



## League of Women Voters of Minnesota Records

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League of Women Voters of Minnesota, 15 & Washington Aves.S.E., Minneapolis 14, Minn.  
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REAPPORTIONMENT -- Hindsight and Foresight

Local Leagues are being asked by legislators and others -- pleased, displeased, or simply puzzled by our stand -- to explain specific League objections to Amendment No. 2. Also, now that another session is approaching, perhaps we have an obligation to outline the kind of amendment we would work to pass.

The problem can be answered in two ways, negatively and positively. Both answers are based on our criteria and on the specific objections made by various Leagues to Amendment 2. Remember, our criteria are: 1) no increase in legislative size; 2) a fair, flexible, specific area factor in one chamber; 3) guaranteed population in the other; and 4) effective enforcement machinery..

Negatively speaking, Leagues objected to all three sections of Amendment No. 2. Though there was slight objection to the 35% limit on the 5-county area (there may be more now the 1960 census figures are known), there was overwhelming objection to the possibility of frozen districts in the Senate. The League is not prepared to support districts that either are, or may be, frozen. Also, within the metropolitan area, some provision should have been made for redistributing the 35% of representation after each census.

The provisions for population in the House were unsatisfactory because the concept of equality was no more attainable than under our present constitution, which uses practically the same language.

The enforcement provisions were objectionable on several grounds -- chiefly that the power of reapportionment never left the legislature, no matter what its defections; and that no limits were placed on the special session. Dangers were detected in the facts that no other business could be conducted until reapportionment was settled, and that legislators received no pay, thus giving an advantage to those legislators living near the capitol and/or on retainer.

Positively speaking, the League reaffirms its strong approval of the amendment that passed the House last session, commonly known as the County Representation Plan. Not only did the bill measure up to all criteria we feel essential in a good constitutional amendment, but putting the area factor in the House has these advantages:

- 1) Most small counties could maintain their separate representative. If the House becomes the population body, over half of Minnesota's counties stand to lose their separate legislator after 1970.
- 2) Population can easily be guaranteed in the Senate, but with great difficulty in the House.
- 3) Multiple-county districts in both houses destroy one of the valid reasons for a bicameral legislature -- differences in units represented.
- 4) A House that would undoubtedly become increasingly urban and liberal, and a Senate that would just as surely become increasingly rural and probably conservative, would be in great danger of deadlock.

over...

Nevertheless, at the present time, the League is prepared to support an area factor in the Senate if the amendment is framed to meet its criteria. More specifically, the League would undoubtedly have supported Amendment No. 2 if the following changes (all suggested by us to the conference committee) had been made:

In the Senate, outstate districts were not allowed to become frozen. Limits on deviations from the average district of, say, 25% would allow great discretion, since the total allowable deviation would be 50%; yet would provide against permanent inflexibility. Within the 5-county metropolitan district, population is shifting, and will continue to shift, with great rapidity. This is urgent reason why 10-year readjustments should be mandatory between these counties; within counties, deviations of 15% should be enough.

In the House, some method of guaranteeing population must be found, though this is much more difficult than it would be in the Senate. Possibilities would be to:

- 1) guarantee that those counties limited in the Senate receive their full numerical share of House members;
- 2) provide that House districts vary by no more than 20% -- though this would necessitate cutting counties;
- 3) specify use of the same method used in Congress to assign representatives; or
- 4) provide that, as in Arkansas, the Supreme Court have power to pass on the equality of reapportionment, substituting its changes for unconstitutional redistricting.

As to enforcement, the League, along with other impartial observers, feels strongly that if the legislature fails to exercise its duty of reapportioning in the first session after the census figures are available, such power should pass to another agency. It would, however, accept reapportionment by special session if the special session were limited as to time; not forbidden to conduct other necessary business remaining after the regular session; and legislators were paid. Most important of all, should the legislature fail to reach agreement within, say, 30 days, administrative or judicial power should be invoked to reapportion the state.

It might be added that though the League does not feel, as did most of the conferees, that Amendment No. 2 would have removed the power of veto from the governor, it would not support an amendment which did remove this safeguard.

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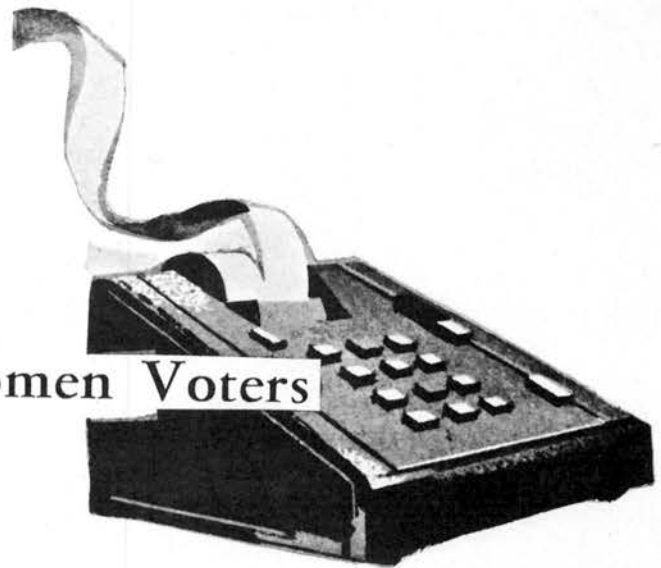
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# INVENTORY

of work on

## CONSTITUTIONAL REVISION

By State Leagues of Women Voters



Prepared by

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES



The Inventory on Constitutional Revision is primarily designed as an aid to state Leagues working in this field. It attempts to tell what the Leagues have done, including such background of the situation within the state as is needed for understanding of the League's activities or is interesting as general information. A great deal of hard work by a League is often stated in a line or two and the extent of the coverage may be uneven since this office may have incomplete records. On the day it reaches you it will be going out of date as the eighteen state Leagues whose activities it recounts move forward toward their goals. We hope the Inventory will serve as a way of exchanging ideas and methods between the states and as a resource for states which may be considering working for major constitutional reform.

After the name of the state the wording of the Program item is given, followed by its status as a Current Agenda (CA) or Continuing Responsibility (CR).

All publications mentioned have been produced by, and are available from, the state Leagues.

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DECEMBER 1960

Price: 15¢

INVENTORY OF WORK ON CONSTITUTIONAL REVISION  
BY STATE LEAGUES OF WOMEN VOTERS

CALIFORNIA: The State Constitution: Support of measures to improve and revise California Constitution, directed toward, but not limited to, a Constitutional Convention, preceded by a commission with staff and time for full preparatory work. (CA)

As each election rolls around the citizens of California reap a harvest of ballot questions to decide upon, indicative of a state constitution remarkable for its length, its detail, its obscurities and, in some instances, for its contradictions. The constitution runs to 75,000 words and has been amended 430 times in its 80-year existence, as contrasted to 22 amendments in over 180 years for the United States Constitution. The constitution, adopted in 1879, was an expression of public dissatisfaction with the original constitution and was drawn up as a means of preventing misgovernment by providing constitutional restrictions on legislature and administration and by placing directly in the hands of the people many matters generally left to the discretion of the legislature. In spite of some successful efforts to repeal obsolete material, the basic structure of the constitution itself precludes any real weight losing.

As is generally true when Leagues conduct such a study, the California League (which began work in 1957) came to the conclusion that the need is for major revision. A study of methods for accomplishing revision brought them to agreement that a constitutional convention would be the best way, and that such a convention should be preceded by the establishment of a research commission with adequate funds and staff. Realistically, the League knew that sound revision depended upon broadly based and strong support from the public.

At its 1959 Convention the League had reached the place where it saw its primary goal as that of arousing public interest in the question and the League Convention authorized League activities to be directed toward this end. On the local level the Leagues held public meetings, gave speeches before other organizations and used other communications media. To help them with this the state League prepared a kit featuring tips on how to give a speech, a sample outline for a speech, an answer sheet to help meet the usual objections to constitutional revision, and a summary flyer for distribution. This flyer was further sent to 107 newspapers throughout the state. The Leagues were helped with "filler material" suitable for local bulletin or local newspaper use. Twenty-three hundred "Briefs on a Long Constitution" were sold in the League year 1959-1960.

Emphasis on the year's work was definitely on how to "go to the public." For this purpose two workshops, one north, one south, were held in the fall of 1959. Meanwhile the League was requested to and did testify before the Assembly Interim Committee on Constitutional Amendments both in the north and the south.

The report to State Council at the end of a three-year effort indicated that the difficult task of public education was gaining momentum and that member interest was being maintained at a high level. The Council directed the state Board toward an exciting new venture. The California League will prepare and initiate legislation at the 1961 general legislative session calling for a research commission to study the problems involved in constitutional revision. The state President, state Constitution Chairman, and state Legislation Chairman met with the Governor

of California to acquaint him with the proposed legislation and to secure, if possible, his support for a research commission in his legislative program. Further efforts to go to the public will be postponed until after the November election when, to quote the state constitutional chairmen, "Voters will be intensely and, we hope, uncomfortably aware of our long, long ballot."

Publication: "Briefs on a Long Constitution," 15¢.

CONNECTICUT: Revision of the State Constitution by a constitutional convention.  
(CR)

If span of effort for a constitutional convention and number of points of contact with particular areas of their state constitution determine member knowledge of basic state government, the members in the League in Connecticut should be extraordinarily well versed in this field. The original study of the need for revision dates back to the mid-forties. Action for calling a constitutional convention started in 1951 and in the Outlook for Work in 1961 the League is prepared for the sixth consecutive session for yet another effort in the unlikely event that the opportunity is provided.

Along the way the Leagues not only came to solid agreement on the need for overall revision by the convention method, but also studied and came to a position on a number of changes to be included in a revised constitution. These they have supported, as opportunity arose, through constitutional amendment.

The amending process which the League finds cumbersome and time-consuming (spread over a three-year period) provides a demonstration, in itself, of the need for revision by convention. A much needed governmental reform is a change in the highly inequitable apportionment of the lower house; since amendments can be initiated only by that body, efforts for achieving such reform by amendment are frustrated at the start. The Senate, in turn, has long argued that so long as the House remains unchanged, it too should be left alone. (In this area the League is determined to work vigorously for senatorial redistricting, by statute, by the 1961 legislature.)

Constitutional change depends entirely upon legislative action, there being provision neither for the initiative, nor for regular reference to the people on the question of calling a convention. Not only does the League face an uphill fight to get a constitutional convention at all, but also to get one properly called, i.e., with provision to allow nomination of delegates by petition, election without party labels and with an absence of restrictions limiting the area of inquiry and possible change.

Though the major goal has not been reached, the League has been successful in reform amendments to abolish dual office holding and specification of legislators' salaries in the constitution. A codification of the constitution was a definite by-product of League work. Indeed, some observers have attributed these reforms to the League's agitation for a convention! It is prepared to support amendments in 1961 calling for annual legislative sessions and constitutional home rule. Lack of success in securing a convention cannot be taken to mean that the great and able efforts to arouse public interest have been of no avail, nor the League's methods unsatisfactory. In addition to the above-mentioned amendments, some statutory improvements, notably in the Home Rule field, have also been accomplished.



The League was instrumental in launching a "Citizens for a Connecticut Constitutional Convention." The steps by which this was accomplished remain a model for good procedure. In addition to publication and distribution of well prepared flyers the League conducted a Mock Constitutional Convention in the spring of 1954. At this mock convention the League was concerned not only with the demonstration of the convention method but arrived at agreement on twenty-four recommendations for change.

The State Board's July 1960 Outlook for Work on calling a convention is not an optimistic one. Little has been heard from the Interim Constitutional Convention Sub-Committee of the legislature and in the opinion of the state Board absence of strong leadership seeking a convention dims the prospects for action at the next legislative session.

Publications: "Handbook on the Need for a Constitutional Convention," February 1957; price, 35¢. Valuable background material on necessary reforms in legislative and administrative branches of state government.  
"Continuing Responsibilities 1959-1961," January 1960; price, 35¢.  
Background League of Women Voters position and forecast for action.

FLORIDA: Revision of the Florida Constitution. A. Evaluation of revision proposals and support of those which bring the state constitution nearer standards embodied in the League Yardstick. B. Supplementary action when bills are offered in the legislature advancing League objectives or threatening positions already attained. (CA)

Work by the League in this state has yet to reap rewards commensurate with its long efforts along what can only be called a thorny road to constitutional reform. The earliest League publication dates from 1947 and the June 1960 Florida Voter outlines another round of League activity for the coming winter, this one focusing on the apportionment provisions and methods of improvement. Meanwhile the Florida Bar Association has prepared a revised constitution which it behooves the League to measure in the light of the ten points marked off on its long-established yardstick for a good state constitution.

Twice the League has faced the hardest question of all -- how much compromise to accept in order to get some improvement. Once the answer was no support and once the answer was to support. On the first occasion a new constitution prepared by a legislatively established commission was approved by the legislature at a special session in 1957. It was anticipated that the question for adoption would go to the people in the November 1958 election. The proposals had some merit but they failed to meet the League yardstick at many points and most unfortunate of all provided not only for a "daisy chain" method of amendment within the new constitution but also that the new constitution itself must be so adopted; i.e., no part of the proposal could be voted down, it was all or nothing at all. The League after much soul searching came to the conclusion that the proposed constitution was not good enough.

The fact that the state courts subsequently declared the provisions for adopting the Commission's proposed constitution by the daisy chain method unconstitutional under the constitution now in force in Florida, did not preclude an amendment on the November 1958 ballot designed to institute this system. This the League opposed and in this they were successful. In evaluating this amendment the League

noted that, "There is no qualifying provision requiring that amendments (tied together in this manner) deal with the same subject or have actual interdependence. Totally unrelated subjects might be tied together and the voters' right of choice curtailed. The amendment also opens the door to legislative bargaining similar to that we see in riders attached to national appropriations bills."

In response to the court decision invalidating the legislature's proposals the Governor appointed a five-member committee to prepare a series of amendments. A member of this Committee was the state legislative chairman of the League of Women Voters of Florida. Though realistically aware that by this means as much was not likely to be accomplished as the League would wish, the League weighed the proposals in the hope that if not all maybe much could be supported. The League at Council meeting 1959 was able to endorse many of the proposals of the Governor's Committee and took such steps as they could to push it through its legislative test, three-fifths vote of both houses. Nothing of the Committee's proposals survived the legislative treatment except the apportionment article which had suffered considerable change though still providing for somewhat fairer representation. After a careful check with its membership, the Florida League decided to support this quarter loaf but the ballot question was defeated in November of 1959.

In October, 1960, the League of Women Voters of Florida testified before the Constitutional Revision Committee of the State Bar Association. This Committee is preparing complete revision proposals for presentation to the state legislature when it meets in April. Their revision includes changes in every article except the Judicial Article, which is being revised by the Judicial Council which was set up by the legislature for this purpose in 1953.

The Judicial Council has requested the League of Women Voters of Florida to study its proposals for revision of the Judicial Article which will be presented to the 1961 legislature. Although the League had been pointing in the direction of an intensive study of reapportionment, the state Board felt that the League could not be ready with its own apportionment formula by the time the legislature meets in April. Therefore, the state Board has determined to shift its emphasis to the Judicial Article in the hope that the members will reach consensus prior to the 1961 Legislative Session.

Postscript: On November 8, 1960, the people of Florida rejected a proposed amendment which would have frozen into the constitution an already-existing statute which divides equally among the 67 counties of the state a certain percentage of the revenue derived from horse and dog racing and Jai Alai games. The League opposed the amendment on the grounds that it was contrary to a portion of its "Yardstick for Revision" which declares that statutory detail does not belong in a constitution.

Publications: "Revision of State Constitution -- Methods of Revision," 1954; 5¢.  
"Yardstick for Revision," 1945; 5¢.

ILLINOIS: To work for a constitutional convention for Illinois. (CA)

"How appropriate," says the Illinois manual on constitutional convention, "How appropriate to celebrate in 1970 - the centennial of our present constitution - with a new one." This startling acceptance by the Illinois League of the necessity for the long pull attests to the experience of the League in the field and a high level of League sophistication. As the Illinois delegates adopted an item on constitutional convention in 1959 it knew it had a big job on its hands.



In League opinion the ten year trial of the "gateway" amendment has proved that this change in the amending process has failed to achieve the goals of its supporters. The League of Women Voters of Illinois is presently engaged in the following program fields where solutions lie in constitutional change: Complete Constitutional Revision; Revenue; Elections; Judicial; Home Rule; Apportionment. The gateway it seems has proved only large enough to allow a foot in the door though it increased the number of allowed proposals from one to three, and allowed two-thirds of those voting on a proposal to decide the issue as well as the former provision calling for a majority of those voting in the election. Frustrations, too, were not overcome by legislation providing that ballot questions shall be on a separate ballot, blue in color, and carrying an explanation and pro and con arguments - a mechanic which attracts the voter's eye and facilitates an informed mark on the ballot. The silent NO vote still holds its place in the legislative process since a proposal must pass the General Assembly by a two-thirds vote of "all members elected to each of the houses." Nor may an amendment to the same article be proposed oftener than every four years.

All in all, the League decided to take another look. The League had supported resolutions for a constitutional convention in 1943-45-47 and '49. Perhaps the time has come for a new try. Along with a new look at the Illinois constitution the League will be considering the advantages (or disadvantages) of a legislative commission to study the need for constitutional reform and paying special heed to the present provisions in the constitution for the composition of the delegate body. The latter provisions may well serve as an example of the dangers of piecemeal revision. When the apportionment article was amended in 1954 (in League judgment the only example of an amendment of substance since the gateway was opened in 1950) no attention was given to the effect of that article on the one providing for a convention which specifies that the delegate body be composed of two members from each state senate district -- if this method is not changed prior to the legislative call to convention. The apportionment provisions of 1954 establish the Illinois senate on an area basis with a built-in majority outside Cook County and no provision for reapportionment.

New publications will cover information on legislative commission, on delegate selection, a popular tool on the present constitution and a comparative study of four state constitutions.

Publication: "A Constitutional Convention for Illinois" - November, 1959; 25¢.

Tape: Constitutional Convention Tape (running time 13½ min., 7½ ft. per second, single track) may be borrowed, handling charge 50¢.

INDIANA: Revision of the State Constitution: d) constitutional convention, e) improvement of the amending process. (CR)

"A watching brief" will best describe current League activities for a constitutional overhaul in Indiana plus a preparedness move in recognition of the approaching League program-making year. The last two Indiana League conventions have pondered long and hard on the advisability of giving emphasis to this work by placing it on the Current Agenda but the pressure of unfinished business on schools and taxes forced the difficult decision to postpone.

Should a convention be achieved the League is prepared with suggestions in four important fields: home rule; reapportionment; short ballot; and the amending process itself, for it has a position on all of these along with support for calling a constitutional convention.

It is interesting that there is no provision in the Indiana constitution for periodic review nor for calling a convention. Supreme Court rulings suggest, however, that the steps to be taken in the event of a constitutional convention would follow the usual ones including referral of the finished document to the people.

The League finds that the state amending process erects a formidable block to change (only 22 amendments in 109 years). Indiana provisions require that the existence of amendments which have passed one session of the General Assembly and are waiting the required action by a second session and are so "pending," make it unlawful for new amendments to be offered. This ban can stall much needed change as it has had the effect of closing many legislative sessions to the introduction of new amendments.

Where the constitution makers fail to make clear provisions the courts sometimes come to the rescue and in 1935 the state Supreme Court reversed earlier rulings that a majority of those voting in an election must be in the affirmative to pass an amendment and substituted the more liberal view that a majority of those voting on the question constituted a vote. While courts are by no means fickle, it seems to the League that this sort of provision which bears so heavily upon the prospects for change should be safely imbedded in the basic law of the state. The court decision, in re Todd could be reversed by a later court. The League would like to see the court decision spelled out in the constitution and would also change the legislature's role in the amending process to consideration at a single session, approval by two-thirds or three-fourths of those elected to each house, followed by popular ratification under the more liberal provisions.

IOWA: Action to obtain Fair Representation in the Iowa Legislature by a constitutional convention or by legislative enactment. (CA)

A study of the Constitution of Iowa with special attention to the Judicial and Executive Departments. (CA)

"We must talk, talk, talk," says a local League Bulletin. Good League talk they mean, of course, and all to get a 'yes' vote on the November ballot question: "Shall there be a Convention to revise the constitution and amend the same?"

In one way the Iowa League "has it easy." At least the question found its way to the ballot by constitutional edict so promotion to get the question on the ballot was not needed. The question is put to the people regularly in years ending in "0". The basic drive for a yes vote stems straight from a frustrated determination to achieve reapportionment in the state legislature. No impatient action this, for the League has waited until all hope was gone for correction through the legislature. To be specific, the League "had observed the introduction and defeat of 15 reapportionment bills during the last session of the legislature, and had come to the conclusion that the legislature either would not, or could not 'reapportion' itself." (March 1960 Iowa Voter)

Though reapportionment has been the goal of the League (for League positions see Inventory of Work on Reapportionment), it is at the same time undertaking a study of the Articles on the judiciary and the executive as well as Home Rule and other articles of the constitution, the better to be prepared for a convention.

A really massive effort is underway to develop public understanding of what a constitutional convention is and what it might accomplish. In its campaign the League is working with the Citizens Committee for a Constitutional Convention. Public fears that the new constitution might not be subjected to a vote of the people must be allayed with the information that though the constitution does not provide for such a vote the precedent of earlier conventions does. There are no definite legal answers as to whether the legislature has the power to limit the areas which the convention may consider nor as to whether the proposals may be voted on article by article or must be adopted or rejected as a whole. Questions of cost must be met by statistical information on savings made by states with modern constitutions. Urban-rural differences must be mollified by demographic information which shows that every Iowa county is partly rural.

In April of 1960 the League sponsored a public state-wide conference entitled "Focus on the Constitution of Iowa." The principal speaker was Mr. John Bebout, assistant director of the National Municipal League, currently working with the New York State Constitutional Revisions Commission. In addition, there were panels on the executive, judicial and legislative sections of the Iowa Constitution, using experts from the universities. Educational in its purpose, it was designed to promote interest in the constitution and in suggested reforms as well as to air the advantages and disadvantages of a constitutional convention. More than 300 attended from all over the state.

For its action campaign in support of a convention the state Board is equipping its local leaders and members with excellent tools for public distribution and guidance in reaching the voters.

Postscript: The vote on the question, "Shall there be a convention to revise the Constitution and amend the same?" was defeated by about 50,000 votes. These factors played a part in the defeat of the question:

- 1) Strong opposition from the Farm Bureau and the Iowa Manufacturer's Association.
- 2) The large percentage of rural voters who voted on the question. In the urban areas only 60-65 percent of persons who voted for President voted on the question, while in the rural areas the percentage was 75-83 percent.
- 3) A lower percentage voting on the question where it appeared on the voting machines. Iowa has 36 counties who use machines. A few of these, however, did put the question on a paper ballot.
- 4) Not all areas of the state were covered by those who favored a constitutional convention.

Since the election the League has held a state-wide workshop to "gather our forces" to carry on the efforts for reapportionment by the legislative process.

Publications: "A Study of the Constitution of Iowa - Kit No. 1 '59, Introduction to the Series"; 15¢.  
"The Judicial Branch of Iowa Government" October '59; Part II of the Constitution Study; 20¢.  
"The Executive Branch of Iowa Government" February '60; Part III of the Constitution Study; 25¢.  
"Constitutional Convention"- September 1959. Gives background of League's position on Constitutional Convention plus advantages and disadvantages of a Constitutional Convention. 5¢ each, 25 for \$1.00.



"Staging a Constitutional Convention in Iowa," October 1960. Concerns the enabling act, cost and work of a Constitutional Convention; 20¢.

Flyer (yellow) "Vote YES for Constitutional Convention Because - - -". 1¢.

Flyer (white) "Taxation without Fair Representation - - -". 1¢.  
"Convention or Amendment?" by John E. Bebout; 10¢.

Slides: "The Case of the Shrinking Vote." Set of 35 mm. slides with script or tape. Runs 14 minutes. Shows the inequalities of representation in Iowa Legislature, how they came about, how to change them, and urges a YES vote on the question of Constitutional Convention in November. For loan to Leagues or interested community groups.

KANSAS: Revision of the Kansas Constitution. (CA)

Though the Kansas constitution is a model of brevity compared to many (about 8,000 words) and though it has not suffered from constant tinkering through whole-sale amendment (there have been only about 60 amendments proposed and only 40-some accepted by the people in the 101 years since it was established), the Kansas League study gives evidence that it, too, is in need of major reform not least of which is in the amending process itself.

The present League study dates back to 1957 though this is not the first time in League history it has studied the state constitution. The explanation of intent adopted with the item clarifies the intent of the membership. It says:

"The League of Women Voters will work to build public opinion for the need for constitutional reform; supporting revision of constitutional provisions to increase home rule for cities and to exempt household goods and personal effects from taxation, and any other positions that are arrived at following further study of other provisions of the constitution, with emphasis on the executive and legislative articles.

"It is further agreed that if the members reach agreement on the desirability of taking action on a statutory basis in addition to or in place of direct constitutional amendment on any of the positions reached under the Current Agenda, the state board will have the authority to so direct."

Since that time the members have been studying information on the amending and revision provisions, reapportionment, the legislature, and the executive. During the year ahead it will further consider taxation and finance (the League is already supporting certain constitutional reforms in the tax field as part of its Continuing Responsibilities) and certain aspects of the education article.

Major revision should come, League members agree, through a constitutional convention. The present constitution provides for one when, as, and if the legislature by a two-thirds vote of the elected members puts the question to the people and it is ratified by a majority of those voting at the election. Only twice in the 101 years has this question been put on the ballot -- once in 1879 when it received practically no support and again in 1891 when it failed by 466 votes to achieve a majority of those voting on the question. The Kansas League feels there should be a constitutional change calling for periodic, self-executing submission

of the question to the people with provisions for manner of calling convention, method of selecting delegates and organization of the convention and procedures for referring its work to the people; none of this now provided in the constitution.

Amending through legislative proposal at present calls for a two-thirds vote of the elected legislature at one session and a majority vote of those voting on the proposal on the ballot. It is further provided that no more than three amendments may be submitted to the voters at one election, a restriction which precludes the possibility of wholesale revision at one time. Kansas has neither the initiative nor constitutional provision for periodic submission to the people of the question of calling a constitutional convention. The Kansas League finds restrictive this reliance on the legislature as the sole avenue for constitutional reform.

The limitation on change at one time affects the prospects for revision which may result from the work of the Kansas Commission for Constitution Revision appointed by the Governor in 1957. Interim recommendations by the Commission are already reaching the legislature which must of course act upon them before a referendum. There has been court discussion of the legality of a "comprehensive amendment" in which perhaps an entire article could be presented for one vote. There is reason to believe that this would be legally acceptable.

In developing public interest and understanding the League arranged a series of "Citizens Forums on the Kansas Constitution" calling on outstanding speakers from the state. In addition as a means of developing political effectiveness, a series of Constitution-Public Relations Workshops was held covering such subjects as:

"How to make the best use of RADIO (how do you get people to listen?); TELEVISION (how do you get people to watch?); NEWSPAPERS (how do you stimulate J.Q. Public to read -- not to mention Johnny?); SPEAKERS BUREAUS (what makes other organizations want to hear what we have to say?); PUBLICATIONS (what makes other groups clamor or not clamor for our materials; how do we most effectively use free materials?); and PUBLIC MEETINGS (how do we get people to them?). Another point for consideration: How far can the League go in cooperating with other organizations?"

Publications: "The Kansas Constitution, 1859-1959": "Home Rule for Cities," 1958, 15¢; "Methods of Constitutional Amendment and Revision," 1958, 15¢; "Legislative Reapportionment," 1958, 15¢; "The Executive," 1959, 20¢; and "Finance and Taxation," 1960, 25¢.

KENTUCKY: Promotion of the Constitutional Convention, with study and evaluation of 1) Methods of electing delegates to the Convention, and 2) constitutional revisions. (CA)

The value of strong and courageous leadership from the chief executive of the state in the promotion of constitutional reform has been demonstrated convincingly with the appearance on the November Kentucky ballot of the question of calling a constitutional convention. The traditionally slow process was speeded up by the new governor through a call for a special session of the General Assembly in December of 1959 in order to pass the needed legislation. The measure then could be and was voted on affirmatively for the necessary second time at the regular session in early 1960. To be sure, this opportunity for reform must be approved by the voters, and twice before since the constitution was adopted in 1891 the people have turned it down. This call, however, differs from those earlier ones for the convention, if called, will be limited to 12 specific areas



for consideration. It is hoped that these restrictions will allay the anxiety of those fearful that too many changes would be proposed or that good provisions in the present constitution might be lost.

The 1960 state League Convention had no difficulty in making up its mind to adopt a Current Agenda item designed to give all-out support to a yes vote in November. Under the authorization of a Continuing Responsibility, action had already been taken urging the calling of the special session, and in the regular legislative session in support of the convention referendum. This support position sums up a long history of League work dating back to an intensive but unsuccessful effort in support of the proposed convention in 1947. Evidently the League prophesies victory this time for League Convention plans included next steps after the November vote, first to study and evaluate methods of selecting delegates to a convention and then to consider substantive changes in those areas of the constitution to be considered by the convention.

Workshops, speakers bureaus, coordinated efforts with other organizations, coverage at the polls on election day, the Kentucky campaign will include them all, at the same time making plenty of use of the appropriately entitled leaflet "Open the Door."

Postscript: On November 8, 1960 the Call for a limited Constitutional Convention was defeated 331,741 to 315,563. Confusion, voter disaffection with the recently imposed (July 1, 1960) sales tax, and intra-party factionalism, including public opposition to the call, all played a part in its defeat. The League will press for re-submission of the call at the earliest possible date, meanwhile preparing itself for effective action in the selection and adoption of amendments. Within the Leagues the most frequently heard comment is: "We must organize support on the precinct level." - this in contrast to speaking engagements, TV appearances and literature distribution.

Publications: Sample speeches: "Why Limited Revision of our 1891 Constitution Is Important to our State's Growth," "Progress for Kentucky -- Limited Revision."  
"Think for Yourself," a flyer.  
"Open the Door," a flyer.

LOUISIANA: Measures to establish and maintain a better state Constitution. Support of 1) Constitutional revision movements including a Constitutional Convention assembled with an acceptable call; 2) an acceptable amending process. (CR)

"Louisiana needs a better constitution, not just a new one." So saying, the Louisiana League turned all its energies to the defeat of a referendum on calling a convention placed on the ballot in the general elections of 1956. This was not an easy decision for the League to make. It is a difficult thing to try to explain to the electorate why a particular call for a convention is a bad thing and yet not endanger the long-term convention movement which the League had been backing. Just as the League was convinced that for an effective convention there must be large scale public understanding of the issues, it also realized that the success or failure for any constitutional convention depended to a large extent upon the legislative provisions for it. The Leagues had developed a 12-point program for what they considered an "acceptable call." Not unwilling to make reasonable compromises in the light of the political situation, nevertheless it

could not endorse a call which in their judgment might not strengthen but weaken the state charter. Difficult as the decision to oppose was, the League had lots of good company in their position and the people's vote, 6 to 1 against, constituted quite an endorsement of the League stand.

The League yardstick for an acceptable call is as follows: 1. A referendum on whether to call the convention. 2. Election of all delegates to the convention. 3. Qualifications of delegates essentially the same as those for the House of Representatives. 4. Statement of total number of delegates; range of 100-120 suggested. 5. Statement of method of apportionment, allowing at least one delegate to every parish, and dividing the remaining seats on a population basis. 6. Qualification of candidates by filing with Secretary of State. 7. Statement of election at which delegates will be chosen; provision for run-off. 8. Statement of compensation for delegates on a per diem basis and provision of travel expense with limits. 9. Dates on which convention is to be convened and completed. 10. Provision for a temporary presiding officer; oath to be taken by delegates. 11. No limit on power of delegates to revise any article or part of any article of present constitution. 12. Statement of method of adoption of the new constitution including ratification by the people.

The present Louisiana constitution dates from 1921 (Louisiana has had more constitutions than any other state), and is the longest of the fifty state charters. It is a document of extreme complexity filled with a wealth of material properly statutory. This very much complicates the problem of revision as well as resulting in long lists of ballot questions - 48 in 1956, 30 in 1958, 55 in 1960. In spite of this situation as well as because of it the Louisiana League is prepared to support well thought through individual constitutional improvements by amendment as well as to at least consider the advisability of compromise on the question of a limited call.

Efforts to tighten up the amending process drastically have been to this time successfully opposed. The League agrees that the amending process has been much abused, "Louisiana has indeed amended its constitution unnecessarily, even frivolously," but the League does not see greatly restricted provisions as a remedy in view of the nature of the Louisiana constitution. Extensive amending stems from the constitution itself as well as the political processes in Louisiana. It is a symptom of governmental ills which need correcting but arbitrary repression of amendments is not the answer. As long as the relatively easy system of amendment prevails a way may be found for substantial constitutional reform.

MARYLAND: Support the calling of a state constitutional convention (CR).

The Maryland situation seems to be an excellent example of the interconnection between achieving reapportionment and promoting a call for a state constitutional convention. The drastic need for reapportionment is a major factor dictating the need for a convention and at the same time fear of reapportionment is the factor most likely to defeat the possibility of getting the legislature to make the call.

In Maryland the question of calling a convention must be placed on the ballot every twenty years. In 1930 and again in 1950 a majority of those voting on the question favored such a call. Basing their action on the opinion of the attorney general that the state constitution required that the majority must be of those voting in the election, the legislative committee considering a bill to implement



the popular vote made an unfavorable report to the legislature which the legislature accepted. The experience of 1950 was equally frustrating. Though this time the legislative committee reported favorably on a bill to implement, the legislature acted negatively.

Though some of the reforms which the Maryland League hoped to accomplish through a constitutional convention have been accomplished by individual amendment over the decade since the League started its activities for a convention, it has continued its support of a convention call. Some of the individual improvements have been in the areas of home rule and absentee voting. In addition, much obsolete inconsistent material was eliminated in 1956 by amendment which made no substantive change.

For the first time in many a year a bill calling for a constitutional convention passed the House by a vote of 67 to 55 though it was defeated in the Senate 11 to 18. In spite of the new setback the Maryland League feels that the outlook for action is more favorable than it has been at any time in the past because of the increased political activity in favor of reapportionment. Apportionment frozen in the constitution makes action by amendment (three-fifths of both houses) more difficult to obtain than call for a convention (simple majority).

MICHIGAN: Continued support of Constitutional Convention. Work for an amendment changing requirement for calling convention to a "Majority voting on the question"; and evaluate with a view to supporting other proposals relating to Constitutional Revision. (CA)

The mathematics of the case tells a triumphant story for the League of Women Voters of Michigan in its first successful step toward a constitutional convention for the State of Michigan. A record number of 322,038 signatures (nearly 100,000 more than the minimum requirement) was filed with the Secretary of State early in July placing an amendment on the ballot in November which if ratified by the people will be the first in a series of steps which the League and its many cooperating groups hope will produce a modern charter for Michigan. The cooperation of other groups was of course essential and the League is grateful to the Junior Chamber of Commerce for originating the amendment which got them under way, as well as their help in getting signatures, and to the Citizens for Michigan who threw in their support at a critical moment and pushed the drive on to victory. Still it was the League which garnered 64 percent of the signatures which amounts to about 60 signatures per member in the Michigan League. It is a safe bet that member participation in League action reached a high water mark in this operation.

Michigan support for "Con-Con," as it is everywhere spoken of in that state, originated many years ago, in fact it goes back to an unsuccessful effort to get a convention in 1948. In the intervening years up to 1957 the League had studied its state government and its constitution. The list of materials prepared is all-inclusive. To quote from the League publication, "Con-Con Story," "Nearly every article of the constitution studied carefully by the League had revealed a need for revision that could not easily -- in many places could not possibly -- be accomplished by piecemeal, or what its proponents liked to call 'gradual' revision."

The state League convention in 1957 voted to make work for a constitutional convention its main item of business in preparation for the question placed by constitutional provision on the November 1958 ballot. The question is referred to

the people every sixteen years in Michigan with the provision that it can only pass by a majority of those voting in the election, though it may be referred more often by legislative act as was the case in 1948.

It is not possible to try to summarize here the activities of the League and those friends for Con-Con with whom the League associated in its work. The whole campaign has been most interestingly written up in the pamphlet, "Con-Con Story, The Campaign for a Constitutional Convention in Michigan, 1957-58," which includes an analysis of why the really great effort failed, for fail it did in spite of the fact that a majority of those voting on the issue were strongly in support. The requirement of a majority of those voting in the election turned 900,000 blank ballots into 900,000 NO votes. In evaluating the defeat it is interesting to note that where vote was by machine, the failure to vote on the issue was greater than where the paper ballot was used. The same stumbling block which led to defeat in 1948 frustrated the work in 1958 but the League took pride in what it had accomplished in basic voter education in the government of Michigan (after all nearly 1½ million of the 2,341,829 who voted in the election voted on the question and gave it a stronger majority than in 1948) and for what it had done to raise League prestige in the state.

The League made an interesting analysis of its effectiveness in this campaign. Of the 17 counties in which there were Leagues, only 3 failed to support Con-Con. Seventy-nine percent of the counties with Leagues were on the Yes side. Of the 83 counties in all of Michigan, 37 were on the Yes side, or 44 percent. Allowing that there were many other factors in the vote beside League activity, there still does seem to be statistical proof that it does in Michigan make a difference that there is a League of Women Voters.

One of the finest League contributions to voter education and one likely to reap a future harvest of citizen participation was the promotion of League sponsored mock constitutional conventions in the high schools throughout the state. These were sanctioned by the schools and financed by a foundation grant. More than 350 kits describing the project were sent to high schools.

Nor did the cause of Con-Con itself suffer more than a temporary setback. Friends of Con-Con in the legislature opened the 1959 session with an amendment changing the requirements for a favorable vote to a majority voting on the question. Support in the legislature had strengthened and became bi-partisan in nature and the League "pulled out all the stops" in supporting action at hearings and by packing the galleries, but this new effort too went down to defeat.

There was no dissenting voice at the League Convention of 1959 to the adoption of a constitutional convention item directed to finding a gateway to a constitutional convention. Specific proposals for accomplishing this were proposed by the Junior Chamber of Commerce, and pausing long enough to be certain that all "the troops" were in full support, the League launched with the Jaycees the campaign for signatures for an initiative petition for a constitutional amendment to make a way to a successful call. First, in order to get around the "majority of those voting in the election" the amendment would provide for the "majority of those voting on the question of a call." Next, in order to speed up the process, the question will go to the voters in the spring of 1961 (and every sixteen years thereafter). Provision in this amendment calls for election of delegates within four months of the spring referendum so that the convention can be in operation and a constitution before the voters in 1962. And last but by no means least, in order to forestall those who opposed the call on the basis that the provisions



for selection of delegates as presently constituted would result in a non-representative convention, the Jaycees proposed and the League agreed upon a different plan for representation at the convention which would broaden its base.

The League-Jaycee plan was explained to the legislature in the hope that it would be proposed by that body. No luck on this one but a variety of measures which would in effect have killed Con-Con were successfully opposed by the League. All "easier" methods having failed, the campaign for signatures got under way early in 1960 with a wealth of publicity that put the League in the news every single day. Con-Con had become the hottest issue in Michigan. Both the present Democratic Governor and his Republican opponent of the last election endorsed the League-Jaycee proposal while factions in both parties opposed the proposal - thus splitting the two major parties right down the middle on the Con-Con proposal. The Governor's signature on the petition opened the campaign now so successfully completed. Both the number of signatures in excess of the minimum and the "quality" of the signatures assured the appearance of the amendment on the November ballot.

Celebrating victory at a dinner in Detroit and at the same time planning for a "Yes" vote on the amendment, the participating organizations move into the next action phase of a most exciting example of participation of citizens in government. Chances of success? You guess -- an amendment requires a majority vote of those voting on the issue for adoption. Those opposing the amendment as well as those supporting it are now campaigning "hot and heavy."

Postscript: On November 8, 1960, in spite of the fact that, in the last weeks before the election, 18 organizations banded together to oppose the Con-Con Amendment (these were such groups as the Township Association; the Michigan Supervisors; road construction groups; Farm Bureau; etc.) the proposal passed with a larger plurality than was received by any state candidate. The vote was: Yes -- 1,298,706; No -- 939,277; giving the affirmative a plurality of 359,429. In the opinion of the Michigan League such a plurality indicates that having a constitutional convention is indeed the will of the people and a mandate given to all government officials who were elected. The 1,060,427 people who did not vote on the question points up how necessary it was to have the amendment pass in order to change the "extraordinary majority" requirement. An interesting sidelight to this story is the fact that the candidate for Governor who was in favor of the Con-Con Amendment lost, and the candidate who opposed won.

The Michigan League considers that though the campaign is two-thirds won, the biggest battle is still ahead. In April the vote will be taken on the actual question of calling a constitutional convention. This is the time when it is to be expected that all the opposition will unite to try to defeat the call. The League and the Coordinating Committee are now turning their attention to an all out campaign for the vote that will do the trick -- a yes vote in April, 1961.

Publications: "Con-Con Questions and Answers Kit," 15¢.

"Con-Con Story of 1958," 25¢.



MINNESOTA: Constitutional revision: constitutional convention, periodic submission to the people of the question of calling convention, workable amending process, clearly-fixed executive responsibilities, adequate length of legislative session, post auditor. (CR)

The League of Women Voters of Minnesota in its endeavors to obtain a constitutional convention for Minnesota might seem "like patience on a monument" were it not for the extent and diversity of its lively activities. Besides the pressures of its own membership, it has carried on extensive campaigns designed to inform the citizens in order to put their pressures on a balky legislature to give the people a chance to decide for themselves on whether Minnesota needs a new constitution and wants a convention as the best way to get one. Because the need for reform has been persistently pointed out, the legislature has become more aware of the need for basic changes.

The Minnesota League has been in this business since 1948. In 1947 the legislature appointed a Commission to study the state constitution and make recommendations. The Commission recommended 34 major changes and 78 minor changes and recommended calling a convention to achieve them, but at each regular biennial session the legislature says NO and NO again. To quote a League flyer, "I'm a voter and I'm mad."

Having had ample proof that two-thirds of the legislative assembly is a formidable majority to agree to this measure (and sometimes legislative committees do not give the legislators a chance to even say NO) the League has turned its attention to other ways to approach the problem and supports an amendment which would provide for periodic submission of the question of a convention to the people. Amendments, however, are not too easily accomplished in Minnesota for though a majority of both houses will place the question on the ballot, favorable action requires a majority of those voting in the election. In the last fifty years less than one-third of all proposed amendments have passed. Nevertheless, some of the recommendations of the Commission have been accomplished through amendment and some of the League's reforms have been accomplished too. Among these was one in 1954 allowing legislators to serve as delegates to a convention and calling for a three-fifths vote of those voting on the question to ratify a new charter.

It is easy to see the purpose of such an amendment. Other reforms made longer uniform terms for elected executive officials (goes into effect in 1962) and increased home rule. Awkwardly enough, the effectiveness of League work for certain amendments tends to backfire when the League argues the case for revision by convention. After all, convention opponents argue, see what can be done by revision through amendment. The League feels that crossing three items off its list of twelve specific changes is reform at a snail's pace. Furthermore, it is expensive reform. The three amendments in 1956 cost the taxpayers \$204,168. New Jersey got a whole new constitution in 1947 for \$350,000. What will happen at the 1961 legislative session? A repeat performance?

Publications: "The State You're In - 030158"; 85¢, 30-100 @ 50¢, comprehensive study of Minnesota's Constitution.

"Well, What D'Ya Know, Minnesota Has a Constitution!" promotes constitutional convention - 9/56 - 10¢.

"The 4 F's of a Constitutional Convention" - 5¢. Minnesota Voter, September-October 1956.

Three popular folders on state program:

"Party Designation" - 1958; 2 for 5¢; 100 for \$2.00

"Constitutional Convention" - 1958 - prices as above.

"Reapportionment" - 1958 - prices as above.

Fact Sheets - to supplement above folders:

"Party Designation" - 1958 - 2¢.

"Constitutional Convention" - 1958 - 2¢.

"Reapportionment" - 1958 - 2¢.

"Sew Up That Hole" - broadside on cost of amendments vs. constitutional convention - 100 @ 40¢; 500 @ \$1.75; 1,000 @ \$3.25.

"I'm a Voter and I'm Mad!", small flyer on why don't they call a constitutional convention in Minnesota, 1955 - 100 @ 60¢.

"Roaring Farce," one page describing fascinating history of the writing of Minnesota Constitution, 1955 - 1¢.

"Price Tags," a popular gimmick, price tag size, telling why Minnesota's Constitution is outmoded - 1956 - 100 @ 90¢; 500 @ \$4.00.

#### MISSOURI:

No inventory of League work on constitutional revision can be compiled without making mention of the encouraging example of success achieved by the Missouri League in the period between 1940 and 1945. In this major effort for revision by constitutional convention the League worked with many other groups but to the League a large share of the credit for the accomplishment has been given.

It is significant that at its 1960 League Council Meeting the delegates voted that the Missouri State Board should appoint a committee to prepare study material on the state constitution to ready the League to take a position on whether or not "there shall be a convention to revise and amend." The vote on the question of holding a convention will come in 1962.

Publication: "How Missouri Got a New Constitution" - 1947, 12¢.

#### NEW JERSEY:

During approximately the same period of time that the Missouri League was engaging in an effective campaign for constitutional revision, the New Jersey League made an equally eloquent demonstration of the fact that "it can be done."

The New Jersey League was undeniably a powerful factor in the formation of the new constitution in 1947 by initiating and promoting the movement for a new constitution; by cooperating in the organization and functioning of a statewide Committee for constitutional convention; by educating public opinion; by submitting its own proposals for the new constitution to the Commission in 1942 and to the Convention in 1947.

The League also testified for those proposals before the Legislative Committee in 1942; at the constitutional convention in 1947; and by active participations in all the referenda campaigns involved including the one in November 1947 which finally adopted the new constitution.

OREGON: Revision of state constitution - reappraisal of methods of revision and study of judicial branch. (CA)

As usual, not need for over-all revision but a way to accomplish it is the more difficult question for the Oregon League to decide. Many a state League views with alarm closely restricted provisions for amendment but the Oregon experience demonstrates the possible cumulative effect of an easy amending process. Between 1902, when the initiative system went into effect, and 1958 there were 79 constitutional amendments - 51 proposed by the legislature, 28 by initiative petition.

The Oregon League found no difficulty in agreeing on a preferred way of revision -- by constitutional convention -- and in its most recent consensus confirms that preference. However, legislative session has followed legislative session with no support apparent for the League point of view. The expense of a convention was given as a major reason for its undesirability. There seems to have been some support, however, for the idea of revision as distinguished from a convention which expressed itself in a resolution of the legislature placing on the November ballot a new method for constitutional revision. This amendment if passed would allow the legislature to submit a revision of all or any part of the constitution as one proposition for the vote of the people. At present any amendments made through the legislature or by the initiative must be voted on separately. Only a convention can submit a new constitution for the vote of the people.

Long frustrated in persuading the legislature to put the question of a convention to the people, the Oregon League decided it was worth taking another look at revision processes and in particular the ballot question. A special effort was made to move quickly in this review and study, in order that there be time to try to achieve a convention by use of the initiative if the League members should so decide.

There was substantial agreement within the League that, although the preferred method was by constitutional convention, there would be no opposition to the amendment proposed by the legislature. Should this new method of revision pass, the League will make every attempt to see that revision by it is as effective as possible.

Interestingly enough, after all the hurry to decide on the possible use of the initiative the League finds itself up against a legal problem in regard to this, an obstacle which has so far turned them aside from use of that method. It seems that the use of initiative to call a convention is probably unconstitutional. There has been no court ruling but the only way to get an answer to the question is by starting to circulate a petition.

Postscript: On November 8, 1960 the amendment allowing the new method for revision was passed. Since there was no active campaign either for or against this amendment, it is difficult to know whether its passage is the result of interest in revision or simply the usual response to many "housekeeping" amendments without price tags. There seems to be no organized plan for its use. The League must now decide whether or not to take the initiative by proposing the establishment of a preparatory commission to draft a revised constitution for submission through the legislature.

Publications: Resource Kit prepared for use of local League committees: "Re-appraisal of Methods of Revision." 35¢. Contains instructions to local committees, copies of pertinent bills, legislative counsel's analysis, "Comparative Analysis" prepared by members of



Oregon State College, Political Science Department, September 1959.  
Resource Kit prepared for use of local League committees: "Study of the Judicial Branch," 10¢. Contains instructions for committee work, "Chronological Development of Judicial Branch," Oregon State Bar's material on the "Missouri" plan, etc., September 1960.  
"State Bulletin" - Entire issue devoted to constitutional revision.  
Every member material on Judicial Branch. History of the Oregon League's study of constitutional revision, September 1960.

PENNSYLVANIA: Work toward a general revision of the Constitution of the Commonwealth. 1) Continue to support positions already agreed upon, 2) study to reach agreement on other specific areas giving first attention to Executive Article, 3) support the calling of a qualified constitutional convention. (CA)

The Pennsylvania League is now in its eighth year of work on revision of its state charter. The work has followed a pattern familiar to Leagues with long records in this field. First comes the comprehensive study and agreement on the need for over-all revision, preferably by the convention method. The Pennsylvania League almost immediately had an opportunity to flex its civic muscles in an unsuccessful effort in 1953 to obtain a favorable vote on the question of calling a convention. Defeated in this goal usually Leagues simultaneously attempt to develop public interest in the state constitution and the desirability of a convention and to make a more thorough examination of specific areas in the constitution in order to work for improvements either by amendment or through a convention in the event one is called.

Much work has been done over the years in Pennsylvania on the provisions for the legislature and the judiciary. During the past year the League has tackled the subject of the executive. Along the way agreement has been reached in such areas as reapportionment, home rule, legislative power to tax, the monetary debt limit, legislative procedures, unification of the court system and changes in the method of selecting judges. In two major areas of reform the Pennsylvania League can take pleasure in success, the provisions for absentee ballot for qualified voters and for annual sessions of the legislature.

In March of 1959 the Pennsylvania League presented a Handbook of "Background Information on the Constitution of the Commonwealth of Pennsylvania" to the members of the General Assembly. This had been especially prepared for them and included excerpts from speeches or papers prepared by experts in the field as well as summaries by the Pennsylvania League on the League position on the Judiciary and on Constitutional Revision. At the close, a bibliography of material prepared by the League up to September 1958 lists 17 items. More have been added since then including an every member -- every citizen -- flipback pamphlet called "A Quick Look at Pennsylvania's Constitution."

From 1957 to 1959 hope for real progress enlivened the League effort to dispel the apathy concerning their own constitution so prevalent among the electorate. In July of 1957 a Commission on Constitutional Revision was established by an act of the legislature and approved by the Governor. A 15-member commission was established, five to be appointed by the Governor, five by the Speaker of the House, and five by the President pro tempore of the Senate. The League took pleasure in the appointment by the Governor of its Constitution Chairman to this distinguished group.

The League was not so naive as to suppose that the Commission recommendations and the League positions would coincide at every place. When the Commission report came out in March 1959, the League found itself in agreement at least in principle in many places, in opposition in no place, but disappointed in one major respect. While the Commission report listed twenty "critical areas" for change and dozens of other places only relatively less urgent, it proposed by a 9 to 6 vote that reform be accomplished through amendment rather than by a convention. It may be that the Commission decision against the convention method stemmed from the failure on five occasions of the Pennsylvania voters to demonstrate sufficient sentiment in favor of a convention. The high water mark of votes in favor was reached back in 1921 with a 44.7 percent Yes vote. The latest referendum in 1953 received a 43.9 percent Yes vote.

Of the 123 changes proposed by the Commission, two have been passed by the electorate and two went through the first step of being approved by a joint resolution of the legislature. At this rate of progress it has been pointed out that it would take 40 years to accomplish the Commission proposals.

In the light of all this the League is preparing itself for yet another all-out effort "to take League program to the community." To give the League a strong base of thoroughly informed members from which effective action can be expected, the League is reviewing the accumulated work it has done and in particular its positions. To help its well informed members really reach the public a series of constitutional revision-public relations workshops will be held this fall. The experts feel that this may well be the year of decision in the realm of constitutional revision in Pennsylvania.

Meanwhile practical politics has suggested that it may be that the door to revision hinges upon the leadership of a strong state executive and that a productive first step might be an amendment to remove the limitation of the Governor to one term of office. The League reached agreement at Council in 1960 to support this amendment as passed by the 1959 session of the legislature.

Publications: "Quick Look at Pennsylvania's Constitution" - 25 for \$1.00  
"For This We Stand" - 45¢ each. A full explanation of the League's position on all areas of constitutional change.  
"Is Four Years Enough?" - 50 for \$1.00. Flyer on gubernatorial succession for popular distribution.  
"A Better Constitution for A Better Commonwealth" - 75¢ each.  
Public relations handbook for a campaign to educate the public.

RHODE ISLAND: Modernization of the state Constitution. (CA)

"Consensus for over-all constitutional revision does not mean that the Leagues believe that every item of the Constitution should be changed but that the Constitution should be examined as a whole and revised as an entity and that a sound and modern constitution suited to the needs of the body politic in the last half of the 20th Century can best be reached over the broad highway of over-all review than over many secondary and unconnected roads much farther from our goal."

Members of the Rhode Island League have been studying their constitution for five years. No more satisfied than other Leagues to forego piecemeal improvement while waiting for the real thing, the League is proceeding with work in specific areas. They have come to agreement on changes needed to strengthen the executive



branch including a four-year term for the Governor and the power of the item veto on appropriations bills. The League supports the appointment of a qualified state commission to review the constitution. A proposal to establish such a commission was introduced in the 1959 legislature but died in committee. Specific changes are supported in the selection of judges, home rule, and increased pay for state legislators.

A series of workshops was held last winter on "The Executive Branch," "The Amending Process" and "Reapportionment." It is expected that on these last two aspects the Leagues in Rhode Island will reach consensus before their 1961 state League Convention.

Publications: "Let's Look at Our Legislature," October 1956, 10¢.  
"Improved Legislative Procedures," October 1956, 6¢.  
"The Composition of Our State Legislature," April 1956, 15¢. (Covers Reapportionment)  
"Selection of Judges in Rhode Island," November 1956, 20¢.  
"The Executive Branch," December 1956, 17¢.  
"The Rhode Island Constitution," March 1957, 8¢.  
"Modernizing State Constitutions," January 1957, 12¢.  
"State-Municipal Relationships," (Home Rule) February 1957, 13¢.

TEXAS: Work for revision of the Texas Constitution by:

- a) Stimulating citizen interest and participation
- b) Supporting a thorough research program and the objectives of the Citizens Advisory Committee, and
- c) Continued study of Texas Legislative Council reports and other areas of the Constitution beginning with state-local relations. (CA)

If money talks then the Texas League of Women Voters was instrumental in giving a voice to the hopes of revision of the Texas constitution. Though modesty always forbids the League to take all the credit, recent League work was largely instrumental in getting a \$50,000 appropriation for the expenses of the Texas Legislative Council in its 4-year research program on the Constitution of Texas, authorized in 1957 by the legislature. At the regular session and three special sessions the League lobbied the appropriation through a financially hard pressed legislature. Over 80 percent of Texas revenues are constitutionally earmarked which may explain the financial pressure and in League opinion does serve as a good example of the need for revision of the Texas charter.

Abbreviation, clarification, rearrangement including codification, and modernization, all the classic needs are there for this constitution reaching its 85th birthday, encumbered not only with years but 144 amendments.

Texas work for constitutional revision is marked by unusual imagination and enterprise in the fields of publications and public relations. Widespread use has been made of a series of flyers designed to catch the public eye. The latest one entitled "A Brief Case for Revision of the Texas Constitution" is attractive in format and contains sufficient concise information on the why and the how to catch and hold the attention of the thoughtful but erstwhile uninformed citizen. The Texas League not only distributes these through the local Leagues but has worked

up an extensive list of important people who receive direct mailings from the state office and it hopes to build up an even longer list through a new device, a survey of citizen opinions on Texas Constitutional Revision.

The survey was undertaken in all local League communities during the summer. In face-to-face interviewing the community's "opinion makers" in various categories -- professional groups, political party heads, civic organization leaders, labor leaders, management, government officials, etc. -- were asked three major questions. 1) "In your opinion, how effective is our Texas Constitution toward meeting the present needs of the state?" There are subquestions under this depending on whether the reply is "very," "partially," or "no opinion." These questions are designed to find out particular areas of the individual's concern and his point of view on revision. 2) "Tentative plans are being made to hold a statewide constitutional conference. Would you like to be notified if one is held?" 3) "Would you like to receive free copies of any available Texas constitutional materials?"

The interviewer was not supposed to push the League point of view. This was not the purpose of the survey through which the League hoped to gain valuable data on the over-all climate of opinion in the state, find where the pro opinion is and how strong and find where the opposition is so that it may be met. Not the least advantage of the survey was the attendant publicity, for each local League inaugurated its survey with a widespread splash in newspapers and other media on the purpose of the survey, the better to insure the cooperation of those to be interviewed. So far as League records show Texas is a pioneer in this type of program action.

During its study phase the Texas League members agreed to ten "Constitutional Principles." These are very broad positions in regard to the basic essentials of a good constitution. Following a pilot-project type method which pinpointed a study of constitutional provisions for a judicial structure, Texas League members, early in 1960, reached consensus concerning the judiciary, agreeing on five positions:

- 1) a single system of centrally administered statewide courts;
- 2) a uniform code of criminal and civil procedure;
- 3) assignment of judges according to training and docket needs;
- 4) a full-time judiciary whose members qualify to practice law in Texas; and
- 5) integration of Justice of the Peace Court function into courts of record.

Publications: "Texas Constitutional Review" - 60 pages, 1955, 25¢. A digest of the Texas Constitution listing some of the areas citizens might want to consider for constitutional revision

"A Brief Case for Revision" - flyer, in color, 1960, 2½¢. Factual, attention-holding, yet brief and concise.

"Texas Constitutional Review Leaflets" (5) - each 1¢. Eye-catching, pertinent, with picture front in color.

1. Patches - 140 amendments to Texas' Constitutional "britches"
2. Big Chief - Many feathers, but who's the Big Chief?
3. Earmarking - "Water, water everywhere..." ..how the constitution earmarks state revenues.
4. The Amendment Business - how minority vote amends the constitution.
5. Research - "But, dear, we can't afford a new car... we've spent a fortune repairing the old one."

"Constitutional Principles" - July 1960, 1 page - 1¢.

Ten broad League principles regarding basic essentials for a good constitution.

"Mile-by-Mile" - a graphic history of efforts towards constitutional revision in Texas, 1 page (both sides), 1¢.

"House Concurrent Resolution No. 13" - 2 pages, 1957, 2¢.

Copy of a League-initiated resolution, passed in 1957 legislative session, requiring the Texas Legislative Council to make a study of the Texas Constitution; to report its findings and recommendations to the 1961 legislature; and setting up an appointive Citizen's Advisory Committee to advise the Council, the Governor and the Legislature.

"Judicial Structure Consensus" - 2 pages, 1960, 2¢. An evaluation of the Texas League membership regarding the Texas judiciary system, listing the five areas of agreement.

"Judicial Structure Supplement" - 7 pages, 1960, 7¢. Resource committee material.

"Judicial Structure Summary Review" - 5 pages, 1960, 5¢. Every member review material.

VERMONT: Removal of the ten-year time lock on amending the Constitution. (CA)

Though the Vermont League cannot be properly listed as having entered the arena of constitutional revision in general it has undertaken to provide a wider "gateway" for constitutional reforms through removal of the "ten year time lock" on amending its state constitution. Amendments require favorable action by the House and Senate in two successive sessions of the legislature, after which the amendment is submitted to a vote of the people. This process is possible but once in ten years. This limitation may explain why the Vermont constitution is one of the shortest of the fifty.

The Governor appointed a Commission to Study Constitutional Amendments for submission to the legislature in 1961. At the League's request he appointed a League member to the Commission. This Commission reported unfavorably on an amendment to remove the "ten-year time lock."

The League's position on the "ten-year time lock" was presented to both political parties and both of their platforms came out supporting the position.

WEST VIRGINIA: A study of State Constitution and support of revisions which provide effective government, responsive to the needs of the people of West Virginia. (CA)

The fact that the local Leagues in West Virginia are scattered far and wide over hills and mountains did not deter their support of a Constitutional Revision Conference arranged by the League of Women Voters of West Virginia and held in Charleston in the fall of 1959. The Conference was an early-in-the-morning-till-late-at-night affair and included a welcome from the Governor; a panel discussion by political science experts in the judiciary, the administrative and legislative branches; an address on the "Model State Constitution" by John P. Wheeler,



Director, State Constitutional Studies Project, National Municipal League; and last but very important a Progress Report by the Chairman of the Constitutional Revision Commission, a former Governor of West Virginia. The 45-member Commission includes 15 who were appointed by each of the ex officio members: the Governor, the President of the Senate and the Speaker of the House. A prominent member of the League in West Virginia is on the Commission.

Though by no means all of the important areas of the constitution could be given consideration at a one-day meeting, the major purpose of the League was to arouse public interest in and support of Constitutional Revision and in this the League felt it had achieved success. There was a flurry of interest from other organizations in obtaining League speakers on the constitution.

On the recommendation of the Commission revision appears to be going to be attempted by amendment rather than by convention. The League will support changes in those areas where its members have reached a position.

# # # # #

League of Women Voters  
of the United States

JAN 6 1960

*Make 3 copies*  
*F3D2CST*  
*Proq*  
*CR*  
**Memorandum**

1026 17th Street, N. W. - Washington 6, D. C.

January 3, 1961

*1/9/61*  
*Sent to D. Anderson*  
*Jan Seiford*  
*Betty Kang*  
*Mary Miller*

TO: Delegates to the Conference on Constitutional Revision  
FROM: Mrs. Paul Holmer  
RE: Homework for the Conference

Please Bring this Kit to Chicago.

The delegates from each state League are asked to serve as resource persons at least once during the Conference. Of course, at a working meeting of the sort this is intended to be, this will not be the only occasion when a state is expected to contribute both answers and questions which lead to answers.

The assignment given to each state may be handled by the state's delegates in any way they choose. One delegate may be given the responsibility for the presentation at the Conference, or the delegates may divide the time.

For your help in preparing for the Conference, we are happy to be able to provide your briefing in the form of the new pamphlets published by the National Municipal League. We have arranged to buy in bulk and distribute free, one copy to each of the state Leagues invited, of those pamphlets in print prior to the Conferences. These will be sent to the state Leagues as they become available. Those which are published after the Conference will be sent when they are ready so that each state will have the complete series. Mr. Wheeler has arranged for us to send one copy each of the mimeographed drafts of those of the pamphlets which will not be in print for the Conference but which are in draft form. In return for this courtesy, Mr. Wheeler solicits your comments on these drafts, to be sent him soon after the Conference. We felt confident that you would be interested in doing this and willing to make repayment in this way. Just which drafts will be available is not known at this time.

We are including with this mailing a brief bibliography which those of you with ample library facilities might find available and useful as a broad background for all Conference discussion. The newest of the suggestions, Key's "American State Politics" and Maass' "Area and Power" might be given priority as no doubt many of you will have consulted the others in your state studies.

We are most interested in helping the Conference develop some new thinking on the subject of the League and constitutional revision as well as a sounder understanding of the best ways and means of achieving your goals. In order to accomplish this we hope much Conference time will be spent on analysis and that swapping of experience will be incidental to this rather than a major part of our discussion. Therefore, in carrying out your state assignment we hope you will divorce yourself temporarily from your League positions and thinking (which are sometimes with us so long they become cliches) and from what we might call "the party line," i.e., acceptance of classical remedies to the ills of our constitutions and our state governments. In place of this framework, we would like your analysis to relate to the hard facts of your state, its government, its people, its history, its economics, and its politics.

Two questions might be kept in the back of your mind when preparing for the Conference. Why has no state adopted the whole of, or even most of, the Model State Constitution? What is the role of the League of Women Voters in constitutional revision, in particular what is the role of your state League in your state?

Each state, each constitution differs. Give necessary background for understanding by those from other states but keep this as brief as possible. If you find you do not need all the time allotted please save it for discussion. If time gets short we will need to cut down on all reports.

#### STATE ASSIGNMENTS:

CALIFORNIA: Analyze why the state of California is strong and growing stronger  
5 to 7 Min. though it operates under a constitution which is restrictive and, to quote Mr. Dishman, "like a Victorian house - massive, rambling and adorned with gingerbread." Why change?

INDIANA: Analyze the Indiana League's interest in a constitutional convention.  
5 to 7 Min. How much stems from frustration in reaching their goals of specific governmental reforms? Is Indiana an example of "the manacled state?" In what ways?

MARYLAND: Suggest the major areas of needed reform in the Maryland constitution.  
5 to 7 Min. Defend your proposals in terms of the everyday well-being of the people of the state of Maryland and in its future development.

Maryland is also asked to be prepared to take part in a discussion of the problems the League comes up against in working with citizen groups. (See Tentative Agenda, Thursday afternoon.)

PENNSYLVANIA: Analyze what events in the history of Pennsylvania and what factors  
5 to 7 Min. in its political situation persuaded the Constitutional Commission not to recommend revision by Convention? Were they wise? If so, why; if not, why not?

Pennsylvania is also asked to be prepared to take part in a discussion of the problems the League comes up against in working with citizen groups. (See Tentative Agenda, Thursday afternoon.)

RHODE ISLAND: Analyze why a brief constitution in a state with frequent conventions  
5 to 7 Min. needs "modernization." Explain what the League means by modernization.

VERMONT: Analyze in what ways the Vermont Constitution reflects the kind of  
5 to 7 Min. state Vermont is and/or in what ways it makes it the kind of state it is. Would easier amendment make changes possible which the people who live there would find to their liking and their practical advantages? In what ways?

CONNECTICUT: Vigorous efforts to achieve over-all revision through convention  
& MINNESOTA: have failed in your states. Since that time, individual constitutional  
5 to 7 Min. reform has been accomplished. Did the first attempt make  
each it possible to achieve the individual improvements? In what cases? How? Why do you still retain CRs calling for a convention?



- ILLINOIS: From the experience within your state discuss the problems which may  
& OREGON: arise in the matter of compromise within the League as to its posi-  
5 to 7 Min. tion. How broadly should a League position be stated? Should the  
each League position take into account feasibility or should it support  
only the best?
- FLORIDA &: From the experience of your state what factors must a state Board  
LOUISIANA: take into account when determining when compromises are suitable and  
5 to 7 Min. when unsuitable? What public relations problems are raised by com-  
each promise? What public relations problems are raised by no compromise?  
What problems may be raised inside the League? How do you solve  
these problems?
- IOWA : Analyze your recent ballot campaign. Discuss the causes of failure  
KENTUCKY: or success. What League activities bore the best fruits? Why? What  
MICHIGAN: would you suggest that your League do differently if you had it to  
10 Min. do over again?  
each
- Iowa, Kentucky, and Michigan are also asked to be prepared to take  
part in the discussion of the problems the League comes up against  
in working with citizen groups. (See Tentative Agenda, Thursday  
afternoon.)
- KANSAS: In the Inventory, mention is made of a series of Constitution-Public  
5 to 7 Min. Relations Workshops held in Kansas and the questions are given to  
which the Workshops addressed themselves. What answers did the Kansas  
League find to these questions.
- TEXAS: Describe briefly your Survey. Leaving aside at this time a dis-  
5 to 7 Min. cussion of the Survey as a tool to arouse public interest in the sub-  
ject of constitutional revision, what did Texas learn as the result  
of the Survey about the problems of arousing real support for consti-  
tutional revision?
- WEST VIRGINIA: Describe briefly your Conference on Constitutional Revision. Dis-  
5 to 7 Min. cuss its advantages and its limitations.

League of Women Voters of the U.S.  
1026 17th Street, N.W.,  
Washington 6, D.C.

January 3, 1961

#### SUGGESTED BIBLIOGRAPHY

A Report to the President, by the Commission on Intergovernmental Relations  
June 1955 (Kestnbaum Report, Chapters 2 and 3).

V.O. Key, Jr., "American State Politics: An Introduction." First Chapter  
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V.O. Key, Jr., "Politics, Parties, and Pressure Groups." Chapter on State Parties,  
p. 310.

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The American Assembly. October 1955.

"Area and Power: A Theory of Local Government," Arthur Maass, Chapters by  
Willbern and Ylvisaker.

"The Citizen Association, How to Win Civic Campaigns," 1958. National Municipal  
League.

"The Citizen Association, How to Organize and Run It," 1958. National Municipal  
League.

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League of Women Voters of the U.S.  
1026 17th Street, N.W.  
Washington 6, D.C.

January 3, 1961

TENTATIVE AGENDA  
CONFERENCE ON CONSTITUTIONAL REVISION

(Subject to change before or during the conference. If we find that too much time has been allocated for reports from the states so that there is too little time for discussion we will make adjustments. If we find that there are areas which the delegates wish to consider which are not on the agenda we will make time for them. The National Board wants this Conference to serve your needs.)

February 8, Wednesday

- |                              |  |
|------------------------------|--|
| 1:30 P.M.                    | Opening of Conference<br>Introductions<br>Announcements<br>Statement of Goals of the Conference  |
| 2:00 P.M.<br>to<br>4:30 P.M. | Speaker: Mr. John P. Wheeler, Jr., Director,<br>State Constitutional Studies Project<br>Subject: "Recent Thinking About State Constitutions"   |
|                              | Question Period (Speech and question period to be taped)   |
| 4:30 P.M.<br>to<br>4:45 P.M. | Outline of plans for the remainder of the Conference.  |
| Dinner Recess                |  |
| 8:00 P.M.<br>to<br>9:45 P.M. | 1. "Out of the Ivory Tower," a look at our states and<br>our constitutions<br><br>Reports by: California, Indiana, Maryland, Pennsylvania,<br>Rhode Island, Vermont.<br><br>2. "When Revision becomes Reform," accomplishment by amend-<br>ment.<br><br>Reports: Connecticut and Minnesota |

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February 9, Thursday

- |                               |  |
|-------------------------------|--|
| 9:30 A.M.<br>to<br>12:30 P.M. | 1. League problems on study, consensus and decision when to<br>act.<br><br>a. Reaching consensus in the League. How broad should<br>the consensus be? The problem of compromise in the<br>League itself.<br><br>Reports: Illinois, Oregon. |
|-------------------------------|--|



- b. Applying the Consensus to specific legislative proposals. How much compromise?

Reports: Florida, Louisiana

2. Case studies on a ballot campaign.

An analysis of the problems of the ballot campaign; the causes of failure; the ingredients of success.

Reports: Iowa, Kentucky, Michigan.

Luncheon Recess

2:15 P.M.  
to  
4:00 P.M.

Speaker: Mr. Samuel W. Witwer, Chairman, Illinois Committee for Constitutional Revision, during successful campaigns for the "Gateway" Amendment and for Reapportionment.

Subject: "Action Programs to Achieve Constitutional Revision"

Question Period (Speech and question period to be taped)

4:00 P.M.  
to  
5:00 P.M.

Problems the League comes up against in working with citizens groups. Iowa, Kentucky, Maryland, Michigan and Pennsylvania.

Evening free for conferences among the states if desired.

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February 10, Friday

9:00 A.M.  
to  
11:00 A.M.

1. Continuation of consideration of action programs:

- a. Kansas to give answers to the public relations questions they discussed at Workshops, (See Inventory.)
- b. Texas to discuss their survey and what it showed about the problem of arousing the electorate. (See Inventory.)
- c. West Virginia to discuss advantages and limitations of their Constitutional Revision Conference. (See Inventory.)

11:00 to  
11:30 A.M.

States report on the use they intend to make of the Conference.

11:30 A.M. to  
12:00

Summary (to be taped).

PLEASE BRING THIS KIT TO CHICAGO.

JAN 11 1960



STATE OF MINNESOTA

EXECUTIVE OFFICE

SAINT PAUL 1

January 9, 1961

ELMER L. ANDERSEN  
GOVERNOR

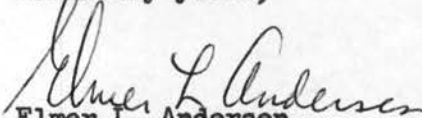
Mrs. O. H. Anderson, President  
League of Women Voters of Minnesota  
15th and Washington Avenues S.E.  
Minneapolis 14, Minnesota

Dear Mrs. Anderson:

As indicated in my Inaugural Message, the proposal you presented in your December 23rd letter to establish a Minnesota Constitutional Commission has my support.

Your recommendations for the composition of this Commission are well considered. Within the new few weeks I will be giving this proposition further attention.

Cordially yours,

  
Elmer L. Andersen  
Governor

ELA:jj

League of Women Voters of the U.S.  
1026 17th Street, N.W.  
Washington 6, D.C.

Price: 20¢

STATE CONSTITUTIONS AND STATE FUNCTIONS

BY JOHN P. WHEELER, JR.\*

A PAPER DELIVERED AT THE WORKSHOP FOR STATE CONSTITUTIONAL REVISION,  
CHICAGO, ILLINOIS, FEBRUARY 8, 1961

State Constitutional Studies Project

Perhaps a few words about the State Constitutional Studies Project are in order. The seed for this project was planted in a coffee house in Fairbanks, Alaska, on a cold winter night in 1955. Three of the professional consultants to the Constitutional Convention -- John Bebout, Emil Sady and Kimbrough Owen -- were wishfully thinking how much simpler their tasks if certain kinds of materials on state constitutional issues were available, materials which could readily be placed in the hands of the delegates. Winter nights are long in the Arctic and the end of this one saw the formulation of a rough outline of a project to be presented to some generous foundation. Ultimately, three organizations jointly presented proposals to the Ford Foundation. The Legislative Drafting Research Fund of Columbia University proposed to bring out a study on the legal aspects of constitutional change, to prepare a manual on constitutional drafting and to revise the Index Digest of State Constitutions which had been prepared in 1915 in anticipation of the New York Constitutional Convention held that year. The Brookings Institution planned to prepare certain problem papers and to make case studies of the process of constitutional change particularly emphasizing the political aspects and the National Municipal League proposed to prepare and publish materials designed primarily for use by citizen groups seeking to study constitutional problems and by those actually engaged in the process of constitutional revision. The Ford Foundation smiled favorably upon portions of the programs presented by the League and the Fund.

The National Municipal League in accepting its grant obligated itself to perform certain services to scholarship in the field, such as preparing bibliographies on state constitutions, facilitating communication and cooperation among students of state government, and identifying researchable problem areas, but the core of the State Constitutional Studies Project is the series of publications designed specifically to assist citizens engaged in the study and improvement of state constitutions. These publications fall into three categories: the first may be designated "citizen education." In this category are two monographs, tentatively entitled "Salient Issues of Constitutional Revision" and "The Future Role of the States." The former seeks to identify, analyze and offer possible solutions to the main constitutional problems facing the states today.

The other monograph in this category, "The Future Role of the States," is a speculative effort to describe the role that the states (in the next two or three decades) may be expected to play in terms of their resources -- natural, fiscal and human, the demands which will be placed upon them, and the directions in which they are developing. This should suggest a more realistic framework than is usual within which considerations of constitutional change can take place. The second category of publications consists of practical manuals to guide the administration of constitutional conventions and to assist citizen groups such as the League of Women Voters in undertaking analyses of particular state constitutions. The

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\*Dean of the Faculty, Hollins College, Virginia; Executive Director, State Constitutional Studies Project of the National Municipal League.



revision of the Model State Constitution falls into the third category.

You have in your hands what amounts to another set of studies. These are five of the background studies prepared in anticipation of the general needs of the project for information in various constitutional areas. Of course, we were not committed in the original grant to bring these out but these seemed of such a quality and so timely that the expense seemed justified. These go into specific constitutional problems in greater detail than will be possible in the publication on "Salient Issues."

#### The "Findings" of the State Constitutional Studies Project

The description of the project may have led you to assume that the purpose of this paper is to present the findings and conclusions of the project. Such is not the case. At the level at which we have been forced to work we have not as yet turned up new knowledge or fresh thinking that cries out for repetition before such a sophisticated audience as this. I will present briefly five of our "findings" but I will devote most of my time to raising some questions about assumptions that underlie the project and the classic prescriptions for reform and improvement of state governments.

The first finding: critics and reformers show little interest in some of the more drastic and exotic devices which appealed to earlier generations. Today scant attention is paid to proportional representation and the unicameral legislature although they continue to be described in textbooks and imbedded in the Model State Constitution. The initiative and the referendum remain firmly implanted in western and midwestern soil but show no signs of being transplanted to virgin ground. We found no one volunteering a preference for proportional representation---except those who were doing so a generation ago. We found only five statements of concern with the unicameral legislature---an important one being a dissent from the general report of the Pennsylvania Commission on Constitutional Revision.<sup>1</sup> Supporting this view Professor James Fesler reported to us that "none of regional and state assemblies that were offshoots of the American Assembly on state government problems advocated P.R. And unicameralism was specifically rejected by the Wyoming and Oklahoma assemblies, bicameralism was specifically assumed by the recommendations of New Mexico, Illinois, and Vermont Assemblies, and the issue does not seem to have arisen clearly in the findings of the Southern, Pacific Northwest and Massachusetts Assemblies. Yet," continues Professor Fesler, "these Assemblies had their share of 'good government' participants."<sup>2</sup> As Richard S. Childs is wont to say, "P. R. has a wonderful future---behind it." Lest someone interpret these remarks to mean the National Municipal League is preparing to abandon its historical position, let us add, these remarks only summarize contemporary opinion and are not judgments on the merits of these devices nor necessarily an expression of hope abandoned that in the long-run they may achieve their place in the sun!

<sup>1</sup>Commission on Constitutional Revision, Report (1959), p. 219. Richardson Dilworth, mayor of Philadelphia, and Jefferson B. Fordham, dean of the University of Pennsylvania Law School, as members of the commission added a dissenting statement to the report, which read in part: "In undertaking to vitalize the legislature and to render it equal to the responsibilities of its key policy-making and power distribution role, we need to make a fresh start. The unicameral or single-chamber form would be structurally a fresh start of a dramatic character calculated to fix political and institutional responsibility and to make legislative processes more understandable to the people. The unicameral plan could be expected to add stature to membership. The operation of a bicameral legislature is diffuse and dilatory---something we would find quite insupportable in local government or in business organization."

<sup>2</sup>Letter to author dated August 5, 1959.

The second finding: with the exception of the more exotic devices cited above the prescriptions for reform at the state level most often advocated are the classic ones, those that have been popular for a half century or more. For example, reapportionment is the most nearly universally cited problem in constitutional reform. Taking some liberty we may read into the comments the view that reapportionment lies at the heart of many problems confronting the states, that if only the legislative seats get fairly distributed among the people the other problems will get settled. Domination of the legislatures by the rural elements prohibits the states from taking their cue from the urban areas and thus showing the imagination and initiative needed for the states to play their rightful roles. The "decline" of the states is partly blamed on this unrepresentativeness since the urban populations turn from the hostile legislatures to the more sympathetic national government for help in solving their problems. The principle of one man one vote is dear to our hearts, but this great manifestation of faith in the imagination, morality and good sense of urban politicians and electorates is as disturbing as the older faith in control by the rustics.

Actually, this concern with reapportionment is probably stimulated more by reactions to the obvious violations of the principle of equal representation than by any firm belief that this is a cure-all for state ills. Among reformers state legislatures are still suspect and it is largely on the executive that they focus their hopes. The strong executive doctrine which has dominated the state reorganization movement since the turn of the century retains its popularity with reformers be they concerned with administration or politics.<sup>3</sup>

The strong governor doctrine is still a by-word with reformers. The diffusion of power and responsibility among many executive offices continues to be condemned and the expansion of the governor's powers of appointment and removal continues to be recommended. From those states with short gubernatorial terms come demands to increase them and from those with one term limitations come demands to raise or remove them. The Kestnbaum Commission joined in criticising generally the office of governor in the United States:

Typically, though not universally, the governor is the nominal chief of a sprawling State administration consisting of scores of separate departments, commissions, and agencies. Department heads, many of them boards or commissions, are often selected or appointed for long or overlapping terms. This enables them to be more or less independent of normal executive controls. Still other agency heads may be appointed by the legislature or by someone other than the governor. In most States the governor's removal power over many of his subordinates' is so restricted that it is of little value as a tool of administrative control. Few governors have been supplied with modern staff agencies and tools of management adequate to the administrative responsibility presumed to be vested in them. Furthermore, constitutional limitations on tenure frequently weaken their leadership in policy and administration. More than one-third of our governors still have only 2-year terms, while of the 4-year governors, more than one-half may not succeed themselves.<sup>4</sup>

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<sup>3</sup>An interesting dissent from the South comes from Robert B. Highsaw: "...the result of executive integration in several southern states has been a chief executive often unrestrained by either the legislature or public opinion. Although this result means that the governor has the power to and often does promote integration of executive authority in line with general concepts of modern administration, it may also make for less rather than more administrative responsibility in the southern states. Public Administration Review, Winter 1959, p.7.

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<sup>4</sup>The Commission on Intergovernmental Relations, Report, June 1955.



On the legislative side little attention is paid to institutional problems concerning structure, organization or procedure, although there are many references to the constitutional restrictions upon the legislative power, particularly in area of finance. Henry Jones Ford's reference to the "manacled" state is still applicable.<sup>5</sup> Our judiciaries receive a great deal of criticism with the prescriptions for reform remaining appointment of judges, unification of the court system, and the destruction of the JPs. States are still plagued with the long ballot and with the complicated requirements for voting and we have still to work out a satisfactory system of home rule. But the point to emphasize is that the strong executive doctrine is still the core of most efforts at state improvement.

The third finding: there seems to be a growing sophistication about and the beginning of a new approach to "home rule" and state-local relations in general. This development is related to the rather sudden emergence in professional as well as public consciousness of the phenomena of galloping urbanization and sprawling metropolitanism. While the existence of "too many local governments, not enough local government"<sup>6</sup> has long constituted a challenge to political scientists and reformers, it is only recently that we have come to consider it a major state and even national problem. Seen in this context the issue of home rule is a great deal more complex than just the question of state meddling or local self-government which gave rise to the classic home rule doctrines and prescriptions. We need new institutional and legal constructs to accommodate the need for genuine local or community government and the interests of state and nation in the good order, well-being, efficiency and adaptability of urban America. So far we appear to have made only a beginning in developing answers and no one yet knows how the answers when found can be worked into our constitutional and political system against the resistance of the short-run beneficiaries of the existing networks of local jurisdictions and jungle of state-local legal relationships.

The fourth finding: there is, as one might expect, increasing attention to the relation between politics and problems of form, structure and function in state government. Regrettably I must report that our excursions into this area have accomplished little more than to pile up additional testimony to support the increasing pessimism concerning the potentialities of our state political systems. Apathetic public concern, atrophied political organizations, the generally low visibility of state politics, and the lack of positive leadership stand out vividly in the majority of states. The contemporary scene is discouraging, the future dim, and we found no reason to disagree with Professor Key's statement that "the most limited investigation raises a serious doubt whether there ever were any good old days in state politics."<sup>7</sup>

Our inquiries have stimulated little hope and less expectation that the politics of our states will or can generate the pressures which will force the changes deemed desirable. Nevertheless, there are still the experiences of Missouri and New Jersey and the more recent ones of Alaska and Hawaii which indicate that it is not entirely impossible to fashion new and better constitutional instruments in this age.

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<sup>5</sup> "Influence of State Politics in Expanding Federal Power," Proceedings of the American Political Science Association, 1909, pp. 53-63.

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<sup>6</sup> Commission on Intergovernmental Relations, Report (1955), p.47.

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<sup>7</sup> V. O. Key, Jr., American State Politics: An Introduction, New York, 1956, p 15.



The fifth finding: Since World War II, we have discovered the theretofore largely submerged continent of intergovernmental relations and at the same time have reclaimed federalism as major subjects of inquiry and possible objects of planned improvement. Yet, we have turned up little fresh thinking on what all this might mean for state governments as such or for the strange and wonderful constitutional documents that are supposed to guide and guard their destinies. In general, we find little more than exhortations such as that of the Kestnbaum Commission warning the states that if they want to enhance, or even to preserve their supposed historic status, they had better put their constitutional houses in order and maintain more responsible, responsive and effective governments. The studies of politics like those of V. O. Key, it is true, go somewhat beyond this. Some of them raise fundamental questions about the possibility of envisaging in many states at least the kind of state politics, within the framework of national politics, needed to sustain the self-starting, jet-propelled state government contemplated by the exhortations. There is considerable doubt about the capacity of many states to react sensitively to any problem because of their inability to present a sufficiently pluralistic political model. Paul Ylvisaker suggests one criterion for a "proper" areal division of power: "The component areas should be constituted of a sufficient diversity of interests to ensure effective debate within each component and transcending communities of interest among the several components."<sup>8</sup> Few states meet this. Theories in the past have emphasized homogeneity as a reason and basis for federal organization but beyond a point homogeneity seems capable of destroying spontaneity.

There has been, in short, little attention to the evolving function of the states in our fast maturing federalism and the bearing of that function on what it is wise to expect or to try to achieve in the remodeling of state constitutions and governments.

#### The Fundamental Question

An instructor's manual accompanying a standard American government text contains the following question to be posed to students: "Why has no state adopted in toto, or even most of, the model state constitution of The National Municipal League?" This question, of course, can only be answered conclusively and satisfactorily by freshmen; further study and sophistication will lead only to difficulty. Actually the textbook authors give the students little help in answering this; they only point out that

no state has adopted the model constitution in toto, or even considerable parts of it. The Alaskan constitution shows its impact at several points. Some of the improvements of the Missouri constitution may have been inspired by the model. The rapid spread of the legislative-council idea can be traced in part to the same source. Perhaps the model has provided some incentive in the state-executive reorganizations since 1930. The important thing is to have people feel that governmental institutions and instruments can be improved.<sup>9</sup>

8 "Some criteria for a 'Proper' Areal Division of governmental powers," Arthur Maass (ed), p. 37.

9 John H. Ferguson and Dean E. McHenry, The American System of Government, Fifth edition, New York, 1959, p. 613. Italics added.

The difficulties in framing a model constitution are those inherent in any efforts to study the states. The similarity in their institutional and constitutional structures and in their general cultural backgrounds leads to easy generalization about the practices and problems of the states. There are studies of the gubernatorial office, the legislature, courts and all the other institutions of state government and for over a decade systematic studies of state politics have been appearing. Yet, the student of state government is constantly frustrated in his efforts to draw meaningful and satisfying conclusions, conclusions which can lead to specific recommendations for the improvement of specific situations.

That no two states are identical needs no documentation. The states do not share the qualities of Miss Steins Roses. The tangible differences between states in size, population, economy, history---are obvious; perhaps less obvious but just as real are the differences in political vitality. Yet, despite staggering differences there is a remarkable similarity in the problems identified and in the prescriptions for their cure. Many of the same problems seen in Delaware are allegedly plaguing New York, a state with 50 times the population of the former. Mississippi and Illinois are criticized in the same vein, and generally the Dakotas receive about the same criticism as California. To cure the ills a common prescription is issued by the constitutional doctors. We cannot escape the suspicion that if the states so obviously differ from one another, the ills and the cures should differ.

The fundamental question concerns whether our prescriptions for reform are determined by the function that the states play and may be expected to play in our system of modern federalism or are based upon professional and cultural biases that cause a conception of the states reflective of a political mythology better suited to 18th century federalism. The organization of and distribution of powers within a political unit should be determined by the function of the unit. If this be accepted, it follows that a political unit whose function is to frame and execute policies in an independent or even semi-independent capacity may have quite different needs from one whose function is derived from a system in which the unit is fully integrated with others.

To our point---is it realistic to think of the states as viable political entities with a quasi-independent role of their own? Within the context of modern "cooperative" or "integrated" federalism do state governments possess the political capacity to allow them to initiate and carry out important policies and programs of their own while assuring the maintenance of responsibility to the people? As pointed out above, much of the literature implies an affirmative answer, suggesting that by the removal of constitutional obstacles the states may once again assume their full role as policymakers. The Kestnbaum Commission repeated Henry Jones Ford's criticism of fifty years ago insisting that "self-imposed constitutional limitations make it difficult for many States to perform all of the services their citizens require, and consequently have frequently been the underlying cause of State and municipal pleas for Federal assistance." <sup>10</sup> The American Assembly reached substantially the same conclusion:

Some state governments are well geared to handle their responsibilities and have earned the confidence of their citizens; some have taken steps to qualify for confidence; but a large number are poorly prepared to meet the problems that press upon them. Unless these latter states make substantial improvement, they will not win the confidence of their citizens and in the natural course of events power will gravitate to other levels that meet more nearly the standards of democratic and competent government.<sup>11</sup>

10. Report, p. 37.

11. The American Assembly, The Forty-Eight States: Their Tasks as Policy Makers and Administrators, New York, 1955, p. 138.



A popular answer today to those who bemoan the "decline" of the states is that there has been no such decline but only a shift in position which gives the unsophisticated viewer the wrong perspective. The changes in the respective positions of nation and state within our federal system have been relative and not absolute; the great expansion of the national government simply overshadows the similar expansion at the state level. Witness the increase in the number of state employees, the new agencies. Check the longer sessions of the legislature. And above all look at the budgets.

No one questions that the states are spending more, taxing more, borrowing more, hiring more and doing more than at any time in their history. No one disagrees that the national government has forced a great expansion of functional responsibility on the states and that all the traditional functions---law enforcement, highways, health, and above all education---have similarly increased. But these developments do not prove the capacity of the states to govern generally. The mere growth in governmental size and activity do not necessarily herald an increase in the political vitality of the state. Indeed, one might argue that the trends of cooperative federalism have instead bound the states more closely together in a "new set of realities;" instead of enhancing their policy position the states appear lost in the shuffle of an increasingly complicated web of government.<sup>12</sup>

One test of state vitality is their creativity, since a traditional support for federalism is that the component units can serve as experimental laboratories. James Bryce wrote:

Federalism enables a people to try experiments in legislation and administration which could not be safely tried in a large centralized country. A comparatively small commonwealth like an American state easily makes and unmakes its laws; mistakes are not serious, for they are soon corrected; other States profit by the experience of a law or a method which has worked well or ill in the State that has tried it.<sup>13</sup>

Textbook writers take their cue from this and include this among their underpinnings for federalism. One writes in part: "Federalism...encourages experimentation. The states can more safely change their constitutions and laws than can the central government. Forty-nine governments give us more latitude to try out new methods and to compare results..."<sup>14</sup> Another: "The states have a crucial role in pioneering new devices and functions of government. Within its constitutional field of action, each state is free to work out laws and administrative arrangements adapted to the rich variety of interests and areas in the United States."<sup>15</sup> But the lists of the actual contributions of the states are discouraging. One textbook cites North Dakota's experiment with hail insurance; another refers to experiments with the control of liquor. And a classic in the field reads: "Oregon can try the popular initiative and referendum; Arizona can experiment with the recall of judges; Nebraska can test the merits of a one-house legislature; Illinois can find out the advantages of a new plan of administrative consolidation."<sup>16</sup>

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<sup>12</sup> This point was stressed by a participant in the seminar discussion we sponsored on the campus of the Massachusetts Institute of Technology.

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<sup>13</sup> James Bryce, *The American Commonwealth*, Third Edition, New York, 1895, p. 353.

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<sup>14</sup> James M. Burns and Jack W. Peltason, *Government by the People*, New York, 192, p. 132

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<sup>15</sup> Charles E. Merriam and Robert E. Merriam, *The American Government: Democracy in Action*. Boston, 1954, p.96

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<sup>16</sup> Frederick A. Ogg and P. Orman Ray, *Introduction to American Government*, Ninth Edition, New York, 1948, p.77.



The states do not score high in this respect. One text qualifies its statement by adding:

The evidence suggests, however, that state and local governments have not always functioned satisfactorily as political laboratories. Despite efforts of such organizations as the Council of State Governments and professional associations of state and local governmental officials, the experience of one governmental unit is not usually transferred or made available to another unit. Indifference and hostility tend to characterize the attitude of states and cities toward each other, and the valuable experience of one government is rarely applied intelligently to another.<sup>17</sup>

Even if we were generously to concede the contributions of the states in the past, we need not concede for the present and future. Certainly this is a question for systematic inquiry. Two facets should be looked into: First, to what extent have the states served as experimenters with and creators of new functions, institutions and procedures? Second, if states have indeed served in these capacities which states have and under what circumstances? Perhaps it is not the state as such that can play this role but particular states at particular times possessing particular characteristics.

A moment ago we cited the problem of the differences between the states, a problem which is crucial for the Project with its plans to revise the Model State Constitution. If indeed the states vary so, can they not be expected to play different roles within our federal system? The truth is, of course, that they do. The magnitude and implications of this fact have not been given enough attention by scholars and reformers. Doubtless this failure is partly attributable to the historical dogma of the "coming together" of the thirteen original "sovereign" states, reinforced by the judicial doctrines of their legal equality. Fortunately, however, practical politicians are more prone to act on the facts of inequality, no matter how vehemently they invoke the myth of equality in oratorical appeals to local pride. The realism of politics in this respect is written into many acts of Congress, including annual appropriation acts, grant-in-aid formulas and stipulations, laws relating to the public domain and the public works programs. And the political inequality of the states is dramatically demonstrated every four years by the national party nominating conventions.

These observations raise at least two troublesome questions. The first has to do with the role of the states generally in our federal system, which in turn has a bearing on the essential governmental and political missions for which all the states should be structured and equipped. Without developing this question here, let me suggest the following hypothesis: that the evolution of the federal system will be conditioned not so much by the capacities of the more competent as by those of the less competent states, and that when we talk of the "role of the states" generally, the "least common denominator" of state capacities is far more important than the potentialities of the relatively few that might come close to being able to exist as independent entities. This hypothesis rests in part on the assumption that with the increase in nationwide mobility and communication our society will tolerate less and less inequality in government service (including the enforcement of standards of equal treatment for all citizens).

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<sup>17</sup> Robert K. Carr, et. al, American Democracy in Theory and Practice, New York, 1957, p. 83.

The second question is this: have we analyzed the data of state inequalities sufficiently to have valid opinions as to what if any bearing they have on different ways in which individual states or groups of states are or ought to be structured? This question is a set-up because the answer obviously is "no."

Both of these questions relate in turn to a very practical question the League's Project must answer soon: should there be one or more than one Model State Constitution? We note but pass over lightly a much more fundamental question namely: could or should there be more explicit recognition, perhaps even in the United States Constitution itself, of the inequality of the states? It is possible, in effect, to amend the state constitutions by amending the U. S. Constitution as has been done, for example, in the case of suffrage and in the area of civil rights. Federalism does not have to rest on a fiction of legal and governmental equality. Is it too farfetched to envisage the possibility some day of an amended U. S. Constitution that explicitly recognizes and provides for different levels or degrees of self-government by the states?

"State inequality" can properly be translated as "state distinctiveness." An appeal might be made for the preservation of the integrity of variant state traditions by relating state responsibilities to the special genius of particular states or groups of states. Perhaps a constitutional gimmick could be worked out for "optional" state charters in which different arrangements for balancing state and national functions, responsibilities and burdens might be offered. Well, maybe! Such a scheme could presumably allow to the highly competent and well-endowed states the maximum of self-government compatible with the national interest. The problem, of course, is to make it palatable to the other members of the union. Very likely, however, we will in the meantime approach more closely this state of affairs by our traditional methods of working around the constitution, without admitting openly what we are doing.

Different states, then, may be expected to play different roles, but which role will dominate the scene in the majority of states? This will be determined largely by the demands of the federal system. Except for some third party advocates down in Richmond there is general acceptance today that our federalism is and can only be quite a different variety than that envisaged by Madison. Even the Commission on Intergovernmental Relations---after the departure of Clarence Manion ---accepted this fact. Two years ago Morton Grodzins in a paper to this association drew an analogy from the bakery:

.....The American federal system of government is not a layer cake at all. It is not three layers of government, separated by a sticky substance or anything else. Rather it is a marble cake, or what the British call a rainbow cake. No important activity of government in the United States is the exclusive province of one of the levels, not even what may be regarded as the most national of national functions such as foreign relations; not even the most local of local functions, such as police protection and park maintenance. <sup>18</sup>

More recently York Willbern pointed out that "the separation of governmental functions between the nation and the states is no longer a fundamental key to the American federal system" and that "very little remains of any exclusive concern by either national or state government in any governmental function."<sup>19</sup> He adds

<sup>18</sup> Key Factors in the Future of American Federalism," 1957, p.3.

<sup>19</sup> "The States as Components in an Areal Division of Powers," in Arthur Maass, op. cit., p. 71, 73

that "with few exceptions, the present areal division of powers in this country is one in which certain decisions with regard to all governmental functions are made at central and local levels." But he charges that "in spite of considerable attention to a changing federalism, the political science profession has not developed an adequate descriptive terminology for distinguishing the processes being performed by the nation, the states, and the local governmental units."

This failure has led the advocates of reform to define two and only two possible roles that the states may play. From the Commission on Intergovernmental Relations to the State Constitutional Studies Project, the propositions seem "either---or." Either the states must be quasi-independent policy-initiators and administrators or they must become vestigial organs of a supposedly federal system whose national head has so monopolized power that the states are mere administrative agents at best. We question whether these are the only possible roles.

As our federal system matures the states indeed lose much of their independent status which our mythology tells us they once enjoyed, but is the end product necessarily complete subservience to Washington? An opportunity emerges---indeed the states are already involved in a middle-man or mediating role in the process of negotiating with other units of our federal system and in coordinating the programs, activities and personnel that deliver an important proportion of the services of domestic government to the people. This role is both a policy-making and an administrative one. It involves participating in the actual development of policy prior to its enactment in national or in supplemental state statutes. It involves also some adaptation of policy to regional needs and conditions. On the executive or administrative side it offers the opportunity for some regional (i.e., state-level) coordination of related programs and adjustment of program emphasis.

Obviously if the states did not exist we should long since have had to develop some regional agencies upon which to devolve such responsibilities. Otherwise government in so vast a land would have bogged down in almost hopeless bureaucracy. We would never, of course, have set up fifty regional sub-governments marked off by the curious boundaries of our present states. But the fifty states we have, and it appears most unlikely that they can be replaced peacefully by fewer and better based regional governments. Should we not, therefore, have more research and more creative thinking on how to shape the constitutions and governments of the states for optimum performance on this "mediating" role in our ever changing federalism?

The thesis of this paper has been not that we should abandon the classic prescriptions for constitutional reform at the state level but rather that we re-examine them in the light of American federalism 1961-style. Insofar as students of government and other reformers are able consciously to affect the development and structure of state government and politics, their objectives should be determined by the present and developing role of the state in our system and not by some out-moded conception of the state as a semi-sovereign, self-sustaining, independent unit of government. It may well be that after thorough consideration we will return to the classic prescriptions, but at the moment anyway my faith in them is waning sufficiently to make me want to take a new look at the role of the states.



QUESTIONS AND ANSWERS -- MR. WHEELER'S SPEECH

MODERATOR: Would you like to comment on the observation that in your speech you seem to be making the suggestion that we do away with the states?

MR. WHEELER: I have no particular desire to see the states abolished. First of all, I don't think they are going to be abolished. I think we are going to have them, but let's at least think in terms of what function the states actually serve today. We may go on pursuing these step-by-step reforms that are the bread and butter of our lives. Maybe we won't be able to make the drastic reforms, or make transformations overnight and we probably don't want to, but at least, we as serious students of government, want to think in terms of the role these institutions play. I think if we can identify these roles, they will affect to some extent and make more realistic in the long run our efforts at constitutional change. I am very much in favor of the states but I would like a realistic approach.

QUESTION: Do you not think that what you have said about the drawbacks and difficulties about state government could be said fifty times as loud about the drawbacks and difficulties in the national government?

MR. WHEELER: I am no great believer in the federal government as the answer to all of our problems by any means, but I do believe that we live in a time when we are going to have to think about dealing on a national basis with some of our problems that we traditionally thought of as being of local concern.

I do think -- and I am speaking primarily as an "unrealistic political theorist" -- that to some extent you get progress, you get change, out of diversity and conflict, where you have political groups organized and effectively competing with one another for the public's attention.

I think that at the national level we have a more adequate political system in this respect than we do in most of our states. I would not say it for all the states. I think in Illinois you have a sharp competition. In New York you have a sharp competition. In Virginia we have none at all. We simply "crown" the heir apparent every three or four years. We have a very efficient government in the State of Virginia. There are no wrong hands ever caught in the petty cash box, but we have some difficulties in, say, "teachers' salaries," in "highways," and a host of other things. The state just does not contain the political organized groups that compete for attention.

Now, you might say, that if you have this competition in an exaggerated form, you simply get a government of selfish interest groups in which the interest groups, in a sense, get together and parcel out the goods of society among themselves. This may be true, but I don't think I would agree that the problem is greater at the national level. I think there is greater political vitality at the national level than in most of the states.

QUESTION: Should we look at what the states are doing or should we look at what the states ought to be doing, in forming or revising constitutions?

MR. WHEELER: Well, I think the first step is to look at what they are doing because I know that we political scientists have not been realistic about this -- we still talk in the cliches of a generation ago. We still talk in highly formalistic terms and we have been very little concerned with the actual function.

I remember being very vividly struck in some research that I was doing in Vermont once, on a highway administration. There were three highway systems in Vermont. There was the State Highway System, which was tied in closely with the federal system. There was a state-aid system and there was a town road system. Now, under the law, town roads were a town's responsibility. State roads were the state's responsibility. There were certain programs of aid available to the town, for example, in the construction of a bridge.

If you look at the law you would say that the federal government puts up the money, the states set up their own general regulations and decide who is to receive the money and pass it on to the towns. In reality this is not what occurs at all, at least not in Vermont. The Federal Highway representative at the Bureau of Public Roads is down on Main Street. About three blocks away was the state building in which the state Department of Highways was located. I don't know what their names were, but Bill Smith down at the Bureau of Public Roads, and Joe Doakes in the state Highway Department would call each other on the phone and say, "Look, I have a request here from such and such a town for help in the construction of a bridge. How about the two of us riding down and looking this thing over?" So the two of them rode down and with the Town Road Commission and the Selectmen more or less just sat there and worked out the details for the bridge.

Now, who controlled in this respect? Where were the decisions made? Well, I may be naive or I may be inexperienced in this regard, but I generalize from this example and say that much of our Federal-State relations are in the same category as this.

I think we ought to approach as much as possible the study of government in terms of what actually occurs, what actually is going on and not in terms of what the laws say should be going on. We ought to be concerned both with what the states are doing and with what they ought to be doing. I think we should be concerned with the description of fact, as well as with the statement of objectives, goals and values.

QUESTION: In our own studies in the League, must we look for a wider role for the states, for instance, in working in home rule or the judiciary or those areas that seem to be within the state?

MR. WHEELER: I think you picked out two areas in which I would come rapidly to the defense of the states and say that these are areas in which the states are going to have to act, and act quite dramatically. Probably in the area of judiciary you have fewer inter-connections between the two systems than in any other area of governmental activity. I think the state is going to have to play a greater role in our court systems, and I think this means centralization at the state level, a unified court system and this type of thing. I think I would stand by the classic prescriptions in that respect.

I think the state is going to have to play a much bigger role in reference to home rule, because I personally do not see some of the solutions that I think are being demanded in some of the urban areas coming about just on the basis of local cooperation and working out the problem at the local level. I think it is going to require state action in the development of new patterns of local governmental organization. Now, it may not mean that at the state level you create one vast unit of government, but at least you provide a legal and perhaps even coercive basis for bringing local units of government together in cooperative ventures of various kinds.

These are areas in which you can very well continue your studies. I did not mean in my presentation to suggest that we need curtail our studies of state government. I think perhaps we need to orient them a little differently. I am all for continuing with them even at a great pace.

QUESTION: Where would this new conception of how a state functions alter our approaches to the constitutional problem?

MR. WHEELER: Let me go away out on a limb and I'll deny having said this if anybody ever quotes me, but let me take a grandiose example of what I mean.

Let's look at the doctrine of the strong governor in this respect. The argument is, that what we need at the state level is a centralized authority in the governor, in the Executive branch anyway, so that in these programs of inter-governmental cooperation between nation and state we have a strong fellow who can deal with the national government, can in a sense be the negotiator with the national government, creating and transforming these things into an over-all state policy.

Actually, in its effect, this may be detrimental to some of the other things we are seeking. For example, if we were to have a program of -- and this is not an advocacy -- if we were to have a program of Federal Aid to Education we might find it more advantageous for the fulfillment or the accomplishment of the purpose we are seeking if we didn't have this strong middleman, but rather if we had the relationships between the federal professionals, the state professionals, and the local professionals. In other words, maybe the independent Superintendent of Public Instruction, with his own sources of power, might be able to transform this federal program, take it and administer it at the local level in a much better way than could be done through this strong centralized executive. Now, I went out on a limb on that but it is an example of the type of thing I am driving at.

I am, for example, very much in favor of strengthening the legislatures. I think we ought to take the wraps off the legislatures, and give them the power to do the job, but I would couple this with other changes. I would hate to see a strengthening of some of the kinds of legislatures we now have. I think all of these things have to go in a packet, and rather than judging them in bits and pieces, I think we have to judge them in totalities.

Figure out what it is you are seeking, what is the goal you are seeking and what is the best administrative setup for attaining it, rather than holding to some of these fictions that we have had for fifty years, and some of these classic prescriptions which we think are good but which we have just never tested out or studied carefully.

QUESTION: Comment on the possible nation-wide effects of the Supreme Court decision in the Tennessee case on reapportionment.

MR. WHEELER: I remember an Alec Guinness remark from the "Bridge of the River Kwai" - "I haven't the foggiest." There have been very few times in history, though, when we have not accepted the law as defined by the Constitution - by the Supreme Court, or the interpretation given by the Supreme Court to the Constitution. Sometimes we have dragged our feet, but only in a very rare instance have we failed at least to go along generally with the proposition, especially when it would be a clear-cut issue such as this. If Georgia bends on the segregation issue, as it seems to be bending, my old home state of Georgia, I think possibly there is some hope that the states might cooperate in the business of reapportionment. I don't, however, know



the answer to your question. I do feel quite strongly, and I may step on toes here, that I have given up the battle for reapportionment. Yes - I mean as an effort to stimulate the kind of political support necessary to get the legislature to reapportion itself. I have thrown my lot in with the courts, and I say if reapportionment comes, it will come via the courts or not at all and I am going to move on to other things. I have just about lost faith in efforts to get legislatures to reapportion themselves in a fair way.

QUESTION: Should both Houses be apportioned on strictly a population basis?

MR. WHEELER: I would be thinking about it at the level of the "ideal projection." As an "ideal" I think that there is no proper basis of representation other than people. In Governor Collins words, "it's either people or pine trees," and I don't think pine trees should be represented in the state legislature. As a matter of practical political accommodation, I think you might talk about other adjustments, such as the Federal plan in Indiana and so on, but I see no basis for representation other than people.

If you start talking about reapportioning your legislatures on a "fair" basis, you may look at some of the states and you say, "Well, do you really want more legislators like those that are coming from the cities now?" And you may begin to wonder whether you really do or not. However, I believe in the principle of "one man one vote," and that the closer we can come to that the better off we are. No democratic theory has ever argued that democracy means that the people will act wisely all the time, with the spirit of Christian charity or anything else, but only that the people will rule things. I suppose that Winston Churchill's comment is still the most valuable one here that "Democracy is the worst form of government except for all the others that we have tried."

QUESTION: Should some weight be given to other elements besides strictly population?

MR. WHEELER: I don't know what these other elements are. Yes, you might say the "farmer" -- why not the druggists then or the schoolteachers? You begin to move toward some kind of a functional basis of representation. Maybe this is what we ought to consider, a two-house legislature, one house in which people are represented as "people" and then another branch in which they are represented in terms of "economic relationships." But this would ignore, for example, the religious factor, which is very important to some people. I think when you move into this area of trying to represent other elements, you get into an area where there are no satisfactory definitions and I fall back on the simplest one, and maybe this is overly simple, but let's just represent people and let the chips fall where they may.

I have a feeling at least in our larger states, simply because of the distributions of population you will get representation of most of the legitimate interests of the states. This is an assumption I couldn't possibly prove but I think it would probably work out that way.

QUESTION: Comment on the "piecemeal" approach versus holding out for "over-all" approach, both piecemeal reapportionment and piecemeal constitutional revision.

MR. WHEELER: I think these are two questions and I think they are problems of strategy more than problems of principle. That is, which way do you think you are going to get closer to what you want. If you come to the conclusion that in any

particular state there is no point in holding out for the "ideal" and that you will settle for half-way measure and it is all you can get I would say fine, fight for that.

On the other hand you might, in a particular situation, weaken your case by fighting for the "half-way" measure, because when you accomplish this your support for re-apportionment or whatever it is that you are seeking may well dissipate. They may feel that since they have partially corrected the measure, there is no point in fighting further on this. This was Karl Marx's and Lenin's old argument against the Socialists. We don't want the Socialists to make welfare improvements because if the people get social security, and this type of thing, they become relatively satisfied and they won't go on to the revolution. I think it might very well work in reference to state constitutional revision. We might get pacified by too many piecemeal acceptances. But I think this is purely a matter of strategy rather than a matter of principle.

QUESTION: Comment on revision by a Commission, rather than convention.

MR. WHEELER: I am very impressed by the device of the Constitutional Convention. But again I am impressed by it as an inexperienced political scientist and not as a practical politician, or somebody who is out in the hustings battling for constitutional reform.

We have, however, had almost as many failures as we have had successes with the Constitutional Convention. Let's take the conventions in this century. I think we have had wonderful success in Missouri. Although Missouri certainly didn't solve all its problems in 1943, it certainly improved its constitutional picture very dramatically. New Jersey certainly revamped its entire state machinery although they had to compromise in the beginning on the reapportionment issue. And the three constitutional conventions which have been held for Hawaii, Alaska, and Puerto Rico, have all been successes. I don't think too much was accomplished by the New York Convention of 1938. The product of the New York Convention in 1915-16 was very good but it wasn't adopted. The Missouri experience in 1921, that ran on for two or three years, nothing came out of that. Very little came out of the Massachusetts Convention of the early 20's.

Some of the Commissions have done a good job. For example, the Commission in Georgia completely revamped the Constitution although they made no substantive changes. It largely rewrote it, and brought it up to date. Probably the Convention in New Jersey would not have been as successful as it was had it not been for the previous Commission, which identified a lot of the issues that would come up and the sources of reaction around the state and did a lot of digging before the session. My own feeling is that perhaps we ought to try to develop a system in which we merge these two, so that we have a "Study Commission" which precedes a Convention, preparing materials, identifying problems, not only constitutional problems but political problems, trying to work out some accommodations in advance of the Convention Session. My own predilection is for the Convention at least for major revision and this is largely a question of value. I just think that in a Convention you potentially can provide greater representation and greater responsibility to the people than you can through the small commission.

QUESTION: Comment on the possibility of getting a better constitution on the piecemeal basis even though it would take longer.

MR. WHEELER: I think my use of the term "strategy" would be broad enough to include -- at least for my satisfaction -- the problem you raise. On a theoretical basis, I think the piecemeal approach is somewhat dangerous. This is purely theoretical, in that there is a danger of it becoming a hodge-podge of different and perhaps unrelated and at times even conflicting propositions, but this can happen even with a Constitutional Convention. The assumption in the Convention is that somebody is going to look over things in the end, to see if it is truly an integrated document or not. This doesn't always happen, not even in a Convention but this is the theoretical opposition I would have to the piecemeal approach. On a practical basis, I think my use of the term "strategy" would embrace the problem you have raised, that is, keeping your "eye" on what you are trying to attain and then simply using the devices to attain them.

QUESTION: Will the model reflect the thinking concerning the new role of the state?

MR. WHEELER: I don't know what the final model is going to look like. I can tell you what it would look like if I had my way! I started out with a notion that we were going to do a model constitution of one page. We were going to say there will be a governor, there will be a legislature, and there will be a court system, and so on, and there will be certain civil rights, and let it go at that. And then we were going to add a conjunction of some kind, a conjunctive statement which said, "Now if you want to clutter up your constitution the following is the least damaging way to do it." And then we were going to present the second model constitution!

But I think that what the model constitution is going to do is follow most of the classic reforms. I think we aren't going to get radical in this thing. We are going to talk about the strengthening of the governor; the freeing of the legislature; the establishment of some decent patterns of home rule. It is not going to be nearly as long as the present model. At present it is a highly inconsistent document. For example, it says there ought to be a strong legislature with the power to do what it wants to do, and then it says it must have a civil service set up on this basis; it must have this, that and the other. Then it says, in effect, the state shall have all the power it needs to take care of the people of the state, but then it adds, it has also the power to provide for education, conservation, etc. It itemizes these things which we think should be assumed for the state's power. So the model will be, I think, in form quite different from the present model, but I think it will more or less follow the classic prescriptions.

Despite the comment I made a moment ago, when I went way out on the limb, I still believe in the strong executive at the state level. I believe, though, that one thing we ought to keep in mind all the time is that our fundamental problems at the state level are not constitutional ones but political ones, that a constitution is not going to insure good government. I think a constitution can make good government almost impossible, but I don't think a constitution can guarantee good government. Ultimately, the state is going to be a good state or bad state as we see it, in terms of the political structure of the state -- the term I like is "political vitality" within the state. It may very well be that in a particular state I would want to modify the strong governor doctrine. I think these problems are essentially political rather than constitutional. How do you get the people to exercise what Richard Childs calls the "democratics" of our way of life? I just don't know, but I don't think we should confuse these two. I think these constitutional problems



will assist us somewhat in getting better, more efficient governments at the state levels, but I think the real key lies in the political realm. Whether we can develop the political vitality and interest that will sustain good government.

QUESTION: Comment on the impact of the structure of government on increasing metropolitanism.

MR. WHEELER: I think this question points up an emphasis I have tried to make, of the necessity of developing new patterns for dealing with problems at the local level. I think we may have to develop new patterns for dealing with problems at the regional level. I saw in the paper just the other day, that the people in the Delaware River Valley had finally gotten together in the development of a Water Development Authority. This is an inter-state agreement involving Pennsylvania, New Jersey, Delaware and the Federal Government. This is probably a patchwork way of approaching the problem, but I think this is the way we will approach the problem. I don't see any modifications in the state lines coming about. I don't see anything developing along the lines of the Authority of the Port of New York, but we may get a great many agreements bringing about inter-state cooperation. If we think we have a complex web of governments now, I think in a decade or two decades this is going to baffle everybody. I seriously wonder whether we are going to be able to understand governments of the future, the patchwork way we go about solving our problems.

QUESTION: What will be the effect of current constitutional limitations in the financial field on these new concepts of the role of the states?

MR. WHEELER: From a "purist" point of view, I think there shouldn't be any restrictions on the legislature in the financial realm. If the legislature does something that you don't like, then you put in legislators who will do something you do like, but don't tie their hands. On the whole, I'm not sure that the presence in state constitutions of some of these restrictive elements, do not, in a sense, reflect the political structure of the state, and therefore, even if they were removed or were not there, you would not get the changes that you anticipate now by the removal of these things. That is, the people who don't want an income tax probably have sufficient political power in the state to block the income tax with or without the constitutional prescription. Now, this may not be true if, let's say, it requires two-thirds vote in the legislature to change the constitution, but only 50.1 per cent to change a law. It is conceivable in that situation you might get an income tax. Generally though, you won't get these changes simply by removal of the constitutional obstructions.

QUESTION: How have the concepts of home rule changed?

MR. WHEELER: The original concept of home rule developed as a device for limiting the state legislature from interfering with local affairs, from poking its nose into local business. It was essentially a negative type of thing. It was definitely designed as a limiting device on the legislature. I think we are now beginning to see the role of the legislature as being highly important to the solution of some of the local problems that are developing.

For example, we will, in the new model, probably move away from constitutional home rule. I am pretty sure we are going to move away from the so-called "Bromage Plan" for home rule which is a specification in the constitution of the powers of home rule, and we will move more toward the plan of the American Municipal Association

which says in effect that there shall be a home rule system and the state legislature shall implement it, but leaving it up to the state legislature to take care of this.

Now, as far as the developing patterns are concerned there are two general thoughts on this issue. One thought seems to be that the only way we can solve the problem of local government is to create larger units of local government.

On the other hand, there is the point of view that we are not going to get this type of thing and we are not sure it would be good anyway, and that what we ought to work out is some other kind of system. We are getting a little experimentation with this. For example, you are getting something along the lines of the federal plan in Miami, where local municipalities retain some of their identify and some of their functions, but other functions are given over to a larger organization, Dade County.

Generally speaking, as constitutional changes are proposed in this country, the movement is toward either functional consolidation or the use of the county since it is a larger unit. Some constitutional changes permit cooperation within a county but not across county lines. It would take another constitutional amendment to allow this change.

QUESTION: If we are going to free the legislature in our new constitutions, how are we going to insure that we get good legislators?

MR. WHEELER: This is a problem that goes back to Plato's day. I think this is what he was writing about in the Republic, that if we could find the "philosopher-kings" we would solve all our problems. This is a perennial problem. I do have the feeling or the impression that things are improving in this respect, that on the whole we are perhaps getting a little better people in politics, primarily because I think more and more people are beginning to take an interest in politics. I think with the rising standard of living, with the greater amount of leisure, with the great facilities in communication that we are developing, that we are becoming more and more aware of political events. I think politics is becoming more and more popular. Perhaps as we develop different public attitudes toward politics we are going to take a greater interest and of course become more aware of the kinds of people we select.

My own feeling is that we still get better people in politics than we deserve in terms of the general interest that the public shows and the amount of time that we are willing to expend.

QUESTION: What will the model do about the initiative and the referendum?

MR. WHEELER: Well, you know in talking about model state constitutions you face a dilemma. The devices of the initiative and the referendum grew up in the days of the Progressive Movement. They were part and parcel of the Progressive Movement designed to get around legislatures. They were not put forward as "positive" goods in their own right, but they were put forward as ways of getting around the legislature. Yet if you are writing a model constitution, in which you are setting out what you presumed to be the ideal legislature, are you then justified in saying, "Well, we are not going to get the ideal legislature, so we better put this shotgun behind the door" and if we put it behind the door, in what way, shape and form? This is the kind of problem we run into. I have a feeling that as long as Richard

Childs is at the Municipal League that the "initiative-referendum" will appear in the model somewhere. But we are having some difficulties just now deciding just how, and in what form we are going to put it in there.

QUESTION: Give us a definition of "political vitality," particularly in regard to healthy competition between parties.

MR. WHEELER: This term "political vitality" is a generalization that I use. I think what I mean by it is that you have -- and again I'll use another generalization -- the legitimate interests of the state sufficiently organized so that they compete with one another on a fairly equitable basis, that is that no particular group in the state has power far in excess of its numbers or its position in the state.

When I speak of "political vitality" I don't just mean competition between the political parties. I would carry this much beyond that and would talk about the "political vitality" within the political parties that keeps the political parties responsible and responsive. I think I also mean "political vitality" in the sense of people working through other institutions such as interest groups of various kinds, joining together with other people who think like them on particular issues and who want to push for certain reforms. This requires at the same time that the individual maintains an awareness of what the group leadership is doing and how it is behaving. "Vitality" is basically indefinable but I mean by it the awareness of the people, their activity in various kinds of political organizations, not just political parties, but particularly political parties.

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**FILE**

File Summary - C Rev.

VOTER - Excerpts re Constitutional Revision decisions 2/24/61

July-August, 1952      Amendment # 2 to provide that any convention to revise the constitution shall be submitted to the voters and if 3/5 of those voting on the question approve it, it shall be in effect; legislators may serve as delegates to a constitutional convention.

May-June, 1953      LCA, which reads, "A constitutional convention," in the explanation says emphasis in material should be in taxation, legislative reorganization, and reapportionment.

July-August, 1954  
~~May-June, 1952~~      Amendment # 3 -- LWV supports it. It would provide 1) submit constitution to the people, 2) 3/5 of people voting on the question necessary for approval, 3) state legislators may be delegates.  
Amendment # 3 passed.

Jan-Feb., 1955      Reapportionment Amendment - SF 50 - Amendment is comparable to recommendations of Minnesota Constitutional Commission.  
  
Reapportionment Bill - HF 279 - A bill apportioning according to present constitutional provisions.

May-June, 1955      Home Rule, recommended by Minn. Constitutional Commission, includes:  
1) name the locality  
2) home rule charters permitted in cities, villages, counties  
3) consolidation of counties, villages  
4) city-county organization by home-rule charters.

My-June, 1955      Whole first page describes LWV stands on all areas

My-June, 1957      Shortened version of May-June 1955 Voter, listing program

Sept.-October, 1957      Periodic Submission of question of constitutional convention article. LWV must decide what kind of a plan it approves.

Jan-Feb., 1958      Amendment Process: 1) majority or 2/3 of both houses to propose 2) majority of voters (on question) to ratify.  
Clearly fixed executive responsibility: 1) short ballot, only policy making officials on ballot; 2) succession to governor better provided  
Executive budget - by constitution, not by statute.  
LWV supports Amendment 2 with 4 year term for governor.  
Legislative sessions -- better arrangement for special sessions  
Post Auditor - Pre-audit by governor, appointed official  
Post audit by official appointed by legislature  
Increased Home Rule - special legislation restricted, broader provisions for adoption and amendment of home-rule charters.  
Amendment # 1 meets these requirements, LWV supports

Sept.-October, 1958      Reapportionment Suit Decision, July 10, 1958  
"duty of the state legislature to reapportion itself periodically.. defer decision...in order to afford the legislature full opportunity to heed the constitutional mandate to redistrict."

Jan-Feb., 1959      Achievements:  
Amendment passed Nov. '58, on 4 year term for Gov., etc.  
Amendment re Home Rule passed also., it provided:  
1) legalizes special legislation  
2) names the community      3) local voters or governing body must approve, 4) easier to get home rule charters, & consolidations

Jan-Feb. 1959, cont.	<p>Unachievements:</p> <p>Periodic Submission</p> <p>Amending Process</p> <p>Apportionment</p> <p>Fewer elective offices</p>	<p>Succession to government</p> <p>Executive Budget</p> <p>Legislative sessions, longer; special sessions, easier.</p> <p>Post Auditor</p>
July-August, 1959	<p>Article on Reapportionment Amendment 2, comparing it to L criteria</p> <p>Article asks, What will LWV stand be?</p> <p>Successes:</p> <p>Home Rule - some implementing legislation passed</p> <p>Election Laws improved</p> <p>Election Amendment</p> <p>Reapportionment Statute passed</p> <p>Question? whether success or not, at this time:</p> <p>Reapportionment Amendment</p>	
Sept.-Oct. 1959	<p>President asked to hear by Feb. 1 replies on whether to support or oppose, or do only VS, on Reap. Amendment #2.</p>	
Jan.-Feb., 1960	<p>LWV consensus to oppose reapportionment amendment.</p>	
May-Aug. 1960	<p>Amendment #1 - no stand (3 proposals in one)</p> <p>Amendment #2 - oppose (apportionment)</p> <p>Amendment #3 - yes (continuity of government)</p> <p>Amendment #4 - yes (election laws.</p>	
Jan-Feb. 1961	<p>Amendment #2 (apportionment) defeated -600,797 yes votes 661,009 no votes 315,703 did not vote</p>	
Mar.-April 1961	<p>Summaries of past Current Agenda (1959-1943)</p>	
May-June, 1961	<p>CA I. The League of Women Voters of Minnesota will work for Amendments to improve the constitution of the state of Minn. (Adoption of this item means: 1) the LWV recognizes that, for the present, the most feasible method of constitutional revision is by amendment; 2) it will be prepared to propose amendments TO the legislature as well as to influence voter acceptance or rejection of those proposed BY the legislature. A three-pronged approach is anticipated; study and consensus on amendments which will appear on the 1962 ballot; an overall look at the constitution to assess which articles need early revision; arrival at a more precise position on changes in a particular article. Should Governor Andersen appoint a committee to recommend amendments, its study might well affect our own. Hopefully, with guidance from the 1962 Council Meeting, we will be ready to submit amendments to the 1963 legislature.</p> <p>CR 3. Home rule. (GWilson's note-believe this was statutory rather than constitutional CR)</p> <p>CR 4. Constitutional revision by convention</p>	

July-Aug., 1961	Item I committee preparing study of 3 constitutional amendments, on length of session, trust funds, state debt limit; a study of amending process; these materials to be ready by November, consensus on them due March 1. In January, commentary on constitution, for use of resource committees, to guide Board in choosing next year's emphasis, this to be expressed at Council.
Sept.-Oct., 1961	Constitutional Convention listed as a CR.
Nov.-Dec., 1961	Article (4 pages) on 3 proposed amendments, to whet appetite. Publications Box listed Proposed Amendments 1962, Doorway to Change, State CRs.
Jan.-Feb., 1962	Article of 1 page, presenting pros and cons of amending process.
Mar.-April, 1962	Announcement of appointment of 4 LWT women to Governor's Constitutional Revision Committee.
May-June, 1962	CA I Consensus announced: 91% (53 Leagues) responded on proposed amendments and 83% (48 Leagues) on amending process. Results: resounding yes on all 3 amendments, strong support for retaining simple majority of legislators needed to propose amendments, strong directive for making it easier to adopt amendments by changing the requirement from a majority of those voting <del>on question</del> the election (as it is now) to a majority of those voting on the question, but support was divided on which of the three suggested percentages should be required; a divided vote on the question of allowing the governor or the legislature to call a special election. (Comments elaborated). Amendment Broadsides and Vote Yes brochures are ready for your order.



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ACTION PROGRAMS FOR CONSTITUTIONAL REFORM

SPEECH BY

SAMUEL W. WITWER\*

AT THE CONFERENCE FOR STATE CONSTITUTIONAL REVISION

CHICAGO, FEBRUARY 9, 1961

Mrs. Phillips, Mrs. Holmer, Ladies of the League of Women Voters -

I particularly appreciate the gracious introduction by Mrs. Phillips. During the last year when I campaigned for political office, it wasn't such a uniform thing that the words beamed in my direction were so gracious and kind. In politics you get it both ways. So it warms the cockles of the heart of this defeated candidate to hear such completely generous and kind expressions as have been expressed here about my work in the field of constitutional revision.

I am delighted and honored that you would ask me to be here today. I like this assignment for a variety of reasons. For one thing, I can't help but reminisce (and with an inward chuckle which I will explain) because it was about 16 years ago that I first made my acquaintance with the League of Women Voters. I had heard about you wonderful ladies before that but I didn't know until then just how you operated. On that occasion, I received a telephone call from the offices of the Illinois League. Several ladies wanted to come over and see me. You couldn't guess what they wanted to talk about? They wanted to get me started on a program involving action for constitutional revision, the self-same thing we are talking about here today! Because they were so convincing, so gracious and charming, and so obviously dedicated to the cause of good government, in a weak moment, I said, "Yes, I'll take on the Chairmanship of this Committee."

They assured me it would be just a brief undertaking. It wouldn't take very much time, they said, but we needed a Standing Committee. Well, that committee has been standing now for 16 years. Lest I leave the impression with you that we haven't accomplished anything in that period, that we are right where we started, - where we came in 16 years ago, - I want to make it clear that we have accomplished something. We have had our share of disappointments and frustrations, but we have also had our share of victories for constitutional reform and on balance, I would say that it has been a very worthwhile, albeit time-consuming, business in this long period of time. One of the things I have enjoyed the most has been my association with such wonderful people as Mrs. Phillips, Mrs. Harper Andrews, Mrs. Foreman, and other members of the Illinois Leagues.

There is another reason why I particularly like this topic. I have long felt that if there was any area in which the old saying that we "do too much evaluating and too little activating," was true, it would be in the field of Constitutional Revision. I have seen instance after instance where groups like yours have spent untold hours, days and years working on the study phase of constitutional revision, finding out what was wrong, drafting model constitutional articles, or model constitutions, and then completely forgetting that these things are meaningless unless translated into concrete accomplishments through legislative action

\*Chairman of the Illinois Committee for Constitutional Revision and the Illinois Committee for Reapportionment, 1948-1954. Candidate for the United States Senate, November, 1960.

and political action at the level of the polling place. If you will look at the whole field of constitutional reform, you will find that there has been a tremendous disproportion between the evaluating and the activating aspects. Of all the people working on the problem and the importance of the "how-to-do-it" aspect of the job, your organization is in the forefront.

I would like to read something to you which was published a year ago so you won't think that I am just trying to "butter you up" with kind sentiments. I was asked to address the National Judicial Council here in Chicago last year on the subject of "An Action Program for Judicial Reform." In my remarks I commented on the heavy outlay of time on the study side, and the relatively small outlay of time and effort on the other, in the case of judicial reform. I pointed out that they had prepared a lengthy bibliography for that conference. It contained scores of references to articles on the substantive side of "judicial reform," and that I had carefully examined it and found only two articles that had anything to do with how you accomplish reform. Do you know who prepared those two articles? The League of Women Voters! And I said this to the conference (so that you will understand that I speak kindly of you even when you are not present):

"That of the scores of articles and books referred to in the bibliography, I find only two or three which seem to relate to the 'how-to-do-it' aspects of improving judicial selection administration. Significantly, these are publications of the League of Women Voters and I am not surprised. All I can say is 'bless the ladies for their practicality and vision, for without their help in state after state, we would not be nearly as far advanced as we are on the road to judicial reform'."

This part of my talk might be called "Making Contact with the Audience."

Obviously, in the time I have to speak I could not discuss even a fraction of the many problems and details that one could raise in describing action programs. I will leave the specific details to the question-and-answer period. At this time, I will deal primarily with the general aspects of this matter and try to point up what I consider to be the major problem facing those who work to adopt constitutional reforms, and the response to that problem; then, after I have finished, I invite you to cross-examine this witness. I don't presume for a minute to think I'll know all the answers, but perhaps in the framework of sixteen years of effort I will be able to answer some of them for you satisfactorily.

At the danger of appearing trite, I will assert that the basic problem in constitutional reform is "political and educational." You may say this is just elucidating the obvious, but I am not too sure that it is too obvious to most people who are seeking to modernize their state constitutions. I have watched the process for a good many years and I have seen the "stand-offishness" on the part of -- yes -- even local Leagues of Women Voters, PTA's and other groups when it comes to making "contact" with the political people. I am as certain as I am that I am standing before you, that in the average state you cannot expect to make progress in the field of constitutional reform unless you are ready and willing to work with the political parties, and with the political leadership. "Why?" For the obvious reason that you are concerned with the most fundamental, and probably the most complex problem that could be denoted "political." This involves the structure of government. This involves all the nice convenient, self-serving arrangements that political parties and political people have made over



generations. Any time you start to touch your state's court structure, legislative apportionment, the long ballot (in your hope to make it short), or seek to revise any one of a dozen other matters we are concerned with in this meeting, you are threatening to upset a host of political "applecarts." So you might as well face the fact early in the game, that if you are going to be successful, you must recognize that the fundamental problem is political and that the fundamental solution lies in public education.

Here in Illinois, we had to work for years merely to open the door in order to deal with this problem. We had a constitution which, through a number of circumstances much too involved to explain at this time, went into a sort of a deep-freeze and legal strait-jacket at the turn of the present century. Every effort made to modernize our Illinois Constitution in this century, with two minor exceptions, had failed prior to 1950. We thought in adopting the Gateway Amendment in that year, that we would be opening the door, and be able to go on and deal with the substantive revision of the Constitution in the years that would follow. In order to pass the Gateway Amendment, we had to surmount the hurdles which had spilled almost all other constitutional revision efforts in fifty years. To adopt the Gateway Amendment necessitated the most vigorous public campaign in the history of the State with the possible exception of the campaign we waged for the Reapportionment Amendment four years later.

I think it was out of experiences such as these, that the late Chief Justice Albert Vanderbilt was led to observe that "Constitutional reform is not sport for the short-winded." From my experience, I would say you need not only a long-wind, you need a second wind! Interest in constitutional reform is not constant and cumulative but rather it is more like the tides. It develops and then recedes. I am inclined to feel as Mrs. Phillips and Mrs. Holmer have expressed it, that we may be now on the very verge of a new and encouraging day in this field, that the tide may be coming in. Here in Illinois we are faced with the question whether we are going to start working for a constitutional convention or whether we should continue to try the process of piece-meal amendment. But whichever way we decide to work on the matter, we had better remember that in the last analysis, whether we like it or not, our politicians are the real string-pullers in our society. That's the reason I wanted very much to be a politician. I do have a great conviction that these are the people who pull the strings. These are the people you must work with and you must learn to be able to deal with, and not just at the time you are seeking their help, you must be willing to maintain contact before and after the measure is under active consideration, because if you are not prepared to do that you will not gain their confidence and you will not gain their real support.

As an aside, permit me to recount my experience back in 1950, when I led the statewide campaign for the Gateway Amendment. I caused a number of ears to perk up and eyebrows to raise when I was seen spending a considerable time in the company of some of our very hardboiled Illinois political leaders. I received criticisms from several League of Women Voters members and from others because they thought it unseemly that the leader of the civic campaign should be spending so much time with "Boss So-and-So" of a certain political party. Well, I am convinced that if there was any one thing that I did that was right and helpful, it was cultivating the support of both political parties early in the effort.

This doesn't mean that you are going to approve anything corrupt, tawdry, or shabby that a political party or political leader in a given state may have stood for or be standing for. It does mean that on the particular issue, if the party



is right, you are with the party or the political leader who supports the good cause. And you will learn in the process that the number of honest and dedicated men in politics is greater than you may have realized.

Now to the educational side. It is not usually the case that a political leader may just snap his fingers and say, "Yes, you will get the constitutional convention," "Yes, you will get your reapportionment," or "Yes, you will get your Gateway Amendment." The fact is that the average politician has far more problems than any of us dream exist in the process of getting into office and staying in office. He is not capable, in most instances, of being the boss and dictator that the opposite party would have us think him to be. So he needs help. He has to be supported at the popular level, and that is where this matter of getting citizens aroused to support our political leadership becomes so very important.

The average citizen, and the public in general, has no starting knowledge, or for that matter any starting interest in the subject of constitutional revision. If you think so, you are badly mistaken. There couldn't be anything further from the immediate interest and thought of John Q. Public than whether he needs a "reapportionment," whether his Supreme Court ought to be elected or appointed. But I submit there is a great latent interest on the part of the public in better government, and our job is to develop that latent interest. As we do so, we help the political leadership to become more effective in playing the political role which is so imperative.

This leads me to discuss what I consider the first basic response to the fundamental political problem. You must have available a literature of reform. Permit me to explain. There is an instinct on the part of the public adverse to tinkering with fundamental governmental establishments and this is particularly true of the court system, for example. So you must be prepared to demonstrate why the existing constitutional provision is defective, and why you think you have a better plan. Now this is your burden of proof, and you had better assume this burden as an integral part of your task if you expect to do any constitutional reforming.

How do you do it? Where do you get the literature of reform? I'll tell you how we did it in Illinois but you may well have better ways of doing it in your own states. In 1945, the League of Women Voters and the Bar Association and a few of us decided to work to get a constitutional convention call. I was chairman of that committee and a brave little band of us went down to Springfield to appear before the General Assembly. Before we left for the Capitol, we found out that we didn't have literature to take along. Walter Shaefer, who is now on our Supreme Court, sat down with me early one evening and we spent most of the night preparing a mimeographed statement enumerating the needs for constitutional reform in Illinois. We had copies to put on the desks of every legislator. We marched off to Springfield and we placed our little mimeographed statement before the legislators. As you might well expect, we lost, because we weren't prepared. We came back to Chicago convinced that we had to have a literature of reform. We called our Bar Association Committee together and I said, "I'll write a paper on the courts, who will do one on revenue? Who will do one on reapportionment?" We decided this would have to be first class research work, that it could not just be a superficial job. In consequence, we were able to induce the major law reviews and journals of Illinois to print our articles. Then we secured financial backers to pay for the cost of reprints. Without delay, we had thousands of reprints of these various studies on major constitutional subjects, and, before we knew it, we had our literature of reform! We were able to send copies to every

newspaper publisher, to all the leaders and molders of public opinion, to the legislators and to those who really count in influencing public opinion. Thus we secured and distributed our literature of reform at minimum cost.

The important point is, you must demonstrate to the public the reasons why your state constitution should be revised and that you have a good program to submit. You have to reach "the educators," and I do not mean by this the school teachers alone. In our Illinois campaigns, we always said that our job was to "educate the educators" -- in other words those key people whose influence is pervasive, those citizens who can induce their local newspaper publishers to think twice about the problem and perhaps support the cause editorially; those people who can swing the influence of a large statewide organization behind constitutional revision. Those were the people who we felt had to be educated early in the game. We called that "educating the educators."

The reprints, in time, were simplified and boiled down. While technical at first, in the process of time and simplification our literature provided the basis of coining simple phrases for radio, spot announcement and billboard advertising use. If in your particular state you do not have such a literature available, then do not waste your time now going out and doing all the exciting things in the field of campaigning. Put first things first, get to work and have that literature of reform prepared. This shouldn't be solely the function of the League. It shouldn't be solely the function of the Bar associations. It should be a joint operation. However, because you will be dealing with fundamental organic law, your Bar association ought to take a leading role in the process of preparing this material for you, and that should be their responsibility and it should be put up to them in precisely that way.

Now, step No. 2 - the organization of a Committee. We do just about everything in this country through "Committees," and we certainly found a Joint Committee to be enormously helpful in our Illinois drive for constitutional reform. Your Committee should be large enough to embrace all major interest groups that you can induce to endorse the proposal, and yet small enough not to be unwieldy, so that you can pinpoint responsibility for specific service. The ideally constituted statewide committee will have on it a representative or representatives of the League of Women Voters; the State Bar Association; your major city Bar Associations; the CIO-AFL (we could never get the two of them together in our drives, but we always had one or the other) -- farmers' organizations such as the Farm Bureau; other civic groups. In our Gateway Amendment campaign, we had some 58 statewide organizations in the Joint Committee. We topped that number and had 78 in the Reapportionment Amendment drive.

Out of the larger group, we selected an Executive Committee that did most of the work. But the larger committee representing major interest groups of the state helped us "educate the educators." This device gave us our open door -- the open sesame to the house organs and periodicals of every one of these organizations. We had the articles ready to push out. The representative of each organization was asked to get it in the house organ. Before long, we had scores of statewide organizations plumping each month for the Gateway Amendment, and using stories and articles largely produced by our central headquarters. Accordingly, we didn't go off half-cocked, talking one way in this article and another way in another publication. Such coordination is very important, because you will have opposition and from the moment the civic forces show inconsistency on the issues, the trouble starts.



I think you should try to place on your campaign committee, if you can, younger people who have a grasp of the political process and who show political potentiality. Why the emphasis on youth? Because a decade will fly by before you know it. The probabilities are that most of you here will not have your victory in your particular state in the near future -- it may take most of you ten years. That is sort of sad news, isn't it? But that's the way it works in this field. You need people committed to see it through, who will get mad enough to say, "If it takes a lifetime, we will stick with it!" Basically, that was the attitude of most of the people who were on our Illinois committee, and despite our partial successes many are still fighting the good fight after ten or fifteen years of effort.

I can illustrate what I mean about picking people who understand the political process and possess some degree of potentiality in politics. We tried this thing in our Chicago Bar Association Committee. When I was asked to be the Chairman of it, I said to the President of the Bar Association, "Will you permit me to pick my own Committee and help me get the people I want?" and he said he would. We tried hard to get young lawyers whom we thought were going places politically in perhaps ten, fifteen, twenty years. The important posts in government subsequently held by the men we chose even surprised those of us who thought we knew potentiality when we saw it. In the ensuing years, interesting things have happened to several members of that committee. One became a two-time candidate for the Presidency of the United States and is now our Ambassador to the United Nations. Another became National Chairman of the Democratic Party; a third, Solicitor General of the United States; a fourth, a Justice of the Supreme Court of Illinois. A fifth became a law partner of one of our most potent political leaders. These people were immeasurably helpful -- as the years went on -- in getting the support of their political parties for our constitutional amendment proposals and in keeping the parties working together in double-harness.

Finally, a fourth and very important factor in any successful action program is the support of the press and news media. The notion that a newspaper man is only mindful of circulation, that he is indifferent to the public interest, is unfounded -- certainly in our experience here in Illinois. Neutrality is no fetish of the press, and in Illinois our newspapers have taken a clear and firm position on important public issues such as constitutional revision. Once informed and convinced of the need for revision through our literature of reform, most have gone all-out in rendering a two-fold service. First, they have been very effective in translating the constitutional reform story into language that can be understood by the man on the street. Secondly, they have served as sort of a "gadfly" in stimulating the political leadership to do the job and to keep promises, once promises were made. And these are two very important functions. It is never too early to start cultivating the major publishers and editors of your state to make sure they know what you are doing, and why you are trying to do it. Once you convince them, you will have a tremendously potent force on your side.

So, to summarize, I would say that the essential elements of an action program destined for success would be, First: recognition of the basic political nature of the problem. Second, a clear demonstration to the public and to the molders of public opinion of the existence of a need to revise your state constitution. That you can do only if you have first prepared a literature of reform. Third, the selection of a Joint Committee vigorous, dedicated and young enough to stay with a job as long as it takes, -- a group of people possessed of due respect for the role of the political party, and political leader in our society. Fourth, the



all-out support of the press and other media of communication. And finally, all this is not quite enough. There has to be motivation. There has to be something to challenge you and me to work on the problem day-in-and-day-out, year-in-and-year-out.

What is my motivation? I have always had a strong conviction (probably influenced by the reading of deTocqueville) that the American political system -- our democratic way of life -- has its greatest future not in centralization, not in a continuous drift to Washington, but in facing up to responsibilities at home. I have never understood how we can expect to sell our way of life to those abroad, when right here at home we make a mockery of such fundamental things as fair legislative representation, justice in our courts, or permit our whole political process to be shot through with shabbiness. Because I believe this, -- because I believe that in the long run the outcome of our struggle with world Communism may be determined by the vitality of our political ideals particularly at the home-town level -- I feel that campaigning for good government through constitutional reform affords us a unique and rich opportunity for service. In other words, if I can't go to the U.S. Senate, by golly, I can work at home. I think that has been my motivation. Others will have different motivations, but I think that the big challenge of our times is to try to renew the interest and participation of individual citizens in their government, at the local level and at the state level.

America became great because of the impulse of the private citizen to translate his private moral conscience into public virtue. Look back over the years and you will find that this was a tremendous factor in our growth as a nation and in our greatness. This particular impulse is dangerously weak today.

I feel that these considerations give added meaning to the very important work undertaken by your Conference. As you succeed in activating your programs for constitutional reform, you will also be succeeding in stimulating greater interest and participation of our people in their government, in making government work at the home and state levels. Yes, in translating private moral conscience into public virtue. Thank you. --

#### QUESTION AND ANSWER PERIOD

QUESTION: Would you comment on the advisability of working to get more flexible amending procedures as opposed to calling a Convention?

MR. WITWER: The question cannot be answered simply. So much depends upon your own state situation, the difficulty of the Convention procedure, the political climate, and even the economic climate. A lot of factors have a bearing. Here in Illinois, we felt in the 1940's that the best way was by the Convention route. We learned that the chances of getting a constitutional convention were remote, after losing the fight in the legislature by a few votes. Then when the Gateway method was proposed, that is, a liberalization of the piecemeal amendment process, we thought we should give it a chance. We supported it in an all-out effort and in consequence were able to adopt the Gateway Amendment of 1950. Theoretically it opened the door somewhat.

We have tried Gateway now for ten years. In that time we passed five Constitutional Amendments. Only one was a matter of great public interest. It was a monumental achievement, - the reapportionment of our State. It was not a perfect reapportionment, but it was a good and practical compromise. Already it has brought many important by-products in terms of an improved climate of government in Springfield. The climate can stand a little more improving. As it turned out, because the referendum campaign was so vigorous, we won under the old test as well as the new two-thirds requirement, the old test that for fifty years seemed to be utterly impossible of attainment. Because we passed the Gateway in 1950, we developed momentum and people felt this was something to get behind. In consequence, the enthusiasm carried right over to the Reapportionment campaign in 1954.

I cannot give you a pat answer for every state. I can only say that in Illinois, in the context of affairs as they existed in 1949, it probably was wise that we followed the Gateway route, rather than the Convention route. But lately the piecemeal approach has failed and the time may soon come when Illinois should strive once again to call a convention.

QUESTION: Please discuss the opposition to constitutional reforms in Illinois.

MR. WITWER: Well, first as to the opposition to the Constitutional Convention back in 1945 to 1949, the last active phase in which we worked for a Convention in this State, it came from a variety of quarters. It came from legislators who didn't look with favor on the redistricting of the Legislature. It came from some people downstate who were much worried about the possibility of control of the Legislature by Cook County, and who were fearful that out of the Convention might come a plan of straight proportional representation, which on population would have turned our Legislature over, lock stock and barrel, to the Big City. I, for one, wouldn't want that even though I happen to live in the suburb of the Big City. I argued that the Convention could produce a suitable compromise as part of the new Constitution, but there were those who were fearful, and felt that the only safe method was by separate amendments.

There were those who were much concerned, as they are today, about the enactment of a graduated income tax. If there was ever any one thing that defeated chances for a Constitutional Convention in that period, it was the contention, "This means a state graduated income tax." Of course, it didn't mean that necessarily, but it could have meant that. Again, those people who felt strongly about a state income tax were against the Convention and so it went on one issue after another. What a Convention proposal does -- and we might as well face the fact -- it consolidates all opposition. This is one of the practical difficulties of pursuing the Convention method.

The opposition to the Gateway Amendment was not too well defined. It was under cover. It was embarrassing for anybody to come out in the open and object to allowing the people of Illinois to vote on a new method of revising their Constitution, particularly when that new method was as restrictive as the Gateway method. You must remember that in an overwhelming majority of the states, to adopt an amendment after it has cleared the legislative shoals requires only a majority vote at the referendum stage. In the Gateway, we require a two-thirds vote. Hence, the opposition to the Gateway was not in the open. The job was essentially one of getting people to the polls sufficiently well educated on the issue to take an interest in voting. That is what occurred.

The opposition to the Reapportionment Amendment was rather peculiar. It started off vigorously when thirty-five potent legislators met in Springfield and were told by their leader that they should "look out for number one." This was quoted widely in the press, and it brought severe condemnation not only from the press but from the political leader of the Party of the man who made the statement. Soon afterwards this legislator-opposition went underground. There were a few down-state newspapers opposed to the idea of Cook County receiving greater representation. The CIO started out supporting the amendment and then pulled out of the Committee in the last few weeks of the campaign because they took the view that because it wasn't a plan for representation strictly on population, it wasn't democratic, spelled with a small "d". The Illinois Manufacturers Association had not been for it but when it all levelled off, neither the CIO nor the Manufacturers Association took any active part that I could discover, in attempting to defeat the measure. The real opposition came from the legislators who did work hard in their own quiet way.

Opposition to the Revenue Amendment, which narrowly failed in 1952, was rather strong. It came from many political people and several special interest groups. Opposition to amendment of the Judicial Article came from many judges, and particularly the "JP's" because we were going to put an end to the JP fee system. Incidentally, we did, as a by-product of the losing Judicial Amendment fight. This is interesting. Even though you don't always win the main bout, you may score advances. The Judicial Article failed by a mere 25,000 votes but because of the enormous effort made in explaining to the public the vices of the JP fee system, the Legislature in their next session amended the law to put all the JP's on salary, to cut the number substantially, and to put them under regulation.

This was the nature of our opposition. We had it at times and we didn't have it. It was open at times, and it was covert at times. But you need some opposition, to make it interesting, for that is what makes it a fight. There is nothing quite so bad as putting on a Constitutional Convention or reform campaign that is tepid and lukewarm; one that nobody gives a hoot about, that newspapers won't even mention. The more opposition you can get, the better -- just so it isn't too much!

QUESTION: Tell us about the organization of the successful Reapportionment campaign.

MR. WITWER: There were three phases of that campaign, and this was true of all our campaigns. We started off by evaluating our task, and developing an outline of the campaign. That was done jointly by our public relations counsel, Bozell & Jacobs, and myself. We submitted this to the Board of our Joint Committee for approval. We received their ideas and comments, modified the outline, and once we adopted it, it became our "bible." We lived by it until we had Board action to



change it. We had a time-table in the outline. Phase one, for example, from such a date to such a date, these are the things that must be done. We checked them off when accomplished and if they weren't done we found out why not.

Now "Phase One" was the organizational part. It lasted from about January 1, 1954 -- in the case of the Reapportionment campaign -- to about May the first. That was the period in which we were out pounding the doors of organizations and saying, "When is your statewide meeting? We want to be sure that you will get this matter before your membership. If your Board has no authority to commit your organization without convention action, then be sure that your Board makes a recommendation and gets it before your convention."

This was a tremendously time-consuming procedure, because invariably many groups would say, "We don't know too much about it, will you send a Committee?" Then we would go over, and try to explain the amendment. We would give them our literature, and then having received the endorsement of these organizations, we asked for representatives to serve on the Executive Board of our group. We made sure that we had representation from the various ethnic groups. We wanted the farms to be represented, the laboring people, business people, above all we wanted it to be balanced.

We then organized community groups. At one time we had over 200 local committees around the State. That was work, because you have to pick the right people locally. We asked the League of Women Voters, the PTA, the Farm Bureau and other statewide organizations to designate their local community spokesman. At the end you had a list of fifteen or twenty people in each town and city who had been contacted by the Presidents of the League of Women Voters, the PTA, and the other groups asking their help. Thus started the nucleus of organization at the local level.

In this period we launched a finance drive. We induced some bankers and businessmen to take the responsibility of raising the necessary money. We prepared a budget, so that we knew as well as we could what could be spent, and then we asked our finance committee to try to raise the money. They did a marvelous job, and they were aided by the fact that we had a tax-exempt ruling which no similar organization will have for some time to come. There has been a change in the tax laws. The present refusal of tax deductibility for such contributions seems to me to be one of the biggest obstacles now confronting any of us trying to do this kind of work. We should give serious consideration and support to the proposal pending in Congress to amend the Internal Revenue Code so that groups such as we are discussing, devoted to civic welfare can obtain favorable tax rulings even though their efforts are directed towards securing voter approval or disapproval of a constitutional measure. Until you do that, you will receive no tax-exempt money. At any rate, in 1954 we had such a ruling and raised approximately \$130,000 for that campaign.

I see some expressions of amazement. You don't know what it costs to put on political campaigns if you think that is substantial! It could only be raised because the public had confidence in the Finance Committee. It was headed by a well-known and highly respected banker. Every dollar spent by the Committee was disbursed on countersigned checks. There were controls at every point. It was done in connection with an approved budget. When it was all over with, auditors came in, checked all the accounts, and made a public report. We put our financial report in the final report of our Committee and it was available for examination by any interested person.

Then came "Phase Two" -- "educating the educators." We pushed this material into the house organs and magazines of the constituent groups as stated before. We organized a Speaker's Bureau and kept feeding material to the editorial writers of the newspapers because editorial comment at this stage is far more important than in the last stage which is largely a matter of public impression. We continued to perfect our organization, and finally we entered Phase Three, which was the all-out political action phase.

In that period, we concluded that we had long since passed the point where we should be spending time educating educators. Now, we were to reach the impression voter. You would not reach him on "Cloud Nine," -- you had to have simple slogans, such as "Vote 'Yes' on the Blue Ballot." Perhaps not very profound, but very effective. How did we do that? Advertising for one thing -- we bought advertising in the newspapers, on billboards. I think it was the first time in Illinois that billboards were ever used in a Constitutional revision campaign. And, oh how proud we were of those fifteen or twenty billboards! We had to go out and really hunt to find them. We did the things that, generally speaking, in political campaigns the professionals do to attract public attention, and it worked. We had the benefit of the Bozell & Jacobs public relations firm all the way through the campaign. They were on a retainer basis but as it turned out they probably lost money in the process. They had their heart and soul in it, too.

When it was over, I think there was a general recognition that it was one of the most exciting campaigns of civic cooperation witnessed in this country in many a year.

I might mention other specific details of this final action phase. We brought the politicians together for one thing. The Chicago Bar Association invited as dinner guests every Ward and Township Committeeman of both parties. We made it a special point of pressing the Republican Governor and the Democrat Mayor, the national committeeman, and the county chairmen, to be there and then we put them on the spot. We asked them very bluntly whether they were really "sending the word down" in the precincts. And they sent the word down!

We had what we called "Blue-Ballot Week." I should explain the "blue ballot." Because of the difficulty of getting people to pay attention to constitutional questions on our ballot, we prevailed on the Legislature in 1949 to provide that all constitutional measures henceforth would be placed on a distinctively colored and separate ballot. It would have to be blue! We thought of asking for a provision requiring the ballot boxes to be painted blue but we thought that maybe that was carrying things a little too far.

In our "Blue-Ballot Week," the Governor and the mayors of our cities proclaimed this as a special week and urged people to meditate on the virtues of the Blue Ballot. We had blue-ballot teas in our high schools and the kids did all kinds of things. We had booths at railroad stations. We had parades. We pinned tags on people and if Reapportionment hadn't passed, it would have been because we failed to try enough promotional stunts.

QUESTION: A member asks about the role of a commission, a legislative commission in stimulating public interest.

MR. WITWER: There are, of course, two sides to the question. Commissions have proven serviceable in some states, and they also have proven to be roadblocks in other states. There is an old saying that the appointment of the Commission is a method of providing "interment by deferment." I am not quite that cynical. I

have a feeling that in Illinois, at least, it would prove serviceable at this particular time to have a commission study and report. I would prefer a statutory commission if you could get it, rather than a gubernatorial commission. I think we ought to have it, and I'll tell you why.

This practical problem of how you stimulate the public and wage a campaign without money now faces us. It is proper that state government should appropriate reasonable funds for a commission to make these studies and to crystallize public interest, and to stimulate interest. I would think that for that reason, if for no other, the appointment of the Commission would be desirable.

Secondly, a good commission could help immensely in developing a plan or program of priorities. In which order shall we submit amendments of the various articles or should it be done by convention? Some influential group ought to express its position on these questions and I think the public would be inclined to go along.

Thirdly, I think a commission in this state would do well to study the desirability of finding a new method of revising our constitution "if" we fail to come to grips with our judicial or revenue problems in the next two years.

I would like to see a statutory commission appointed if it is given the tools with which to do the job. If it is just going to be a sort of an honorary appointment, bringing in legislators and civic people without a staff or funds, it won't get very far. But if adequately staffed and financed, such a commission could contribute greatly to the cause of better government and constitutional reforms in Illinois. I would not speak as to the situation in other states.



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REPORT ON THE CONFERENCE ON STATE CONSTITUTIONAL REVISION  
CHICAGO, ILLINOIS, FEB. 8-10, 1961

Twenty state Leagues were represented at the Conference on Constitutional Revision. Seventeen of the eighteen states working in this field were able to be present and in addition three states - Missouri, Oklahoma, and Wisconsin - sent delegates to observe. States present were: California, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, West Virginia and Wisconsin. At the close of the Conference a national Board member who was auditing the conference made the statement that the conference delegates constituted probably the best informed lay group on the subject of constitutional revision which could be gathered together in one room in the United States. Certainly the delegates who were both audience and participators produced a most stimulating meeting.

In opening the Conference Mrs. Paul Holmer, Chairman of the State and Local Government Committee of the national Board, expressed the hope of the Board that the Conference would fill the need indicated in the Annual Reports and by requests for arrangements at national Conventions for this type of meeting. Since the press of Convention business makes it impossible to provide leadership or time to have a productive meeting there on state programs, it is intended that this Conference serve the purpose of providing an opportunity for states with like programs to consider the subject and the methods of reaching their goals as well as to exchange experiences. Mrs. John A. Campbell, Organization Chairman of the national Board, shared the responsibility of moderating the Conference with Mrs. Holmer. Mrs. Robert Phillips, national President, was able to be at the meeting from Thursday morning on.

As a starting point for the Conference, Mr. John P. Wheeler, Jr., Executive Director of the State Constitutional Studies Project of the National Municipal League, spoke to the group on "State Constitutions and State Functions." As Director of the Project which is in the process of producing a series of ten pamphlets on various aspects of state constitutions including a revision of the Model State Constitution, Mr. Wheeler has been in a position to become familiar with current thinking on state government and in particular state constitutions. His paper was a most provocative one designed to encourage a fresh look at the ills of the states, the classic remedies, and the political situations which are the controlling factor in constitutional reform. Essentially Mr. Wheeler's message was this. Let us take a good look, a new look at our states and our constitutions. Let us look at how our state is in fact functioning before we take a look at how it ought to be functioning. In determining how it ought to be functioning let us look again at the role of the states, in particular the role of the individual state since, in fact, different states are now playing different roles, and decide what that role is in a federal system which is in a mature stage. There may, Mr. Wheeler believes, be a new pattern evolving, one in which the states play neither their traditional role as semi-independent policy making bodies nor the role to which they appear at times to have been reduced, that of a purely administrative agent for the federal government. Instead they may have a new mediating role as "a middle-man" in the process of negotiating with other units of our federal system and in coordinating the programs, activities and personnel that deliver an important proportion of the services of the domestic government to the people. This role is both a policy making and an administrative one." He urged the need for creative thinking on shaping state constitutions to meet this new role as well as to meet the varying needs of the individual states.

Mr. Wheeler reminded the group that even a good constitution can not guarantee good government. "Ultimately the state is going to be a good state or a bad state as we see it in terms of the political structure of the state. The term I like is 'political vitality'," he said, and defined that term as one to be applied to states where "the legitimate interests of the state are sufficiently organized so that they compete with each other on a fairly equitable basis, that is, no particular group in the state has power far in excess of its numbers or its position in the state." There is need especially for political vitality within the political parties in order to keep them responsible and responsive and there is a need for other groups and institutions representing various interests, thinking and working on particular issues.

(Mr. Wheeler's speech and Excerpts from the Question and Answer period are available from the national office for 20¢.)

We were pleased that Mr. Brevard Carihfield, Executive Director of the Council of State Governments who had been invited to the Conference, was able to attend the first session. He spoke briefly to the group on the importance of maintaining and restoring to the states their traditional place in the federal system. He expressed the opinion that the states were here to stay, a conclusion upon which Mr. Wheeler and the delegates had no difficulty in reaching consensus.

Each state League had been asked to contribute to the development of the conference by preparing information on various aspects of their work, questions ranging from explaining their advocacy of constitutional reform to relating and evaluating their experiences in support of a ballot issue for a constitutional convention.

The first five states reporting were California, Indiana, Maryland, Pennsylvania and Rhode Island. The picture which unrolled before the delegates was of the enormous diversity in state constitutions and states and variety in the obstacles to reform. California described a strong state government and yet reached for improvement, particularly a reduction in the number of ballot questions necessary to keep their constitution up to date. A picture of "the manacled state" was given by the Indiana reporter who told the Conference of government operating in spite of its basic law. In Iowa and Maryland the basic issue lies in the need for reapportionment. The conservatism of the people of Pennsylvania in the matter of calling a constitutional convention has been an up-to-now controlling factor in the progress of constitutional change. Of all the reports in this group the Rhode Island delegate presented a constitutional picture most unlike the usual pattern, if indeed there is a usual pattern. In that state, constitutional conventions are little more than special sessions of the legislature called to handle some constitutional emergency.

Connecticut and Minnesota reported on the one-at-a-time constitutional reforms achieved after the effort for over-all reform had failed. This discussion of these piecemeal successes was the opening presentation of a question which came in for a lot of consideration from time to time during the Conference. When do you go for "piecemeal" reform and when do you stick doggedly to your belief that the best job can be done by revising the entire document? This question was part and parcel of the question of compromise both in arriving at a position and in deciding on suitable legislation for League support or opposition. Illinois, Oregon, Louisiana, and Florida gave reports on various aspects of the problems of compromise. From the discussion which followed the group appeared to reach certain conclusions. First it seemed to be agreed that League members want to study and decide on the best solution for their state. They want, as one delegate put it, to see that there is a top to the mountain. At the same time they need to realize from the very beginning that very likely the top cannot be reached in one step but that climbing to



the summit may only be accomplished by small steps taken one at a time. There is no doubt that the Board responsible for the decision on how much compromise to accept is faced with a difficult task. In making its decision the Board needs most of all an accurate understanding of the political situation within the state and needs to have prepared its members with the political understanding which will make the compromises acceptable. There seemed to be no suggestion that any state which had achieved individual reforms regretted this partial loaf even though the achievements themselves may have affected the chances of their highest goal, over-all revision. Compromises to effect some improvements are a matter of strategy rather than of principle. It was apparent that either too much or too frequent compromise or no compromise at all could be very frustrating to League members suggesting that there needs to be compromise on the subject of compromise. Since the decision on compromise relates so closely to the political situation member education on both the political structure and the political processes would prepare members for effective and satisfying work.

As the Conference moved into a discussion of methods, the thinking of the delegates received an enormous stimulus from the address of Mr. Samuel W. Witwer on "Action Programs for Constitutional Reform" and the question and answer period which followed it. Mr. Witwer was the Chairman of the Illinois Committees (Citizen Committees) which in the early '50's secured the "Gateway Amendment" to ease the process of constitutional amendment and effected a reapportionment of the state legislature. In introducing Mr. Witwer, Mrs. Phillips spoke of League concern with "active, practical politics," and said that on this subject Mr. Witwer "had more information than anyone I would know of in the United States." Indeed Mr. Witwer's account of these great achievements opened the eyes of the delegates to the extent of the effort needed in order to be on the winning side of such constitutional issues. Throughout his speech his insistence on the importance of political problems and their solution was noted by the delegates as axiom number one. Coupled with this truth was his conviction of the importance of motivation by a sense of moral responsibility. Two other essential elements of a successful campaign were the development of a "literature of reform" which could be used in the essential step of "educating the educators" and the establishment of a Citizens Committee of many, many groups working through an Executive Committee "vigorous enough and dedicated enough to stay with the job as long as it takes, and possessed of the due respect for the role of the political party and of the political leader."

(Mr. Witwer's speech and excerpts from the question and answer period are available from the national office for 15 ¢.)

The three Leagues which reported on November ballot campaigns pointed up the benefits to the League of action whether or not the League goal was reached. Iowa failed by 60,000 votes in their effort to get a yes vote on the question of calling a constitutional convention. There was no burning issue before the people except reapportionment. This resulted in a campaign waged along the classic lines, mainly urban versus rural areas. In the opposition, however, were to be found both the Farm Bureau and the National Association of Manufacturers. It was difficult to interest people in the question. They were averse to tinkering with a "sacred" document. There were fears aroused in various groups that their special interests might suffer, for example, those who were afraid of the power of labor feared that a new constitution might not include the "right to work" provisions. The cost of holding a convention was definitely a factor which contributed to the defeat. Iowa learned three lessons. First, it is absolutely necessary to make campaign materials extremely simple. The film strip which was well titled "The Case of the Shrinking Vote" was their most effective material. This had been prepared at an almost embarrassingly elementary level which proved the right one in going to the general public. Second, the Iowa League learned that it had to start its campaign much earlier in order to be successful. Third, there was the suspicion in the mind of



the Iowa delegates after hearing of the Illinois campaigns that perhaps the League in its work had been too ladylike, too much above the battle. There was no question in the mind of the Iowa reporter that in spite of the loss of the campaign the action had been stimulating and good for the League as a whole.

The vote on calling a limited constitutional convention in Kentucky was even closer than the vote in Iowa. The League lost this campaign by about 17,000 votes. In reviewing their work there was little the League could suggest that they would do differently another time. Perhaps they could do what they did do harder. A promising climate of reform in which the movement for a constitutional convention started was lost in the middle of the summer with the "souring" of the political situation. The Governor who instigated the movement is said to have felt that it was not the "do-gooders" but the politicians who had let him down. Kentucky, too, felt that they needed more time to develop a campaign fully. They felt they had learned many hard political facts and that next time they would make every effort to get to the political parties, both of them, at the county level. Kentucky, too, felt that their action had benefited the League.

The reporter from Michigan modestly prefaced her story of the Michigan drive for signatures and for a yes vote on the ballot issue (which was an amendment to make the calling of a convention easier) with the assertion that in Michigan when they started this last successful campaign the "climate was absolutely perfect." The people were so upset about the financial crisis resulting from constitutional restrictions that they were interested in doing something about it. The ballot issue as it happened split both parties right down the middle making it possible for the League to enjoy bipartisan support, a situation which was cleverly exploited. Newspaper coverage was terrific, beginning in January of the election year, and when the campaign for signatures began to lag the Citizens for Michigan group came along to bolster the work with enthusiasm, workers and money. You will recall that the Jaycees had prepared the amendment and joined in the campaign with the League from the beginning. The League found the Elections Commission most helpful in questions of petition preparation, etc.

In summing up the Michigan reporter suggests these things as the ingredients of success: 1) A proper climate; 2) an informed public; 3) good cross section support, mostly not special interest groups and as much as possible both parties; 4) a citizen sponsored movement; 5) a well disciplined group, in this instance the League, willing to do the leg work and the checking, for you cannot rely on all groups to "get the word down"; 6) good local organization; 7) enough money (the entire Michigan campaign cost less than \$10,000); 8) dedicated, hard working people; and 9) at least one political party on your side plus the Governor or other extremely prominent citizen. It was further observed by the Michigan reporter that ballot campaigns are won or lost in the last two weeks.

One of the most difficult problems that the Michigan League faced in the campaign was the decision on the kinds of arguments to use and the problem of anticipating the arguments of the opposition. In an effort to keep from raising up opposition to individual proposals the attempt was made to be for constitutional revision without specifying what revisions. (Arguments were given for the need for a change but not suggestions for specific changes.) It is difficult to get support for this general concept but it seemed the best method of avoiding arousing the consolidated opposition of those against a particular reform. How this will be handled as the next step is taken in the League campaign remains a problem to be faced. Now that the way to calling a convention has been made easier, the actual referendum for calling one will be on the ballot at this spring's election.

On the last morning of the Conference three states reported on and evaluated their efforts to inform the leaders and decision makers in their states and to arouse

their interest in and support of constitutional revision. Kansas, working through the University, held a series of five forums at which members of the Commission on Constitutional Revision spoke. West Virginia's highly successful all-day Conference, to which over 250 people paid \$10 admissions, demonstrated the merits of a well planned event vigorously supported by the local Leagues. Its benefits were diminished by a lack of follow-up. Not enough was done to make use of the momentum toward reform set under way by the conference. The most impressive device of the West Virginia Conference was the preparation and distribution of summaries of each session in time for the next session.

It was left for the last state reporting to describe the newest device to enlist the interest of leading citizens in constitutional revision. The Texas Survey of over 1700 community leaders from various groups, selected to obtain a good cross section of community thinking, covered 25 major population areas in the state. The basic question asked was quite simple. "In your opinion, how effective is our Constitution in meeting the present needs of our state?" The person interviewed was given a choice of three answers: "Very effective;" "Partially effective;" or "No opinion." About 70 per cent fell in the middle category indicating something less than entire satisfaction with the present constitution.

For the Texas League the Survey brought to light a number of problem areas. First, there is still great ignorance about the constitution. Many of those interviewed were unable to relate the provisions of their constitution to their everyday life. Second, dissatisfactions of those interviewed with the constitution were closely related to self-interest. Next, the size and diversity of Texas makes it difficult to carry on a successful educational campaign. There is also a lack of woman power in the League to do as thorough a survey as would have been desirable. The Survey showed, too, that the citizen has a basic fear of any tampering with the sacred document. This makes piecemeal revision more palatable than over-all revision. Last, there is lack of money available for research and education, government-wise and League-wise. In spite of these problems there was no question in the mind of the Texas reporter that the survey had been invaluable in keeping alive the interest of the local Leagues in constitutional revision and every effort is being made to get the maximum amount of publicity out of the survey findings.

Throughout the Conference it was clear that experience has shown that Leagues would do well to depend on the strengths and resources of the League itself. As a demonstration of this, one League discovered that in the matter of preparing publications its own members had done a better job than the one which resulted when the work was done outside. The League may be unable to accomplish so huge an undertaking as constitutional revision all by itself but it has within itself the intellectual resources and the dedication to "bootstrap" its way to remarkable accomplishments. Furthermore, the League thrives on action whether it is the kind of action which means fighting for a legislative measure or a favorable vote on a ballot issue or is the kind of action which might be more nearly defined as activity. By this we do not mean busywork but rather the sort of thing involved in making a survey or gathering signatures, the process of doing as distinguished from attending meetings and studying.

Were the same group of delegates to meet again perhaps they could address themselves to some of the basic questions which were only touched on by indirection. First, what is the future role of the states? Second, how does each state League judge the potential of its state so that it may develop a measure by which to select the League's specific objectives? Next, if a state League finds a low level of "political vitality" what steps might it take to improve this? The Conference touched on

but found no easy solution to the problem of making the issue of constitutional revision a dynamic one without raising up a host of opposition. Nor did the group discuss as such the role of the League of Women Voters in the field of constitutional revision but perhaps the vigor and variety of method, the depth of knowledge and the intensity of enthusiasm exhibited by the group suggests the answer to this last question.



File

February 10, 1961

Representative Walter Klaus  
State Capitol  
St. Paul, Minnesota

Dear Representative Klaus:

Mrs. David Kanatz, Party Designation chairman for the League of Women Voters of Minnesota, has referred the bill relating to amending the Constitution in which you have an interest to me as Constitutional Revision chairman.

We are extremely gratified that you are willing to take the time in your busy schedule to clarify this obsolete provision in our Constitution (Article 7). As you know this is an area in which the League is particularly interested.

Governor Andersen has indicated several times to us and also in his inaugural address that he will "propose a commission of legislators and laymen to work on article revision and amendment preparation." In that event, it is possible that Article 7 will come under scrutiny but there is no guarantee of course as to how soon this proposal will be implemented.

Because of the load to which I am already committed, I regret that I cannot at this time seek out authors and initiate action on your bill; however, the League will certainly work for a favorable vote when the amendment is proposed and I should be pleased to make such commitment when you request.

Sincerely yours,

Mrs. Byron Cochrane  
Constitutional Revision Chairman

AC:rw

make copy & file in leg. Genl. '61  
C. Rev. '61

7/4/61

# SPECIAL TIME FOR ACTION TO SELECTED LEAGUES ON CONSTITUTIONAL REVISIONS

S.F. 963 Authors: Holmquist (260), Bergerud, (36 C), Root, (330)

"aA bill for an act creating an Interim Commission to study problems relating to revision of the constitution of the State of Minnesota through the amendatory process, appropriating money therefor."

This bill calls for the setting up of a Commission to carry out the proposal in the inaugural address of Governor Anderson, "To further implement Constitutional Revision by the amendatory process, I propose a Commission of legislators and laymen to work on article revision and amendment preparation."

A similar commission was set up in 1947 which included representatives of the Senate and the House and citizens appointed by the Governor and Chief Justice. It is hoped that this Commission will be similar in intent to the 1947 Commission giving the appointed laymen the same voting privileges as the legislator members.

In order to have this Commission become more than a projected idea, it must be sent to the parent Senate Rules and Legislative Expense Committee, so that it may then come on to the floor of the Senate.

Bill ; you write the Senator \_\_\_\_\_

from your district, who serves on this Committee, and urge that this bill be passed out of the Sub Committee immediately, for TIME IS SO SHORT!

15 letters

Weston ✓ 41C St P  
Wregat ✓ 30C Wyls

Rules & Reg Expenses Committee of Search

Zwock ✓ 4C Walnut Grove - Neer Allen

Buttler ✓ 57C Dul

Child 24C g. Falls

Wunlap ✓ 3C Wabasha (Ode-Miller)

Erickson ✓ 9C Fairmont (A. Whiteing?)

Fiedt ✓ 34C Wyls

George ✓ 9C Goodhue - Red Wing

Dunn ✓ 8C Waukegan (A. Whiteing)

Keller ✓ 2C Winona (Ode-Miller)

Larson ✓ 64C Ada (Neumaier)

Hafreger ✓ 47C Alex

Mitchell ✓ 55C Princeton (Neumaier?)

Rost ✓ 33C Wyls

Rosenmeier ✓ 53C Bramerd (DA)

Indaich ✓ 67C - Stephen - (Neumaier?)

Welch - 27C Buffalo



League of Women Voters of Minnesota, 15 & Washington Aves.S.E., Minneapolis 14, Minn.  
May 25, 1961

MINUTES of the State Resource Committee Meeting, ITEM I.

PRESENT: Kuderling, Green, Sigford, Fletcher, Salisbury, Richter, and Secretary

ABSENT: Kane, Newstrom

Chairman Richter read directions for Item I from State Convention delegates. Discussion on bill by Holmquist, Bergerud and Root to create an interim Commission to study constitution. Why did it fail? Kuderling understood plan for not establishing interim commissions was to bring home to voter need for longer legislative session.

Sigford suggested after session over a letter should go to Governor reminding him to appoint a citizen-legislator committee to study constitution and suggest it be made up of "mostly" legislators.

Goals for the two year period ahead discussed. Kuderling believed it important to begin working on the amending process, how we change our constitution. Discussed Rep. Head's bill for getting dead wood out of constitution. Sigford agreed on importance of study of this article. Some discussion on conventions which work on a single article.

Group generally agreed first material should be in providing background on amendments to go to voters in 1962. Convention delegates directed us to do this. This demands preparation so that state Board could reach position by March, 1962.

Material on amending constitution should be done as soon as possible. They foresaw an early fall, 1962 consensus on this article so an amendment could be drawn for January, 1963 legislative session.

Committee turned down Richter's and Newstrom's suggestion for resource material which would provide an article by article look at the constitution. They believed this would be too much for unit study. Newstrom had suggested study to show what had been accomplished by amendments since 1948, What MCC proposals had been, She also felt political considerations need to be made so that advice from legislators important. Kane suggested use of legislators for political considerations. What will legislators accept?

Salisbury felt League members (and committee concurred) should be provided copies of constitution.

Sigford and Kuderling suggested they could work on amending article.

Fletcher volunteered study of dedicated and restricted funds if swamp land ~~amendment~~ amendment passed. It was suggested Mrs. Down of Annandale (Buffalo LWV) be contacted and a member of the Owatonna League to serve on the committee.

Adjourned....

MINUTES of the State Resource Committee, Item I

June 13, 1961

Phil Barbara  
PRESENT: Richter (Mpls.), Skramstad (Owatonna), Marian Fletcher (Anoka), Louise Kuderling (Mpls.), Betty Kane (Golden Valley), Sue Smith (Duluth), Eleanor Salisbury (Mpls.).

ABSENT: Ann Green, Jan Sigford, (Roseville), Louella Newstrom (Bloomington), Audrey Downs (Buffalo LWV).

The discussion of the first meeting was reviewed, recent legislative events discussed, particularly fact there will be no interim commissions except some statutory ones.

A letter is going to the Governor asking him to appoint a citizen-legislator committee to study the constitution for submission of amendments to the legislature. Richter reminded the committee to ask Board to submit Mrs. Basil Young's name to Governor to serve on tax committee.

After some discussion the committee decided on the following outline for work for Richter to submit to the Board for approval.

We expect that most Leagues will devote only 1 month's study next year to Agenda I. We recommend this meeting be spent on:

- 1) Background material on 3 amendments (Some units will have more need for this study than others. Material should also include history of what League has done in this area.
- 2) Material on the amending article of the constitution, including:
  - a. The article itself, what is in it and what suggestions have been made for changes, what other states do, etc.
  - b. The mechanics of amending — how it is done, who does it. What the LWV unit on local League can do to initiate amendments. Unit may try writing an amendment of their own.
- 3) Inform units that direction on how the League should proceed in the study will be asked of delegates to 1962 Council meeting.

In addition to this material to be sent local Leagues for unit study, the local State Resource Committee will be sent additional material for their study. This will consist of

- a. Copies of the state constitution
- b. An article by article commentary (to be prepared by state resource committee) to be read along with the constitution on the problems and possibly needed changes in the articles. This would include an introduction.
- c. Suggest they do with other articles what State Resource Committee did with amend-article, so they can come to council prepared to decide which articles most need study the following year with a view to submitting amendments to the 1963 legislature.

The Committee discussed length and range of studies. It was agreed "length of session" amendment would need least preparation and that the state Board could take a stand on this amendment without a member consensus. The "investment of funds" amendment will be a new study and probably need most detail. We have no previous stand. Consensus will be necessary. Debt limit study will be partly a review with some new material. Undecided as to whether consensus needed. No decision reached on how long each amendment study would be until researches has chance to get into her study. Material would need to be in office on amendments by Sept. 1. Local Leagues would receive it by Nov. 1, and they would have consensus sent to state Board by March 1st, so that state League position be publicized in spring, 1962.

Assignments on amendments: Barbara Skramstad, debt limit; Audrey Down, trust funds; Euella Newstrom, length of session.(?)

The Constitution was divided by articles for summary study. Major articles and persons assigned to them were:

- |                               |   |
|-------------------------------|---|
| IV - Legislative, B.Kane      | VII - Elective, L. Kuderling                |
| V - Executive, L.Newstrom     | IX - Education Funds, M. Fletcher           |
| XI - VI - Judicial, Ann Green | XIV - Amending article, Kuderling & Sigford |

Minor articles were divided between Barbara Skramstad (1,2,3,10,11,12) and Sue Smith (15,16,17,18,19,20). Sue will also prepare material on items which are not in Minn. Constitution but should be, e.g., Civil Service, Post Auditor

Material on articles is to be in office by October 15 and to be sent Leagues by January 1st. P.Richter will see about securing copies of Constitution for Leagues, (1,000), getting copies of amendments from Secretary of State's office, get authority from Board to secure BOOK OF STATES, and also Graves' recent excellent book on state constitutions. She will also see about getting copies of MCC report, model constitution, and find out from Dr. Short where Minn. Constitutional Commission files are.

B.Kane feels after some background on articles we've gained, we will need to talk to Dr. Short, Dr. Mitau, and possibly others for their ideas on present status of Constitution, what changes needed most, etc. She also suggested a summer workshop of leaders and official from around the state to discuss Constitutional changes.....



perhaps patterned after summer institutes on state government held at Continuation Center in years past. Perhaps we could get U. of M. to sponsor it. Chicago Conference of Leagues involved in constitutional program items had revealed number of Leagues who had successfully used this type of meeting to arouse public interest.

P.S. Phil Richter will be requesting copies of bibliography from members doing research and outline of their study especially amendment researchers in near future. Let her be your super-ego. If you need help in getting material, call or write her.  
5038 Gladstone, TA 4-5546.

In minutes need corrections, please inform her also.

Adjourned.



~~MEMBER TO BOARD - Do you have any suggestions for improvement?~~

## How To Do A State LWV Resource Paper

### I. Get organized.

- a. Get your assignment as clearly defined as possible by the Board before you begin. Insist that the Board tell you 1.) what audience you are writing for, and 2.) the scope - length, breadth, depth - and level of difficulty expected of the finished product. The Board should also determine whether to print or mimeograph, and in what quantity, but you should have ideas and suggestions.
- b. Select a committee to help you. If you have doubts about your own writing ability, put an editor on your committee, whose job is to do editing, not the initial writing.
- c. Get your own mind as clear as possible on your goal before you begin. If your committee is to help with writing, be sure you all understand each other and your goal.
- d. Set up a time schedule and stick to it. Allow at least the time indicated after each step and figure backwards from proposed date of publication (or figure forward from when you can start to work to publication date).
- e. Start thinking about art work - at least the cover, if mimeographed, possibly more, if printed.

### II. Do research.

- a. Take notes carefully, getting exact quotations and exact citations. (Techniques vary, but if notes are taken on cards, they are easily arranged for outlining.) (2-4 weeks)
- b. Some sources of information.
  1. Publications and library sources.
  2. Organizations.
  3. People - in and out of the LWV.

### III. Make outline.

- a. Categorize notes.
- b. Write outline.
- c. Have outline checked by:
  1. Your editor, to see that it hangs together and makes sense;
  2. Another appropriate Board person, to help determine that it meets charge given you by the Board and is what the membership wants.(1-2 weeks)

### IV. Write paper and discussion outline.

Allow plenty of time for rewriting. If your committee is helping you write, plan for the worst - that you or your committee editor will have to re-organize and rewrite! (2-4 weeks)

- V. Turn paper in to League office for typing and circularizing to League readers only. From the League readers, it may have to go to a League editor, on advice of the readers. (2-3 weeks)

- VI. Paper then goes to subject-matter specialists outside the League. Part of your job is to suggest the names of such specialists to the Board and, on its approval, ask the specialists to read the paper. (2 weeks)

- VII. Paper is published. (Mimeographed, 1-2 weeks; printed, 3-10 weeks)

Absolute minimum time, from beginning to end, 10 weeks, for a minimal job!  
A good job could well take six months.

Copy  
to  
Phil R.  
A. C. Brown

C. Stem - 1961-63

161 Juniper Street  
Mankato, MN 56001  
July 17, 1961

The Honorable Elmer Anderson Governor  
State of Minnesota  
The State Capitol  
St. Paul, Minnesota

Dear Governor Anderson:

We in the League of Women Voters were very disappointed at the failure of the Legislature to appoint an interim commission to study the state constitution and make suggestions for needed amendments. We respectfully propose that you now appoint a Governor's Committee of legislators and citizens for this purpose.

Since the citizens of Minnesota are being asked to vote on amendments to their constitution at each state election, we believe that such a thoughtful study and analysis could make a real contribution to the work of the legislature, as well as being of help in making state government more intelligible to the citizen.

At its State Convention in May, the League of Women Voters of Minnesota voted to work for amendments to improve the constitution of the state of Minnesota; we are already working on that item; we have many members who could serve with great effectiveness on a committee such as we propose. I hope that you will give this plan serious consideration. We offer you our willing cooperation.

Sincerely, .

Mrs. O. H. Anderson President

October 23, 1961

Mrs. M. M. Hargraves  
716 4th St. SW  
Rochester, Minnesota

Dear Mrs. Hargraves:

Thanks for agreeing to write Governor Andersen. Hope you didn't have second thoughts after the drinks and warm atmosphere faded away. (What a thought!)

Here are the facts--Before Governor A's inauguration we talked to him about a statutory legislative constitutional commission to review the document (like MCC with funds). He was interested and included idea in his inaugural address. During session we talked several more times with him. He was still interested but didn't push it with legislators. After session we asked for a governor's committee as a sort of second best (since no funds). He asked us to submit names for the committee. We did in September, but so far no const. committee. Probably we are alone in asking for this. He needs to know of interest of others.

We see pressure for convention off currently.

We agree with Dr. Mitau (Jan. 1960 Minn. Law Review) that MCC served valuable function in proposing amendments (a sizeable sum of which subsequently adopted). Valuable research done by them and has been used.

Governor's committee could look over main things remaining to be done and then bring this to next legislature with hope of getting const. commission with funds.

These are main points, I believe, you need to be filled in on. Thanks (in anticipation).

Sincerely,

Phyllis Richter  
5038 Gladstone, Mpls. 19



October 23, 1961

Mrs. John Grindlay  
Hilltop, Route 1  
Rochester, Minnesota

Dear Mrs. Grindlay:

Thanks for agreeing to write Governor Andersan. Hope you didn't have second thoughts after the drinks and warm atmosphere faded away. (What a thought?)

Here are the facts--Before Governor A's inauguration we talked to him about a statutory legislative constitutional commission to review the document (like MCC with funds). He was interested and included idea in his inaugural address. During session we talked several more times with him. He was still interested but didn't push it with legislators. After session we asked for a governor's committee as a sort of second best (since no funds). He asked us to submit names for the committee. We did in September, but so far no const. committee. Probably we are alone in asking for this. He needs to know of interest of others.

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We agree with Dr. M. tau (Jan. 1960 Minn. Law Review) that MCC served valuable function in proposing amendments (a sizeable sum of which subsequently adopted). Valuable research done by them and has been used.

Governor's committee could look over main things remaining to be done and then bring this to next legislature with hope of getting const. commission with funds.

These are main points, I believe, you need to be filled in on. Thanks (in anticipation).

Sincerely,

Phyllis Richter  
5038 Gladstone, Mpls. 19

League of Women Voters of Minnesota, 15th & Washington Aves. S.E., Minneapolis 14, Minn.  
 July 21, 1961

List of items of interest in recent National Civic Reviews

These magazines are in LWV office and may be borrowed for a short time.

Office  
 Copies  
 G. Dea  
 B.S. Kr  
 h. Kuehl  
 h. Kuehl

TOPIC	MONTH AND YEAR	PAGE	REVIEW - NAME OF ARTICLE, ETC.
Debt Limit	April 1958	188	Finance through Public Corporations in Georgia
" "	May 1958	238	Book review of "Tax Rates and Debt Limitations in Nine States" - pub. in Cheyenne, Wyoming
State Funds	1954		On back of 1958 Civic Reviews is listed "Model Investment of State Funds Law" 23 pages, 1954 - \$1.00
Length of Session	Febr. 1959	82&83	Items about amendments adopted in Nevada and California re. length of session
"	July 1959	355	Items about New Mexico and Pa. - to vote on amendments re length of session
Amending Proc.	July 1959	354	Vermont has Commission on Const. Amendments
Cons. of Funds	Febr. 1959	83	New Mexico - item about investment of state funds
" "	March 1959	133	Missouri - report about study that should be made to determine whether the 100 special funds should be consolidated.
" "	June 1959	330	Book Review - "An Inventory of Special Funds Outside the State Treasury, Austin, Texas Legislative Council, December 1958, 227 pp.
Length of Session	May 1960	253	Del. - Legislature to meet annually
Debt Limit	Dec. 1960	613	Idaho - Amendment defeated that would have raised the state debt limit from \$2 million to 3% of assessed valuation of all property in state.
Amending Proc.	April 1960	191	Amendment of Nevada Const. Based - ruling by State Supreme Court
" "	Jan. 1961	27 & 28	Items about same in Wisc. & Oregon
Length of Session	Jan. 1961	33	Texas - amendment limiting reg. session to 140 days
" "	March 1961	147	Nevada - returns legis. to biennial session
" "	April 1961	228	Book Listing - Extension of the Life of Legislatures by Eugene Percy, U of Toronto Press, 11/60 - 13 pp. \$1.50
State Funds	April 1961	230	Book Listing - A Review of Sp. State Funds & the State Fund Structure. Texas.....
Debt Limit	Febr. 1961	94	Const. Amendments in Mississippi

M  
E  
M  
O

TO:

Pull

FROM:

Groce

SUBJECT

Amend

copy  
League of Women Voters of Minnesota

15th and WASHINGTON AVES. S.E.

MINNEAPOLIS 14, MINNESOTA

DATE

7/26/61

File in F 3 D 2 CAF

Luella will skip Model Caust. in  
her material since new version  
will be out next fall now —  
I will sug. a supplementary  
sheet later.



League of Women Voters of Minnesota, 45 & Washington Aves. S.E., Minneapolis 14, Minn.

TO: Committee on State Item I *sent all state con.*

FROM: P. Richter

July 28, 1961

Here is a supplemental list of readings which may be helpful to you.

Our State Legislatures, (rev. 1948) Annals American Academy of Political and Social Science  
American State Government and Administration, Austin F. MacDonald, 1955, Mpls. Public  
Library has 1960 version

American State Government, Brooke Graves

Comm. on Legislative Processes of the National Legislative Conference, Council of  
State Governments

Commission on Intergovernmental Relations, 1955, "Improving State Legislative Procedure  
and Processes", Minn. Law Review (1946-47)

Dovell, Modernizing State Constitutions

Public Financing, Graves

Study of Investment of the Trust Funds, Alex Rozenthal

Government in the Fifty States, Anderson, Penniman, Widner

American State Legislatures, APSA Report, Zeller, 1954

State Constitutions of the Future (Author missing, his name, that is, Public library has  
the book)

File

August 23, 1961

Suggested Membership of a  
Governor's Committee for Constitutional Revision

In the Senate

Sandy Keith  
Karl Gritter  
Stanley Holmquist  
Gordon Rosenmeier  
Robert Dunlap  
W.B. Dosland  
Donald Fraser  
Jack Davies

In the House

Sally Luther  
Leo Mosher  
Richard Parrish  
Clifton Parks  
Rodney Searle  
Robert Latz  
Peter Popovich  
Douglas Head

Citizens

Dr. William Anderson  
Dr. Theodore Mitau  
Professor Harold Chase  
Phillip Duff  
Judge Otis  
Red Lawson (Stillwater)  
Mrs. Gordon Grunditz Richfield  
Mrs. Donald Guthrie Pine Tree Hills- Mahtomedi 15  
Mrs. Kenneth Sigford Roseville



STATE OF MINNESOTA  
EXECUTIVE OFFICE  
SAINT PAUL 1

ELMER L. ANDERSEN  
GOVERNOR

July 21, 1961

Mrs. O. H. Anderson, President  
League of Women Voters of Minnesota  
161 Juniper Street  
Mahtomedi 15, Minnesota

Dear Mrs. Anderson:

Thank you for your letter of July 17 expressing disappointment at the failure of the legislature to appoint an interim commission to study the state constitution and consider amendments.

We would be glad to act on your suggestion and appoint a committee for this purpose, and would appreciate knowing names of people you believe would make good members.

Thank you for your interest and cooperation.

Cordially yours,

Elmer L. Andersen  
GOVERNOR

ELA:dp



League of Women Voters of Minnesota, 15th & Washington S.E., Minneapolis 14, Minnesota

MINUTES of State Resource Committee Meeting, Item I - September 19, 1961

PRESENT: Sue Smith, Phil Richter, Sis Salisbury, Ann Green, Ellie Colborn, Kay Tillotson, Bessie Clarkson, Jan Mylan, Louise Kuderling, Betty Kane, *Barbara Skramstad*

ABSENT: *Jan Sigford, Luella Newstrom, Audrey Down, Barbara Shannon, Doris Guthrie*

Chairman Richter gave out copies of 1957 State Constitution. Passed along message that ~~we~~ <sup>we</sup> should get an opinion from the attorney's general office about Luella Newstrom feels strongly that ~~the proposed amendments~~ <sup>the intent of the</sup>

the intent of the proposed constitutional amendments to be sure that our interpretation is correct. Should someone from the attorney general's office be a reader? Decide later.

*State Bd. decided*  
Discussed, consensus needed from League members on the 3 amendments and amending process - do not need too much detail. <sup>Study</sup> *This material now in hands of editors and readers.*

Chairman Richter gave "roses" to Owatonna because committee member Barb Skramstad got her own committee of about nine members.

Deadline - to Phyllis Richter by OCTOBER 15 *on article commentary.*

Reviewed assignment of commentary on Constitution as follows:

- I - } *S. Smith*
- II - } "
- III - } "
- IV - *B. Kane*
- V - *B. Shannon & E. Colburn*
- VI - *Ann Green*
- VII - *L. Kuderling*
- VIII - } *B. Skramstad*
- IX - }
- X - }
- XI - *Doris Guthrie*
- XII - *S. Smith*
- XIII - "
- XIV - *Louise (Convention)*
- XV - } *Sue S.*
- XVI - }
- XVII - }
- XVIII - }
- XIX - }
- XX - }

Committee members advised to get own copy of Legislative Manual - available soon from own legislator.

Sue Smith has been mulling over what articles should be in constitution and are not in. Separate article on initiative and referendum is in other constitutions. Some of the most recent constitutions have a separate article on public welfare -- some experts think it should be statutory.

INTRODUCTION - To be written by chairman and will include statement of what properly belongs in a constitution. Also should say what we are doing in this study, refer to previous studies of the constitution (how their reports have been used in preparing this study). Define terms - supersede - ignored - obsolete.

Purpose of study (this year) to ~~decide~~ <sup>give members over-all look at constitution & then decide which articles need more study with a view to proposing an amendment to the 1963 legislature.</sup> Would get direction at state LWV Council in May 1962. <sup>as to which articles they feel most need attention.</sup>

What each LL will get - Enough copies of the 1957 Constitution for each unit, with insert, mimeographed, ~~when~~ <sup>if</sup> article has been revised by amendment since 1957.

#### What Should be in Commentary

When writing commentary assume that people have read the article referred to. What revisions have taken place since 1957 or earlier if a major ~~fe~~ change took place. Use own judgment on making the MCC report ~~see~~ recommendations sound like final word.

Decision on how long commentary should be - major articles will need more space. <sup>they are 4, 5, 6, 7, 8, 9, 11, + 14.</sup> Better to write fully and leave it to editors to cut. How much attention should be given to what other states do <sup>B. Kane says</sup> (legislators want to know this)? If we are almost alone in our way of doing something, should be mentioned. Mention other opinions about rec. changes as

briefly and concisely as possible. Could write to other states and ask specific questions - ~~League office~~ <sup>write</sup> or if can't get this in books, <sup>write</sup> ~~write~~ <sup>write</sup> need for this so we can ask everyone's questions at same time.

Table at end - if enough statistical material could be put in chart or table form, each person will make notes on what <sup>she believes would be helpful to</sup> ~~could be~~ included in such a chart from her article. Most

information is in Book of States (Municipal Reference Bureau) <sup>has recent changes</sup>. Note what material is readily available and what you can't find and would like to have.

Be sure <sup>your</sup> facts are correct. <sup>No one will check your facts. We assume you're correct!</sup> Some language in the constitution is hard to understand -

may be necessary to ~~rewrite~~ <sup>rephrase or explain what it means if not obvious to reader & important to understanding article.</sup>

Introduction - mentioned constitution is supposed to be read by ordinary citizen - not just lawyers.

May find you have to give a brief historical explanation. *Note if your subjects are treated in another article.* ~~And repetition~~ /editors will also watch for this. *Note anything that is dead wood, ignored in practice, or superseded.* No one should come to a conclusion about needed changes.

After some background, material could be in question form.

Committee members will probably want to interview people - do not leave until last moment. Decide early who would be good to interview. Some people will want to be quoted - others will not. Chairman will try to set up an interview with William Anderson where all committee members could ask questions - ~~otherwise~~ everyone would probably be wanting his opinion on her section. May want to consult newspaper files, and visit files of Archives Commission. ~~Other~~ sources:

Graves, American State Government  
Government in the 50 States

Burns and Peterson

*M. J.*

There will be a sheet of instructions for local League resource chairman. Will include list of books for further reading,

P.S. from the chairman -

You may want to note whether an article or section normally should be in a constitution or left to statute. Does it's form make change difficult? Dr. Mitton suggested Hawaii, & Alaska, & New Jersey <sup>as</sup> good models as they are actually in effect.



September 14, 1961

Senator Gordon Rosenmeier  
606-1st Street S. E.  
Little Falls, Minnesota

Dear Senator Rosenmeier:

We are interested in getting your opinion on the subject of the proposed debt amendment. The League is writing a publication on the amendment to enable our members to decide whether the Minnesota League of Women Voters should oppose or support this proposal. We want to include arguments for and against the amendment from several legislators.

Since we noted you voted in opposition to the bill, we would like to know what, in your opinion, is objectionable in it. For instance, do you favor an absolute debt limit to be included in the constitution? Would you have preferred a larger extraordinary majority of members of each legislative house? Do you support public referendums when state debt rises above a certain limit? Perhaps there were other specific provisions in the final form of the amendment you objected to. We would very much appreciate having your views to include in our study.

Sincerely,

Mrs. Albert Richter  
Constitutional Revision Chairman

PR:rw

September 14, 1961

Senator Donald Wright  
917 Plymouth Building  
12 South 6th Street  
Minneapolis, Minnesota

Dear Senator Wright:

We are interested in getting your opinion on the subject of the proposed debt amendment. The League is writing a publication on the amendment to enable our members to decide whether the Minnesota League of Women Voters should oppose or support this proposal. We want to include arguments for and against the amendment from several legislators.

Since we noted you voted in opposition to the bill, we would like to know what, in your opinion, is objectionable in it. For instance, do you favor an absolute debt limit to be included in the constitution? Would you have preferred a larger extraordinary majority of members of each legislative house? Do you support public referendums when state debt rises above a certain limit? Perhaps there were other specific provisions in the final form of the amendment you objected to. We would very much appreciate having your views to include in our study.

Sincerely,

Mrs. Albert Richter  
Constitutional Revision Chairman

PR:rw

September 25, 1961

Rep. Carl Iverson  
Ashby, Minnesota

Dear Rep. Iverson:

The League of Women Voters is writing a study on the proposed length of session amendment for our members. They will decide whether to support or oppose the amendment, partly at least, as a result of our publication. Since we want to include legislators' viewpoints who both supported and opposed the amendment, we would very much appreciate your views on this proposal.

We note you voted against it. Is this because you feel ninety legislative days is adequate? Or because you would rather increase the length of time with annual sessions or some other plan? We know there are local considerations (occupational, geographic, and political) in our state that may make it difficult to compare our state with others. It is easy for us to read what "the experts" say on how long legislative sessions should last, but we need to get some of the practical considerations that legislators are faced with.

Your views would be appreciated.

Sincerely yours,

Mrs. Albert J. Richter  
State Item I Chairman

PER:rw



September 25, 1961

Rep. George French  
Foshay Tower  
821 Marquette Avenue  
Minneapolis, Minnesota

Dear Rep. French:

The League of Women Voters is writing a study on the proposed length of session amendment for our members. They will decide whether to support or oppose the amendment, partly at least, as a result of our publication. Since we want to include legislators' viewpoints who both supported and opposed the amendment, we would very much appreciate your views on this proposal.

We note you voted against it. Is this because you feel ninety legislative days is adequate? Or because you would rather increase the length of time with annual sessions or some other plan? We know there are local considerations (occupational, geographic, and political) in our state that may make it difficult to compare our state with others. It is easy for us to read what "the experts" say on how long legislative sessions should last, but we need to get some of the practical considerations that legislators are faced with.

Your views would be appreciated.

Sincerely yours,

Mrs. Albert J. Richter  
State Item I Chairman

PER:rw

September 25, 1961

Mr. Donald Wozniak  
1291 Bohland Place  
St. Paul, Minnesota

Dear Mr. Wozniak:

The League of Women Voters is writing a study on the proposed length of session amendment for our members. They will decide whether to support or oppose the amendment, partly at least, as a result of our publication. We want to include legislators' viewpoints, particularly since they can give us the less academic reasons for or against legislation.

We know you were an author of H.F. 153. Is the 120 legislative day plan the best that Minnesota can get at this time; i.e., would you have preferred another plan? Or do you think this is the best plan taking into account occupational, geographic, political, etc. considerations?

We would very much appreciate your ideas on these factors which are hard for us to weigh.

Sincerely yours,

Mrs. Albert Richter  
State Item I Chairman

PER:rw



October 17, 1961

Letter to the Editor  
Minneapolis Star

Your editorial of October 6 commenting on the value of periodic state constitutional conventions stated well what has long been the firm belief of the League of Women Voters of Minnesota: that the convention method of constitutional revision is the best one.

We still believe this. However, public pressure for the calling of a constitutional convention seems to be off, at least temporarily. Meanwhile from 1944 to 1961 about 78% of the amendments submitted by the legislature to the voters have passed. For these reasons the League is in the process of taking a long look at the amendment method of revision.

We have asked Governor Andersen to appoint a statewide Legislator-Citizen Committee to review those sections and articles which still urgently need changing. The Minnesota Constitutional Commission of thirteen years ago served a useful purpose in recommending changes, many of which have been incorporated into subsequent amendments.

It is our hope that other groups interested in constitutional reform will join us in urging the appointment of such a Committee.

Mrs. A. J. Richter  
Constitutional Revision Chairman



Proposed Amendment  
Number One - 1962 General Election  
EXTRA SESSION S.F. No. 14, CHAPTER No. 14

AN ACT

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF MINNESOTA, ARTICLE VIII, SECTIONS 2, 5, AND 6; PROVIDING FOR CONSOLIDATION OF THE PERMANENT SCHOOL AND SWAMP LAND FUNDS AND REGULATING THE INVESTMENT THEREOF, AND MAKING THE NET FUND PERPETUAL.

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

Section 1. The following amendment of the constitution of the state of Minnesota, Article VIII, Sections 2, 5, and 6, is hereby proposed to the people of the state for their approval or rejection. Sections 2 and 5 are consolidated into a new section 4, which section shall read as follows:

Sec. 4. The permanent school fund of the state shall consist of (a) the proceeds of such lands as are or hereafter may be granted by the United States for the use of schools within each township, (b) the proceeds derived from swamp lands granted to the state, and (c) all cash and investments now or hereafter credited to the permanent school fund and to the swamp land fund. No portion of said lands shall be sold otherwise than at public sale, and in the manner provided by law. All funds arising from the sale or other disposition of such lands, or income accruing in any way before the sale or disposition thereof, shall be credited to the permanent school fund. Within limitations prescribed by law, to secure the maximum return thereon consistent with the maintenance of the perpetuity of the fund, such fund may be invested in: (1) interest bearing fixed income securities of the United States and of its agencies, fixed income securities guaranteed in full as to payment of principal and interest by the United States, bonds of the state of Minnesota, or its political subdivisions or agencies, or of other states, but not more than 50 percent of any issue by a political subdivision, shall be purchased; (2) stocks of corporations on which cash dividends have been paid from earnings for five consecutive years or longer immediately prior to purchase, but not more than 20 percent of said fund shall be invested therein at any given time, nor more than one percent in stock of any one corporation, nor shall more than five percent of the voting stock of any one corporation be owned; (3) bonds of corporations whose earnings have been at least three times the interest requirements on outstanding bonds for five consecutive years or longer immediately prior to purchase, but not more than 40 percent of said fund shall be invested in corporate bonds at any given time. The percentages referred to above shall be computed using the cost price of the stocks or bonds. The principal of the permanent school fund shall be perpetual and inviolate forever; provided, that this shall not prevent the sale of any public or private stocks or bonds at less than the cost thereof to the fund; however, all losses not offset by all gains, shall be repaid to the fund from the interest and dividends earned thereafter. The net interest and dividends arising from the investment thereof shall be distributed to the different school districts of the state in proportion to the number of scholars in each district between the ages of five and twenty-one years. No such investment shall be made until approved by a board of investment consisting of the governor, the state auditor, the state treasurer, the secretary of state, and the attorney general, who are hereby constituted a state board of investment for the purpose of administering and directing the investment of all state funds.

The state board of investment shall not permit the fund to be used for the underwriting or direct purchase of municipal securities from the issuer or his agent.

Sec. 2. An amendment to Article VIII, Section 6, is hereby proposed, which section when amended shall read as follows:

Sec. 6. The permanent university fund of this state may be loaned to or invested in the bonds of any county, school district, city, town, or village of this state and in first mortgage loans secured upon improved and cultivated farm lands of this state, but no such investment or loan shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state; nor shall such loan or investment be made when the bonds to be issued or purchased would make the entire bonded indebtedness exceed 15 percent of the assessed valuation of the taxable property of the county, school district, city, town, or village issuing such bonds; nor shall any such farm loan or investment be made when such investment or loan would exceed 30 percent of the actual cash value of the farm land mortgaged to secure said investment; nor shall such investments or loans be made at a lower rate of interest than two percent per annum, nor for a shorter period than one year nor for a longer period than 30 years and no change of the town, school district, city, village, or county lines shall relieve the real property in such town, school district, county, village, or city in this state at the time of issuing such bonds from any liability for taxation to pay such bonds.

Sec. 3. Article VIII, Sections 3, 4, 6, 7, and 8 are renumbered 2, 3, 5, 6, and 7, respectively; and old sections 2 and 5 are repealed.

Sec. 4. This proposed amendment shall be submitted to the voters for their approval or rejection at the general election for the year 1962 in the manner provided by law. The ballots used at the election shall have printed thereon:

"Shall the Constitution of the State of Minnesota, Article VIII, Sections 2, 5, and 6, be amended to consolidate the swamp land fund and the permanent school fund; making the fund created thereby, perpetual, and distributing the net interest and dividends arising from the investment thereof to the different school districts of the state in proportion to the number of scholars in each district between the ages of five and twenty-one years; and authorizing the investment of not more than 20 percent thereof in certain corporate stocks and not more than 40 percent thereof in certain corporate bonds, subject to limitations to be prescribed by law, to secure the maximum return thereon consistent with the maintenance of the perpetuity of the fund?

Yes.....

No....."

Approved May 19, 1961

Proposed Amendment  
Number Two - 1962 General Election  
EXTRA SESSION H.F. No. 76, CHAPTER No. 99

AN ACT

PROPOSING AN AMENDMENT TO ARTICLE IX, SECTIONS 5, 6, and 7  
OF THE CONSTITUTION OF THE STATE OF MINNESOTA; PERMITTING THE  
STATE TO INCUR INDEBTEDNESS FOR CERTAIN PURPOSES; AND REPEAL-  
ING ARTICLE IX, SECTION 14, OF THE CONSTITUTION OF THE STATE  
OF MINNESOTA.

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

Section 1. An amendment to Article IX, Sections 5, 6, and 7 of the Constitution of the state of Minnesota is hereby proposed to the people of the state for their approval or rejection, which sections when amended shall read as follows:

Sec. 5. The state shall never be a party in carrying on works of internal improvements, except as authorized by this Constitution, but it may levy an excise tax upon any substance, material, fluid, force, or other means or instrumentality, or the business of dealing in, selling, or producing any or all thereof, used or useful, in producing or generating power for propelling motor or other vehicles used on the public highways of this state, and shall place the proceeds of such tax in the highway user tax distribution fund provided for in this Constitution, and further except in cases where grants of land or other property shall have been made to the state, especially dedicated by the grant to specific purposes, and in such cases the state shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

Sec. 6. Subdivision 1. The state may contract public debts, for which its full faith, credit, and taxing powers may be pledged, at such times and in such manner as shall be authorized by law, but only for the purposes and subject to the conditions stated in this section.

Subd. 2. Public debt may be contracted:

(a) for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, and to provide moneys to be appropriated or loaned to any agency or political subdivision of the state for such purposes; provided any law authorizing such debt is adopted by the vote of at least three fifths of the members of each branch of the legislature;

(b) as authorized in any other section or article of this Constitution;

(c) for temporary borrowing as authorized in subdivision 3;

(d) for refunding outstanding bonds of the state or any of its agencies, whether or not the full faith and credit of the state has been pledged for the payment of such bonds; and for refunding certificates of indebtedness authorized by the legislature prior to January 1, 1963

Subd. 3. As authorized by law, certificates of indebtedness may be issued during each biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, in anticipation of the collection of taxes levied for and other revenues appropriated to any fund of the state for expenditure during that biennium.



No such certificates shall be issued with respect to any fund when the amount thereof with interest thereon to maturity, added to the then outstanding certificates against the same fund and interest thereon to maturity, will exceed the then unexpended balance of all moneys which will be credited to that fund during the biennium under existing laws; except that the maturities of any such certificates may be extended by refunding to a date not later than December 1 of the first full calendar year following the biennium in which such certificates were issued. If moneys on hand in any fund are not sufficient to pay all non-refunding certificates of indebtedness issued on such fund during any biennium and all certificates refunding the same, plus interest thereon, which are outstanding on December 1 immediately following the close of such biennium, the state auditor shall levy upon all taxable property in the state a tax collectible in the then ensuing year sufficient to pay the same on or before December 1 of such ensuing year, with interest to the date or dates of payment.

Subd. 4. Public debt other than certificates of indebtedness authorized in subdivision 3 shall be evidenced by the issuance of the bonds of this state. All bonds issued under the provisions of this section shall mature within not more than 20 years from their respective dates of issue, and each law authorizing the issuance of such bonds shall distinctly specify the purpose or purposes thereof and the maximum amount of the proceeds authorized to be expended for each purpose. The state treasurer shall maintain a separate and special state bond fund on his official books and records, and when the full faith and credit of the state has been pledged for the payment of such bonds the state auditor shall levy each year on all taxable property within the state a tax sufficient, with the balance then on hand in said fund, to pay all principal and interest on state bonds issued under the provisions of this section, due and to become due within the then ensuing year and to and including July 1 in the second ensuing year. The legislature may by law appropriate funds from any source to the state bond fund, and the amount of moneys actually received and on hand pursuant to such appropriations prior to the levy of such tax in any year, shall be used to reduce the amount of tax otherwise required to be levied.

Sec. 7. The state shall never contract any public debt, unless in time of war to repel invasion or suppress insurrection, except in the cases and in the manner provided and referred to in the sixth section of this article. Public debt includes any obligation payable directly, in whole or in part, from a tax of state-wide application on any class of property, income, transaction or privilege, but does not include any obligation which is payable from revenues other than taxes.

Sec. 2. Minnesota Constitution, Article IX, Section 14, is hereby repealed.

Sec. 3. This proposed amendment shall be submitted to the people of the state for their approval or rejection at the general election for the year 1962, in the manner provided by law for the submission of amendments to the Constitution. The votes thereon shall be counted, canvassed, and the results proclaimed as provided by law. The ballots used at the election shall have printed thereon the following:

"Shall Article IX, Section 14 of the Constitution of the state of Minnesota be repealed and Article IX, Sections 5, 6, and 7 be amended to allow the state to incur indebtedness for temporary borrowing, and to incur indebtedness payable within 20 years for the acquisition and betterment of public lands and buildings and other public improvements of a capital nature when authorized by a three fifths vote of each branch of the legislature?

Yes.....

No....."

Approved June 10, 1961.

Proposed Amendment  
Number Three - 1962 General Election  
EXTRA SESSION H.F. No. 153, CHAPTER No. 100

AN ACT

PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 1,  
OF THE CONSTITUTION OF THE STATE OF MINNESOTA  
RELATING TO THE TIME AND LENGTH OF LEGISLATIVE  
SESSIONS.

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

Section 1. There is hereby proposed an amendment to the Constitution of the State of Minnesota, Article IV, Section 1, so that the section will read as follows:

Section 1. The legislature shall consist of the Senate and House of Representatives. The senate shall be composed of members elected for a term of four years and the house of representatives shall be composed of members elected for a term of two years by the qualified voters at the general election.

The legislature shall meet at the seat of government in regular session in each odd numbered year at the time prescribed by law for a term not exceeding 120 legislative days; and no new bill shall be introduced in either branch, except on the written request of the Governor, during the last 30 days of such sessions.

A special session of the legislature may be called as otherwise provided by this constitution.

Sec. 2. This proposed amendment shall be submitted to the voters for approval or rejection at the general election for the year 1962 in the manner provided by law. The ballots used at the election shall have printed thereon:

"Shall the Constitution of the State of Minnesota, Article IV, Section 1, be amended so that the regular session of the legislature will not be limited to 90 days but will be held in odd numbered years at the time prescribed by law, and for a term not exceeding 120 legislative days?

Yes.....

No....."

Approved June 10, 1961

League of Women Voters of Minnesota, 15th & Washington S. E., Minneapolis 14, Minn.  
November 14, 1961 111461CCC

MEMO to State Item Resource Chairman (Constitutional Revision) in Local Leagues  
FROM Mrs. Albert J. Richter, State Item I Resource Chairman on State Board  
RE Suggestions for study of State Item I material

Enclosed in this mailing are:

"Doorway to Change, a Study of Minnesota's Amending Process," 13 pages, 20¢  
Part I for this year of the study of Minnesota's Constitution

"Proposed Amendments to Minnesota's Constitution, 1962," 28 pages, 50¢  
Background studies on each of the three proposed amendments

Study Questions for Proposed Constitutional Amendments  
These are included with every copy of above booklet

Consensus Sheet on State Item I

Includes questions on amending article and on each of three amendments.  
Enough copies so that each unit in your League may have one are included  
in this mailing, but will not be sent out with future orders. This  
Consensus is due from local League Board to State Board by March 1.

Copies of the Proposed Amendments

Enough copies so that each unit in your League may have one are included.

Constitution of the State of Minnesota, 1957

One copy for each League is included in this mailing.

UNIT

If your discussion units meet twice a month, you might use one meeting for discussion of the amending article and the debt amendment, the other meeting for the trust fund and length of session amendments. (Leagues will find the trust fund and debt amendments the most involved.)

If your units meet but once a month, this material can only be superficially treated. We suggest that you make an all out effort to see that your members at least read the proposed amendments before presentation time. If you remind them that the position the League takes on the three amendments may very well affect their passage or defeat at the polls, they will feel as we do that it is very important to have an informed consensus.



File - H Rule

November 9, 1961

Mrs. L. Chesborough  
Battle Lake  
Minnesota

Dear Mrs. Chesborough,

We don't have any current material on home rule. However, the material being prepared by the Constitutional Revision Committee, with commentary on all articles in the constitution, and comments on changes suggested, will certainly contain comments on the home rule article. This material will reach you in January. So, if you can wait till then, fine....

If not, then take a look at the home rule chapter in *The State You're In*, page 75. That amendment passed. Since then, two sessions of the legislature have passed enabling legislation. If you have files of the Voter, July 1959, ~~and July 1961~~, there is this report: "Legislative improvement of Minnesota's local government laws was anticipated after the passage of Amendment No. 1 in the 1958 General Election. Special legislation is now legal and the community concerned is named in the law. All special laws must be approved by either the governing body or the electorate of the community affected; an attempt to eliminate the local consent requirement may be repeated next session. Home rule charters should be easier to adopt and amend with the new vote requirement of 55% of those voting on the question.

Much remains to be done in this field and recommendations undoubtedly will come in 1961 from two newly established legislative interim commissions (one on laws relating to Cities, Villages and Urban Towns, and the other on Organization, Function and Structure of County and Township Governments).

Then if you will look on page 3 of the last issue of Capitol Letter, June 28, 1961:

"HOME RULE: Of all the hoped-for implementation of the home rule provisions of our state constitution, only a part was accomplished.

1) Amendments may now be initiated not only by charter commissions or citizen petitions, but also by local governing bodies. (By a one-vote margin the House decided that such amendments must obtain charter commission approval before being submitted to the voters.)

2) Improvements have been made in procedures for publication of proposed charter changes. Two weeks are now necessary for both amendments and charters; previously it was four weeks for amendments and none for charters.

3) Improvements also have been made in providing "reasonable and necessary" funds for charter commission uses.

over...

to continue....

"The Senate knocked out of the original bill (H.F.1000) a provision which would have allowed governing bodies to update noncontroversial charter provisions and to clear out dead wood without submitting such changes to the people. It also deleted a section which would have allowed charters to provide for election of charter commission members by the people. "At present they are appointed by the district court.) The Senate also added a section making it mandatory for a charter commission member to be a freeholder."

If you need more detailed information than this, I think the League of Minnesota Municipalities, Library, Room 15, University of Minnesota, Mpls. 14, would be your best source.

By the way, your son is interested in our publications, and is coming in next week to look over what we have. We thought when he gave his name, it rang a bell, and sure enough, he tells me that you two are quite closely related.

If we can be of more help, write again.

Sincerely,

*Grace Wilson*  
Mrs. Harold Wilson  
Organization Secretary

Battle Lake  
Minnesota

What material or publications  
are available on Home Rule. We  
are looking for some.

Mrs. L. Cheborough

(no other address  
given)



December 18, 1961

Dear Audrey,

The enclosed is my suggested memo on changes for Amendments I and II. Since you are the only Leaguer who knows more about Amendment I than I, you have to be my editor! Is it okay in your opinion? I think, as you, that many of Mr. B's comments can be ignored, but these seemed the most important points. I don't believe the Permanent University Fund has been changed in the proposed amendments, so your Appendix A statement "No changes proposed in this bill" is okay, I think.

If you feel this is wrong or incomplete, could you phone me collect (Taylor 4-5546). Otherwise, silence means agreement. Sorry to bother you now but we ~~fin~~ feel it needs to go to League's immediately. Thanks for the interesting letter.

Sincerely,

Supplement to Proposed Amendments to Minnesota Constitution, 1962

The following facts will change or clarify portions of the LWV's resource material on Amendment I and II. These suggestions revisions were brought to our attention by Robert Blixt, Executive Secretary of the State Investment Board.

Amendment I - Investment of Minnesota's Trust Funds

1. On Page 4: In discussing the reasons for the proposed amendment the point needs to be made clearer that there are two ways the amendment hopes to increase trust fund earnings: 1) by allowing them to be invested in new types of investments and 2) by allowing the sale of stocks or bonds at less than cost with these losses to be repaid from later interest earnings. This second way is important. Currently U.S. government obligations purchased in the past and bearing low interest rates cannot be sold for present government obligations yielding as much as 2.25% higher interest rates since this would involve a loss in the trust fund's principal. This means that if Amendment I passes existing U.S. government bonds will have to be sold at a loss of approximately \$25-\$30 million on the present market in order to invest in bonds yielding higher interest rates. The size of the loss is now so great because the courts construed "inviolable and undiminished" to mean no losses in principal can be permitted even if this were to result in much better interest yields. Under the present proposal bonds would have been sold before the losses became so large.
2. On page 8: The explanation of why the Permanent University Fund is not included in the Amendment's proposed changes is not complete. The funds were omitted at the request of the Board of Regents because the Board hopes to handle its own funds in the near future. From 1851-1963 the Regents handled University funds. In 1863 at their request a law was passed to allow the state to do this. An attorney general's opinion in 1955 stated that the Board of Regents now has authority to invest the Permanent University Fund as it sees fit subject only to the limitations of Article 8, Section 6. (They may invest in municipal and school bonds or farm mortgages but have not done so for several decades. No other constitutional provisions govern these fund's investments. Currently they are almost completely in U. S. Government obligations.) No agreement has been reached between the Regents and the legislature on the transfer of ~~1/2~~ the funds to date. Because of the uncertainty of who is to handle the funds it was decided by the legislators to leave the present Permanent University Fund provisions intact. The wisdom of allowing these provisions to remain in the article is debatable.

3. On page 7: The Committee on Investment of the State Trust Fund's suggested constitutional provisions were actually more detailed than the proposed amendment's. Amendment I is not only less detailed than their proposals, it ~~is~~ also noticeably reduces Article VIII. The question remains--could it leave still more to statutory law?
4. The House vote on Amendment I was 68-50; the Senate, 56-0.

#### Amendment II

On the top of page 13: In the discussion of the Certificates of Indebtedness an important reason for needing new constitutional debt provisions is neglected. Because of the low debt ceiling, the state's method of borrowing has been to borrow from the state's trust and retirement funds. If these state Certificates of Indebtedness and Bonds could be sold on the open market (instead of to these state funds), they could be sold at a very low interest rate. This is because their interest is tax deductible--a feature which does not aid the tax-exempt trust funds but does benefit many private investors. It is estimated this change could save the state thousands of dollars annually in interest on short-term borrowing alone.



## Supplement to Proposed Amendments to Minn's Const. 1962

the following facts will change or clarify portions of the LWU's resource material on Amendment I and II. These suggested revisions were brought to our attention by Robert Blist, Executive Secretary of the State Investment Board.

### Amendment I - Investment of Minn's Trust Funds

1. On page 4: In discussing the reasons for the proposed amendment the point needs to be made clearer that there are two ways the amendment hopes to increase trust fund earnings 1) by allowing them to be invested in new types of investments and 2) by allowing the sale of stocks or bonds at less than cost with these losses to be repaid from later interest earnings. This second way is important. ~~because~~ Currently U.S. government obligations purchased in the past and bearing low interest rates cannot be sold for present government obligations yielding as much as 2.25 % higher interest rates since this would involve a loss in the trust fund's principal. This means that if Amendment I passes existing U.S. Government bonds will have to be sold at a loss of approximately \$25-\$30 million in the present market in order to invest in bonds yielding higher interest rates. The size of the loss is now so great because the courts construed

"involute and undiminished" to mean no losses in principal can be permitted even if this were to result in much better interest yields. Under the present proposal bonds would have been sold before the losses became so large.

2. On page 8: the explanation of why The Perm. Univ. Fund is not included in the amendment's proposed changes is not complete. The funds were omitted at the request of the Board of Regents because the Board hopes to handle its own funds in the near future. From 1851-1863 the Regents handled University funds. In 1863 at their request a law was passed to allow the state to do this. An attorney-general's opinion in 1955 stated that the Board of Regents now has authority to invest the Perm U.F. as it sees fit subject only to the limitations of Article 8, Section 6. (they may invest in Municipal & School bonds or farm mortgages but have not done so for several decades. No other constitutional provisions govern these fund's investments. Currently they are almost completely in U.S. Government obligations.) No agreement has been reached on the transfer of the funds today. Between the regents and the legislature Because of the uncertainty of who <sup>is to</sup> ~~will~~ handle the funds it was decided by the legislature to leave the present P.U.F. provisions intact. The wisdom of allowing these provisions to remain in the article is debatable.

3. On page 7: the Committee on Investment of the State Trust Fund

(2)

Suggested constitutional provisions were actually more detailed than the proposed amendment's. Amendment I is not only less detailed than their proposals, it also noticeably reduces Article VIII. The question remains — could it leave still more to statutory law?

4. the House vote on Amendment I was 68-50; The Senate, 56-0.

Amendment II (next page) Hope you can read it, Roberta.

Roberta, please send copy of this + my letter to Audrey Down. I'd like her OK.



## Amendment II

(3)

On the top of page 13: In The discussion of The Certificates of Indebtedness an important reason for needing new Constitutional debt provisions is neglected. Because of the low debt ceiling, the state's method of borrowing has been to ~~from has had to~~ borrow from the state's trust and retirement funds. If these <sup>state's</sup> Certificates of Indebtedness and Bonds could be sold on the open market (instead of to these state funds), they could be sold at a <sup>very low</sup> ~~lower~~ interest rate. <sup>this is</sup> Because their interest is tax deductible - a feature which does not aid the tax-exempt trust funds <sup>but does benefit many private investors</sup>. It is estimated this <sup>change</sup> ~~change~~ alone could save the state thousands of dollars annually in interest on short-term borrowing alone.

- 1- Permanent Univ. Fund - <sup>p. 5</sup> ~~not~~ Why not ~~included~~ included + how funds <sup>invested</sup>
- 2- To allow Bonds + stocks to be sold at a loss.
- 3- Gov. Comm. on Trust Funds more detailed proposal than present. (p. 4)
- 4- Amendment is shorter than present one but basic question remains if  
since regarding couldn't have eliminated this. (p. 5)
- 5- Imp. feature to Amend I - allow losses to principal so as to change  
investments.
- 6- Appendix A - P. Univ. Fund -  
~~Debt~~
- 7- Vote on A - in House + Senate

Debt

Debt A - p. 6

The state trust and retirement funds. ~~Since~~ If the Certificates  
of Indebtedness <sup>on Bonds</sup> could be sold on the open market they could be  
sold at a lower interest rate because their interest is tax  
deductable (a provision which does not aid the <sup>tax-exempt</sup> trust funds) It is  
estimated this feature could save the state thousands of dollars <sup>annually</sup>  
in interest on short-term borrowing alone.