the end of December. Perhaps they will come up with solutions which so far have not been foreseen.

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CITIZENS COMMITTEE FOR A CONSTITUTIONAL CONVENTION

Mailing List (not a membership list)

Mr. Gerald R. Dillon, YDYL, 403 Oak Grove, Minneapolis

Miss Marion Frye, Inter-Club Council of St. Paul, 170 Montrose Place, St. Paul

Mr. William Pearson, Governor's Advisory Committee, Ogilvie, Minnesota

Mr. Matt A. Antilla, Duluth Federated Trades Assembly, Labor Temple, Duluth

Mr. Orville Freeman, ADA, 334 Midland Bank Building, Minneapolis

Mr. Elwood H. Newhart, Good Government Groups, 2012 W. Lake of the Isles, Mpls.

Mr. Frank T. Starkey, St. Paul Trades and Labor Assembly, Labor Temple, St. Paul

Mr. Phil Bricksen, Machinists' Local 459, 2900 28th Avenue S., Minneapolis 6

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

Young Republican League, 1215 Pioneer Building, St. Paul

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

Mrs. Stanley Zack, National Council of Jewish Women, 234 N. Miss. Blvd., St. Paul

Mrs. Stella B. Olson, Business and Professional Women's Club, Owatonna

Miss Helen Horr, Republican State Central Committee, 1215 Pioneer Bldg., St. Paul

Mr. Harry J. Peterson, Minn. Ass'n. of Cooperatives' Board, 2651 University Ave. St. Paul, Minn.

Mr. Karl Rolvaag, DFL, 320 Midland Bank Bldg., Mpls.

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

Mrs. John Mathys, Republican Workshop, 2201 S. Newton, Mpls. 5

Mr. M. B. Hazelquist, Jr. Chamber of Commerce of Mpls. 400 Second Ave. S.

Mr. Arnold Johnson, Duluth Industrial Union Council, 1820 $\frac{1}{2}$ West Second St., Duluth

Mr. Tres Goetting, Minn. Jr. Chamber of Commerce, 529 Palace Bldg., Mpls.

Mrs. Malcolm Hargraves, League of Women Voters of Minnesota, 716 S. W. Fourth St., Rochester

Mrs. Allan Meinecke, League of Women Voters of Minnesota, 1556 Fairmount Place, St. Paul

Mr. L. J. Covey, Railroad Brotherhood Legislative Board, 743 Lumber Exchange, Mpls.

Mr. Harold Swanson, Hennepin County Industrial Union Council, 729 Fourth Avenue South, Mpls.

Mr. Ralph Keller, Minnesota Editorial Association, 835 Palace Bldg., Mpls.

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

Mr. William Nystrom, Minnesota Farmers Union, Worthington, Minnesota

Mr. Walter Cramond, Central Labor Union, 115 S. E. Fourth St., Minneapolis

Mrs. W. P. Tucker, 1657 Lincoln, St. Paul

Mr. Charles Howard, 2409 West 52nd Street, Mpls. 10

Mrs. Donald Guthrie, 4000 E. County Line, White Bear Lake

Mrs. H. H. Livingston, 1148 Xerxes Avenue S., Mpls.

Mr. Clinton R. Moritz, Disabled American Veterans, 609 State Office Bldg.

Mrs. Helen M. Sharpe, Ramsey County Civic Federation, 1970 Arona Street, St. Paul

Miss Margaret Foley, 2801 Irving North, Mpls.

February 21, 1955

The Editor

The St. Paul Dispatch-Pioneer Press
St. Paul, Minnesota

To the Editor:

The Legislature will shortly debate one of the most important issues that face this session.

It is not a complicated issue. The question quite simply stated is this: Shall the citizens of Minnesota be allowed to decide whether or not they want a convention called to revise the constitution of the State of Minnesota - shall they, or shall they not have that chance?

Some say they should not; that the Legislature has no obligation to submit it to the people. That argument might conceivably have some merit if it were not for the inescapable fact that the people have already had a part in this issue. They were asked at the November election if they wanted certain obstructions to revision removed. They responded in the affirmative by approving Amendment No. 3.

It would be most undemocratic, as well as presumptuous to deny them now the opportunity of voting on the issue itself, after having been asked if they wanted to clear the way for it.

One of the other amendments approved by the voters has already been implemented into law. Legislation to carry out another has been introduced. There has been no objection voiced to either of them. They are referred to as "mandates" of the people. Amendment No. 3 received the highest vote of all the amendments. Should this clear direction of the people be ignored?

There may not be complete unanimity as to what or how much should be changed in our constitution, but there should be no question as to the people's right to decide whether or not a convention should be called. The delegates to this convention will be elected in the same manner and number as our House of Representatives, and the results of its deliberations will receive statewide publicity. Thus the public will be able to get a proper perspective on the whole constitution at one time.

The League of Women Voters ~~has~~ does not fear the democratic process. It has a deep and abiding faith in the ability of the people to pass upon the fundamental principles by which they govern themselves - if given the opportunity to learn the facts and then, on the basis of information and conviction, make their decision.

We sincerely urge every citizen who agrees with this basic principle to ask his legislators to give him a chance to decide this issue.

Sincerely,

Mrs. Basil Young
President, League of Women
Voters of Minnesota,
Hibbing, Minn.

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

February, 1955
Leaders' material
Additional copies - 2¢

TESTIMONY REGARDING H.F. 65 & 66
given before the General Legislation Committee of the House of Representatives
on behalf of the League of Women Voters of Minnesota
February 7, 1955

I am Mrs. Basil Young, President of the League of Women Voters of Minnesota.

In the interests of democratic, efficient and responsible government, the League of Women Voters has supported constitutional revision since 1947, and I would like to make the following points to substantiate our contention that the constitution of the State of Minnesota is in need of systematic, conscientious review by convention, not because it is almost 100 years old, but because it is inadequate; it does not meet present needs.

In the first place, it was not drawn in the calm and deliberate manner that should characterize the drafting of such an important document. It was hastily drawn amidst great dissension and controversy. The 1857 convention actually broke down into two conventions, the Republican and the Democratic, each one maintaining it was the only legal convention. They could not agree, so a conference committee was finally appointed to do the job. It had a little over a week in which to piece together a constitution for our state. As they themselves stated, the content did not matter; they had to agree on something - get something down on paper to get Minnesota into the union. Neither side was happy with the result. It is confusing, cumbersome, muddled, riddled with provisions that are obsolete, unenforced, unenforceable or downright ignored.

The fact that it has been amended 79 times should be proof enough that it is an imperfect instrument and has not met the test of time, as our Federal constitution has, which has been amended only 22 times in 168 years.

Students of government agree that a basic document such as a constitution should be a brief broad statement of fundamental principles that are logical, clear, unhampered by statutory details that are best left to the legislature to determine. In other words, it should be a blueprint for legislation, a framework within which the representatives of the people can pass laws to fit changing conditions and best meet the needs of the people. It should be flexible and dynamic, capable of renewing itself. Our constitution does not measure up to this yardstick.

It is too long - almost three times longer than the Federal constitution.

It is too detailed - one-fourth of its more than 19,000 words are devoted to a complete listing of 70 trunk highway routes.

There are many provisions that actually tie the hands of the legislators and prevent them from introducing better methods of administration.

It is muddled, disorganized. The same subject matter is dealt with in different articles - one of the reasons why it is so difficult to revise by amendment, which is patchwork at best. The elective franchise is dealt with in four different articles; state funds and finances in seven; highway matters and other internal improvements in six; affairs of local governments such as counties, cities, and school districts in six distinct parts of the constitution.

I submit that no business, corporation, union or civic organization would put up with a basic document such as Articles of Incorporation, By-laws, partnership agreements that had similar defects, inconsistencies and general disorganization, and no lawyer would advise his client to do so. Neither should the biggest business in our state - our state government, serving almost 3 million people be forced to muddle along with a constitution such as ours.

A convention would be able to remove the many obsolete provisions that are still there in spite of the many amendments.

It might consider the length of sessions - is 90 days enough - are we losing some worthwhile measures in that last minute rush?

What about the debt limitation of \$250,000?

What about the restriction placed on home rule, the difficult amending process of local charters, with the inevitable result of special legislation (actually prohibited in the constitution) which forces legislatures to spend so much of their time on local affairs when they might better spend it on matters of statewide importance.

It could take a good look at the reapportionment section, one good example of how our constitution is ignored, and note the lack of enforcement powers.

These are some of the things that might be considered by a convention; they may consider others. Whatever they decide will be the reflection of the will of the people, for the delegates to this convention will be their duly elected representatives, and they will have the final word on the result of the convention's deliberations.

Which brings me to my final and most important reason for favorable consideration of this bill. Even if there is not complete unanimity as to what should be changed in the constitution, there should be no question as to the people's right to decide whether or not they want this convention called. At the general election last November they were asked to pass on certain constitutional changes that stood in the way of revision. They responded with overwhelming approval of Amendment No. 3, which provided: 1) that any new constitution written must be ratified by the people, 2) that such constitution would go into effect if approved by 3/5 of all those voting on the question, and 3) that legislators may serve as delegates to a constitutional convention.

Since these questions concerning certain administrative policies surrounding the issue have been asked and answered, it would seem rather undemocratic, as well as a bit frustrating - not to be able to vote on the issue itself.

The League of Women Voters has a deep and abiding faith in the ability of the people to set their own house in order, if given the opportunity to learn the facts, and then, on the basis of conviction and information, make their decision.

We submit they should have this opportunity in November, 1956.

PROPOSED STATE PROGRAM - 1955-57

"The Program consists of the state governmental measures and policies on which the League of Women Voters of Minnesota may take action. The Current Agenda and Continuing Responsibilities as hereinafter defined constitute the Program...Current Agenda shall be limited to such current state governmental issues as the Convention shall choose for concerted action...Continuing Responsibilities shall be those positions on state governmental issues to which the League of Women Voters of Minnesota has given sustained attention and on which it may continue to act, as determined by the State Convention." (Proposed State By-laws)

PROPOSED CURRENT AGENDA

The League of Women Voters of Minnesota will work for constitutional revision which will result in a simple, flexible, timeless state constitution.

PROPOSED CONTINUING RESPONSIBILITIES

1. Civil Service System
2. State Aids to Schools
3. Reorganization of School Districts
4. Party Designation for Legislators
5. Fair Employment Practices Commission

EXPLANATION OF PROPOSED CURRENT AGENDA

In view of the magnitude of the task, the League of Women Voters of Minnesota believes that revision can best be achieved by a constitutional convention. Until a convention is called, we will support revision by amendment.

In the years of study since 1947, we have arrived at consensus that the constitution should provide for:

Periodic review and amendment when necessary.

Fair and enforceable apportionment of the legislature.

Adequate time and opportunity for consideration of legislation (for example: frequency and length of sessions, special sessions, time allowed for executive veto).

Clearly fixed executive responsibility (for example: a shorter ballot, a longer term of office, succession to the governorship, an executive budget).

Increased home rule (for example: realistic restrictions on special legislation, broader provisions for adoption and amendment of municipal charters).

Integrated and flexible tax article (for example: elimination of state debt limitation, elimination of tax rates).

Post Auditor responsible to the legislature.

The League does not consider this is a complete list. In addition, we would expect that: 1) any constitution would include such constitutional essentials as a bill of rights and separation of powers; 2) any revision would eliminate obsolete provisions and matters of a statutory nature; 3) many other areas would be considered.

NOTES on a meeting of the Constitutional Convention Committee, March 30, 1955, to evaluate the campaign and to look back to see ahead.

This seemed to be the group's thinking.

Given the same set of circumstances another year, constitutional convention legislation would undoubtedly be defeated. Two things would make a difference: (1) the elimination of opponents in the legislature and (2) a wide-spread demand from citizens for this legislation.

1. Elimination of opponents in the legislature. League members need to be acquainted with the voting records of their legislators. The relation of support for the League Program and support for a candidate should be pointed up. Some League members will undoubtedly feel that they must join a political party or a citizen group for the specific purpose of electing legislators who will support our program. Non-League citizens also need to be informed of the voting records of the legislators. Since the League itself cannot endorse candidates, it could be of service to voters by preparing a voting record as a pre-election help.

The difficulty in accomplishing this is that the Senate, where we have the greatest opposition, is not up for election until 1958. Therefore, the other approach needs the most attention.

2. Widespread Demand from Citizens. The strongest statement made during the day was that "the League cannot do this alone." In order to counteract the greater influence of the special interest groups, the League must create a widespread demand for this legislation. In doing so, we must first be sure that our members themselves are well aware of the need for constitutional revision. Secondly, we must get active support from other statewide organizations so that we can reach beyond our own membership. We cannot ignore the fact that legislators resent women lobbyists nor the fact that they are not far wrong when they say that only the LWV wants this legislation.

To create this interest, we must begin at once to contact other organizations. The Bar Association's support is badly needed. Mr. Howard and Mr. Mullin, who have been active in this organization on behalf of constitutional revision, need greater enthusiasm. Speakers Bureaus should be organized. Public meetings should be held. The farm, union, AAUW and education groups should be brought into this effort. Some exploration should be made for support of the trucking interests, who are natural enemies of the railroads. The veterans organizations, a powerful lobby group, should be reached. We need to investigate other efforts in other states, such as New Jersey, for ideas.

The League must create such a groundswell for constitutional revision, that the legislators cannot ignore it.

In order to present convincing arguments for constitutional revision, League members must agree on some specific changes which are necessary. It is difficult to convince without positive suggestions.

A catchy argument for constitutional revision might be "Minnesota should have only one state constitution." While this is not very erudite, it is a statement which would have great appeal to many people.

The suggestion was made that constitutional convention might be made the state debate issue for next year.

LOBBYING FOR CONSTITUTIONAL REVISION

The group felt, and figures seemed to confirm, that lobbying made little difference on the final vote. Legislative minds seemed to have been pretty well made up before the beginning of the session.

Far more persuasive than any lobbying, is a letter from a constituent. Many legislators said there was little support for constitutional convention in his district as indicated by the lack of pressure on his weekends at home.

The use of a large committee had benefits League-wise, getting more members informed, interested, acquainted. Legislative-wise, it is hard to evaluate the effect of the large committee until the session ends. Some comparison with League success on other measures may give some clues. Certainly, no one knows the one reason, if there is only one, why this bill was defeated. Lack of citizen support, strength of the opposition and insincerity of the legislature all contributed.

The committee felt it had been wise to use the committee approach. They were sure that only the opponents had been irritated by lobbying; certainly no proponent was annoyed. Mrs. Lyksett thought that the League should use fewer lobbyists and that some lobbyists had approached their work with too little feeling of their responsibility as a League representative.

There was general agreement that the League needs to have fewer issues on which to lobby.

A final suggestion - the group felt League members should know soon the vote of their legislator and be encouraged to write thanks to those who voted in support of the issue.

LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 SOUTH TENTH STREET, ROOM 406

MINNEAPOLIS 3, MINNESOTA

Atlantic 0941

March 11, 1955

To: Local League Presidents
From: Mrs. Basil Young, President
Re: PROPOSED CURRENT AGENDA, 1955 - 57

Good for you - 28 Leagues sent in state Program suggestions (we hope to hear from more of you on the second round - due date April 21st, but the sooner you get them in the better.) You may be interested in knowing that 12 Leagues suggested limiting the Agenda to one item; 7 Leagues - 2 items; 3 - 3; 3 - 4; 3 - 5. The suggestions seemed to divide into these categories: Constitutional Revision, Legislative, Tax Structure, Education and other. Several proposals in areas other than constitutional revision would require constitutional revision. Keeping in mind that the majority of Leagues (18) proposed constitutional revision and that several (12) proposed one item, the state Board has formulated a single-item Current Agenda on Constitutional Revision.

This item would be pertinent whether or not the constitutional convention bill passes the legislature. What follows is the reasoning of the state Board. If the convention bill does not pass, the League of Women Voters will have to face up to change by amendment (we can still work for a convention, but after all, our primary objective is to improve the Constitution). If the convention bill does pass, we are faced with the problem of passing the referendum. This, as we all know, requires a majority of all those voting in the election - the election will be in a presidential year, 1956, which will make that majority much more difficult to obtain.

How best can the League of Women Voters of Minnesota carry the message of revision by convention to the people? Would it be better to build support for the referendum without taking a position on specific reasons for revision and point up the need in general terms? Or should we say what we think a new constitution should contain in the areas we have studied? This is a question of strategy: the first alternative would not engender as much opposition; the second alternative would provoke heated opposition, but perhaps we need that opposition to get attention and, therefore, votes on the referendum. In the League we do not want to lose by default (by those not voting on the question); we prefer to win or lose on informed difference of opinion on the issues. These are the questions your state Board pondered.

We have studied constitutional revision for eight years. We have examined: the amending process, the report of the Little Hoover Commission, home rule, fewer elective offices, state taxes and finance, legislative reorganization, reapportionment, and in more general terms, what a constitution should or should not contain.

The state Board thought the time had come when League members could take a position for constitutional revision not because it is "old, obsolete, lengthy, rigid," etc. but because it does not provide "this,"...we think it should provide "that."

One more word: if an item like this is adopted, you will not receive materials on the pros and cons. You already have those. You will receive materials in support of the League's position to be used to build public opinion in your community.

This is what we thought. What do you think? We should like to ask you three questions: 1) Do you like or approve of this approach? 2) If you approve, are there any specific items your League members are not prepared to support? 3) Are there other items that your members are prepared to support?

[March 1955]

FACTS & FIGURES
on a
CONSTITUTIONAL CONVENTION

***Only 18 states still operate under their original constitutions. Minnesota is one.

***Of all the Midwest states, only 4 operate under original constitutions. Minnesota is one.

***Only 10 states operate under state constitutions that have been allowed to age longer than Minnesota's without complete revision.

***Able legislators have urged a convention in Minnesota since 1894. The 1947 Minnesota Legislature created a Constitutional Commission to study the constitution. It recommended 6 new sections, major changes in 34 sections, minor changes in 78 sections. Their Report was acclaimed, received national attention - and was pigeonholed. The 1949, 1951, 1953 legislatures failed to implement the Report by taking the first step: Passing an act submitting to the people the question of calling a convention.

***Eight states require periodic submission of the convention question to the people: Iowa: every 10 years since 1870; Maryland: 1930 and every 20 years thereafter; Michigan: 1926 and every 16 years thereafter; Missouri: 1962 and every 20 years thereafter; New Hampshire: every 7 years; New York: 1957 and every 20 years thereafter; Ohio: every 20 years; Oklahoma: every 20 years.

***COSTS of convention method are lower than amendment method.

Convention Method

A recent convention was held in

New Jersey: Appropriated: \$350,000. Used: \$330,000. Delegates were not paid but were authorized to draw up to \$10 per day for expenses. The expenses they drew are included in \$330,000.

Amendment Method

Four amendments to the Minnesota Constitution were recently adopted.

1953 ballot costs, Minnesota Constitutional amendments: \$18,580.97. This sum does not include costs of counting ballots, abstract of votes polled, fees for expert opinion, envelopes, paper. Nor does it take into account that two of these amendments had been submitted and defeated at a prior election. No interim committee costs were required for these amendments, but such costs are high and would be required for amending large sections.

***Election of delegates and final approval of revised constitution are in the hands of the people. To mistrust the people is to strike at the very foundation of democracy.

***There have been 180 state constitutional conventions held in the United States since Massachusetts called the first one in 1779. A convention is not an untried process. It is imminently American. It is the democratic way.

League of Women Voters of Minnesota
March, 1955

April 1, 1955

Editor
Minneapolis Tribune
Minneapolis, Minnesota

To the Editor:

We agree that the defeat of the constitutional convention bill was "Not Exactly Flattering" to the people of Minnesota (Editorial - March 17).

Through this defeat, we the people have been denied the right to say whether or not a constitutional convention should be called to revise the state constitution.

Why was this right denied? You have stated that arguments heard on the Senate floor indicated that the reason was fear - fear that the people were incapable of deciding wisely on the question of a constitutional convention, fear that radicals would take over the convention and write the new constitution. We believe that the people of Minnesota are capable of making their own decisions and should not be denied the basic right of democracy - the right of self-government.

Until 1957, when another legislature will convene and the issue of constitutional convention will again be considered the people of Minnesota have been left with one alternative: to change their constitution by the slow process of amendment. The difficulty of the amending process has been borne out by the fact that before 1898, 73% of all proposed amendments were passed; since 1898, when the amending process was made more difficult, only 32% of all amendments submitted to the people have received a favorable vote.

While it is true that in the 1954 elections all four proposed amendments passed, it should be pointed out perhaps that the Bar Association campaigned for Amendment No. 1; the banking interests campaigned for Amendment No. 2; the League of Women Voters campaigned for Amendment No. 3, and there was no organized opposition to any of the four amendments. We cannot be sure that the manpower and money which contributed to the passage of these amendments will always be available. It seems apparent, therefore, that the first step in constitutional revision by amendment should be a change in the amending process. A House bill which would have eased this process was recently defeated.

While pondering the implication of the recent action of the Senate on the constitutional convention bill, the League of Women Voters will continue to work for a constitutional convention as the best means of accomplishing the long overdue revision of our Constitution.

Sincerely,

Mrs. Basil Young, President
League of Women Voters of Minnesota

April 1, 1955

Editor
St. Paul Pioneer Press
St. Paul, Minnesota

To the Editor:

Your recent editorial, "Constitutional Revision Lacks Pocketbook Appeal" (March 17) is an excellent analysis of what kills this legislation session after session. You noted indifference. It has been said that democracy is endangered not by failure to meet emergencies but by indifference to the daily demands of citizenship.

You noted insincerity. Two arguments were presented in opposition to the constitutional convention bill. The first of these was fear - fear that the people might choose unwisely in electing delegates to a convention, fear that the people might not be competent to judge a good constitution. This reasoning contradicts the most basic principle of democracy - the right and responsibility of each citizen for self-government.

The second argument was that it is better to revise the Constitution by amendment. Passage of the four amendments in the 1954 election was offered as evidence that this is easy to do. But what are the facts? Before 1898, 72.73% of all proposed amendments were passed; after 1898, when the amending process was made more difficult, only 32.28% of all amendments submitted to the people have received a favorable vote.

It is correct that all four amendments passed in 1954 even though two of them had previously been defeated in 1952. It should be pointed out, however, that the Bar Association campaigned for amendment 1, the banking interests campaigned for amendment 2, the League of Women Voters campaigned for amendment 3 and there was no organized opposition to any of the four amendments. This interest, energy, manpower and money may not always be available. It is quite clear that if the Constitution is to be revised by amendment, the first necessary step is to make the amending process easier. The Legislature has recently rejected such a proposal.

We share your belief that there is need for constitutional revision in Minnesota. We promise you that the move toward it will continue.

Sincerely,

Mrs. Basil Young, President
League of Women Voters of Minnesota

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

May 12-13, 1955

BRIEFING MATERIAL

on

CONSTITUTIONAL PROVISIONS

for

- I. Review of the constitution by periodic submission to the people of the question of calling a constitutional convention
- II. A workable amending process
- III. Fair and enforceable apportionment of the legislature
- IV. Clearly fixed executive responsibility:
 - a. Fewer elective offices
 - b. Longer, uniform terms for elected executive officials
 - c. Provision for self-executing succession to governorship
 - d. Provision for an executive budget
- V. Adequate time for consideration of legislation by the legislature:
 - a. More frequent regular sessions permitted and/or length of session determined by legislature itself
 - b. Special sessions called at discretion of the governor or the legislature
- VI. A post-auditor appointed by and responsible to the legislature.
- VII. Increased home-rule for local governments:
 - a. Realistic restrictions on special legislation
 - b. Broader provisions for adoption and amendment of home-rule charters

I. PERIODIC REVIEW OF THE CONSTITUTION

The Minnesota constitution now states that whenever two-thirds of the legislature thinks it necessary to call a convention to revise the constitution, this question shall be submitted to the people at the next general election.

The Constitutional Commission of Minnesota has recommended that provision be made in the constitution requiring the legislature to submit to the people the question of calling a constitutional convention, every 20 years. The Commission feels that experience in other states indicates that this will not result in frequent conventions, but the power of the people is there if they wish to exercise it.

It is felt by many observers that repeated failure of the legislature to act, not only in Minnesota but in many other states, has produced a situation whereby the people do not have reasonable access to their constitution. It would seem that a provision of this kind would give the people periodic access to the document, whether or not they felt it was necessary to call a convention to revise it at that time. The provision would be self-executing, would function automatically, and not require additional legislation to implement it.

Eight state constitutions now contain a provision of this kind. In New Hampshire, the only way to amend the constitution is by convention and the question of calling a convention is mandatory every 7 years; in Iowa, the question must be submitted every 10 years; in Michigan, every 16 years; and in Maryland, Missouri, New York, Ohio, and Oklahoma, every 20 years.

II. THE AMENDING PROCESS

From 1858 to 1898, Minnesota had a very simple process for amending the constitution, namely: proposal by a majority of both houses of the legislature, and ratification by a majority of the voters voting on the proposal. During this period, 66 amendments were proposed, 48 of which were adopted. In 1898 an amendment was passed by the above method which made the amending process much more difficult. It still takes only a majority of both houses to propose amendments, but it takes a majority of those voting at the election to ratify them. In addition, amendments may be submitted only at a general election. Since the adoption of this method, 96 amendments have been proposed, 31 of which have been adopted. Since 1898, then, many more amendments have been proposed but far fewer have been adopted.

On the average, only 67 per cent of the voters participating in a general election vote on proposed constitutional amendments. It might be said, therefore, that an amendment to the Minnesota constitution goes to the people at a general election with a 33 per cent handicap and that only 18 per cent of those actually voting upon the measure are sufficient to defeat it.

The Constitutional Commission of Minnesota has recommended that more than a bare majority of the legislature, namely 2/3rds of both houses, be required to propose amendments, and that they may be submitted to the people at either a general or special election. Further, the Commission believes that it should be made easier for the voter to adopt amendments, and that only a majority of those voting on the amendment be required for adoption.

Of all the states, Minnesota has the easiest method of proposal by the legislature -- a majority of those present and voting. In contrast, 20 states require a 2/3rds vote of members elected to each house; 19 states require a majority of members elected (some of these require a favorable vote by two successive legislatures); and 8 states require 3/5ths vote of members elected.

Ratification of proposed amendments by the voter is required in every state but Delaware. In 36 states a simple majority of those voting on the amendment is sufficient, while in 6 states (including Minnesota), a majority of those voting at the election is required.

Several of the amendments adopted in recent years have met the required majority of votes cast and counted at the election only after they have been submitted several times and there have been extensive publicity campaigns by interested organizations. It has been observed that the will of the majority of informed and active voters has been defeated time and again by constitutional requirement.

Many authorities also believe that the amount of statutory material in our state constitution makes it important to have an amending process which will allow changes with reasonable speed, and which will more precisely reflect the popular will.

III. APPORTIONMENT

The present apportionment of Minnesota legislative districts was made in 1913; there have been no changes since that time despite a growth of over a million people and widespread shifts in population. Although the constitution states that "the representation in both houses shall be apportioned equally throughout the different sections of the state, in proportion to the population thereof," House districts at the present time vary from 7,290 to 107,246.

After studying reapportionment League members decided on two approaches to the problem:

1. a solution under the present constitutional provision, as represented in the Bergerud bill.
2. an amendment to the constitution changing the basis for apportionment and including an enforcement provision to assure periodic reapportionment.

We are concerned here with the latter approach. Proposed bases for a constitutional amendment fall into three classes:

Area compromise in the House. H.F. 1162, which passed the House this session, was a plan which would have given one representative to every county, distributing the remaining House seats by ratio and population. The Senate would be apportioned by population.

Pro - There is a strong county feeling in Minnesota and most rural legislators believe every county is entitled to its own representative. The plan assures a House member to each county now having its own member, thereby bringing about reapportionment with a minimum of change, at least in the House. The plan guarantees dominance of the House by the rural areas no matter how large the metropolitan centers may grow. This is an assurance many rural members insist upon before considering reapportionment legislation.

Con - With the Senate apportioned by population under this plan, the Twin City area would have almost as many senators as representatives. Some feel this to be an undesirable balance. Some metropolitan areas would lose in the House even though they are not now overrepresented. (St. Louis loses 2, Ramsey loses 1, Hennepin gains 2). The plan is more favorable to the southern part of the state with many small counties than to the northern section with a few very large counties.

Area compromise in the Senate. The Constitutional Commission recommended a ceiling on metropolitan representation in the Senate. In 1953 the Senate passed a bill which would limit any two adjacent counties (Hennepin and Ramsey) to 25% of the Senate. During the past session this plan was amended to 30% of any three adjacent counties to include the possibility of large suburban growth in the Twin City area. The House would be apportioned by population.

Pro - Tailored to Minnesota's particular needs, it has found widespread support in the Senate. Many feel it would have considerable voter appeal.

Con - The plan is not liked by the House where more than half of the districts are overrepresented. Some Hennepin and Ramsey county legislators feel that with only 34% of the state's population, they cannot dominate the legislative scene and should not be so rigidly restricted.

Area compromise in both houses. Experience during the past session would indicate that the most practical approach to the problem is some compromise in each house. It may be unrealistic to assume that either house will vote to apportion itself by population and let the other house set up a broad area basis.

Pro - Probably the only plan that would pass both houses. Only twenty states have apportionment on a straight population basis for either house, and in several of these there is considerable variance from the requirement in actual practice.

Con - Twin City residents might well oppose a plan which restricts their representation in both houses, making passage of such an amendment difficult.

Enforcement provisions. An enforcement provision was included in all the amendments considered during this session and seemed to be accepted by legislators as a necessity. There was considerable discussion of the enforcement provisions during Senate debate; they were not mentioned in House debate and never discussed in committee. Suggested provisions include:

1. Commission set up by the governor, six from each political party. Recommended by the Constitutional Commission, this plan was offered in the Senate this session as an amendment to a reapportionment bill and was voted down decisively. Many Senators believe that reapportionment is a legislative duty and should not revert to any other agency.
2. Special session to be called by the governor.
3. Extend the length of the session beyond ninety days for the sole purpose of reapportioning.

It can be seen from this brief discussion that there is room for considerable meeting of minds on the subject of reapportionment before a solution can be reached. Because its membership extends to all parts of the state and represents all of the different areas of thought on the problem, the League is in a particularly good position to bring these widely divergent ideas together and hasten a solution of one of Minnesota's top governmental problems.

IV. EXECUTIVE RESPONSIBILITY

A. Fewer Elective Offices

The Minnesota Constitution now provides for the following constitutional executive officers: Governor, Lieutenant Governor, Attorney General, Treasurer, Secretary of State and Auditor - six in all. The Minnesota Constitutional Commission (MCC) recommended in 1947 that three of the six be eliminated as elected executive officers (Treasurer, Secretary of State and Auditor). The Minnesota Efficiency in Government Commission - the Little Hoover Commission (LHC) - recommended in 1950 that four of the six be eliminated as elected executive officers (Attorney General, Treasurer, Secretary of State and Auditor). Both commissions proposed these changes for the same basic reason. The MCC said, "...to approach closely the principle of placing executive responsibility in the hands of a single popularly elected official - the governor." The LHC said, "Administrative authority, as well as responsibility, should be centered in the Chief Executive of the State."

The two commissions agreed that the functions of the Secretary of State and the Treasurer are ministerial rather than discretionary and that the auditor should be changed to post-auditor chosen by and responsible to the legislature.

The appointment of the Attorney General by the Governor was suggested by the LHC, "Because it is an elective office, the incumbent might easily be of an opposite political party from that of the Governor. The views of the two might be at complete variance. Furthermore, the views of the legal counsels (appointed by the Attorney General) within the several departments might well work to prevent the execution of programs to which the Governor is pledged by virtue of his election." On the other hand, the MCC indicated that there was merit in the contention that the Attorney

General be continued as an independent constitutional office because he is responsible for interpreting the laws of the executive department and for commencing criminal actions in the name of the state and must exercise considerable discretion.

In addition to the elected executive officials, Minnesota's citizens elect a Clerk of the Supreme Court. The MCC and the LHC suggested that this position be made appointive by the Supreme Court. A constitutional amendment, revising the judicial article and including this feature, was passed by the 1955 Legislature and will be voted on in the 1956 elections. Also elected by voters are justices of the Supreme Court. Whereas the MCC did not suggest not electing the justices, it did recommend certain modifications approved by the American Bar Association. When a vacancy occurs, the Governor would appoint from a list of three names submitted by a non-partisan judicial commission - at the next and succeeding elections, the justice would run on his record (no opposing candidates). If he fails to get a majority of "yes" votes, the Governor would then make another appointment. Finally, we elect members of the Railroad and Warehouse Commission. The LHC recommended that this be replaced by a quasi-judicial board of three members appointed by the Governor. An interim commission will study proposals for the reorganization of the Railroad and Warehouse Commission in the next biennium.

The issue at stake here is popularly described as the short ballot - a principle for which the League of Women Voters has fought for many years in states and cities. The long ballot developed out of the Jacksonian idea that if the people voted for a large number of officials from the governor down to and including the keeper of the dog pound, and did this often enough, their government would be democratic. The League believes, along with many governmental authorities, that democracy does not consist in voting or in performance of any other single act. The essence of democracy requires that the people shall maintain control over their government.

Current practice in the states varies all the way from New Jersey where only the Governor is elected to Oklahoma where the voters elect 17 state administrative officials. In New York and Virginia, the voters select the governor, lieutenant governor and attorney general.

The principle of the short ballot would in operation restrict the officers chosen by popular election to policy-determining officers. There are three major advantages of the short ballot. It would:

1. Centralize responsibility and do much to insure a more efficient administration of state government.
2. Recognize the fact that popular government does not consist in the mere selection of officials, but rather in the selection of those whose key positions in government enable them to control policy and make them directly responsible to the voting public.
3. Simplify greatly the voter's task;

B. Longer Uniform Terms for Elected Executive Officials

The terms of the six elected executive officials in Minnesota are for two years. The Minnesota Constitutional Commission recommended that the terms of the Governor, Lieutenant-Governor and Attorney General (remember, the other three to be appointed) be set at four years. The Little Hoover Commission recommended four-year terms for the Governor, Lieutenant Governor and department heads appointed by the Governor. In each case, the change was proposed to give the Governor sufficient time to develop and carry out his policies. The Constitutional Commission believed that the biennial election of the House of Representatives would provide a means of expressing disapproval of any measures which are against the popular will.

By the original constitutions, most of the governors served for one year, and none were permitted a term of more than two years. At present, 28 states have a term of four years, 20 states have a term of two years. The current trend is in the direction of the four-year term. Of the 24 states operating under constitutions drawn up since 1888, 19 provide four-year terms for the governor as contrasted to 5 which provide two-year terms.

Arguments against the longer term:

1. A two-year term allows the people more opportunity to remove a poor executive.
2. A four-year term would make it difficult to remove a corrupt political machine.
3. When a governor has to run for office every two years, he is forced to pay more attention to the voters' wishes.

Arguments for the longer term:

1. It permits a more satisfactory development of administrative policies and tends to give a state more efficient government.
2. It makes possible greater and more consistent economy in administration; it reduces the inevitable extravagance and waste connected with more frequent changes.
3. It is in harmony with the principle of the short ballot, providing as it does for a reduction and simplification of the task which the voter is asked to perform.

C. Self-Executing Succession to the Governorship

The Minnesota constitution now provides for election by the Senate of a President pro tempore to succeed the Lieutenant Governor in case a vacancy would occur in the office. The Constitutional Commission proposed that succession to the governorship be clarified by providing that the Lieutenant Governor succeed the Governor, then the President pro tem of the Senate and then the Speaker of the House. If the governorship then becomes vacant, before the next general election, the oldest Senator in chronological age is authorized to convene the Senate to elect a President pro tem, who would immediately succeed to the governorship. A vacancy is defined as failure of the governor to qualify, impeachment, removal from office, death, resignation or inability to discharge the powers and duties of his office.

The importance of such a provision is demonstrated by examples such as Oregon and Georgia. A plane crash in 1947 took the lives of three top Oregon officials (Governor, Secretary of State and President of the Senate). The Speaker of the House became Governor. In Georgia a few years ago, the Governor-elect died two weeks before taking office. In the absence of a clear mandate in the state's constitution, one faction contended that the legislature was empowered to elect the governor; their opponents maintained that the regularly elected lieutenant governor should be inaugurated. The disagreement resulted in a dual governorship for two months until the court decided that the legislature was not empowered to select the governor under these circumstances.

The general trend in most states is to make the office of governor devolve upon a politically selected official close to the legislature as are the lieutenant governor, senate president and house speaker rather than to go down the line of the customary group of state executive officers. The purpose of this provision is to spell out a clear, concise and continuing procedure for succession to the governorship to prevent possible governmental turmoil.

D. The Executive Budget

The Constitutional Commission recommended a provision that the Governor submit a budget to the Legislature. This is now a statutory requirement (as it is in most states) but the biennial budget has become so important in coordinating revenues and expenditures that this requirement was included in the proposed Constitution with a stipulation that the budget must be presented within three weeks after the legislature convenes. Occasionally, the legislature's business has been disrupted by the governor's failure to submit a biennial budget soon after the legislature meets.

Constitutional provisions on this subject fall into two general classes: short statements regarding the duty of the governor to report to the legislature; detailed description of the budget procedure to be followed. The Commission's proposal is of the

first type which is most common among states which establish the executive budget in their constitutions. The second type of provision is relatively rare.

There seems to be no quarrel with establishing the principle of the executive budget (recognized by authorities in public finance as the preferred form) in the Constitution. As to the time limitation - even with a new governor and a tremendous budgetary problem, the budget was submitted to the 1955 legislature 15 days after it had convened.

V. LEGISLATIVE SESSIONS

A. Frequency and Length of Sessions

Our constitution originally allowed the legislature to determine when and for how long it would meet. Sessions were held annually and there was no limit as to their duration. After a series of amendments, the present biennial, 90 day session was established in 1888, and since that time no change has been made. During this period, however, legislative business has greatly increased, social and economic problems have become more complex, financial problems have become critical. Many observers feel that if the state legislature is to fulfill its duties adequately, it should be allowed to meet as often and as long as its responsibilities require.

The Constitutional Commission of Minnesota recommended in 1947 that provision be made for biennial sessions and other sessions as prescribed by law, thus making more frequent sessions possible. It would also modify the present 90 day limit by allowing the legislature to decide within 75 days whether or not it needed longer than 90 days in which to complete its business.

Minnesota is one of 32 states which places a constitutional limitation on the length of the regular session. With 90 days allowed, it falls in the exact center of these 32 states, some allowing more days, some less. Also, Minnesota is one of 34 states which meet biennially. Of the 14 states which meet annually, 6 limit the even-year sessions to financial and urgent matters.

Arguments presented by those opposing annual sessions can be summed up briefly as follows: that many citizens would not seek office because of the time required; that it would increase the cost of government; would lead to more but not better laws; would cause deferment of legislation until the next session; would require more administrative liaison personnel; that annual sessions are not necessary because there are few state problems that must be met immediately and that real crises may be met by special sessions.

Some of the arguments advanced by the advocates of annual sessions are: that rapid changes in present day social and economic conditions require frequent sessions to keep pace; that legislation now is a continuous process and cannot be confined to infrequent intervals between long periods of inactivity; that annual sessions would give greater continuity to the legislature, and permit permanent secretariat and research staff; that end of session rush would be reduced; that more economical administration would result because budgets could more nearly reflect actual needs. In addition, most thoughtful advocates disapprove of the even-year session being confined to budgetary matters, believing that financial considerations are so inextricably involved in most questions of public policy that they cannot be effectively separated.

B. Calling of Special Sessions

The Minnesota constitution now allows only the Governor to call a special session of the legislature. He may not, however, limit the matters to be considered. Many observers feel that the legislature as well as the Governor should be competent to determine the need for special sessions. Dependence of the legislature on the executive in this matter is sometimes criticized.

The Constitutional Commission of Minnesota has recommended that the legislature be permitted to call special sessions. It also would allow the Governor to limit the matters to be considered at a special session which he calls.

In all states the Governor has the power to call special sessions (in some, his power is modified by a provision that he must call one on petition of 2/3rds of the legislature), but in only 3 states may special sessions be called at the discretion of the legislature alone. In 29 states the legislature does not determine the matters to be considered, but in 19 states, the legislature may extend its scope. The number of extra sessions in the states has greatly increased, gaining momentum in the critical days of the 1930's and continuing to the present day. In general, those states which provide for biennial sessions have found it necessary to hold more special sessions than those which have annual sessions.

Minnesota has had 12 special sessions since it was admitted to the Union. A marked increase in frequency has occurred since the early days of the state. Economic factors, wars, growing population, and increasing financial problems are reflected in the subjects considered at these sessions. Length of these sessions has varied from just one day in two cases, 1916 and 1951, to 60 days, the longest, in 1937.

Some students of the legislative process have expressed the opinion that the question of annual vs. biennial sessions would be largely resolved if legislatures could be called into special session by governors or by a majority of their members without undue restrictions on the measures to be considered. Others feel, however, that important and flexible as special sessions may be, they cannot be considered a substitute for annual (or even more frequent, as some suggest) sessions, with their more orderly distribution of the work load on the legislature. Consideration could be given, however, to removing restrictions on the call of special sessions, especially in states such as Minnesota which have a constitutional limitation on the length and frequency of the regular session.

VI. THE POST-AUDITOR

Two types of financial audits are essential in state government: The pre-audit is a review of transactions before they are made. This is carried out by the State Auditor, an elected official. The post-audit is a review of transactions after they are completed, to learn if and how the money appropriated by the legislature is being spent, and to determine the current financial standing of the government. At the present time this function is carried out by the Public Examiner, who is appointed by the governor with the consent of the Senate.

The Constitutional Commission of Minnesota recommended that the elected office of State Auditor be eliminated, believing that fewer elective offices are conducive to a more responsible executive. The pre-audit could then be performed by an auditor directly responsible to the governor. The Commission further recommended that a new section be added to the constitution, creating a post-auditor selected by and directly responsible to the legislature. His term would be of six years duration.

In commenting on these changes, the Commission states that it believes this recommendation to be one of the most important it is making. At the present time, the Minnesota legislature appropriates the state's money but has no effective method of determining how its mandates are being carried out, and what changes should be made by law for the more efficient handling of public funds. The Commission further states that the creation of a post-auditor chosen by and responsible to the legislature would insure financial accountability to that body which has the constitutional responsibility for the raising and spending of state funds.

All 48 states now have some type of post-auditing official. The method of his selection, however, varies a great deal among the states. In 11 states he is appointed by the legislature. In 18 states he is an elected official. In 9 states (including Minnesota) he is appointed by the governor with consent of the Senate. In 6 states he is appointed by the governor without consent of the Senate. 4 states use miscellaneous methods.

Authorities in the field of finance, and special study commissions of several states agree almost without exception that the post-auditor should be responsible to the legislature. In Minnesota, both the Little Hoover Commission and the Constitutional Commission have made this recommendation and the same conclusion was reached after study by the Minnesota Legislative Research Committee. This latter committee further believes it is highly preferable that such an officer be appointed by the legislature and not elected by the people, stating that the legislature is in a better position to judge qualifications and training for a position of this kind than is the general public.

A post-auditor responsible to the legislature would seem to offset the arguments of those who fear a too powerful executive. A.E. Buck has stated that power and authority commensurate with full responsibility for all administrative operations may be accorded the governor as long as the legislature utilizes post-auditing to bring him to complete accountability for his acts. As in all governmental operations, care must be taken to see that boundaries between the branches are not overstepped.

VII. HOME RULE

Local legislation by the state legislature is special legislation which applies to any political subdivision or subdivisions of the state, less than the whole. It constitutes a large portion of the total legislation in any session, and is considered by many to be undesirable in that it acts as a barrier to home-rule and real local government, besides consuming a great deal of legislative time.

The original constitution of Minnesota contained no prohibition of special legislation, with the result that in the early years, special laws were usually more numerous than the general statutes. A series of amendments terminated in 1891 have greatly improved the situation, by prohibiting special laws "when a general law can be made applicable", and leaving this decision to the courts. The 1891 amendment also increased the number of subjects upon which special laws may not be passed, and also allowed the legislature to repeal any existing special laws but not amend, modify, or extend any special laws.

However, special legislation has not been eliminated, for by means of restricted classifications, it is still possible to meet the peculiar needs of particular localities. This means that the legislature may use the classification for cities fixed by the constitution and any classification on other units that it wishes and thus enact laws that are general in language but actually apply only to a single locality: for example - laws enacted under the guise of general legislation yet restricted to "a county with a population of more than 10,000 but less than 15,000, according to the 1940 federal census, and containing more than 26 full and fractional congressional townships." There is only one county in the state like this.

It has been pointed out by authorities in the field of state-local relations that actions taken through local legislation may not be undesirable in themselves. Local acts in large part fulfill legitimate needs. In short, it is not that too many laws are made, but that too many laws are necessary. To place the whole burden for these local laws on the state legislature has unfavorable results on both the legislature and the localities. Undue demands are made on the time of individual legislators, the feeling of localism is accentuated in the legislature, log-rolling practices are encouraged, and local affairs are brought into the state-wide political arena. In addition, the multiplicity of laws sometimes results in actual contradiction of provisions applying to a single community; besides removing the control of local affairs from local citizens; sometimes even without the knowledge of the citizens involved.

Some of the major recommendations of the Constitutional Commission on the articles dealing with special legislation and local government can be briefly summarized as follows: would provide that a general law prevails over a home-rule charter only if laws states; permit name of community in special legislation, and require approval of local citizens; limit classification of local governments, as inducement to enact general legislation; cities, villages, counties permitted home-rule charters; consolidation of counties and cities; city-county organization by home-rule charter, not by legislative action.

may 1955

BRITISH INFORMATION SERVICES

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RADIO SECTION

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BRITAIN'S GENERAL ELECTION NO. 5

CHANGES IN PARLIAMENTARY BOUNDARIES INCREASE NUMBER OF SEATS TO BE FOUGHT.

Redistribution of seats by the Boundary Commissions means that 630 constituencies will be contested in the current British general election campaign (polling day May 26) instead of 625 as in the 1951 election.

There are four Boundary Commissions, one each for England, Scotland, Wales and Northern Ireland. Members of the commissions are politically impartial and sit under the ex-officio chairmanship of the Speaker of the House of Commons.

The Commissions are the permanent machinery for redistribution of parliamentary seats where desirable and they keep the size of constituencies constantly under review.

In an attempt to arrive as nearly as possible at the average of 57,000 electors to each constituency, the Commissions recommended alterations in the boundaries of 215 constituencies (out of 625).

The effect of the changes has been to abolish six seats and to create 11 new ones.

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According to the "Economist," of the six abolished seats Labor will lose an M.P. in four but may gain three in the new constituencies. The Conservatives may gain seven seats in the new constituencies while losing two as the result of abolition.

Apart from this work of creation and elimination, the Commissions made major boundary changes in 176 existing constituencies and minor ones in 39. It does not appear likely that the great majority of these changes will affect the political complexion of the constituencies concerned, and the general effect of all the alterations is expected to leave the balance of party advantage and disadvantage just about as it was in 1951.

The necessity for the Boundary Commissions' activities spring from the disparity between town and country in density of population. Rural constituencies tend to be relatively thinly populated, while urban areas have dense populations. The constant movement of population adds to the difficulty of maintaining "ideal" constituency size in terms of voters.

A further complication is that Constituency boundaries must correspond with those of local government areas and communities as far as possible.

The Commissions are required to make general reviews of the problem at intervals of not less than three and not more than seven years. There have been some suggestions that the intervals should be longer.

When a Commission has provisionally decided to make recommendations affecting a constituency, it must publish the effects of its recommendations in the local press. Objections or

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representations must be considered and a local inquiry may be held if necessary.

END

B1a, B1c, B8, C1, C2, D1a, D1b, G1-3-4, R1-2-3-6, S13.

10th May 1955

14

FACTS & FIGURES
on a
CONSTITUTIONAL CONVENTION

***Only 18 states still operate under their original constitutions. Minnesota is one.

***Of all the Midwest states, only 4 operate under original constitutions. Minnesota is one.

***Only 10 states operate under state constitutions that have been allowed to age longer than Minnesota's without complete revision.

***Able legislators have urged a convention in Minnesota since 1894. The 1947 Minnesota Legislature created a Constitutional Commission to study the constitution. It recommended 6 new sections, major changes in 34 sections, minor changes in 78 sections. Their Report was acclaimed, received national attention - and was pigeonholed. The 1949, 1951, 1953 legislatures failed to implement the Report by taking the first step: Passing an act submitting to the people the question of calling a convention.

***Eight states require periodic submission of the convention question to the people: Iowa: every 10 years since 1870; Maryland: 1930 and every 20 years thereafter; Michigan: 1926 and every 16 years thereafter; Missouri: 1962 and every 20 years thereafter; New Hampshire: every 7 years; New York: 1957 and every 20 years thereafter; Ohio: every 20 years; Oklahoma: every 20 years.

***COSTS of convention method are lower than amendment method.

Convention Method

A recent convention was held in

New Jersey: Appropriated: \$350,000. Used: \$330,000. Delegates were not paid but were authorized to draw up to \$10 per day for expenses. The expenses they drew are included in \$330,000.

Amendment Method

Four amendments to the Minnesota Constitution were recently adopted.

1953 ballot costs, Minnesota Constitutional amendments: \$18,580.97. This sum does not include costs of counting ballots, abstract of votes polled, fees for expert opinion, envelopes, paper. Nor does it take into account that two of these amendments had been submitted and defeated at a prior election. No interim committee costs were required for these amendments, but such costs are high and would be required for amending large sections.

***Election of delegates and final approval of revised constitution are in the hands of the people. To mistrust the people is to strike at the very foundation of democracy.

***There have been 180 state constitutional conventions held in the United States since Massachusetts called the first one in 1779. A convention is not an untried process. It is imminently American. It is the democratic way.

League of Women Voters of Minnesota
March, 1955

ORGANIZATIONS FAVORING CONSTITUTIONAL REVISION IN MINNESOTA

Farmers Union Grain Terminal Association ✓

* Republican Party ✓

* Democratic-Farmer-Labor Party ✓

* League of Women Voters ✓

Minnesota Farm Bureau Federation ✓

* Minnesota State Federation of Labor, AFL

~~League of Minnesota Municipalities~~

* Minn. State Industrial Union Council (CIO)

* State Grange of Minn.

* Americans for Democratic Action

* Minnesota Junior Chamber of Commerce

* National Council of Jewish Women, Minnesota

* * League of Minnesota Municipalities

* - convention method

GROUPS SUPPORTING REVISION OR CONVENTION

✓ REVISION - Farmers Union Grain Terminal Association (in letter to Mrs. Basil Young, May 11, 1955 signed by Gordon Roth, Director of Public Relations - filed under MCCC) - "The Farmers Union Grain Terminal Association is interested in revision of the Minnesota Constitution and actively supported the effort under Governor Youngdale (Youngdahl). Our interest continues."

in letter to
Mrs. Basil Young

✓ REVISION - American Association of University Women, Minnesota Division, May 27, 1955, signed by Mrs. Ed W. Johnson, Legislative Chairman - filed under MCCC) This letter indicated s

✓ CONVENTION - Minnesota State Industrial Union Council (CIO) - 2 in postcard asking You may use the name of this organization under the statement: "Among the Organizations favoring a constitutional convention for Minnesota are:" signed by Robert E. Hess. Filed under Minnesota State Industrial Union Council. dated Feb. 15, 1952

✓ CONVENTION - Americans for Democratic Action 2 in postcard saying "You may use the name of this organization under the statement: 'Among the Organizations favoring a Constitutional convention for Minnesota are'" signed by Orville L. Freeman (Filed under ADA. dated Feb. 25, 1952

CONVENTION - Democratic-Farmer-Labor Party in postcard saying "You may use the name of this organization under the statement 'Among the Organizations favoring a Constitutional Convention are" signed by Karl F. Rolvaag, Chairman DFL State Central Committee, dated Feb 16, 1952 Filed Under DFL

AMENDMENT No. 2 - Minneapolis Central Labor Union in letter to Mrs. Mildred Harges, Chairman, Citizens Committee

✓ REVISION - League of Minnesota Municipalities in postcard asking dated February 15, 1952 filed under LMM. signed by C. C. Ludwig, Executive Secretary. "League ~~(as former Veterans)~~ may be listed if footnoted *League favors 'state constitutional revision through a constitutional convention or other appropriate means.'"

✓ REVISION - ^{Min. Farm Bureau Federation} resolution adopted at 1952 annual meeting (see letter to Mrs. Norman Grossman, dated May 12, 1955, filed under MCCC. "We recommend a continuing aggressive campaign to inform the voters of the need of revising our state constitution to make it conform to the present and future requirements of our people and our institutions."

✓ CONVENTION - Minnesota Junior Chamber of Commerce ~~in letter dated~~ resolution adopted at All-State meeting in Minneapolis, January 21, 1950. See letter in JC file. WHEREAS, it is generally recognized that the present Minnesota state constitution is antiquated and in need of revision; and WHEREAS, a citizens committee for constitutional revision has been organized in the state for the purpose of encouraging legislation for submitting the question of constitutional revision before the people; NOW THEREFORE, BE IT RESOLVED, that a representative of the Minnesota Junior Chamber of Commerce be assigned to the Citizens Committee and its purpose; and that we support the call for a constitutional convention."

CONVENTION:

- ✓ Minnesota State Federation of Labor, AFL in postcard dated Feb. 15, 1952 signed by Orlin Folwick, Public Relations Director. Filed under Minn. AFL

✓ CONVENTION

National Council of Jewish Women - State of Minnesota in postcard dated Feb. 19, 1952 signed by Mrs. Stanley Zack, Chairman of State Legislation. Filed under organization's name.

- ✓ CONVENTION: State Grange of Minnesota in letter May 12, 1955 to Mrs. Basil Young signed by William B. Pearson, Master. Filed under MCCC. "For a number of years the State Grange has, as a part of its legislative program, endorsed the calling of a constitutional convention to revise our state constitution."

ORGANIZATIONS SUPPORTING AMENDMENT II (1952) & III (1954)

AMENDMENT II

Duluth Federated Trades & Labor Assembly

Good Government Group

LWV of Minn.

Mpls. Central Labor Union ✓

Minn. Farmers Union

Machinists' Non-Partisan Political League

Minn. State Bar Ass'n.

National Council of Jewish Women

Republican State Central Committee

St. Paul Trades & Labor Assembly

AMENDMENT III

Citizens League

State Bar

Farmers Union

Minnesota Employers Association

Republican Party

DFL Party

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

May 1, 1955
Extra copies, 7¢

CONSTITUTIONAL CONVENTION ITEM

1955 REPORT

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."

Because League energies during 1954 were directed toward public education on Amendment 3, work on a Constitutional Convention bill could not start until after the November election, 1954. A committee was then organized, and the 198 legislators were divided among lobbyists for a series of interviews, with 8 legislators assigned to each League interviewer.

MATERIALS An article combining background material with the League stand was prepared for the information of both committee members and legislators. (See "Background"). Later, a "Facts and Figures" sheet was prepared to combat opponents' statements: 1) that a convention would be too costly, and 2) that a convention would be a dangerous innovation in state governmental practices. This sheet effectively stopped the talking-point of expense, but did not stop the "dangerous innovation" fear which was skillfully kept alive by the opposition.

INITIAL SURVEY During an initial survey made by the committee in the first two weeks of the session, 170 of the 198 legislators were interviewed, with League committee members merely stating the League stand and noting the response. The results were:

	<u>Senate</u>	<u>House</u>
Favorable	31	70
Opposed	16	17
Undecided	17	27
Not seen	3	17

SIMPLIFYING ISSUE Since the constitutional Convention issue is exceedingly complex with many possible facets for public and legislative information and misinformation, the committee believed the issue should be simplified before the legislators were interviewed. It was decided to emphasize the theme of "Let the people speak," stressing the basic democratic belief that the state's constitution belongs to the people, and it is their right to decide whether or not they wished to have a convention called. Thus the committee would not become involved in arguments on the specific details of revision, which might obscure the fundamental principle involved: the principle set forth in Art. I, Sec. 1 of the Constitution "the right to alter, modify, or reform" basic law resides in the people.

MAJOR QUESTION Although the committee, in its initial survey and later, attempted to concentrate on this fundamental principle, the question soon arose and was constantly reiterated by legislators: "What's wrong with the old constitution?" It was decided that answers should be given, and the following points were selected:

1) The legislators' own Commission of 1947 had found the Constitution grievously (p.2 faulty and had recommended 112 changes and 6 entirely new sections. 2) The tax and finance article (Article IX), amended 19 times, is making efficient government difficult and sometimes impossible. The 1954 report of the Tax Commission, composed of legislators and appointed citizens, had reported that the "Minnesota tax structure was not the result of systematic, long-range planning. Rather, most of the changes and additions... seem to be the result of moving from one crisis to another." 3) The old constitution is comprised too largely of statutes instead of basic law, which makes frequent amendment necessary. The Federal Constitution, amended only 22 times in 168 years, was cited in contrast, 4) Re-apportionment has not been accomplished since 1913.

Other facts in which key committee members were briefed were: 1) provisions for local government need improvement; 2) size of legislature and length of session were areas in which many people thought reform should come; 3) the ballot should be shorter; 4) the term of office for governor should be longer. However, because of League policies, discussion on these points was avoided.

EFFECTIVENESS of ARGUMENT

It was found that legislators were too hurried after the first ten days to discuss anything for more than an occasional 5 minutes. Even in committees it was difficult to explain a simple point; much less could we hope to debate a dozen complex ones.

PUBLIC RELATIONS

Because time was short, it was decided that the committee should concentrate on lobbying at the legislature instead of undertaking an extensive public campaign. The main loss in this decision was that contacts were not made with influential editors of out-in-state papers, many of whom either opposed the convention bills or ignored them. Two television and 2 radio programs were arranged, and both radio and television newscasters gave good coverage. Committee members carried out a vigorous letter-writing program of information through the Letters-to-the-Editors columns. A Minnesota poll of Jan. 9th revealed that a lack of public demand based on extensive education and information might affect legislators voting on this issue. The poll revealed that only 30% of the state's people had heard or read anything about proposals to revise the constitution (38% men and 22% women), and only 22% (of all- whether informed or not) believed it should be rewritten; 63% believed it should be changed by "passing more amendments." Thus we found ourselves faced at the outset with a public relations problem we had no time to work on.

ADMINISTRATION SUPPORT

An early call was made on the governor by a Board committee. Governor Freeman reiterated his support of the bill and promised to incorporate a call for a convention in his inaugural and legislative addresses. This he later did. When authorship of the bill was later discussed, the governor made it an "Administration bill", allowing House Speaker A.I. Johnson, and House Majority Floor Leader Fred Cina to join Sally Luther and conservatives Clarence Langley and Harold R. Anderson as authors. Minority leader, John Hartle, was asked to be an author but withdrew in favor of Langley, a long-time advocate of the measure.

INTRODUCTION OF BILLS

SF 23, the Senate bill, was introduced January 10th. (Two similar bills were introduced by Senators Gillen, Westin, and Schultz, but were incorporated with SF 23.) Authors were Mullin, Holmquist and E.L. Andersen.

HF 65, the House bill, was introduced January 13th. (A similar bill was authored by Karth, Shovell, and Rutter, and later incorporated.) Authors were Cina, A.I. Johnson, Langley, Luther and H.R. Anderson.

Both bills

" would submit this question to the voters in November, 1956: 'Shall there be a convention to revise the constitution of the state of Minnesota?'"

COMMITTEE HEARINGS

1st On February 3rd, SF 23 had its first hearing before the Senate Ju-
 SENATE diciary Committee. Speaking for the bill were William B. Pearson,
 HEARING Master of the State Grange, Ralph Keller, Executive Sec'y, Minnesota
 Editorial Association (but not representing the association), Mrs.
 Malcolm Hargraves, chairman of a former Citizens' Committee for a convention,
 Mrs. Basil Young, president LWV of Minnesota, and Senators Holmquist, Mullin,
 Anderson, and Westin. Speaking in opposition was Attorney Michael J. Galvin,
 lobbyist for Minnesota railroads (for reason for railroad opposition see Article
 IV, Sec. 32, Minn. Constitution). Mr. Galvin stated no one wanted this bill
 but the League of Women Voters and even they were split "as many phone calls"
 to his home had shown; only a "small handful of aggressive women" were pushing
 the bill. (The Mpls. Tribune editorialized later on the "small handful etc.")

(A second hearing was not audited. Voting was scheduled on Feb.
 3rd 10th. Instead, Senator Wright (Mpls.) asked for 30 minutes to
 SENATE speak in opposition. Senator Wright's speech was significant on
 HEARING two points: 1) it voiced the misconceptions, or fears, of a conven-
 tion as they were nurtured by the opposition, and (2) it revealed a
 rather startling concept of democratic government. For these reasons, Senator
 Wright's speech is excerpted here (in the phrasing reported by the press), and the
 League's rebuttal, which we were never allotted time to give, follows in paren-
 thesis:

Senator Wright charged that a convention to rewrite the state's basic law
 "will throw open the gates to every force that is subversive in the United
 States" to try to "influence delegates to the convention."..."I am visualizing,"
 he said, "a flood of people coming into the state to 'assist' in adopting such
 a referendum. Then they will flock in here in packs to add their voice to the
 public clamor - if they can work up that kind of enthusiasm."

(Thirty states have already "opened the gates" to rewrite the constitutions
 by the convention method, without the duly elected representatives of the
 people assembled in convention being any more influenced by subversive
 forces than their legislators - elected from the same districts- were. In
 the 180 state constitutional conventions already held in the United States,
 there is not one example recorded of forces subversive to the United
 States "flooding in" to influence the delegates. On the contrary, in the
 great majority of states where revising conventions have been held, the
 people have risen to their responsibility and have elected delegates of a
 high caliber, including political science experts, presidents of teachers' col-
 leges or universities, experts in constitutional law. The delegates, too,
 feel their public trust, and as they do not have to stand for re-election,
 are freer from group pressures than legislators can reasonably be.)

Senator Wright suggested that a subcommittee draft separate amendments to
 remove objectionable dead timber, such as outdated provisions pertaining to
 "the ladies" being able to vote.

(The "dead timber", such as "the ladies being able to vote" is one of the
 lesser concerns of "the ladies", as federal law supersedes state law.)

He charged that a convention called to rewrite the constitution creates
 a "risk of losing fundamental rights that are guaranteed to us first by the
 Creator, second by the Constitution of the United States, and third by the
 constitution of our state."

(A state cannot lose any "fundamental rights guaranteed by the constitution (p. 4 of the United States" because no state constitution can legally contain provisions contrary to Federal law. (See "Act of Admission", May 11, 1858, Sec. 3.)

Finally, Senator Wright startled the League auditor and the press by this statement: "If I wanted to change our system of government, there is no weapon I would rather have than submitting to the people the basic law of the nation or state."

(This is in direct contradiction to the Declaration of Independence and Article I of the Minnesota constitution, which the senator appears to wish to uphold. Article I reads: "Government is instituted for the security, benefit, and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform such government, whenever the public good may require it."

SENATE
COMMITTEE
VOTE

On February 17th, further committee debate was held. Senator Feidt said the high cost of a convention was not warranted...it might cost 3 to 5 million dollars, and the work could "easily be done by committees." Senator Rosenmeier (Little Falls) stated he had been on the 1947 commission and thought it had done a wonderful job, but he now believes in changing by amendment..."far more perils than we can hope for good to come out of a Constitutional Convention...we might wind up with a convention committed to certain things rather than to the writing of a good constitution." Senator Welch (Buffalo), committee chairman, stated he did not recognize amendment 3 as a mandate, and that people in the state have prospered under present constitution..."there is no compelling reason that has been given in these committee meetings," he said, "as to why the constitution should be changed." "All worthy amendments will be adopted by the people anyhow," he said. Senator Fraser, speaking for the bill, said that fear was the only argument against it: fear of what the voters would do. "Success or failure of an amendment," he said, "can depend on its wording on the ballot." Senator Nelson paraphrased Lincoln to illustrate his speech on the pro side: government should be "by the people, of the people, and for the people."

Final vote was taken. It was: 11 yea, 9 nay.

Voting Yea were: Fraser, Gillen, Hanson, Mitchell, Mullin, Kalina, Nycklemoe, Schultz, O'Loughlin, Masek, Nelson.

Voting No were: Welch, Dunlap, Erickson, Feidt, Miller, Root, Rosenmeier, Wefald, Wright.

HOUSE
COMMITTEE
HEARINGS

February 7th, the first House hearing was held before the General Legislation Committee. Mr. Pearson, Mr. Keller, and Mrs. Young spoke as proponents (see Mrs. Young's speech). Representative Sally Luther, through a question, made it possible for Mrs. Young to explain how the League reaches agreement on an agenda item. This was done because Railroad lobbyist, M.J. Galvin, had spread throughout the legislature a statement that the League was divided on this issue and only a "handful of aggressive women" desired a convention.

A witness for the opposition which, for several sessions, had presented only the railroad lobbyist (Mr. Galvin) in the negative, was Minneapolis attorney Daniel Foley, who expressed the fear that delegates to a convention might be influenced "by political and economic forces of the times."

HOUSE
COMMITTEE
VOTES

On February 28st, the General Legislation Committee of the House voted to pass the bill, by 20-1, Alderinck dissenting, and 4 of the 25 committee members abstaining.

SENATE March 3rd, debate opened in the Senate with Senator Holmquist pro- (p. 5)
 DEBATE posing the measure with argument backed by Senators Anderson and Mullin. Throughout all the debate, Senator Andersen had stressed 3 points: 1) moral: the constitution could not be taught in the schools because it would create cynicism toward law; 2) legal: we do not have "government by law" as provisions in the constitution are ignored; 3) governmental: obsolete and outmoded provisions hamper efficient administration. Senator Wright, speaking in opposition, said "governments subject to the direct will of the people in the past have degenerated and vanished...Our government is built on a new principle. It is built on the theory that people govern themselves by electing representatives who do what they think is good for them." He predicted that the state would be "overrun with fifth amendment dodgers and every other fifth-rate person on a soap-box" if the bill passed, and he said, "We have no right to refer this fundamental question to the people. It is our right to decide."

Delaying tactics prevented the debate from continuing on the following day.

HOUSE March 14th, House leaders, deciding not to wait longer for Senate
 TAKES decision, opened their own debate. Cina, Johnson, Langley, and
 LEAD Luther spoke in the affirmative; Iverson, Duxbury, and Kinzer spoke in opposition. House Speaker, A.I. Johnson said, "The only serious opposition to a convention is right here in the legislature." Sally Luther, answering the question "What's wrong with the constitution?" said: "...it has not forced reapportionment...it calls for election of too many state officials...it confines financial and tax matters in too rigid a frame...it compresses legislative sessions in too short a time."

After only 1½ hours of debate, the preliminary vote was taken. The bill won.. 77-35, with 19 abstaining. (28 of the 35 "nay" votes were noted by a League auditor. Names may be secured from State League office by properly authorized League members).

In an immediate estimate made by both liberal and conservative leaders of the House, it was determined - to the belief of the leaders-that the bill would pass on the following day. House leader Cina made the statement: "final passage is sure." Final vote was set for Tuesday at 3:30.

SENATE On Tuesday, March 15th, at 10 A.M., the Senate, galvanized into hasty
 KILLS activity by the House vote, deserted delaying tactics and took up
 BILL debate on SF 23. From 10 A.M. until 1:45 P.M., without a break, a small group of determined senators, led by Rosenmeier, Wright, Welch, and Root, battled to kill the bill. Senators Wahlstrand and Nycklemoe joined the authors in arguments as proponents. The most articulate and persuasive of the opponents was Senator Rosenmeier whose chief arguments were: 1) the constitution can be revised adequately by the present method of submitting individual amendments to the people; 2) wholesale revision at one sitting would not be satisfactory because pressure groups would fight for certain parts of the 'package' and other parts would be ignored; 3) the voters would never understand almost a complete new document; 4) in the confusion of wholesale revision, many vital parts might be lost; 5) the passage of 4 amendments at the last election eliminates the last argument for a convention - now it is known that the voters will pass amendments.

The first (standing) vote was taken on the motion that the bill pass the Committee-of-the-Whole. It lost 32-30. Vote was unrecorded.

Motion was then made by Senator Wright to postpone action indefinitely. It passed 33-28. This vote also was unrecorded.

In order to have a recorded vote, Senator Holmquist then introduced a motion to

amend by striking out the words "Indefinitely postpone" and inserting "to pass", with the vote recorded. This motion aroused 25 minutes of heated debate principally by Rosenmeier and Root. Rosenmeier said: "This motion is not designed as a measure of your legislative judgment; it is meant to circumvent the sacred privilege of the Committee of the Whole." He urged the entire body, whether they had favored SF 23 or not, to vote "no" on the motion.

Final vote: 40-27. The motion was lost, and SF 23 was lost.

The final recorded vote was:

Yea: E.L. Andersen, M.H. Anderson, Bonniwell, Fraser, N.W. Hanson, Gillen, R. Hanson, Heuer, Holmquist, C.E. Johnson, R.W. Johnson, Kalina, Mullin, Nelson, Nycklemoe, O'Loughlin, Olson, Peterson, Quie, Salmore, Schultz, Vadheim, Vukelich, Wahlstrand, Walz, Westin, and Wiseth.

Nay: A.A. Anderson, Ernest J. Anderson, Behmler, Burdick, Butler, Carr, Child, Dunlap, Erickson, Feidt, Franz, George, Harren, Holand, Imm, J.A. Johnson, Josefson, Keller, Kroehler, Larson, Lofvegren, McKee, Masek, Malone, Mayhood, Metcalf, Miller, Mitchell, Murray, Novak, O'Brien, Richardson, Rogers, Root, Rosenmeier, Sinclair, Wefald, Welch, Wright, Zwach.

Lost in the Senate, the Constitutional Convention bill never received final vote in the House.

In the days before final vote was taken, a canvas of the senators by the authors of the bill, or by party or League interviewers, showed 45 senators who stated they intended to vote for the bill. Yet, the first vote for the bill showed only 30 senators voting "yea." The question of why 15 senators voted contrary to their expressed intention is one that the League might well investigate further to find an answer the committee has not yet determined.

Here are some of the reasons that contributed to the bill's defeat:

REASONS FOR
DEFEAT

1. Legislative lack of understanding of the convention issue before they arrived for the session.
2. Pressure of time (90 day limit) that makes serious study of any legislation difficult. The League committee pondered the continuance of this 98 year old custom of a 90 day session every two years, and saw the need for a constitutional convention if only to change this long outmoded constitutional provision - a holdover from pioneer days when transportation was difficult and time-consuming.
3. Number of bills clamoring for attention. 1638 bills were introduced into the Senate, 1869 into the House. The multiplicity of bills encourages domination by a few informed leaders who can use fear and emotion to sway the confused majority.
4. Number of legislators. It is impossible to discuss a complex matter thoroughly with 198 men who are trying to comprehend hundreds of bills in 90 days. The Minnesota legislature, with the largest Senate in the United States, cannot act as a unified deliberative body, because of its unwieldy size.
5. Hostility to change, which was especially apparent in the 1955 Senate.
6. Perhaps the most pervasive reason for the negative vote was fear. Rural members feared big-city interests would dominate a convention; some city members feared that without reapportionment, rural members would dominate. Business men and attorneys in both Senate and House who represent major industries, feared a convention might change laws affecting business. In short, the legislature feared the people and the democratic process. These fears were

skillfully fanned by the opposition and perhaps not too skillfully counteracted by the League.

7. "Deals" were a possible influence in changing some of the votes. It takes a courageous legislator to stand out against the threat of an adverse deal; to many a politician, a local bill desired by constituents is a fair enough exchange for a "nay" vote on a big reform measure understood little by the majority of home constituents and for which there has been little local demand.

8. The unrepresentative nature of the Senate and House, which in 1955 was composed as follows:

	<u>HOUSE</u>	<u>SENATE</u>
Farmers	32.2%	26.1%
Businessmen	30%	29%
Lawyers	16.5%	27.6%

These figures become more significant under analysis. The "businessmen" were, in large majority, small, independent business-men from small towns; 6.17% of the entire senate were insurance salesmen. Under Miscellaneous (not listed above) were a few teachers, labor union workers, editors, one doctor, and a scattering of other workers. A surprising figure was 6 railroad employees in the House and 4 in the senate with no workers from any other transportation agency to counterbalance their considerable influence.

The distribution of representation poses the question: "Who speaks for the people?" Where are the representatives of the housewives, plumbers, painters, carpenters, salaried workers in offices, women teachers? All history shows that minorities cannot be expected to care for the interests of majorities. And one cannot discount the influence of lawyer-legislators who sit as the people's representatives and yet, because of their means of livelihood, represent the people only in part.

RECOMMENDATIONS The Constitutional Convention Committee believes that the Minnesota legislature will eventually pass a convention bill, just as legislatures in 30 other states have done. However, the committee believes that a different approach is essential and submits two recommendations:

I. That the League set up at once and vigorously pursue a two-year plan of public education designed to stimulate public interest in good government as based on constitutional law, with special effort to stimulate public demand for submission of the convention question to popular vote in 1958. The promotion of high school debates is suggested, through sending League material on the constitution and the need for a convention to high school civics teachers with the suggestion it be used for class-room and competitive debating purposes. What starts in the schools eventually reaches the homes. Also, the issue might be kept alive through periodic mailings to out-in-state papers.

II. That the League join with other organizations in this education campaign, which is too large for one organization to carry. Inclusion of the convention (not revision) item on the annual or bi-annual agendas of the major state organizations would be helpful. The League would then be acting as a catalyst to spark state-wide action in all communities by many organizations. The League might well supply the materials, including annotated copies of the present constitution printed in leaflet form. And the League might point out to other organizations that constitutional revision by convention includes legislative reform. Apparently, no legislature will reapportion itself satisfactorily, or cut down its numbers, or change its techniques (length of session, numbers and types of bills considered, etc.) unless forced to do so by mandatory constitutional provisions. The constitutional convention is the most practical and democratic method the people have yet devised to alter and modernize their tools of government.

Minnesota Citizens Constitutional Committee
Issued by League of Women Voters of Minnesota
15th and Washington Aves. S.E., Mpls. 14
at the request of the Committee

Release:
Tuesday, May 22, and
thereafter

Committee Organized Statewide, Plans Action

The Minnesota Citizens Constitutional Committee set up last October has now been organized statewide with a board of directors composed of two members from each Congressional district in Minnesota and several directors at-large, besides the officers. The Committee already had included representatives of both political parties and of widely diversified citizen interests.

Action announced by the new board will be "to disseminate information about the Minnesota Constitution and the need for constitutional revision, and to support legislation submitting to the people of Minnesota the question of calling a constitutional convention to revise the constitution." The board emphasized the belief of the Committee that "the Minnesota Constitution can and must now be improved to achieve economical, efficient and responsible representative state government."

Directors, by Congressional districts, are:

District 1 - Mrs. Malcolm Hargraves, Rochester;; Albert Marshall, Red Wing.
District 2 - Mrs. Robert B. Ridder, 1744 Dodd road, St. Paul; one vacancy to be filled. District 3 - Kingsley Holman, 9622 Lyndale Avenue S., Bloomington, and John Mooty, 6013 Ewing Avenue S., Edina. District 4 - Mrs. Roger B. Shepard, Jr., 952 Summit Avenue, St. Paul; Roger B. Page, 1535 Branston Street, St. Paul.
District 5 - Miss Celia Logan, 611 E. Sixteenth Street, Minneapolis; P. Kenneth Peterson, 2617 W. Twenty-eighth Street, Minneapolis. District 6 - O. J. Jerde, St. Cloud; William B. Pearson, Ogilvie. District 7 - John A. Lundquist, Willmar; Mrs. Reuben Brustuen, Appleton. District 8 - Emil Erickson, Virginia; Mrs. C.L. Edson, 2121 Vermillion Road, Duluth. District 9 - Mrs. Floyd McDunn, Pelican Rapids; Joseph Kise, Moorhead.

At large - Miss Florine LeClair, 1005 Portland Avenue, Minneapolis; Mrs. Ellis Peilen, 2901 Ewing Avenue S., Minneapolis; James Olson, 5641 First Avenue S., Minneapolis; Miss Joyce Voeks, 2014 Second Avenue S., Minneapolis; Mrs. Ralph Norgaard, 3049 E. Calhoun Boulevard, Minneapolis; Miss Barbara Stuhler, 134 Warwick Street, S.E., Minneapolis; two vacancies to be filled.

An additional vice chairmanship and the post of assistant treasurer have been created. Two resignations have been received. Named to these four vacant offices are Mr. Page and Mr. Jerde, vice chairmen; Miss Logan, treasurer; Mr. Olson, assistant treasurer.

June 29, 1955

C
O
P
Y

The Honorable Orville Freeman
Governor of Minnesota
St. Paul, Minnesota

Dear Governor Freeman:

The subject of legislative reapportionment is one to which the League of Women Voters of Minnesota has given sustained attention for over two years and one in which we know you have a great deal of interest. It is our sincere belief that strong leadership from you may well be the turning point in the drive for reapportionment.

The 1955 legislature showed considerably more activity in reapportionment than any session in many years, but it was apparent that the session is too short and the legislators too busy to give proper attention to such a complex problem.

The League of Women Voters proposes that a statewide committee of citizens and legislators be appointed to make a comprehensive study of legislative reapportionment and to make recommendations to the legislature as to a possible solution or solutions. Such a committee would make an inestimable contribution to public knowledge and understanding of the problem as well as lend prestige to a bill before the legislature.

As a result of our own study of reapportionment, the League of Women Voters has come to the following conclusion: First, we believe that our legislators are duty bound to follow the present constitutional provision until it is changed. Under this provision we have supported the Bergerud Bill as a fair and workable compromise. Second, we will support an amendment with some degree of area compromise approximating the Missouri Plan or the recommendations of the Minnesota Constitutional Commission providing it contains a workable enforcement provision.

We hope that you will give this suggestion your serious consideration in the interests of representative government in Minnesota.

Sincerely,

Mrs. Basil Young
President

1
Mrs. Howard Evenson, Pub. Rel. Com.
State League of Women Voters
Re 1912

F3D2A 13 8791

Oct 55

Constitution Committee Organizes , advance lead

For Release: Wednesday a.m.

Thirty widely diversified groups ~~were represented~~ last night (Tuesday, October 4) in organizing a citizens committee for constitutional revision at a meeting in the Leamington Hotel, Minneapolis. Formation of the group was proposed by the League of Women Voters of Minnesota, which called the first meeting.

Represented were both political parties, labor, religious, educational, business and civic groups, women's clubs and farm organizations. Their efforts will be directed toward educating the people of Minnesota to the need for revising the state constitution.

Participating ~~were~~ *are*

*advance lead - approved by
Barbara Stabler on phone*

5905 Clinton Ave. S.
Minneapolis 19, Minn.
October 3, 1955

Mr. Richard McFarland
United Press
427 Portland Ave.
Minneapolis, Minn.

Dear Mr. McFarland:

Here is an advance lead on a story mentioned to a member of your staff in a recent telephone conversation. Details of the organization will be telephoned in Tuesday evening after the meeting, at which officers will be elected and an official name will be chosen.

Thank you for your assistance in distributing the news on this statewide effort.

Yours very truly,

Mary Evenson
(Mrs. Howard Evenson)
Public Relations Comm.
State League of Women Voters

United Press

Mrs. Howard Evenson
Public Relations Committee
State League of Women Voters
Re 1912

ADVANCE LEAD

For Release: Wednesday a.m., October 5

Constitution Committee Organizes

Thirty widely diversified groups were represented last night (Tuesday, October 4) in organizing a citizens committee for constitutional revision at a meeting in the Leamington Hotel, Minneapolis. Formation of the group was proposed by the League of Women Voters of Minnesota, which called the first meeting.

Represented were both political parties, labor, religious, educational, business and civic groups, women's clubs and farm organizations. Their efforts will be directed toward educating the people of Minnesota to the need for revising the state constitution.

are
Participating ~~were~~:

Amalgamated Clothing Workers of America, Sander Genis, Minneapolis; American Association of University Women, Minneapolis Branch, Miss Elizabeth Yerxa, Minneapolis; Brotherhood of Locomotive Firemen and Enginemen, Northern Pacific Railway, E. W. Clausen, St. Paul; Brotherhood of Railway Clerks, Great Northern and Northern Pacific, R. W. Aiken, St. Paul; Brotherhood of Railroad Trainmen, Great Northern and Northern Pacific, L. J. Covey, Minneapolis; Democratic-Farmer-Labor State Central Committee, Jack Puterbaugh; Farmer's Union Grain Terminal Association, Gordon Roth, St. Paul; D.F.L., Ramsey County, Roger B. Page, St. Paul.

More

add 1, Constitution Committee

Also, International Ladies Garment Workers' Union, Miss Delores Johnson, Minneapolis; League of Women Voters of Minnesota, Miss Barbara Stuhler, Minneapolis; Minnesota Cannery Association, Edwin Elmer, Minneapolis; Minnesota Council of Churches, the Rev. Willard Reeves, Minneapolis; Minnesota Education Association, L. E. Wermager, Fergus Falls; Minnesota Farm Bureau Federation, A. G. Mereness, St. Paul; Minnesota Farmers Union, Morris Ellertson, St. Paul; Minnesota Federation of Women's Clubs, Mrs. Helmer Frankson, Hibbing; Minnesota Junior Chamber of Commerce, John Lundquist, Willmar; Minnesota State Federation of Labor (A.F.L.) Neil Sherburne, St. Paul and Reinhold Magni, Minneapolis; National Association for the Advancement of Colored People, William Cratic, Minneapolis; National Council of Jewish Women, Mrs. Martin Cohen, Minneapolis; Republican State Central Committee, John Hartle.

Others are Republican Hennepin County Committee, Mrs. Eugene Gould, Minneapolis; Republican Workshop, Mrs. Russell Lund, Minneapolis; State Grange of Minnesota, R.V. Ellingsen; Twin City - Metropolitan Town Meeting Association, George Cerny, Minneapolis; D.F.L., Hennepin County Committee, Mrs. Ann Vetter, Minneapolis; Minnesota State C.I.O. Council, Ambrose Dunleavy; Minnesota Congress of Parents and Teachers, Mrs. J. T. Livingston, Duluth.

##

5905 Clinton Ave. S.
Minneapolis 19, Minn.
October 3, 1955

City Desk
St. Paul Pioneer Press
St. Paul 1, Minn.

Dear Sir:

Enclosed is a list of organizations and their representatives which are setting up a citizens committee for constitutional revision at a meeting to be held Tuesday evening, October 4, in the Leamington Hotel. Formation of the group was proposed by the League of Women Voters of Minnesota, which is calling the first meeting. As you can see, the group is quite diversified and will be able to make a state-wide effort to educate the people of Minnesota to the need for revising the state constitution.

Information on the name chosen by the organization, its officers and plans will be telephoned to you Tuesday evening, for use in the Wednesday Pioneer Press.

Thank you for your help.

Very truly yours,

Mary Howard Evenson
(Mrs. Howard Evenson)
State Public Relations Com.
Minnesota League of Women Voters

NEW ADDRESS:

University of Minnesota
15th and Washington Avenue S. E.
Minneapolis 14, Minnesota
Lincoln 8791

August 24, 1955

C
O
P
Y

Mr. F. H. Wilson, Chairman
Brotherhood of Railroad Conductors
4131 Robinson Street
Duluth, Minnesota

Dear Mr. Wilson:

We hope that you have brought to the attention of your membership the educational campaign on the need for revision of the state constitution being undertaken by the League of Women Voters as outlined in our recent letter to you.

A citizens committee for constitutional revision, made up of representatives from many organizations vitally interested in good government such as yours, will meet shortly. We know that you too will want to have a member on this committee. May we hear from you the name and address of your representative so that he may be notified of the first meeting?

Sincerely,

Mrs. Basil Young
President

NEW ADDRESS:

University of Minnesota
15th and Washington Avenue S. E.
Minneapolis 14, Minnesota
Lincoln 8791

August 24, 1955

C
O
P
Y

Mr. Edgar E. Peterson, President
Minnesota Creameries Association
Otisco, Minnesota

Dear Mr. Peterson:

We hope that you have brought to the attention of your membership the educational campaign on the need for revision of the state constitution being undertaken by the League of Women Voters as outlined in our recent letter to you.

A citizens committee for constitutional revision, made up of representatives from many organizations vitally interested in good government such as yours, will meet shortly. We know that you too will want to have a member on this committee. May we hear from you the name and address of your representative so that he may be notified of the first meeting?

Sincerely,

Mrs. Basil Young
President

NEW ADDRESS:

University of Minnesota
15th and Washington Avenue S. E.
Minneapolis 14, Minnesota
Lincoln 8791

August 24, 1955

C
O
P
Y

Mr. Edwin Christianson, President
Minnesota Farmers Union
2470 University Avenue
St. Paul 4, Minnesota

Dear Mr. Christianson:

We hope that your program committee has placed revision of the state constitution on your agenda for the coming year.

A citizens committee for constitutional revision made up of representatives from many organizations vitally interested in good government such as yours will meet shortly. Will you be good enough to send us the name and address of an observer to sit on the committee until your November convention when a permanent representative may be appointed?

Thank you for your interest and cooperation.

Sincerely,

Mrs. Basil Young
President

NEW ADDRESS:

University of Minnesota
15th and Washington Avenue S. E.
Minneapolis 14, Minnesota
Lincoln 8791

August 24, 1955

C
O
P
Y

Mr. Charles A. Brown, President
Minnesota Cannery Association
Olivia Canning Company
Olivia, Minnesota

Dear Mr. Brown:

We hope that you have brought to the attention of your membership the educational campaign on the need for revision of the state constitution being undertaken by the League of Women Voters as outlined in our recent letter to you.

A citizens committee for constitutional revision, made up of representatives from many organizations vitally interested in good government such as yours, will meet shortly. We know that you too will want to have a member on this committee. May we hear from you the name and address of your representative so that he may be notified of the first meeting?

Sincerely,

Mrs. Basil Young
President

NEW ADDRESS:

University of Minnesota
15th and Washington Avenue S. E.
Minneapolis 14, Minnesota
Lincoln 8791

August 24, 1955

C

Mr. Brynols Peterson, President
Minnesota Association of Cooperatives
Glen Route
Aitkin, Minnesota

O

Dear Mr. Peterson:

We hope that you have brought to the attention of your membership the educational campaign on the need for revision of the state constitution being undertaken by the League of Women Voters as outlined in our recent letter to you.

P

A citizens committee for constitutional revision, made up of representatives from many organizations vitally interested in good government such as yours, will meet shortly. We know that you too will want to have a member on this committee. May we hear from you the name and address of your representative so that he may be notified of the first meeting?

Y

Sincerely,

Mrs. Basil Young
President

NEW ADDRESS:

University of Minnesota
15th and Washington Avenue S. E.
Minneapolis 14, Minnesota
Lincoln 8791

August 24, 1955

C
O
P
Y

Mr. Carl Granning, Department Adjutant
American Legion
600 Shubert Building
St. Paul, Minnesota

Dear Mr. Granning:

Although revision of the state constitution is not a part of the American Legion program for the coming year, we know that because your organization is vitally interested in good government you will want to participate in some way in the Citizens Committee now being formed. Since the program of this committee is educational, we hope that you or one of your members will sit on the committee as an observer in order to keep your organization posted.

Can you send us the name and address of the person who will represent you in this capacity?

Sincerely,

Mrs. Basil Young
President

5905 Clinton Ave. S.
Minneapolis 19, Minn.
October 3, 1955

City Desk
St. Paul Dispatch
St. Paul 1, Minn.

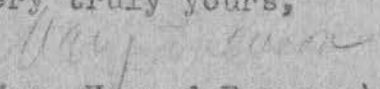
Dear Sir:

Enclosed is a copy of some material sent to the city desk of The Pioneer Press for release Wednesday morning, October 5. It deals with some organizations which are setting up a citizens committee for constitutional revision at a meeting to be held Tuesday evening, October 4, in the Jade Room, Hotel Leamington, Minneapolis. Formation of the group was proposed by the League of Women Voters of Minnesota, which is calling the first meeting. Additional information will be telephoned to The Pioneer Press late Tuesday evening, on officers, name of the group and plans for action.

However, it is quite certain that this will not be in time for all editions, although the story is of statewide interest. Could The Dispatch pick up some details for a story Wednesday evening?

Thank you very much for your help, which we always appreciate.

Very truly yours,


(Mrs. Howard Evenson)
Public Relations Comm.
State League of Women Voters

5905 Clinton Ave. S.
Minneapolis 19, Minn.
October 3, 1955

Associated Press
427 Portland Ave.
Minneapolis, Minn.

Gentlemen:

Enclosed is a list of organizations and their representatives which are organizing a citizens committee for constitutional revision at a meeting to be held Tuesday evening, October 4, in the Leamington Hotel, Minneapolis. Formation of the group was proposed by the League of Women Voters of Minnesota, which is calling the first meeting. The purpose is to educate the people of Minnesota to the need for revising the state constitution. As you can see, both political parties are represented, as well as labor, religious, educational, business and civic groups, women's clubs and farm organizations.

Information on the name and officers of the committee will be telephoned to you Tuesday evening. If you require an advance lead before then, please use information from this letter.

Thank you very much for your help.

Very truly yours,

(Mrs. Howard Evenson)
State Public Relations Comm.
Minnesota League of Women Voters

5905 Clinton Ave. S.
Minneapolis 19, Minn.
October 8, 1955

Mr. Irving Richards
City Editor
St. Paul Dispatch
St. Paul 1, Minn.

Dear Mr. Richards:

We appreciate very much the excellent story in the St. Paul Dispatch on formation of the Minnesota Citizens Constitutional Committee. You were generous with space, head and position.

Please thank those of your staff who cooperated in helping us so efficiently.

Very truly yours,

(Mrs. Howard Evenson)
Public Relations Comm.
League of Women Voters
of Minnesota

5905 Clinton Ave. S.
Minneapolis 19, Minn.
October 8, 1955

Associated Press
427 Portland Ave.
Minneapolis, Minn.

Gentlemen:

Thank you for extending to us your facilities at the
time of forming the Minnesota Citizens Constitutional
Committee.

We greatly appreciate your service and efficiency.

Very truly yours,

(Mrs. Howard Evenson)
Public Relations Comm.
League of Women Voters
of Minnesota

5905 Clinton Ave. S.
Minneapolis 19, Minn.
October 8, 1955

Mr. Richard McFarland
United Press
427 Portland Ave.
Minneapolis, Minn.

Dear Mr. McFarland:

We greatly appreciate the fine service the United Press gave us at the time the Minnesota Citizens Constitutional Committee was formed.

The advice and attention of your staff were very courteous and efficient.

Very truly yours,

(Mrs. Howard Evenson)
Public Relations Comm.
League of Women Voters
of Minnesota

5905 Clinton Ave. S.
Minneapolis 19, Minn.
October 8, 1955

Mr. Ralph Mueller
City Editor
The Minneapolis Star
425 Portland Ave.
Minneapolis, Minn.

Dear Mr. Mueller:

Thank you very much for the fine story in The Minneapolis Star on the formation of the Minnesota Citizens Constitutional Committee.

On an uphill road it is heartening to have your local paper instantly alert to each step of progress and always ready to extend its facilities.

Please thank those of your staff who helped us so ably, and also Mr. Goodpaster of The Tribune.

Very truly yours,

(Mrs. Howard Evenson)
Public Relations Comm.
League of Women Voters
of Minnesota

5905 Clinton Ave. S.
Minneapolis 19, Minn.
October 3, 1955

Mr. Earl Wingard
City Desk
Minneapolis Tribune
Minneapolis, Minn.

Dear Mr. Wingard:

Enclosed is a list of organizations and their representatives which are setting up a citizens committee for constitutional revision at a meeting to be held Tuesday evening, October 4, in the Leamington Hotel. Formation of the group was proposed by the League of Women Voters of Minnesota, which is calling the first meeting. As you can see, the group is quite diversified and will be able to make a state-wide effort to educate the people of Minnesota to the need for revising the state constitution.

Information on the name of the organization, its officers and plans will be telephoned to you Tuesday evening, for use in the Wednesday Tribune.

Thank you for your help.

Very truly yours,

How Evenson
(Mrs. Howard Evenson)
Public Relations Comm.
State League of Women Voters

5905 Clinton Ave. S.
Minneapolis 19, Minn.
Oct. 9, 1955

Miss Joan Keaveny
Society Department
Star-Tribune
425 Portland Ave.
Minneapolis, Minn.

Dear Miss Keaveny:

Congratulations on the Guild award. We're proud
our reporter won!

It has always seemed to me that recognition inside
your own profession is the most satisfying kind.

Sincerely yours,

(Mrs. Howard Evenson)
Public Relations Comm.
League of Women Voters
of Minnesota

5905 Clinton Ave. S.
Minneapolis 19, Minn.
October 3, 1955

Mr. Ralph Mueller
City Editor
The Minneapolis Star
425 Portland Ave.
Minneapolis, Minn.

Dear Mr. Mueller:

Enclosed is a copy of some material sent to Mr. Earl Wingard for release in the Tribune Wednesday morning, October 5. It deals with some organizations which are setting up a citizens committee for constitutional revision at a meeting to be held Tuesday evening, October 4, at 8 o'clock in the Jade Room, Hotel Leamington. Additional information will be telephoned to the Tribune late Tuesday evening, on officers, name of the group and plans for action.

However, it is quite certain that this will not be in time to make the state edition, which would be important for a story of statewide interest. Could The Star pick up some details for a story Wednesday evening?

Would it be possible for The Star to send a photographer to take pictures of the persons chosen to head the organization? They will be making news concerning constitutional revision for many months to come and I know The Star is interested in that vital topic. If this can be arranged, it is likely the officers will be chosen by shortly after 10 p.m.

Thank you very much for your assistance, which is always helpful.

Very truly yours,

Howard Evenson
(Mrs. Howard Evenson)
Public Relations Comm.
State League of Women Voters
DA 1010

MINNESOTA CITIZENS CONSTITUTIONAL COMMITTEE

Summary of Minutes

The first meeting of the Minnesota Citizens Constitutional Committee was held on Tuesday, October 4, 1955 in the Jade Room of the Leamington Hotel, 8:00 p.m. A list of attendants is checked on the organizational list.

Five decisions were made at the meeting.

1. Although organizations were invited to send representatives (to insure a wide base of interest), it was agreed that membership in the Committee should be on both an individual and organizational basis. This was done so that the Committee's action would not be restricted by the official stand of organizations and to enable interested individuals to take part in the activities of the Committee.
2. The Temporary Chairman was elected (Frederick Thomas, Minneapolis attorney). The Temporary Chairman of the Policy Committee was elected (Barbara Stuhler, League of Women Voters representative).
3. The name of the Committee was decided: The Minnesota Citizens Constitutional Committee.
4. The Nominating Committee was elected:
E. W. Clausen, Brotherhood of Locomotive Firemen and Enginemen,
Northern Pacific RR, St. Paul
Florine LeClair, Communications Local, CIO, Minneapolis
Mrs. Ralph Norgaard, League of Women Voters of Minnesota, Minneapolis
5. The date of the next meeting was set for November 1, 1955. At that meeting, permanent officers will be elected and a statement of objectives will be adopted.

MINNESOTA CITIZENS CONSTITUTIONAL COMMITTEE

Proposed Statement of Principles and Program of Action

The Minnesota Citizens Constitutional Committee represents organizations and individuals who believe that the Minnesota Constitution of 1857 is, in many respects, a serious barrier to economical, efficient, and responsible representative state government, and that now is the time to study and discuss fully and publicly our basic law. Such beliefs are supported by the following facts:

1. The Minnesota Constitution of 1857 was hastily written by a conference committee of ten men in ten days. The conference committee was necessary because the Constitutional Convention split in two with the Republicans and Democrats organizing their own conventions.
2. The Legislature at every session has proposed many amendments to remedy defects in the Constitution of 1857 or to bring it up to date. Of these amendments 79 have been adopted and many more have failed in part, at least, because of the unusually difficult requirements for ratification in effect since 1898.
3. Two recent commissions established by the Legislature, the Minnesota Commission for Constitutional Revision (1948) and the Little Hoover Commission (1950), both recommended substantial changes in the Constitution.
4. Both the Republican and Democratic Farmer Labor parties have included in their platforms the calling of a Constitutional Convention to revise the State Constitution.
5. Several organizations in Minnesota are committed to the calling of a Constitutional Convention, others favor Constitutional revision in general, and still others are working for revision of specific articles in the Constitution. There is a wide range of organizational interest in Constitutional revision.

File
1st mtg.

October 7, 1955

M E M O

To: State Board, LWV of Minnesota
From: Barbara Stuhler
Re: Formation of Minnesota Citizens Constitutional Committee

The first meeting of the Minnesota Citizens Constitutional Committee was held on Tuesday, October 4, 1955 in the Jade Room of the Leamington Hotel, 8:00 p.m. A list of attendants is attached *checked on the organizational list.*

Five decisions were made at the meeting.

1. Although organizations were invited to send representatives (to insure a wide base of interest), *and organizations* it was agreed that membership in the Committee should be on an individual basis. This was done so that the Committee's action would not be restricted by the official stand of organizations and to enable interested individuals to take part in the activities of the Committee.
2. The Temporary Chairman was elected (Frederick Thomas, Minneapolis attorney). *The* Temporary Chairman of the Policy Committee was elected (Barbara Stuhler, League of Women Voters representative).
3. The name of the Committee was decided: The Minnesota Citizens Constitutional Committee.
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E. W. Clausen, Brotherhood of Locomotive Firemen and Enginemen,
Northern Pacific RR, St. Paul
Florine LeClair, Communications Local, CIO, Minneapolis
Mrs. Ralph Norgaard, League of Women Voters of Minnesota, Minneapolis
5. The date of the next meeting was set for November 1, 1955. At that meeting, permanent officers will be elected and a statement of objectives will be adopted.

The first meeting was neither as large nor as representative as we had hoped. However, two results have already occurred. Mr. A. M. Dunleavy from the state CIO Council called Robert Hess, President, and they agreed to try to get a resolution passed at the state convention (Oct. 13, 14, 15) which would reaffirm support for a constitutional convention and endorse the work of the MCCC. Mrs. Kermit V. Haugen, Minnesota Federation of Women's Clubs, said that she would try to bring this matter before their state board so that information on the subject could be sent to all their members (11,000).

The Nominating Committee, Temporary Chairman and Chairman of the Policy Committee will meet on Wednesday noon, October 12.

LEAGUE OF WOMEN VOTERS OF MINNESOTA

C.R. Com
F3D 2

CONSTITUTIONAL REVISION & PUBLIC RELATIONS COMMITTEES MEETING

A meeting was held on October 11, 1955 to discuss plans for carrying out the state Current Agenda. Present were Mesdames Duncan, Anderson, Grossman, Chesley, Salisbury, Stuhler, Evenson and Newstrom.

The main goal was agreed upon: to inform and persuade the people on this issue, since they will make the final decision.

A secondary goal will be to persuade legislators. Legislators would naturally be influenced if the first goal was achieved. (It was suggested that the Minnesota Citizens Committee would be helpful in working with legislators.)

The state Constitutional Revision Committee agreed that their responsibility was for resource material on the Agenda item. Building public opinion on the basis of the resource material is to be the responsibility of the Public Relations Committee.

Several suggestions were made for building public opinion.

GENERAL

A Manual on Building Public Opinion, such as that done by the LWV of Ohio, should be prepared for local Leagues. This would include an overall plan and schedule, tying the whole campaign together.

PRESS

MEA should be used approximately once a month and this year's \$50 charge can be covered by the Postage budget item. Use of MEA would eliminate special mailings to newspapers outside local League area.

Special letters thanking newspapers who use releases might be sent asking if more material is wanted.

Attempt should be made to reach public through use of house organs, church, labor and farm papers and periodicals.

Suggested plan for releases might follow this general outline:

1. History of writing constitutions
2. Legislative history on constitutional revision
3. Specifics under B of our Current Agenda

Attempt should be made to interest Minnesota Historical Society in history of Minnesota constitution. This group has a regular mailing to newspapers. Roaring Farce might be sent to them to stimulate their interest in writing articles on convention of 1857 and other constitutional history.

Attempt should be made to start Letters to the Editor as technique for reaching the public.

Attempt should be made to get Governor Freeman, who sends a regular column to newspapers, to do some articles on constitution.

PUBLICATIONS AND TOOLS

The Constitutional Revision Committee would be responsible for writing resource material. Any information prepared by the PR Committee should be checked with CR Chairman.

The CR booklets will be main resource material. Attempt should be made to get these booklets to as many people as possible. Possible contacts: Political parties; schools, through the state Department of Education; libraries, **through the Library Association**; business establishments; factories; book stores.

The PR committee should get rough drafts of all material so that their work can begin early.

How to divide responsibility between the Public Relations and Publications Committee was discussed. This was a difficult problem. It was felt that some arbitrary division would have to be agreed upon by the Chairmen of both committees.

Some suggestions for specific publications were made:

I'M A VOTER - public opinion may not be ready for this now. Suggest to local Leagues that they judge own community for time when this may be used.

ROARING FARCE - Leagues should be urged to take this to their legislator. Other suggested uses: MEA, State Fair booth, block work, coffee parties, Library Association, finance contributors, schools.

DEMOCRACY DENIED - send to MEA, Library association, schools. (Sales of this publication have already covered cost so that free distribution is possible.)

now 53 - State Voter

CONTESTS

Four types of contests were suggested:

1. Schools - essay
2. Local Leagues - largest number of workable ideas, largest number of ideas used in own community or best community project.
3. League members - slogan or jingle
4. Public - slogan or jingle

The contests would not only arouse public interest, but would stimulate use of publications.

RADIO AND TV

*K U O M - Jan or Feb
2 mo. later*

Attempt should be made to get commercial type announcements on radio and TV.

Devise tape for radio use. (Suggestion that Philip Gelb be sent a copy of Roaring Farce with hope that he would do program on it.)

STATE FAIR

A fair booth was suggested - the cost of which should be included in next year's state budget. Womanpower could be supplied by local Leagues. Speakers might be obtained such as Governor Freeman or John Marshall Palmer. Or both political parties might be

The Commission has been organized to study the various aspects of the problem of the Negro in the United States. It is composed of representatives of the Negro community, the white community, and the Federal Government. The Commission's task is to identify the causes of the problem and to recommend effective remedies. It is expected that the Commission will submit a report to the President and the Congress within a year.

The Commission has held several public hearings and has received many suggestions from the public. It has also conducted extensive research into the various aspects of the problem. The Commission believes that the most effective way to solve the problem is through a combination of legislative action, administrative action, and public opinion.

Some of the suggestions received from the public are as follows:

- 1. The Federal Government should provide more financial aid to the Negro community.
- 2. The Federal Government should provide more training and employment opportunities for the Negro.
- 3. The Federal Government should provide more housing for the Negro.
- 4. The Federal Government should provide more education for the Negro.
- 5. The Federal Government should provide more health care for the Negro.

The Commission believes that these suggestions are reasonable and should be considered by the Federal Government. It also believes that the public should be kept informed of the Commission's progress and findings.

CONSTITUTION

Four types of Congresses were established:

1. Senate - 100 members
2. House of Representatives - 435 members
3. Supreme Court - 9 members
4. District Courts - 13,000 members

ARTICLE II

Article II of the Constitution provides for the election of the President and Vice President. The President is elected for a four-year term and may be re-elected for one term. The Vice President is elected for a four-year term and may be re-elected for one term.

ARTICLE III

Article III of the Constitution provides for the establishment of the Federal Judiciary. The Supreme Court is the highest court in the land and is composed of one Chief Justice and eight Associate Justices. There may be such lower courts as the President may determine.

History of Const making
Const Convention
Amending Process
Sec I Executive Branch
Sec II
Sec III
Sec IV Legislative
Sec V Judicial
Sec VI Home Rule
Sec VII Finance
Sec VIII Sense in Saving

given material for distribution from their booths. Also, the Minnesota Historical Society might be persuaded to do their next year's display on Minnesota constitution. The Education Building was suggested as the best place for the LWV booth.

SPEAKERS BUREAUS

Local Leagues should be encouraged to develop Speakers Bureaus as a technique of reaching other community organizations.

FINANCE

The problem of doing a job of building public opinion without money was discussed. The solution seemed to be to do it with money. The problem of money was not solved.

CONSTITUTION DAY

Contact Governor Freeman about proclaiming May 22 as Constitution Day.

The Council Meeting on May 17 and 18 would serve as kick-off day for Constitution Day celebrations. Contest awards might be given at the Council Meeting with a Miss or Mrs. Constitution named.

Local Leagues might be encouraged to do block work on Constitution Day, perhaps distributing Roaring Farce.

OTHER SUGGESTIONS

League member or husband subscribe to Claude Effnor's Northwest Industrial News in order to keep tab on opposition.

LWV of Mpls. do something for Aquatennial; St. Paul, for Winter Carnival.

PR committee contact Centennial Committee recently appointed by Governor Freeman.

In the overall plan, some goals should be set up to give local Leagues a feeling of accomplishment now and then.

Local Leagues set up lending library on constitutional revision for use of other organizations.

PR Committee use Minnesota Voter column.

P.S.

Mrs. Kane in trying to write "down" in her constitutional revision material made the statement, "You can't make nursery rhymes out of state government." Mrs. Duncan proved it could be done:

Old Mother Hubbard went to her cupboard
To study the state's constitution.
She grew so confused - as the laws she perused
She exclaimed "a new one's the solution."

UNIVERSITY OF MINNESOTA
15th & WASHINGTON, S.E.

LI 8791

November 21, 1955

Mr. Donald A. Holmes
1st National Soc-Line Bldg.
Minneapolis, Minnesota

Dear Mr. Holmes:

The League of Women Voters is undertaking many projects to further their state program, which is "Building Public Opinion for the Calling of a Constitutional Convention in the State of Minnesota". We hope to do this work in cooperation with the Minnesota Citizens Constitutional Committee. As I told you in our telephone conversation, our suggestions on state program to local Leagues must be in their hands in the next few weeks, since January is the month when units will be considering their plans in relation to the calling of a Convention. We do not want to press you, but we, too, are pressed for time.

The Governor's cooperation is necessary if we are to carry out some portions of our program. We, therefore, hope that the Minnesota Citizens Constitutional Committee will take the initiative in making these requests. We will be happy to join you in doing so, or to work under the name of the Citizens Committee, as I told you in our telephone conversation.

The requests we would make of the Governor are:

1. That he declare Friday, May 25, 1956, State Constitution Day. If he does so, local Leagues are prepared to celebrate that day in their own communities. The plans for the day include speeches and parades; a pageant on the original Convention; a community living up to the present Constitution for one day in order to point out the "dead wood" in the Constitution; block workers, organized along Community Chest lines, to distribute material and discuss Constitutional Convention door to door; and many other plans, depending on the various communities. We also hope to encourage observance of this day in areas where there are no Leagues by using our regular releases through the Minnesota Editorial Association.
2. That he include material on the necessity for a Convention in his regular newspaper columns.
3. That he speak on the Convention from our State Fair booth for 10 minutes. The League proposes to have a booth at the State Fair. We hope to have prominent Minnesotans representing a cross-section of the population speak from our booth each day over a loud speaker. This

Mr. Donald A. Holmes - 2

would not only draw people to the booth, but would make good newspaper copy for the Convention. We hope the Minnesota Citizens Constitutional Committee will join us in this effort.

C We also hope to have a statewide billboard campaign. The initial contact has been made. We must now approach the man in charge of the Midwest area of the Outdoor Advertising Association. If he goes along with our request, billboards will be donated over the state whenever they have one that is not rented temporarily. Local Leagues and perhaps organizations belonging to the Minnesota Citizens Constitutional Committee would supplement this program by making similar requests of their local sign companies. We hope your executive committee will see fit to join us in making this request, or to make it in the name of the Minnesota Citizens Constitutional Committee.

O As I explained on the telephone, the League would prefer to coordinate their program with that of the Minnesota Citizens Constitutional Committee. If, however, you cannot go along on all of the aforementioned plans, we will do so on our own.

P There is one more point we would like clarified:--To date, Mrs. Evenson, State Press Chairman, has handled news releases for the Minnesota Citizens Constitutional Committee. Please notify us well in advance if you wish her to do so for your next general meeting, since tentative releases must go out to the AP and UP as well as our local papers well in advance if we are to get proper coverage. Mrs. Evenson would be happy, I am sure, to give any help your own public relations chairman would need, should he or she be appointed before that meeting.

Y The State League handbook incorporating suggestions for promoting our state program will be ready in about three weeks. I will send you a copy, so that you may know what we propose to do. If you have any suggestions for what we can do in our League communities to further the program of the Minnesota Citizens Constitutional Committee, we will be happy to include them in this book.

Sincerely,



Mrs. Norman Grossman
Public Relations Committee

VISUAL AND DRAMATIC PRESENTATIONS

The purpose is to create a favorable attitude toward a CONSTITUTIONAL CONVENTION. Why don't you try some of these techniques on different groups. (Incidentally, don't forget our hit production of a few years ago. "Alterations 1957" is still available from the state office.)

SKITS: Try to arrange your time so that you can have a question period following the skit. This will help to bring home to your audience some of the impressions they received from the skit. The following is a sample skit which may be read:

"BRINGING UP FATHER"

Cast

Mr. David Warren (Father)
Sally Warren (Daughter)
Mrs. Warren (Mother)

Costumes

FATHER, Man's coat or tailored woman's jacket worn over a tailored shirt with tie, hair brushed back, perhaps a pipe

DAUGHTER, Blue jeans, shirt tail out, or Bermuda shorts and knee-high socks and loafers

MOTHER, Regular clothes with a coat for entrance.



Properties

Table - at least three by five feet
2 chairs - one at each end of table
Telephone - on table left
Notebooks and schoolbooks for Sally
Letters, telephone pad, and newspaper for Mr. Warren

(Sally could set stage and sit down to study, or be studying, at table right. After a few moments, Mr. Warren comes into the room, from right, pats Sally on shoulder, and as he walks behind table to mail lying by phone on table left says:)

FATHER: Hi, dear! Where's your mother?

DAUGHTER: She went to a meeting at Mrs. Scott's. She said she'd be home early. Have you had dinner, Dad?

FATHER: Yes, thanks. (looking over mail) Any calls?

DAUGHTER: There's a number on the pad. He seemed anxious to talk to you. Something about a committee to demand CONSTITUTIONAL REVISION.

FATHER:

(Dials and then goes around chair left and sits:)

Mr. Anderson, this is Dave Warren - - - - - Oh,
yes - - - - - a Minnesota CONSTITUTIONAL CONVENTION?
That's not up my alley at all. Whatever made you
think of me? - - - - - Oh, I know we should all be
interested, but it seems to me we should leave that
up to the experts. - - - - - Of course I want good
government - - - - - and economy - - - but that's
just my point. A CONSTITUTIONAL CONVENTION would be
too expensive. Why not amend the things that are
wrong? - - - - - (laughing) Eighty amendments al-
ready? You're kidding! Well, it ought to be nearly
perfect now. But seriously, it seems to me that amend-
ments couldn't be as expensive as a CONVENTION. - -
- - - Yes, well perhaps you're right. - - - - - You've
proved your point there, but even if piecemeal amend-
ments are more expensive in the long run than a
CONVENTION, isn't it a possibility that a bunch of
theorists and radical thinkers might be chosen to
draw up a new one? - - - - - (holding phone away from
his ear) - - - Now, don't get so excited. Naturally,
I think I'M capable of voting. I've voted in every
election since - - - - - what I mean is - - - Perhaps
I do know enough to vote intelligently but there are
an awful lot of crackpots around who might get in
some pretty strange items - - - - - Well, I see your
point in a way, but hardly feel that my serving on
a publicity committee would help. - - - - - Certainly,
I'll think it over, but don't count on me - - - - - Not
at all - - - - - Goodbye. (Hangs up phone) That sounds

like a waste of good time. (Opens a letter and reads it) What's this, Sally?

SALLY: (Who has been half studying, half listening) What's what?

FATHER: A letter from your school saying the children are not cooperating very well on school rules, and asking us parents to talk to you.

DAUGHTER: We mind the ones we think are sensible.

FATHER: I think as long as you are in school, you should mind them all.

DAUGHTER: Oh, some of them are so silly. They are positively archaic. Most of them were written ages ago when it was a little tiny school.

FATHER: But, Sally, they are still the rules and they are there to be obeyed.

SALLY: That's crazy, Daddy. Nobody pays attention to a bunch of stuff like that. Even the teachers think some of them are a bunch of malarky.

FATHER: If they are not good, sound guides for your behavior, they should be changed.

DAUGHTER: Just like the Minnesota Constitution.

FATHER: (laughing) What do you know about that?

DAUGHTER: Not too much, but we're having a unit on the Federal Constitution in Social Studies, and our teacher says we won't even try to study our state one because it is so confused and full of trunk highways and borders and - - - - -

FATHER: Now, wait a minute. We've gotten by for a good long time, almost 100 years, and the state hasn't gone to pieces.

-4-

DAUGHTER: But Daddy, did you know that outside of school and library elections, women can't vote in Minnesota? And that it says in the constitution that the legislature shall elect U. S. Senators?

FATHER: Say, have you read it?

DAUGHTER: Heavens, no, it's 25,000 words long. Have you read it?

FATHER: Well, No - - - - -

DAUGHTER: Our teacher says that not many people have. (looking at notes) There is supposed to be a debt limit of \$250,000 v...

FATHER: Why, the Minnesota debt is over \$100,000,000 right now! (Glances at letter in his hand) Listen, young lady, how did you get me so far off the subject? We were discussing your infractions at school.

DAUGHTER: (Looking at wrist watch, and as she rises and gathers up books) Oh, Dad, it's after my bed-time, or maybe we should cover the clock, the way they do in the legislature, so they can pretend they're minding the rules!

FATHER: We'll have a conference with your mother in the morning. It is late --- and I suppose the pin-curl routine must be observed. God night, Sally.

DAUGHTER: G'night, Dad (Goes off left)

FATHER: (Puts down letter and picks up newspaper, turns to editorial page, and reads a few moments) Re-apportionment, now that's something I'd be interested in pushing.

MOTHER: (Mrs. Warren comes bustling in from right to back of table, very excited) I've just had the most stimulating evening. Mabel Scott asked me to her League of Women Voters meeting. Oh, darling, did you get any dinner? (Taking off coat, stands behind left chair.)

FATHER: Yes, I ate down town. Look, dear, we've got to discuss Sally. We have a note - - - -

MOTHER: (Sits in chair left) Did you realize that we aren't being allowed to vote on whether we want a CONSTITUTIONAL CONVENTION?

FATHER: Oh, no, not you, too!!

MOTHER: I don't mean just me, I mean not anyone in the state, not you, either!

FATHER: (laughing) No, I mean are you going to heckle me about our constitution, too? First, a phone call from Ted Anderson, then Sally, and now you.

MOTHER: Ted Anderson, what did he want?

FATHER: Oh, he wanted me to be on some committee to advocate a CONSTITUTIONAL CONVENTION. But, I refused.

MOTHER: Well, I do think we should learn a lot more about it. It's terrible if we can't vote on something so vital to all of us.

FATHER: Wasn't there some sort of a commission back in 1947 to study our constitution?

MOTHER: There certainly was. They suggested 112 changes and six whole new sections.

FATHER: There, you see, our legislature is pretty good. They're working on it.

MOTHER: But that's just it! A few are interested but the majority have voted against their own recommendations ever since. Until people get aroused about things, nothing is accomplished.

FATHER: I can think of a lot of things to get aroused about before constitutional revision. Re-apportionment, for instance. I was just reading an editorial in the paper about it.

MOTHER: They talked about that at the meeting, too. We aren't going to get fair representation until we get a re-apportionment law with some teeth in it.

FATHER: CONSTITUTIONAL CONVENTION again, eh?

MOTHER: You're right! And there's the matter of home rule, and clearly fixed executive responsibility, and - - -

FATHER: Look, dear, I'm rather tired. Let's go to bed. (Rising, notices letter about Sally on table) Oh, I forgot to tell you all about this letter concerning a problem at the high-school. Wait a minute - - - (reading it to himself, his face brightens) Do you know, I've been awfully dense.

MOTHER: (Rising) Oh, not you, dear!

FATHER: With all that's been told me about the constitution tonight, Sally made the real point, that we can't teach our children respect for law and order when we are so casual about it. Here - - - where's that number? I'm going to call Ted Anderson and see what I can do. (Dials) Hello, Ted - - - Dave Warren - - - could you have lunch with me tomorrow? - - Fine, 1:00 at the club. - - - Well, I'm not sure how much help I'll be, but if you have any trouble getting a committee together, I have a couple of awfully convincing females handy. (While he is saying this, Sally with hair in pin curls and wearing a bath-robe, puts her head in door left. She and Mrs. Warren give each other a good luck sign. Mr. Warren hangs up, and all go off left.)

THE CASE FOR THE CONSTITUTIONAL CONVENTION

(Suggested Speech Time: 20 min.)

There is little argument in Minnesota on the need for some kind of revision of our state constitution. The need became so acute in 1947 that the legislature appointed a commission to study the constitution and recommend changes. After 14 months of study, the commission recommended 112 changes in addition to 6 new sections, and its members voted unanimously that a constitutional convention would be the best way to accomplish revision. In 1950, a second commission, the popularly-called "Little Hoover Commission", pointed out the necessity for constitutional revision in order to modernize state government. In 1954, the legislature's interim tax study committee found constitutional changes essential for sound fiscal policies.

Yet, in spite of these extensive - and expensive - studies, complete revision of Minnesota's constitution is still being delayed. Why? Because fruitless controversy has been fostered in the legislature regarding the method of revision. In session after session, a small group of legislators argue that the job can be accomplished by the legislature through amendments, rather than by specially elected delegates assembled in a constitutional convention. This obstructive and untenable argument continues despite the fact that under Article I of the Constitution it is the people, not the legislature, who have the legal right to decide this question. But the people cannot decide it until the question is submitted to them at the polls. And this the legislature repeatedly refuses to do.

The gradual amendment method, under which the legislature proposes amendments for voter approval or disapproval, has been used since the very year the Constitution was ratified. It was on April 15, 1868, four weeks before Minnesota was officially declared a state, that the territorial assembly had to add an amendment to the newly written constitution. Since that time, 80 amendments have been added to Minnesota's Constitution, without the calling of a second, revising convention to

complete the task that the first early assemblage attempted with patriotic enthusiasm but a notable lack of knowledge of constitutional law. The result of this superimposing a multiplicity of amendments upon a faulty original document has been a compilation of laws so ambiguous, outmoded, and confusing that the only way the state can operate under some of the provisions is by ignoring them.

A Constitution is basic law. Its parts should function interrelatedly. Amendments function separately, and when there are too many of them, as in Minnesota, they cannot tie together with the whole. No document can be amended properly out of text in such length.

Here is one demonstration of this: Article IX of our Constitution, the Tax and Finance Article, has now been amended 19 times. What is the result? Let me read you the notation that follows the 1922 and 1950 amendments to Section 1:

"N.B. -- Sections 2, 3, and 4 obsolete, because in 1906 there was adopted the section which now is Section I in this article. It supplanted Sections 1, 2, 3, and 4 and the unnumbered section of 1896. This amendment is sometimes called the wide open tax amendment. No amendments have been adopted to take the place of the old Sections 2, 3, and 4. There is therefore a gap in the numbering from 1 to 5."

Directly under this confusing but revealing notation comes Section V of Article IX which reads that state debts "shall never exceed \$250,000." The state debt as of October 1st, 1955, was \$84,010,691. In addition, the legislature of 1955 appropriated \$28,000,000 for state buildings, and added still further sums to the state debt for other purposes. The truly startling fact about the 1955 additions to the state debt was that no single legislator made public recognition of the fact that the appropriations were unconstitutional. Nor did the press comment upon it. Surely, it would be better to have no Constitution at all than to have one that must be disregarded in order to continue the normal functions of a growing state. Continuing the amendment method too long has produced cynicism, hypocrisy, and illegality in state affairs.

Let us turn now to the convention method. A constitutional convention is composed of delegates elected by the people from each legislative district. In an orderly, systematic fashion, the convention considers the Constitution as a whole

and proposes a revised Constitution for the voters' approval or disapproval. Soon after the 1947 Constitutional Commission voted unanimously that the convention method was the best method to revise Minnesota's Constitution, the League of Women Voters of Minnesota also came to the conclusion that the convention method is the best method. For four sessions of the legislature, the League of Women Voters has lobbied for a bill that would permit the people of Minnesota to vote on whether or not they wished a convention held to revise Minnesota's Constitution. For four sessions the bill has failed to receive the necessary two-thirds vote of both House and Senate. Legislative hostility to change has prevented favorable action.

This legislative reluctance has been played upon effectively by paid lobbyists for railroads and other segments of industry which oppose any possibility of change that might jeopardize their status under the present law. It is ironical that most of their fears are groundless. Constitutional conventions are traditionally conservative. Because their work must be approved by the electorate, they have a tendency to accept established patterns and procedures rather than to experiment with new ideas. Particularly have railroad lobbyists been shortsighted in their persistent lobbying in the legislature against a convention. Under the misconception that railroads might have to pay more taxes if Section 32, Article IV, of the Constitution were to be eliminated by a convention (which it surely would be) railroad lobbyists have opposed the convention. Yet, railroad taxes rose in Minnesota to an all-time high of over 14 million dollars in fiscal 1954. Many informed persons believe the railroads are over-taxed in Minnesota and that their own obstructive tactics in each legislative session have prevented tax relief rather than accomplished it. Because they cling stubbornly to outmoded practices and oppose any change in the status quo, the railroads have effectively blocked their own tax relief. The legislature's 1954 tax study report reads: "Very few states employ the gross earnings method in taxing any of the railroads (as Minnesota must do by Constitutional law), and Minnesota is the only state that provides for the exclusive use of this tax in lieu of all other taxes on railroads . . ."

The initial step to achieve a constitutional convention is simplicity itself. All it requires is that the legislature pass a bill submitting to the voters the question "Shall a Constitutional Convention be called?" What would happen if the bill should pass at the next legislative session and the people vote yes? Delegates would have to be elected, and before the final document could be ratified, at least five years of successive steps would be required. The convention method is not a hasty one.

What are the advantages of the convention method?

First, a constitutional convention usually has a high caliber of membership. Experience in other states has shown that when citizens finally succeed in exercising their democratic prerogative of changing their basic law, they choose delegates carefully: judges, college presidents, experts in constitutional law, as well as many legislators. Citizens of high caliber are willing to serve because they appreciate the historic significance of what they do. It has been said that even quite ordinary men are touched with greatness when honored by this election; they feel the sense of extraordinary responsibility. In addition, because delegates are elected from all parts of the state, their representative character provides a solid base of public support.

Second, the convention has the advantage of time. Because it is assembled for the sole purpose of revising the constitution, the convention has time for necessary study and debate. Proponents of the amendment method would have us believe that the legislature has time for this monumental task. This is not true. Our legislature meets for 90 days every 2 years, during which limited period it struggles with an avalanche of bills. In the 1955 session, the bills numbered 3,507. Although nearly 30 constitutional amendments were proposed, few ever came to debate, and only 3 passed. How inconsistent it is that legislators who have proved they have no time for the job should keep insisting they alone should do it!

Also, as regards the time element, the convention lasts a few months and then is over, the job done. To revise Minnesota's constitution by the gradual amendment method-if we were to adopt the Constitutional Commission's recommendation-would take,

by conservative estimate, over 50 years. Remember, there would be 20 Articles to amend, with numerous Sections under each Article, and the electorate can ratify only once in two years.

Third, the convention has the advantage of economy. New Jersey, which had one of the most recent conventions, spent \$325,000 out of \$350,000 appropriated. The proponents of the amendment method would have us believe that gradual amending is costless. This, too, is not true. The State Auditor reports the cost of submitting the 1953 amendments to the people was over \$18,000, but this sum does not include costs of counting ballots, abstract of votes polled, stenographer and clerk hire, or interim committee costs. Nor does it take into account that two of the amendments were being re-submitted, thus doubling their costs. When one realizes that a single session of the legislature costs well over a million dollars (\$1,137,804 in 1955) one realizes how comparatively inexpensive a constitutional convention is.

Fourth, the convention has the advantage of sound and enduring results. The convention acts in an orderly, systematic fashion to build a structure that will be sound and reliable but have a practical resilience, that will deal with fundamental principles so that few amendments will later be necessary, and yet will be comprehensive enough as a document to live and to work. And it has the residual value of breaking deadlocks that often prevent needed reform of legislative procedures.

The fifth advantage is the very considerable education of the people in constitutional law that ensues from the total process of popular participation in constitution making. Conventions far more effectively focus public attention on the problems of state government than do legislatures in the submission of proposed amendments. The press, radio, and television would spotlight attention upon so historic an event. Minnesota's constitution would be publicly debated and talked about until it would become, truly, a handiwork of all the people.

We need this education. Minnesotans know so little about their constitution that a newspaper poll of November, 1954, showed only 30% had ever heard anything about proposals to revise the constitution. It was something of a miracle that 22% said they preferred the convention method. Why don't Minnesotans know their

constitution? Because it is not often taught in the schools. It would teach cynicism for law for teachers to say "Here is Minnesota's Constitution, but this section on a state census is ignored; this provision for reapportionment has not been observed since 1913; these parts are obsolete, and there were certain sections that were once here, here, and here that have been omitted from recent copies, though nobody knows by what authority they were omitted."

A few state legislators have told us that the convention method is dangerous and untried. But the truth is that the state constitutional convention is as traditional and as American as the Stars and Stripes. Indeed, it is an American invention. It has been called our greatest contribution to the art and science of government. It was born out of the burning belief, now written into law, that the people have the inalienable right to decide their own basic law and to alter and reform their government in such manner as they deem proper.

There have been 180 state constitutional conventions held in the United States since Massachusetts called the first one in 1779. Conventions have been held for many purposes: to write the original constitutions in 48 states and the territories, to amend, to revise, to write new documents. Only 18 states still try to operate under their original charters without calling a revising convention. Minnesota is one of the dwindling 18. The constitutional convention is not the untried process that its opponents would have us believe. It has worked to accomplish necessary revisions in other states. It will work here.

League of Women Voters of Minnesota, University of Minneapolis, Minneapolis 14, Minn.
15th & Washington Ave. S.E. EDITORS: The following state government
Immediate Release (December, 1955) facts may be used together, or as fillers.

The State You're In

Minnesota has the largest senate of any state in the United States.

Over 3,000 bills must be considered by the Minnesota Legislature during its 90-day session held every two years.

Only 18 states still operate under their original constitutions. Minnesota is one of them.

Minnesota and Nebraska are the only states which do not elect members of the legislature under party labels. Nebraska is the only state with a unicameral legislature.

Twenty-five states reapportioned their legislative districts after the 1950 census. Minnesota is still apportioned on the basis of the 1910 population count.

The Minnesota constitution has been amended 80 times since its adoption in 1857.

Members of the House of Representatives in Minnesota represent districts varying in population size from 7,290 to 107,246.

Finances are discussed in the Minnesota constitution in eight other articles, in addition to the article on taxation and finance.

Minnesota has had 13 special sessions of the legislature since it was admitted to the Union. Only the governor may call a special session.

Nearly one-half of the 80 amendments to the Minnesota constitution deal with finance.

Only four Minnesota counties and part of a fifth come within 15 percent of having their correct representation in both houses of the state legislature, which last reapportioned the districts in 1913.

Seventy-nine per cent of the income of the State of Minnesota is dedicated to specific purposes and cannot be used for anything else.

The Minnesota Fair Employment Practices Commission has nine members.

The Civil Service Act, under which our state merit system operates, was passed in 1939.

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