



League of Women Voters of Minnesota Records

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[Jan 1962]

COMMENTARY
ON
MINNESOTA
STATE
CONSTITUTION

INTRODUCTION

"Nobody but nobody reads state constitutions, or not, at least, if they can help it."*

Though no one would expect state constitutions to be best sellers, the fact remains that the basic laws of each state deserve more readers than they attract. Our forefathers believed that constitutions were to be read, as well as to be written, by private citizens and that they were to educate in the "first principles" of government. These ideas must have been forgotten, for most of our 50 constitutions are wordy, difficult to understand, and often inconsistent. Yet the reader with imagination may see beyond the barriers of words to find that important questions of political and economic philosophy as well as a variety of ideals and prejudices are being stated. Interesting questions occur to the thoughtful reader: Which groups are getting preferred treatment in this state? How did the authors and the public feel about the role of the voters, the legislature, the governor, the judges? Did they feel differently about them when the document was written than they did later on when amending it? How have they expressed their feelings about minority groups, religious freedom, virtue, the rise of corporations, the growing urban communities? Did they mean for the constitution to be read by its citizens, or is it too technical in language and too involved with detail for the layman to find those "first principles" which constitutions emphasize?

Are constitutions really necessary?

After reading constitutions and seeing how they are sometimes ignored in practice (Minnesota is supposed to reapportion every 10 years, says the constitution!), readers may question the need for written constitutions. England has never had one. Much that makes our state government work for example--our political parties--is not even in our constitution. Why then constitutions?

Historically they were first used by the colonists to claim their rights against the Crown. Later constitutions were written to guarantee the liberties of citizens against their own government. Chiefly, though, they seemed necessary in our federal system to define roles of the state and national governments. We think of a constitution as outlining the principal organs of government, distributing the powers of government among them, and defining the relationships between the government and the people. It is the basic law, the framework, a statement of the ground rules within which statutory laws can be drafted to meet changing conditions.

Justice Cordozo said eloquently, "A constitution should state, not rules for the passing hour, but principles for an expanding future."

How to recognize a good constitution

A constitution should be brief, clearly stated, and confined to those fundamentals which reflect the fixed convictions of the vast majority of the people. It should concern itself with ends more than means. It should be flexible--to allow for orderly change, to prevent the shackling of future legislatures, and to minimize the need for litigation. A quick test of a good constitution is: has it required a great many amendments, has it allowed good laws to be passed as well as prevented poor ones from passing, and has it permitted efficient and responsible administration.

* Robert B. Dishman, State Constitutions: The Shape of the Document

Common divisions of a constitution

Usually state constitutions include the following divisions: a preamble, a bill of rights, articles on the legislative, executive and judicial branches, a separation of powers statement, and provision for changing the constitution. They may also include articles on: highways, education, welfare, finance, local government, regulation of corporations, banks and public utilities, and a schedule describing how the constitution is to go into effect.

How state constitutions changed

Students of state constitutions agree that the best state constitutions are our oldest ones, e.g., New Hampshire's, and our newest, e.g., Alaska's. These are brief and state basic principles. Nineteenth century constitutions became longer as more details were included. The public had come to distrust the legislature; therefore detailed restrictions on this branch were added. But by the early twentieth century, constitutions reflected the public's interest in a stronger executive branch, their impatience with the overly conservative courts (this introduced more constitutional detail), and some partially restored confidence in their legislatures. Readers of Minnesota's constitution will see evidence of these changes in public thinking.

We look ahead

Past League studies provided background on the history of Minnesota's 1858 Constitutional Convention, discussed general areas of needed constitutional change, and emphasized the importance of calling a constitutional convention. This year the Minnesota LWV is providing its members with an overall look at our state constitution with this accompanying article-by-article commentary. We hope it will reveal enough about the constitution to enable delegates to our May 1962 State Council to decide which articles most need change. These articles would then be given further study (as has already been done with the amending article) to lead to a consensus on the changes desired by the members. This in turn could draw the League into active partnership with legislators in drafting one or more new articles in the form of amendments to bring to the 1963 legislature.

How to Study the Commentary

Your copy of the Minnesota Constitution, prepared in 1957 by the Secretary of State's office, was received earlier. Unlike our federal constitution, Minnesota's amendments have been incorporated into the text. Nevertheless, it is possible to note the changes made in the original document by referring to the amendments as listed on page four. You will discover changes in thinking by noting the dates amendments were adopted and the votes by which they were passed.

As you read, evaluate first which articles seem most in need of overall change and then which articles have sections that badly need change. Consider, too, which changes are going to be difficult or relatively easy to effect.

ARTICLE 1. BILL OF RIGHTS

Why include one?

A Bill of Rights, found in every state constitution, is included to protect the individual from arbitrary or tyrannical treatment by his government, and to guarantee to the citizen personal and property rights. Prior to the 14th amendment to the federal constitution, the state constitutions were the citizens' only protection, as the federal Bill of Rights restricted only the national government. It is suggested by Robert Hutchins that the individual now needs protection from "the possible dangers of a police state; protection for full freedom of communication; protection from the arbitrary character of the bureaucratic state, and from the 'remorseless tendency of the industrial system.'" Some feel that protection is needed in the following areas: racial segregation, arbitrary administrative actions, the right to organize and bargain collectively (although Hawaii's and Alaska's new constitutions leave this matter for legislative determination), and the rights of conscientious objectors in reference to state militia.

The Minnesota Bill of Rights closely parallels that of Wisconsin (written in 1848) and was considered by Professor William Anderson of the University of Minnesota in 1921 to be the most satisfactory article in our constitution. Checked point by point with the Model Constitution* it matches major section for major section. There have been five amendments to this article.

MCC Recommendations

The Minnesota Constitutional Commission's report in 1948** suggests two substantive changes in Article 1: in Section 2, to add, "The legislature shall not abridge the right of the people peaceably to assemble and to petition the government for redress of grievances," and in Section 10, to make evidence obtained by unreasonable search and seizure inadmissible in criminal proceedings.

The MCC notes that Section 2 on slavery is superseded by the federal constitution; they recommend deleting Section 15 on feudal tenures as not a useful section. Section 18 concerning peddling is an example of special protection (for farmers and consumers) and according to W. Brooke Graves of the National Municipal League, matters of this nature should be statutory law rather than constitutional law.

No changes have been made in this article since the Commission's report. A subsequent decision of the United States Supreme Court, which made inadmissible in court evidence seized without a warrant, reverses an earlier Minnesota Supreme Court ruling. Experts still feel this safeguard should be in our Bill of Rights. In addition, there is the question of whether to include a provision against the use of wire tapping for gaining evidence. Only New York has one; Alaska was unable to agree on suitable language which would make possible desired exceptions to such a restriction. Wire tapping does go on. Some advocate a restricted use of listening devices; yet the right of privacy can be eroded by such methods.

* Model State Constitution, Committee on State Government, 1948

**This legislative-appointed committee was composed of 8 senators, 8 representatives, 1 administrative official, 1 judge, and 3 laymen.

ARTICLE 2. NAMES AND BOUNDARIES

Authorities suggest this article need not be in a constitution, as this can be a statutory matter. Also this article is incomplete as Lake of the Woods has never been added to it. The Minnesota Constitutional Commission suggested changing the term "British Possessions" to "Dominion of Canada" in Section 1, and in Section 3 suggested a wording change to allow levying of a tax on federal property if permitted by Congress. This article has never been amended.

ARTICLE 3. DISTRIBUTION OF THE POWERS OF GOVERNMENT

This article, while found in almost all constitutions, is considered unnecessary by W. Brooke Graves in his book, State Constitutional Revision. However, he considers it too established by long usage to eliminate. Constitutions, he points out, should be realistic and reflect government as it operates. This article is unrealistic in that there can be no strict separation of the three branches -- executive, legislative and judicial. Secondly, "department" does not describe the executive branch with its numerous popularly elected officials and its quasi-independent boards and commissions, nor do the numerous and loosely related courts constitute a judicial "department."

ARTICLE 4. THE LEGISLATIVE ARTICLE

A. Introduction

The framers of Minnesota's Constitution believed, like most citizens of the time, that weak government was good government, strong government dangerous government. Therefore, Minnesota's legislators were not given the broad and flexible powers necessary for the complex problems of our day. Furthermore, our legislative article (and our entire constitution, of course) suffers from the hasty, faction-ridden, disorganized manner in which it was compounded -- bit by bit, in a few days, by 10 men -- from two completely different documents which somehow had to be made one.

Inevitably these two factors -- fear of a strong legislature, and hasty improvisation -- have left Minnesota with a legislative article that needs strengthening, reorganization, and deletion. Unfortunately, the citizen is still not fully convinced of the need for an effective, continuously functioning, democratic, well-staffed, and adequately compensated legislature. Unfortunately, also, many legislators look askance at change -- even when for their own benefit -- and all legislators lack time for a careful examination of the legislature's deficiencies and its needs.

B. What changes have been made in Article 4 since 1857?

Length of session has always been a controversial matter. Our original constitution allowed unlimited annual sessions. This grant of freedom was quickly rectified within three years by limiting sessions to 60 days; it was further restricted by imposition of biennial sessions in 1877. By 1888, this 60 days of lawmaking every other year had proved so inadequate that the 60 days were lengthened to 90.

Terms of representatives and senators were changed from one to two years, and from two to four years, respectively, when annual sessions were made biennial.

Introduction of bills was limited to the first 70 days of the session when the session was lengthened to 90 days. Bills could, however, be introduced with the governor's written consent after that date -- a provision which has largely nullified the purpose of this amendment. (This increased executive power, decreased legislative discretion.)

Veto power over individual items in appropriation bills was given to the governor in 1876, by a tremendous majority of 10 to 1. (Another increase in executive over legislative power, whatever its wisdom.)

Three inapropos sections (taxation of railroads, investment of proceeds from internal improvement lands, and prohibition of food market pools) were either amended to their present form or added between 1871 and 1888.

Restrictions on special legislation were added in 1881 and 1892. However, until this provision was changed to conform with the Home Rule Amendment of 1958, the legislature proved highly ingenious in skirting the restrictions.

In summary, except for lengthening the terms of legislators, the originally limited powers of our legislature were further restricted in the century following adoption of Minnesota's constitution.

C. What changes were suggested by Minnesota Constitutional Commission of 1947?

The MCC proposed far-reaching changes in Article 4. These proposals were of four kinds: (1) substantive changes; (2) reorganization; (3) deletions; (4) additions.

(1) Substantive proposals

- a. Legislative sessions could be of any length, subject to discretion of the two bodies. That is, within 75 days of convening the legislature could, by concurrent resolution, extend the 90-day session to any date it chose. (A continuous body would thus have been possible.)
- b. Special sessions could be called, not only by the governor, as now, but also by such means as the legislature chose to enact into law or by joint rules of both houses.
- c. Reapportionment was modified as to basis, the urban center being under-represented in the senate; action was to be enforced after every census by a bipartisan commission.
- d. Legislators could, by resigning, run for or be appointed to other state or federal offices. The old provision disqualifying legislators from holding other office "kept qualified men from accepting legislative membership or continuing in it." A legislator was still to be prohibited from appointment to an office which was created by, or the compensation of which was increased by, the legislature of which he was a member. This prohibition was not to apply to any other elective offices -- nor to remain in effect for a year after the term expired.
- e. A change in the method of taxing railroads (Section 32, a) was no longer to require a referendum vote, but the gross earnings tax on railroads would remain in lieu of other taxes.

(2) Deletions included: (a) revenue bills were no longer to originate only in the house. This was deemed a historic relic dating from colonial days when only one house was popularly elected. By allowing both houses to introduce revenue measures the legislature's work would be speeded up. (b) Excessive penalties on legislative officers for refusing to sign bills were removed. (c) Requirement that every bill be read three different days, etc. (These first three deletions were to give the legislature greater power over its internal procedures.) (d) Deleted because superseded were sections on pools on market foods (by federal antitrust laws); and election of senators (by federal legislation).

(3) Reorganization changes would have put together in the same section of Article 4 scattered sections on qualifications, eligibility, and contests for legislative office; procedural matters of rules and quorum; recording of votes and time for executive consideration of bills; reapportionment (Sections 23 and 24 both combined with 2, described above). Other provisions would be moved to other more appropriate articles: exclusion from office because of "infamous" crimes to Elective Franchise Article; legislative oath of office and uniform oaths for all branches to Miscellaneous Article; internal improvement lands section to combined section on state lands in the Education Article. Special laws relating to townships, cities and villages were to be moved to the Home Rule Article. Other provisions forbidding special laws on specific subjects were suggested for recodification in Article 4.

(4) Only addition to legislative powers was that no purely legislative rules were to require governor's consent.

Comment: Although far-reaching changes were proposed by the MCC, the surprising retention was protection of railroads from ordinary taxation, doubtless a necessary compromise.

D. Have other pertinent changes been widely suggested?

The post-auditor, an officer who would report to the legislature on how appropriated funds have been spent, is considered a matter for constitutional protection by many authorities. Granting the governor more time for considering a possible veto is still another suggested change.

E. Has the League a position on any sections of the Legislative Article?

Lengthened session (general stand in favor, no specifics, no lobbying. Currently consensus being taken on proposed Amendment No. 3 to lengthen the legislative session.)

Mandatory reapportionment provisions with effective sanctions (specific criteria; coming federal Supreme Court decision on whether it will rule on Tennessee's failure to reapportion might influence past League stand)

Post-auditor (general stand in favor, no lobbying)

F. What are the possible avenues to reform of Article 4?

1. Constitutional Convention. (How dead is this issue?)
2. Another commission to review and update legislative changes and needs.
3. Section by section change. (Should the League suggest priority?)
4. Whole-article revision, as used for judicial reform and home rule changes. (Advantages are obvious, but odds are high against making a package of so many different kinds of changes as embodied in Article 4, unless a commission report were behind the reform.)

G. Would thorough revision of Article 4 insure an efficient legislature?

No. Committee structure and function, caucus organization, party designation, lobby registration, conflict of interests, committee and house records, legislative compensation, research facilities all are matters for statutes or rules, not the constitution.

ARTICLE 5. THE EXECUTIVE

During the revolutionary period when the colonial governors were appointees of the King, the pattern for state governments with weak gubernatorial provisions evolved. However, the twentieth century has seen state governments increase in size and complexity and the trend in recent years has been to strengthen and unify the executive department. Minnesota has followed this trend with two recent amendments: in 1958 the people passed an amendment providing four year terms for state constitutional officers to take effect in 1963, and in 1960 we passed an amendment clarifying the gubernatorial succession. The latter permitted provision by law for succession to the office of governor in case of inability of both the Governor and Lieutenant Governor.

Constitutional Officers

In accordance with a shorter ballot, and to further strengthen the governor, we might consider reducing the number of constitutionally elected officers from the present six to three or two, or even to one -- as the Model State Constitution recommends. Some questions to be considered here are: Should the governor and lieutenant governor be elected jointly on a party ticket? Senator Erickson in the 1961 legislature proposed such a bill. Do we need a lieutenant governor? Thirteen states have eliminated this office. Hawaii and Alaska have combined the functions of lieutenant governor and secretary of state. Hawaii elects only a governor and a lieutenant governor; Alaska elects only a governor and a secretary of state. The office of treasurer is largely a non-policy making position. Should this be an elected position? Then, would we wish to split the duties of the auditor between a controller responsible to the executive and a post auditor directly responsible to the legislature? Should the attorney general be independently elected as recommended by the MCC or be an appointed officer in the governor's cabinet as provided in several of the newer constitutions?

Other possible changes

Section 4, stating the powers and duties of the governor, might be streamlined, with the legislative and administrative functions of the governor more clearly defined and more concisely stated. Possibly further clarification is also needed of the governor's powers under martial law. It should be noted here that, unlike the legislature which has all powers not specifically denied it, the governor has only those powers explicitly given him. Modeled after the federal practice in law and included in the Alaskan constitution is a provision giving the governor the power to make, by executive order, such changes in his administrative organization as he may deem necessary. These changes become law unless modified or disapproved by a majority of the legislature. This provision clearly fixes executive responsibility by giving the power of initiating necessary administrative changes to the executive where such changes are more likely to begin.

Specific changes in the present article recommended by the MCC are: 1) to remove the office of secretary of state and treasurer from the constitution with the legislature determining whether they are to be continued; 2) to provide for an executive budget; 3) to restructure the state board of pardons by replacing the chief justice with a person appointed by the governor and approved by the senate; and 4) to enable the governor to restrict a special session of the legislature to "matters specified in the call." The MCC also recommended that civil service be explicitly included in the constitution, although other authorities would leave this a statutory matter.

Other Articles Affect Governor

The governor's powers are also limited by constitutional provisions outside the executive article; restrictive language in other parts of the constitution may also be a hindrance to the governor in taking effective leadership. For example, a constitutional limitation on borrowing has made it difficult for the governor to present a realistic capital improvement budget to the legislature. The citizens of a state look to the governor for effective leadership. This leadership comes not only from his administrative duties, but from his legislative and political powers. Changing specific provisions in the executive article may be helpful, but they cannot provide the whole answer to effective leadership.

ARTICLE 6. THE JUDICIARY

The present Article 6 is an amendment to the constitution adopted in 1956. It represents a rewriting of the old Judiciary Article, incorporating many improvements suggested by those interested in judicial reform, and moving in the direction of clarification and simplicity. Yet some knowledgeable people, like Maynard Pirsig of the University of Minnesota Law School, writing in the Minnesota Law Review in 1956, regard this amendment as only a limited advance because it failed to do anything about several major needs of court organization, such as effective administration of the courts and reorganization of the lower courts. Plans to meet these major needs have been put forth by committees and commissions. A survey of these plans, and what became of them, may clarify the problem of judicial reform.

The JCC Report

The first recommendation calling for complete revision of the Judiciary Article came in 1942 from the Judicial Council Committee on the Unification of the Courts, headed by Associate Justice Charles Loring. The report contained these major features:

- A. Establishment of a unified court system, containing supreme court, district court, and county court departments. This was intended to eliminate difficulties of jurisdiction and provide for more flexible court operation to meet the needs of the whole state. States which have this type of court organization are New Jersey and Alaska; several others are moving in this direction.
- B. Provision for an administrative council (composed of judges) with broad powers to change districts, create subdivisions, and alter jurisdictions. It would centralize the supervision of court business including budgets, trial terms, reassigning of judges to overburdened districts, and record keeping. States which have made recent progress in this field are Colorado, Illinois, and New Mexico. Twenty-three states have court administrative officers.

- C. Method of selecting judges modeled on the "Missouri Plan" (contained in the Missouri constitution of 1945).

This is the way the Missouri Plan operates:

1. A nonpartisan judicial commission submits three names to the governor whenever a vacancy occurs. (There was some criticism of this JCC provision because lawyers had a majority on the nominating commissions.)
2. The governor appoints one nominee to fill the vacancy. (Another criticism of this provision was that the governor had no power to reject this list and call for a new one.)
3. The judge holds office for a limited specified period, such as one year.
4. Then an election, without a competing candidate, is held to see if the judge should be continued in office. If the vote is "yes," he continues. Usually there are periodic elections to give opportunity to remove an unwanted judge.
5. If the vote is "no," the appointment process is repeated.

This plan was designed to promote qualified men into judgeships and to eliminate the necessity for campaigning in the usual political manner. The Missouri Plan, or one similar, is in effect in Alaska, California, Kansas (Supreme Court Justices only), and Missouri. It is supported by the American Bar Association and the American Judicature Society.

The JCC recommendations were received without enthusiasm, and no action was taken.

The MCC Report

The Minnesota Constitutional Commission favored judicial reform within the existing constitutional framework and recommended many changes. Its 1948 report:

- A. Eliminated the unified court system and retained the independent courts (supreme, district, and probate) with their strict and separate jurisdictions.
- B. Provided for an administrative council with more limited powers.
- C. Made some changes in judicial selection, but abandoned the principles of the Missouri Plan. Instead, it:
 1. Extended all judicial terms to six years; provided for the "Alley Plan" in which incumbents are identified on the ballot and candidates must specify against whom they are running; allowed judges appointed by the governor at least one year before having to run in an election.
 2. Set up an election plan for supreme court justices which the legislature could, but was not required to, adopt. Initial selection was through an open election with competing candidates. Subsequent retention in office was like the Missouri Plan.

Minnesota Bar Association Committee Report

This committee studied the MCC Report from 1948 to 1953, made further alterations, introduced its recommendations to the legislature in 1955, and supported the amendment which was put to the voters in 1956. The Bar Committee adopted most of the language of the MCC Report with these major differences:

- A. It eliminated the administrative council after the District Judges Association in 1953 opposed it. Mr. Pirsig said, "It is regrettable that the judges should have found it necessary to object to a measure designed to expedite their work and found useful and effective in other states."
- B. It removed all changes in judicial selection and proposed, instead, that all judges be "elected in the manner provided by law." In practice, most judges arrive on the bench through an appointment by the governor and have one year or more before running in an election which has the "Alley Plan" mentioned in the MCC Report. There are no specific rules about the method of appointment set out in the constitution, other than that this is the governor's duty.

Probate Court Changes

In 1954, a constitutional amendment was passed changing the jurisdiction of the probate courts and the qualification of its judges. These improvements were incorporated into the 1956 Amendment.

Provisions in the Present Article 6 which represent changes from the Old Article

1. All judges must be lawyers and all terms are increased to six years. Appointed judges have at least one year (instead of 30 days) in office before having to run in an election. Provisions for retirement and removal of judges are better.
2. Justices of the peace and court commissioners are no longer constitutional officers.
3. More freedom is given to the legislature in changing judicial districts.
4. Probate court is reorganized.
5. Supreme Court is allowed to appoint its clerk of court and law librarian. Directions as to where the Supreme Court shall meet are removed.

Criticisms of the Present Article 6

1. Not clear who has the power to make rules of practice, procedure, and evidence. Old article gave this power to the legislature. JCC recommended giving it to the supreme court; MCC left the power with the legislature. Present article is silent on this subject.
2. Clerk of district court is still elected rather than appointed.
3. Fixed minimum jurisdiction of the probate court thought by some to be a barrier to solution of reorganization of lower courts.
4. No administrative council for the courts.
5. No improvement of judicial selection.

Conclusion

Improvements in the workings of the court system have been made in the last 10 years, especially since the adoption of the new Judicial Article in 1956, e.g., judicial districts were reduced from 19 to 10 by statute. But it is true that none of the more thorough-going reforms, first suggested in Minnesota nearly 20 years ago and adopted by many of our more populous states, has made much headway here. In looking over the field of judicial reform, one must keep in mind which major plans require constitutional alterations, and which ones require legislative

action. Unification of the courts, a far-reaching change, certainly would need a constitutional amendment, if not a rewriting of the entire article. The creation of an administrative council is not prohibited by the constitution and could be put into effect by statute. As for changes in the method of selecting judges, it is the opinion of a Law School faculty member that this, too, would require an amendment to the constitution.

Statutory and Court Changes

It is, of course, in the public interest to have a system of dispensing justice which is effective, efficient, and of high quality. However, the judicial department differs from the other governmental departments which affect the citizen. The public is concerned with the end result of the judicial system, but it is not qualified to take part in the workings of the system. This is the province of a specialized professional group -- the lawyers. It is difficult, if not impossible, for lay groups to support or obtain changes in the court system which the Bar Association actively opposes, or in which it is not interested. This has been especially true of two major suggestions for improvement: unification of the courts, and the administrative council. In fact, many lawyers feel that most of the practical problems of the legal proceedings facing both the public and the profession are centered around administrative tie-ups; these problems are not ones to be solved by constitutional revision but by administrative reorganization, accomplished by the courts or by statute.

New interest in selection of judges

The remaining major proposal -- change in the method of selecting judges --- concerns the public directly as well as indirectly. Here we are qualified to have a say, because we take part in the process. And it is here that interest in improvement seems to be reviving, not only among lay groups concerned with governmental processes, but within the legal profession. The League of Women Voters may want to study more closely the various plans proposed in the past, and join with others in support of an improvement in this field.

ARTICLE 7. THE ELECTIVE FRANCHISE

Amendments to this article over the years have dealt with extending the elective franchise to all people, regardless of race or sex. The direction now is to modify residence requirements which have become restrictive as the mobility of our population has increased. The amendment adopted in 1960, which substituted a new Section 1, permits persons who have moved within 30 days of an election to vote as prescribed by the legislature. Under consideration is a plan to allow persons moving into the state less than six months before an election to vote for President and Vice President. Eight states have passed amendments to implement this idea since 1956, and the LWV has a consensus supporting action in this area.

Obsolete Provisions

Before 1960, there were three obsolete provisions in this article. The first set special criteria for the vote of Indians and was eliminated by the amendment to Section 1 adopted in 1960. One of the more conspicuous examples of obsolescence still remains -- the limited vote of women which is superseded by the 19th Amendment to the U. S. Constitution. The third obsolete provision that could be removed is the last part of Section 9 setting the procedure for the first general election after the adoption of Section 9 in 1883.

Possible needed additions

Two provisions which could be added to this article arise from changes in voting procedures since the original constitution was written. One would require a voter to be registered where a registration system is in effect, and the other would sanction the use of voting machines. Both would give constitutional protection to accepted practices in order to avoid questions of their legality. Some states have these provisions, although there is no unanimity of thought on the need or desirability of including them. The MCC suggested providing for the use of voting machines. In addition they would have specified in Section 2 that voting rights are to be revoked for conviction of a felony in Federal as well as State Court. They added hospital confinement in Section 3 to the list of institutions at which a voter could reside and not lose residence; other changes of the MCC related to eliminating obsolete provisions.

ARTICLE 8. EDUCATION AND SCHOOL FUNDS

How the Article Grew

This article, which originally consisted of four sections, now contains eight. It was included in the constitution to provide a uniform public school system, to establish and to guarantee the state school fund against waste, to prohibit using the fund for any religious sects, and to establish the University and its location. Most of the amendments which have followed refer to the investment of the school funds. The article has grown increasingly detailed over the years. In addition to being criticized for its detail, the fact that it contains provisions which dedicate funds to particular purposes exposes it to further attack.

Dedicated funds criticized

Most states face financial difficulties because their constitutions and statutes dedicate or earmark much of their state's income. Minnesota is no exception, with 79% of its income in special funds and only 21% accessible to the legislature to spend as it sees fit. (The state income tax is a statutory not constitutional dedication.) Article 8 provides for three of the constitutionally earmarked funds -- the Permanent School Fund, the Permanent University Fund, and the Swamp Land Fund. This earmarking of funds tends to give stable and predictable support to some activities of state government but makes it difficult for the legislature to determine overall needs and to spend state revenue on the basis of the greatest needs. The new Alaskan constitution states, "the proceeds of any state tax or license shall not be dedicated to any special purpose, except when required by the federal government for state participation in federal programs." Although Alaska allowed old dedications to continue, her unwillingness to sanction new ones is significant.

Recommendations from study committees

The MCC made no proposals for eliminating dedicated funds. However, when the Commission was preparing its recommendations the subcommittee on Taxation and Finance recommended a provision abolishing all constitutional and statutory dedication of current revenue and requiring that all such revenue be deposited in a general revenue fund to be disbursed in accordance with appropriations made by law. The Little Hoover Commission (1950) states that the dedication of funds encourages unsound spending for the dedicated purposes and results in "feast and famine spending." It concluded that the legislature should make provisions for discontinuing the present dedication of funds and prevent further dedications. Obviously this is a politically difficult step to accomplish. The interest earned from investment of these three funds, as well as the money which formerly

went to enlarging the principal, is spent almost entirely for educational purposes. A very effective school lobby operates at the legislature and they would certainly oppose the loss of this income for the schools. It is questionable whether Minnesotans generally would be prepared to disturb this income for schools.

Other recommendations

The final MCC recommendations for this article involved reducing its length to five sections, eliminating the phrase "public schools in each township of the state" (township no longer constitutes a unit of school administration in Minnesota), including a consolidated section on public lands by combining Sections 3 and 8 with Section 32 of Article 4 (relating to the internal improvement lands and their investment), allowing the costs of administration to be deducted from the various funds' income before distributing it, and suggesting that the article be reduced in its detail.

Proposed 1962 Amendment

Proposed Amendment No. 1, to be voted on in November, 1962, would principally: (1) combine the Permanent School Fund and Swamp Land Fund into one fund, (2) change the consolidated fund's investment possibilities with the hope of increasing its income, (3) deduct administration costs from the fund's income before distributing it, (4) allow stocks and bonds to be sold at less than cost with subsequently earned interest repaying these losses to the principal. (For more information on Amendment No. 1 see the Minnesota LWV's study on the Proposed Amendments of 1962.)

ARTICLE 9. FINANCES OF THE STATE

In 1921 Professor William Anderson described this article as the most unsatisfactory one of the constitution. Certainly its 22 amendments have made it the most frequently amended article. The subject of state finances appears not only here but in sections of Articles 4, 8, 16, 17, 18, 19, and 20.

Problems of the Article

Whether or not the state can carry on its wide range of services and activities depends to a great extent on this article. Since the state has all the powers not given to the federal government, the article's chief purpose is to limit the state's powers. Many states, and Minnesota is one of these, have placed prohibitions and limitations in this article which interfere with the state's ability to carry out the duties required by other articles as well as by laws passed in the legislature. For example, the current state building program, which was approved by the legislature, may not proceed until a constitutional amendment removes this article's present debt ceiling. In the 1800s abuse of state credit by legislatures led to detailed clauses restricting the legislators' powers over state finances. This trend made for much less flexibility, and state governments have had difficulty in adapting to changing economic and social conditions. During the depression years the federal government moved in to act when the states, shackled by their constitutions' finance provisions, seemed unable to meet new needs. Another consequence of detailed financial provisions is that doubts over their interpretation result in many questions of finance being settled by the courts rather than by the legislature.

Types of Limitations Imposed

In Minnesota's finance article are found four different kinds of limitations that were either written in originally or added by subsequent amendments. The first type of limitation, earmarking of funds, is found in Section 1A. Revenues from the occupation tax are designated for three different uses: general revenue,

the elementary and secondary schools, and the university. In the period from 1949 to 1958 some of this revenue was diverted to a Veterans Compensation Fund. (Constitutional earmarking often leads to temporary earmarking and these obsolete provisions remain to lengthen and clutter constitutions.) Section 5 earmarks revenues from gasoline taxes for two road funds. Because the constitution allowed very little debt (Section 5) constitutional exceptions to the low debt ceiling were made to allow credit for special purposes. Section 10 originally provided bonds to help finance railroads; later, when the railroad debt proved disastrous, a special provision forbade further issue of the bonds. Section 14 bypassed the debt restrictions to allow bonds to be sold for the building of state institutions.

The second type of constitutional limitation involves provisions for special kinds of tax levies. Many states added these during the 19th century to increase taxes on the newly emerging large corporations. Since they were uncertain they had this power, states added amendments specifying they could levy these special taxes. Examples of this are the occupation tax, originally adopted in 1922, on the mining industry in Section 1A and the gross earnings tax on railroads in Article 4, Section 32, and mentioned also in Article 9, Section 1.

Exemptions from taxation, as listed in Section 1, is another limitation. Frank Landers, in Graves State Constitutional Revision, believes the subject of constitutional tax exemptions needs review.

Finally, our debt limitations are another restriction to legislative action. Whether their purpose -- to prevent legislators from mortgaging the future -- was achieved is controversial, since the \$250,000 limit has been circumvented and the debt in 1961 is almost \$200 million. Other Minnesota debt provisions allow for unlimited borrowing for certain restricted purposes (war, invasion, or insurrection) and prohibit lending the state's credit for the benefit of individuals or corporations (but then allow exceptions to this in the same Section 10). Proposed constitutional Amendment No. 2, to be voted on in November 1962, would greatly liberalize these provisions. Unfortunately it goes only part way in lessening these sections' detail. (For more information see the Minnesota LWV's study of the Proposed Amendments of 1962.)

Another limitation often found in state constitutions prohibits or limits levying special taxes. This has not appeared in our constitution. The proposed taconite amendment, which would specify that no special tax against mining companies could be levied, is an example of this kind of limitation.

MCC Recommendations for Article 9

The Commission retained Section 1 with its broad tax provisions to meet changing financial conditions. This section, amended in the past, has proven its worth. The MCC created a new section for exemptions from taxation, believing these need to be more clearly stated and strengthened. It retained the occupation tax, dedicated funds and all, and added a taconite amendment which provided that changes made in the rates or methods of taxing taconite must receive a two-thirds vote of each house of the legislature. It wrote a liberalized and greatly abbreviated debt section. It labeled as most important introduction of a post-auditor appointed by and responsible to the legislature to check on the executive's spending of appropriated funds. It deleted Sections 6, 7, 8, 10, 11, 12, 14A, 14B, 15, and 16 and most of Section 13, noting that most of these banking provisions are obsolete. None of these recommendations has become an amendment.

Little Hoover Report

Unlike the MCC, the authors of this report recommended that the legislature take steps to discontinue the present dedication of funds.

Finance Articles of Other States

Although comparing one state's constitution with another can be hazardous due to varying historical experiences and differences in current and prospective needs, it is interesting to see what is included in Alaska's (1956) constitution. Section 1: the state may not suspend its taxing power; Section 2: no discrimination on taxation of non-resident citizens; Section 3: appraisal standards to be set by law; Section 4: property exemptions from taxation; Section 5: taxation of government property; Section 6: taxes and public credit to be used for public purposes; Section 7: restriction on dedicated funds; Section 8: state debt provisions; Section 9: local debt provisions; Section 10: interim borrowing in anticipation of revenues; Section 11: exceptions to former debt provisions; Section 12: executive budget; Section 13: expenditures must be appropriated by law; Section 14: legislative appointed post-auditor. The article is concise and simply stated.

Evaluation

In deciding how much revision Minnesota's Taxation and Finance Article needs, pertinent questions include: Is it simple and flexible or has it too many restrictions and limitations? Does it allow legislators to make important tax and fiscal decisions? Does it facilitate sound budgeting procedures, fiscal planning, and accountability? Is it limited to matters of basic, long-term significance?

ARTICLE 10. OF CORPORATIONS HAVING NO BANKING PRIVILEGES

The MCC suggested deleting this entire article on the grounds that corporations (Section 1) are a well accepted legal concept, that Section 2 is a duplication of Article 4, Section 33, that Section 3 is unnecessary since the legislature already has these powers, and that Section 4 is covered in Article 1, Section 13.

ARTICLE 11. LOCAL GOVERNMENT

"Home Rule" Amendment becomes Local Government Article

Minnesota has a brand new Local Government Article. The voters on November 4, 1958, adopted a constitutional amendment which completely revised this article. The LWV supported the amendment because it strengthened home rule by providing: 1) realistic restrictions on special legislation by the legislature, and 2) broader provisions for adoption and amendment of home rule charters. The amendment further met our standard of a basic constitutional framework for home rule because it leaves the legislature free to work out details such as the percentages required for local approval, methods of adopting and amending charters, and the qualifications and methods of selecting charter commission members.

Degrees of Home Rule

State governments create local governments and, through constitutional and statutory provisions, grant the local communities varying amounts of local autonomy or home rule. In states which have gone the farthest in the direction of home rule, the state governments have not given up their supremacy in matters of statewide concern but allow the communities, through home rule charters, to do whatever is not prohibited or restricted by general state law.

The 1956 Municipal Year Book lists four systems of home rule. (There are 29 "home rule" states at the present time.) Minnesota has the system which is called the "mandatory" constitutional provision. This provision asserts that home rule is granted and requires the legislature to provide the implementing procedural statutes. This means that local governments may adopt a form of home rule by following the procedures that the legislature prescribes by law.

Aims of the Article

In general, the new article accomplishes three things: 1) it greatly facilitates the use by local governments of the charter process, 2) it may make the abuse of special laws by the legislature less likely by requiring local consent and the designation of the affected communities by name, 3) it allows for the organization of city-counties and for city-county consolidation through local action.

Provisions of the Article

Section 1. The legislature may provide by law for the creation, organization, administration, consolidation, division and dissolution of local governmental units.

Section 2. The legislature may pass special laws that apply to a single local governmental unit or to a group of such units, but it shall name the unit.

Before a special law goes into effect, it must have local approval. The legislature decides whether the governing body or the voters of the affected area shall give this approval and what majority vote shall be required. The legislature may dispense with local approval in some particular special laws, but this must be provided for as a general policy by a general law.

A special law may be amended or superseded by a home rule charter applying to the same unit.

Section 3. Any city or village or county or other governmental unit may adopt a home rule charter. The charter, to become effective, must be approved by the voters, but the details concerning such majority are left to the legislature.

If a charter provides for the consolidation or separation of a city and a county, it shall not be effective without approval of the voters, both in the city and in the remainder of the county, by the majority required by law. (The right to adopt charters has been extended to counties and townships.)

Section 4. The legislature shall provide for charter commissions, and shall provide for appointment of the commission members.

Amendments to the charter may be proposed by a charter commission or by petition of 5% of the voters of the local governmental unit, and must be adopted by such majority as the legislature requires by law.

A local government may repeal its home rule charter and adopt a statutory form of government.

Section 5. Existing charters and laws shall remain until amended or repealed.

The Proof of the Pudding

Is our new article a success? Authorities agree it is too soon to make any final judgment. As noted before, our "mandatory" constitutional provisions require implementing legislation. In both the 1959 and 1961 legislative sessions laws prescribing procedures were passed. These had to do with the votes needed to adopt and amend home rule charters, who may initiate amendments to charters, procedures for publication of charters, and funds for charter commissions. Other sessions must tackle procedures for county charters, optimal government forms for counties, and the general subject of special laws and local consent. (Section 2)

How will these laws affect local governments? Minnesota is presently in a period of flux and indecision. Both local units and legislators seem to be in doubt as to where to draw the bounds of the newly-granted permissiveness. Will the new laws restrict or facilitate local home rule? Can local approval be overdone as in instances like the Metropolitan Sanitary District bill where the general good can be stalemated by the requirement that each local government involved must approve all provisions of the law?

In the areas of special laws, naming the local government is a great improvement. It aids local officials in finding the laws which apply to their own local unit. It was hoped that by requiring local consent the number of special laws would be greatly reduced. Unfortunately, there still are a great many. A constitutional restriction might be added prohibiting special laws on specific subjects. No serious proposals for altering constitutional provisions have appeared to date. Concern currently is focused on more implementing legislation and how helpful these laws will prove to local governments.

ARTICLE 12. MILITIA

This article makes no guarantee of the rights of conscientious objectors (which could properly be in the Bill of Rights). Professor Anderson notes that although it is a brief and flexible article, there is no guarantee of the right of the militia to choose its own officers. The MCC recommends no change, but this article is not found in the Model Constitution. Probably this matter could be left to statutory law.

ARTICLE 13. IMPEACHMENT

This article is treated previously in Article 4, Section 14. ~~Seemingly~~ the subject could be covered there. The article has never been amended. The MCC's only recommendation was to include the lieutenant governor in Section 1.

ARTICLE 14. AMENDMENT AND CONVENTION

Summary of the Three Sections

Section 1 of this article relating to the amending process has been discussed in a recent LWV publication, Doorway to Change. Sections 2 and 3 refer to the calling of a constitutional convention and the ratification of a new constitution. Section 3, submitted as an amendment in 1954 and wholeheartedly supported by the League, filled a gap pointed out by the MCC in 1948.

Constitutional Convention Provisions

The extraordinary majorities required in Section 2, both for the legislative proposal of a convention and for the ratification by the people, make the calling of a constitutional convention a virtual impossibility in Minnesota. Suggestions for change by the MCC and by the LWV have been (1) that the majority requirement for ratification be changed from a majority of those voting in the election to a majority of those voting on the question, and (2) that a provision be added which would automatically require the legislature to submit to the people, at regular intervals, the question of calling a convention. This is included in the constitutions of Iowa, Michigan, Missouri, and New York. The League has supported this provision since 1951.

Initiative and Referendum

In 13 other states provision is made for the initiative, an alternate way of proposing amendments to the constitution. A percentage of voters in the state may have an amendment put directly on the ballot without going through the legislature. This provision can be included in the article on amending, or it can be a separate article, or it can be in an article on miscellaneous subjects if its scope is broadened to allow for initiating legislation and for referendum of a legislative matter to the people. Proposed amendments allowing the initiative and referendum were defeated by the voters in 1914 and 1916. Whether or not Minnesota's constitution should include provisions for the initiative and/or referendum would be a subject of further study if League members desired. Although no longer considered a cure-all reform, the initiative has provided citizens of other states a final recourse to legislation denied by lawmakers (e.g., reapportionment in Oregon and Washington).

ARTICLE 15. MISCELLANEOUS SUBJECTS

Sections 1 and 5 are in the constitution as a result of a political fight at the time of framing and were meant to guarantee one faction the benefit of railroad land grants. The MCC proposed a shortened Section 1 (concerning the SEAT OF GOVERNMENT); it noted that the federal land grant for the capital has long since been disposed of, and that if the capital were moved the legislature should be able to dispose of the land and buildings. The MCC called Section 2 (RESIDENCE ON INDIAN LANDS) obsolete and recommended its deletion. The Commission believed Section 3 (UNIFORM OATH AT ELECTIONS) should be a statutory matter. Changes recommended by the MCC in Section 4 (STATE SEAL) are based on its suggestions for the future elimination of the office of secretary of state (short ballot) and for giving the responsibility for the Great Seal to the legislature. Section 5 (STATE PRISON LOCATION) is now obsolete as the state prison moved from Stillwater to Bayport many years ago.

ARTICLE 16. PUBLIC HIGHWAY SYSTEM

This article, added to the constitution in 1920, was a completely new addition. (Amendments usually supplement or change existing articles.) It was added to make a complete network of thoroughfares of the state highways and to insure the location of these routes. In 1956 the article was amended to delete the specific descriptions of the 70 trunk highways; this reduced the wording of the constitution by 25% but nevertheless left the article extremely detailed. The 1956 amendment created four funds. The highway user tax distribution fund was the major one. Its income was to go to the other three -- the trunk highway, the county state-aid, the municipal state-aid -- and was to be distributed according to formula. A ceiling of 150 million dollars on bonds issued for highway building with a 20 years amortization period and an interest rate no higher than 5% were specified.

1956 Amendment vs. the 1948 MCC Recommendations

The 1956 amendment followed only a few of the earlier MCC recommendations. It did remove the naming of routes, and it gave the state more supervision and control over highways. Some flexibility in routing was allowed.

It did not follow the MCC suggestions in many other ways. While the MCC combined funds to create one highway fund, the amendment provided four. The MCC suggested a legislative appointed commission to study the trunk highway system to make recommendations to the legislature on routes, which the amendment ignored. No limitations were placed by the MCC on bonds to be sold and the MCC would have had legislators follow the revised debt provisions in Article 9 in incurring debt for highways. Generally, the MCC would have left many more decisions to the legislature, and this was reflected in the Commission's greatly abbreviated article.

Section 13's provision that any provisions of the constitution inconsistent with the things authorized in Amendment 16 are repealed, etc., was written into this article when it was first adopted in 1920. Apparently it refers to certain additions the article made which were inconsistent with other articles, e.g., the state's engaging in "works of internal improvement" contrary to Article 9, Section 5 (formerly roads were the counties' responsibility); taxing motor vehicles more heavily than other personal property; and creating a large exception to the state debt limit. Dr. Wm. Anderson in his history of the constitution describes Section 13 as unusual and is interested to see how the courts construe it.

ARTICLE 17. FOREST FIRES: PREVENTION, ABATEMENT

ARTICLE 18. FORESTATION AND REFORESTATION

ARTICLE 19. AERONAUTICS

ARTICLE 20. VETERANS BONUS

All of these are articles added by amendment to the original constitution. Like the Highway Article, they each contain a section repealing other provisions of the constitution which might prohibit carrying out "the doing of things" authorized in each amendment. No supreme court ruling has been made on these "repealer" sections, but the practice of repealing without designation which section is repealed is certainly a questionable one. An attorney general's opinion states that if an amendment can be construed as repealing more than one article, voters should be allowed to vote separately on the portions repealed. Most likely the legislature's fear was that these articles conflict with the debt ceiling and the provision the "state shall not contract any debts for works of internal improvement" in Article 9, Section 5. The MCC suggested removing these "repealers" as unnecessary.

Article 17, adopted in 1924, allows the legislature to contract debts for forest fire prevention.

Article 18, adopted in 1926, encourages the development of forests and authorizes a special tax for such purposes. The MCC reworded Section 1. Since the state has the power to tax, it seems this article could be statutory law.

Article 19, adopted in 1944, allows the state to construct and operate airports, allows taxation of aircraft, airports, and aircraft fuel, and permits the state to go into debt in order to perform these services. The MCC did not change more than the wording due to the recent adoption of the amendment.

Article 20, adopted in 1948, is now obsolete since its specified purpose has been fulfilled and its debt obligations met.

The Schedule of the Constitution was intended to provide for the transition of Minnesota from territorial status to statehood, to provide for a popular vote on the proposed constitution of 1857, and to place it in operation when adopted. Now it is largely of historical interest. Authorities suggest removing the Schedule after the constitution has been in effect a short time.

OTHER POSSIBLE ARTICLES

Public Welfare

There is a division of opinion on whether this subject should be included in a constitution. The Little Hoover Commission's welfare recommendations were all to be achieved by statutory law. The new constitutions of Alaska and Hawaii do not have a Welfare Article. Their authors believed that the subject is better handled by legislative action. However, the 1948 Model Constitution includes an article which is a general framework of constitutional powers and guarantees to the state ample authority to establish and maintain a program covering education, health, relief, public housing, fair employment practices, conservation, and inspection of institutions and agencies. Authorities who disagree with these inclusions believe states have adequate authority to provide welfare services; once powers are enumerated in constitutions the courts construe (or interpret) them to imply restrictions on powers not enumerated.

Intergovernmental Relations

To date no state constitution has such an article, but authorities believe that with the growing need for intergovernmental undertakings, such an article could ease cooperation between governments and the constitutionality of such cooperation could not be questioned as it has been in a number of states. So far states including provisions on the subject have not written them into separate articles, e.g. in the Missouri and Florida constitutions. The 1948 Model Constitution has a four-section article on this subject.

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STATE ITEM I

COMMITTEE MEETING, January 16, 1962

Present: Barbara Shannon, Ellie Colborn, Luella Newstrom, Betty Kane, Doris Guthrie, Sis Fenton, Louise Kuderling, Jan Sigford, Phil Richter, and Roberta Williams

P. Richter started meeting by introducing those who had not attended before. Then mentioned the formation of a Governor's Commission on Constitutional Revision with Dr. Fjelstad of Carlton College as Chairman, two League members have been asked to serve - Jan Sigford and Muriel Grundits. We understand legislators are being asked to serve. The committee is still in the process of being formed.

Constitutional Commentary - has been edited and is now being read by outside experts: Gordon Rosenmeier, Donald Fraser, Forrest Talbott and Dr. G. T. Mitau. We hope to get this out to the local Leagues by the end of January. It was thought that most local Leagues would not have time to discuss this in their units but that the resource committee in each League would study it. Leagues have been asked to come to State Council with recommendations on what article or sections of articles should be studied in depth next - similar to our study of the Amending Article. The Commentary will probably be useful only to Leaguers unless the Governor's Comm. would like to have it. We would do the article study over the summer months for a full consensus which would ready us for work with legislators in the 1963 session - towards a constitutional amendment.

Problems of omission and error in our study of Amendment # 1. It was not possible during the preparation of this material to confer with Robert Blixt, Executive Secretary of the State Investment Board, who is probably the best informed person in the state on the economic aspects of the amendment. Our error was in not having him as a reader, although the material was read by persons with varying economic viewpoints - Dr. Francis Boddy, Dr. Arthur Upgren, Dr. G. T. Mitau, and Harold J. Soderberg (formerly in the Attorney General's office). The main error was a reference to the University Trust Fund and the omission of how the amendment would permit selling low interest yielding securities at a loss. A supplement embodying the corrections was mailed to everyone who had received the original material and the corrections and additions were incorporated into the body of the material when the second edition (marked "revised") was run off in January.

Consensus on the three amendments and the amending process are due in the state office by March 1st. P. Richter was impressed with the quality of the questions being asked by local Leagues. Some criticism was made of the questions asked at the end of the Amendment I material. It was felt these were prejudicial to the amendment. The difficulty of coming to a decision on these amendments was discussed but we were reminded that supposedly Leaguers have more information than the average citizen.

Much discussion about the necessity of having the consensus by March 1st. It was mentioned that the League is looked to for leadership. If any of the consensuses as they come in from the Leagues do not have a substantial majority possibly the state Board would decide to wait until State Council to announce a position so there could be more discussion at that time. However, it was pointed out that since each League can send only two delegates this reflects membership thinking less thoroughly than unit consensuses.

State Item I Committee Meeting, January 16, 1962 - page two

Should the League try to sponsor an Institute at the University this summer? Low attendance at similar institutes in the past was mentioned. Possibly fall would be a better time. The Continuation Center is booked ahead but possibly this could be worked in, would not plan as ambitious a schedule as some. Maybe such an institute is not necessary because of the formation of the Governor's Commission. Possibly the League should wait to see what assistance we would give the Commission in arousing ~~public~~ public interest in revision of the constitution. We see the Governor Comm.'s job as pinpointing where the const. needs change for later legislative-commission study and to also arouse public interest in reform. Should the League sponsor a public meeting in the fall with W. Brooke Graves as a speaker - workshops?

P. Richter asked for suggestions from the committee for a speaker at the State LWV Council Meeting. Suggestions:

W. Brooke Graves - interested in commission form of const. rev.
Dr. Fjelstad or Dr. Mitau
If Gov. Comm. has been divided into groups, some one from each
one of the groups in a round table discussion

Where do we go from here on our study of the constitution? According to the decision made at Council, it will be necessary to do further research on whatever article is chosen for concentrated study. Complexity of some of the articles was discussed but it was pointed out that this has never deterred us in the past. We would hope to be in a position to recommend one or more amendments to the constitution to the 1963 Legislature.

Workshops at Council - Position on three amendments	one hour
Where do we go from here on our study of the constitution?	1½ hours

If the smaller workshops were run concurrently, the leaders could rotate. By scheduling workshops on State Item I - and possibly a speaker - we should be able to insure that one delegate is a program person. Should the second workshop be taped?

Consensus questions of the Amending Process were criticized for being too specific and therefore too restrictive in taking a position in the future.

Respectfully submitted,

R. Williams, Secretary

January 4, 1962

Representative Reuben Nelson
321 North 6th Street
Breckenridge, Minnesota

Dear Mr. Nelson:

The Minnesota League of Women Voters is writing an article by article commentary on the Minnesota State Constitution for the purpose of providing its members with an overall look at the Constitution. In addition, it is to serve as a guide to aid us in deciding what articles, or sections or articles, most need amending. We would then concentrate our study on those parts which seem to us to need change most immediately.

We know you are interested in the Constitution and have given it a good deal of thought. We wondered if you would be willing to look over our commentary for mistakes or omissions and to give us your reactions. If you are willing, we will send you the commentary immediately and would hope to get it back in a week's time (as usual, we are faced with a publishing deadline).

Enclosed is a stamped self-addressed envelope. Thank you for your consideration of this request.

Sincerely yours,

Mrs. Albert J. Richter
Constitutional Revision Chmn.

Enc.

January 4, 1962

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

Dear Senator Rosenmeier:

The Minnesota League of Women Voters is writing an article by article commentary on the Minnesota State Constitution for the purpose of providing its members with an overall look at the Constitution. In addition, it is to serve as a guide to aid us in deciding what articles, or sections of articles, most need amending. We would then concentrate our study on those parts which seem to us to need change most immediately.

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Enclosed is a stamped self-addressed envelope. Thank you for your consideration of this request.

Sincerely yours,

Mrs. Albert J. Richter
Constitutional Revision Chairman

Enc.



JAN 8 1962

State of Minnesota

SENATE

GORDON ROSENMEIER

5 January 1962

Mrs. Albert J. Richter
c/o League of Women Voters
15th and Washington Avenues Southeast
Minneapolis 14, Minnesota

My dear Mrs. Richter:

I will be happy to look at your
commentary on constitutional change and re-
turn it promptly.

Yours truly,

GR/mv

File

January 26, 1962

Mr. Thomas H. Swain, Commissioner
Department of Business Development
129 State Office Building
St. Paul 1, Minnesota

Dear Mr. Swain:

I am enclosing a copy of the Minnesota League of Women Voters' study of the proposed constitutional amendments. We are currently engaged in our study of the amendments from which will emerge our official position of support or opposition.

I particularly wanted you to have this study since I had a report on a recent Republican meeting in Owatonna at which it appeared you might have gotten a mistaken impression.

League positions are always based on study and membership decision.

Sincerely yours,

Mrs. Albert Richter
State Board

Enc.

INSERT FOR 1957 CONSTITUTION

As you read the 1957 edition of the Minnesota Constitution, please note the following corrections or additions that have been made to the articles designated.

Article 4, Section 33 - Under "Repeal of existing special laws" add at the end of the section "except as provided in Article 11."

Article 5, Section 3 - The term of office for the Governor and lieutenant governor shall be four years.

Section 5 - The term of the secretary of state, treasurer, attorney general, and state auditor shall be four years.

Section 6 - Add the following - In case the Governor shall be unable to discharge the powers and duties of his office, the same shall devolve on the Lieutenant Governor. The legislature may by law provide for the case of the removal, death, resignation, or inability both of the Governor and Lieutenant Governor to discharge the duties of Governor and may provide by law for continuity of government in periods of emergency resulting from disasters caused by enemy attack in this state, including but not limited to succession to the powers and duties of public office and change of the seat of government.

Article 7, Section 1 - Every person of the age of 21 years or more who has been
(revised) a citizen of the United States for three months and who has resided in this state six months and in the precinct for 30 days next preceding an election shall be entitled to vote in that precinct, and the place of voting by one otherwise qualified who has changed his residence within 30 days preceding the election may be prescribed by law.

Article 11 - Section 1 - The legislature may provide by law for the creation,
(all new article) organization, administration, consolidation, division, and dissolution of local government units and their functions, for the change of boundaries thereof, for their officers, including qualifications for office, both elective and appointive, and for the transfer of county seats. No county boundary shall be changed or county seat transferred until approved by a majority of the voters of each county affected voting thereon.

Local Government

Special Laws, Section 2 - Every law which upon its effective date applies to a single local government unit or to a group of such units in a single county or a number of contiguous counties is a special law and shall name the unit or, in the latter case, the counties, to which it applies. The legislature may enact special laws relating to local government units, but a special law, unless otherwise provided by general law, shall become effective only after its approval by the affected unit expressed through the voters or the governing body and by such majority as the legislature may direct. Any special law may be modified or superseded by a later home rule charter or amendment applicable to the same local government unit, but this does not prevent the adoption of subsequent laws on the same subject.

- Article 11, Section 3 - Any city or village, and any county or other local government unit when authorized by law, may adopt a home rule charter for its government in accordance with this constitution and the laws. No such charter shall become effective without the approval of the voters of the local government unit affected by such majority as the legislature may prescribe by general law. If a charter provides for the consolidation or separation of a city and a county, in whole or in part, it shall not be effective without approval of the voters both in the city and in the remainder of the county by the majority required by law.
- Home Rule Charter
- Article 11, Section 4 - The legislature shall provide by law for charter commissions. Notwithstanding any other constitutional limitations, the legislature may require that commission members shall be freeholders, provide for their appointment by judges of the district court, and permit any member to hold any other elective or appointive office other than judicial. Home rule charter amendments may be proposed by a charter commission or by a petition of five percent of the voters of the local government unit as determined by law and shall not become effective until approved by the voters by the majority required by law. Amendments may be proposed and adopted in any other manner provided by law. A local government unit may repeal its home rule charter and adopt a statutory form of government or a new charter upon the same majority vote as is required by law for the adoption of a charter in the first instance.
- Charter Commissions
- Article 11, Section 5 - Existing laws and charters, valid when adopted shall continue in effect until amended or repealed in accordance with this article.
- Existing Laws and Charters

FNB

February 23, 1962

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

Dear Governor Andersen:

We want you to know how much the Minnesota League appreciates your recent appointment of a committee to review the constitution. Our best wishes certainly go to the committee and its work. We have told Dr. Fjelstad that we would be glad to help the committee in any way that is possible for us and desired by them.

We strongly believe, with you, that improvements remain to be made to the constitution. We hope the committee can at least begin the job of evaluating the changes that are needed.

Sincerely yours,

Mrs. Albert J. Richter
State Constitutional Revision Chairman

INSERT FOR 1957 CONSTITUTION

As you read the 1957 edition of the Minnesota Constitution, please note the following corrections or additions that have been made to the articles designated.

Article 4, Section 33 - Under "Repeal of existing special laws" add at the end of the section "except as provided in Article 11."

Article 5, Section 3 - The term of office for the Governor and lieutenant governor shall be four years.

Section 5 - The term of the secretary of state, treasurer, attorney general, and state auditor shall be four years.

Section 6 - Add the following - In case the Governor shall be unable to discharge the powers and duties of his office, the same shall devolve on the Lieutenant Governor. The legislature may by law provide for the case of the removal, death, resignation, or inability both of the Governor and Lieutenant Governor to discharge the duties of Governor and may provide by law for continuity of government in periods of emergency resulting from disasters caused by enemy attack in this state, including but not limited to succession to the powers and duties of public office and change of the seat of government.

Article 7, Section 1 - Every person of the age of 21 years or more who has been
(revised) a citizen of the United States for three months and who has resided in this state six months and in the precinct for 30 days next preceding an election shall be entitled to vote in that precinct, and the place of voting by one otherwise qualified who has changed his residence within 30 days preceding the election may be prescribed by law.

Article 11 - Section 1 - The legislature may provide by law for the creation,
(all new article) organization, administration, consolidation, division, and dissolution of local government units and their functions, for the change of boundaries thereof, for their officers, including qualifications for office, both elective and appointive, and for the transfer of county seats. No county boundary shall be changed or county seat transferred until approved by a majority of the voters of each county affected voting thereon.

Local Government

Special Laws, Section 2 - Every law which upon its effective date applies to a single local government unit or to a group of such units in a single county or a number of contiguous counties is a special law and shall name the unit or, in the latter case, the counties, to which it applies. The legislature may enact special laws relating to local government units, but a special law, unless otherwise provided by general law, shall become effective only after its approval by the affected unit expressed through the voters or the governing body and by such majority as the legislature may direct. Any special law may be modified or superseded by a later home rule charter or amendment applicable to the same local government unit, but this does not prevent the adoption of subsequent laws on the same subject.

- Article 11, Section 3 - Any city or village, and any county or other local government unit when authorized by law, may adopt a home rule charter for its government in accordance with this constitution and the laws. No such charter shall become effective without the approval of the voters of the local government unit affected by such majority as the legislature may prescribe by general law. If a charter provides for the consolidation or separation of a city and a county, in whole or in part, it shall not be effective without approval of the voters both in the city and in the remainder of the county by the majority required by law.
- Home Rule Charter
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- Charter Commissions
- Article 11, Section 5 - Existing laws and charters, valid when adopted shall continue in effect until amended or repealed in accordance with this article.
- Existing Laws and Charters

League of Women Voters of Minnesota, 15th & Washington S.E., Minneapolis 14, Minn.
February 1962

COMPLIMENTARY LIST FOR RECENT STATE LWV PUBLICATIONS

"Commentary on Minnesota State Constitution"

Governor's Committee for Constitutional Revision

Dr. Ralph Fjelstad, Carleton College, Northfield; District Judge Robert Gillespie, Cambridge; Scott Johnson, Hamline University, St. Paul; Sen. Thomas P. Welch, Buffalo; Sen. Stanley Holmquist, Grove City; Rep. Robert Kucera, Northfield; Rep. Leo Mosier, Minneapolis; Albert M. Marshall, Red Wing; Mrs. Malcolm Hargraves, Rochester; Charles Clay, Minneapolis; Dr. John Cound, University of Minnesota; Dr. Robert McClure, University of Minnesota; Mrs. Kenneth Sigford, St. Paul; Mrs. Donald Guthrie, Mahtomedi; Mrs. Gordon J. Grunditz, Richfield; Dr. G. T. Mitau, Macalester College, St. Paul, and Mrs. Frank A. James, St. Louis Park.

"Problems of Discrimination"

Fair Employment Practices Commissioners

William E. Cratic, Minneapolis; Glenn Chinander, Newport; M. J. Daly, Belle Plaine; John W. Evans, Montevideo; Arthur N. Goodman, St. Paul; The Venerable Frederick F. Kramer, Bemidji; Mrs. F. Rodney Paine, Duluth

Chairmen of Citizens Committee

MacLay Lyon and O. Russell Olson, Albert Lea; Mrs. H. O. Galstad, Austin; Joseph Chamernick, Hibbing; Mrs. Kent Rogstad, Detroit Lakes; Mrs. Thomas C. Muff, Eveleth; Robert B. Manning, Fairmont; Rev. Arthur L. Rustad, Faribault; Philip M. Kjaaglien, Fergus Falls; John W. Evans, Montevideo; Henry Peterson, Moorhead; Mrs. John Hammel, Owatonna; Miss Natalie B. Nelson, Rochester; Jerome L. Burnett, St. Cloud.

Legislators

Reps. Latz, McGowan, Franke, Klaus, Wendell Anderson; Senators Fraser, Zwach, Lew Larson

Governor's Human Rights Commission

5 copies for use of Commission sent to chairman, Mrs. Wright W. Brooks, Minneapolis

Readers

Dr. Robert McClure, University of Minnesota; Ernest Copper, St. Paul Urban League; James McDonald, FEPC executive director

"Proposed Amendments to Minnesota Constitution 1962"

Legislators where there are no local Leagues - 20 Senators and 42 Representatives
Senators Wright, Rosenmeier, Novak and Representatives Noreen, Cina, Dinlam, Wozniak

It is most important that your own legislator receive a copy of this material.

Newspapers

St. Paul Pioneer Press, Appleton Press and Swift County Monitor, Cloquet Pine Knot, Mankato News, Waseca Herald, Grand Rapids Herald-Review, Hastings Gazette, Marshall Daily Messenger, Crookston Daily Times, Montevideo American and News, Suburban Press.

Government Officials

Governor, State Treasurer, State Auditor, Attorney General, Commissioner of Business Development, Executive Secretary of State Board of Investment, Commissioner of Administration, Assistant Secretary of State

University of Minnesota

Regents Charles W. Mayo, Rochester; Mrs. C. E. Howard; Daniel C. Gainey, Owatonna; Richard L. Griggs, Duluth; Bjarne E. Grottum, Jackson; Robert E. Hess, St. Paul; Fred J. Hughes, St. Cloud; A. I. Johnson, Benson; Lester A. Malkerson, Minneapolis; A. J. Olson, Renville; Otto A. Silha, Minneapolis; Herman F. Skyberg, Fisher

Vice President Stanley J. Wenberg and Professors Harold Chase and ~~Chas~~ Backstrom

AAUW - Mrs. Harris G. Guasman, Morris

Minn. Feder. of B & P's - Natalie B. Nelson, President, Rochester

United Church Women of Minnesota - Mrs. Wright Brooks, President, Minneapolis

Minn. Chamber of Commerce - Neil Hartliep, President, Montevideo

D.F.L. State Chairman, George Farr, Minneapolis

Farmers Union - Clinton Hess, St. Paul

Farm Bureau, Verlon Welch, St. Paul

League of Minnesota Municipalities - Orville Peterson

Minn. Assn. for Mental Health - York Langton, President, Minneapolis

Minn. Congress of Parents and Teachers - Mrs. J. R. Hedin, Two Harbors

Minn. Federation of Labor - Robert Hess, St. Paul

Minn. Federation of Women's Clubs - Mrs. Stanley Newhall, Owatonna

Minn. Employers Assn - Otto F. Christenson, Vice President, St. Paul

Minnesota Education Assn - A. L. Gallop, Executive Secretary, St. Paul

Minn. State Bar Assn. - Thos. C. Myers, Executive Secretary, Minneapolis

Minn. Taxpayers Assn. - Harold T. Miller, Asst. research, St. Paul

Republican State Central Committee - Robert A. Forsythe, Chmn., St. Paul

Supervisor of School Libraries - Miss Ruth Ersted, St. Paul

Macalester College - Dr. G. T. Mitau, St. Paul

Minn. Junior Chamber of Commerce - Bert Jones, President, St. Louis Park

Committee for Amendment #2 - Mrs. Charles Hymes, Co-Chairman, Minneapolis

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

FOR RELEASE

MONDAY, MARCH 26, 10A.M.

The League of Women Voters of Minnesota announces support of all three proposed amendments to the Minnesota Constitution.

These amendments will be on the ballot at the general election next fall.

An active campaign will be waged by the League to encourage a YES VOTE throughout Minnesota.

Amendment I concerns provisions for investment of Minnesota trust funds.

The League feels passage of this amendment will maintain the standards of a safe investment policy and at the same time increase the earnings of the trust funds for our schools.

Amendment II removes the state debt limit from the Constitution. It allows the legislature to decide the size of state debt. The large League majority which backed the amendment was aware that experts in governmental debt are not convinced of the effectiveness of debt limits.

Also League members did not wish to jeopardize the state building program.

Lengthening the legislative session--Amendment III--also has the support of the League. Perhaps this is a stop gap solution but it is surely a step in the right direction. Legislators need more than the current 90 days every other year to handle the problems of Minnesota today.

From Silver Bay to Albert Lea, from Battle Lake to South St. Paul, the 58 local Leagues in Minnesota dug deeply into the carefully League researched facts. They held excellent community meetings and thoughtful discussions among the members. The results are a very substantial area of agreement throughout the state. Over 90% of the local Leagues took part in this decision making. Plans will now proceed for the YES VOTE.

League of Women Voters of Minnesota, 15th & Washington S. E., Minneapolis 14, Minn.
March 23, 1962

STATE ITEM I

At State Council (on the second day) small workshops will be held to consider and discuss State Item I. Your League president or state resource chairman on Item I should attend the workshop prepared to share your League's ideas on the following questions:

1. After having read Commentary on Minnesota State Constitution, which article or sections of an article do you consider most in need of change?
2. Does the League have a position on this subject, or would it be necessary for resource material to be provided for study in order to reach a position?
3. Are other citizens or citizen groups interested in changing this part of the constitution?
4. Are there any indications the legislature would be receptive to proposing changes in this article?
5. Would your League be able to study background material on the question next fall in order to arrive at a consensus before the 1963 legislative session?
6. What other parts of the constitution seem urgently in need of attention? How would you answer the previous questions in relation to these other sections you feel need change?
7. The newly appointed Governor's Committee on Constitutional Revision is planning to consider the following constitutional subjects: the amending process (our recent publication Doorway to Change concentrated on the amending section to Article 14, but did not consider the two sections on a constitutional convention or the possible addition of the Initiative or Referendum); reforms in the judicial system and legislative reapportionment. Would you wish to consider these subjects next because of this committee's plan of study?

45 copies of "Commentary on Minnesota State Constitution" sent to members of both House and Senate Judiciary committees.

LEAGUE OF WOMEN VOTERS OF MINNESOTA

15TH AND WASHINGTON AVENUES S.E., MINNEAPOLIS 14, MINNESOTA FE 8-8791

April 6, 1962

Because you are a member of the Judiciary Committee of the state legislature, we thought this new publication on the state constitution would be of interest to you. Our fifty-eight local Leagues throughout the state are using it as an aid in reviewing the constitution. We think it will help us decide which article or sections of articles we think are most in need of change.

We certainly would be delighted to hear from you if you have any reactions to the Commentary particularly if you believe us mistaken in our facts or our conclusions.

Sincerely yours,

Mrs. A. J. Richter
Constitutional Revision Chairman

Enc.



May 24, 1962

Mr. Dale MacIver
Attorney General's Office
State Capitol
St. Paul, Minnesota

Dear Mr. MacIver:

We have located an extra copy of the proof for the two publications we will be printing this summer and am enclosing them for your perusal.

As you probably know, the League of Women Voters is actively supporting all three of the proposed constitutional amendments. The piece entitled "Vote Yes Three Times, Nov. 6" explains why people should vote for the amendments.

The other flyer is our Voters Service material giving facts about the three amendments.

Sincerely yours,

Mrs. E. C. Williams
Executive Secretary

Enc. 2

APR 27 1962



STATE TREASURER

MINNESOTA

VAL. BJORNSON
TREASURER

ST. PAUL

LYLE V. HARRIS
DEPUTY TREASURER

April 26

Dear friends:

This note is intended for Mrs. Richter, Mrs. Anderson, or whoever might be around the "shop".

I have read copy for both the single-sheet flier & the more extensive pamphlet - and have done so in direct consultation with Comm'r of Admin. Wm. Stevenson & Bob Blixt, Exec. Sec'y of the Board of Investment. We "pooled" our suggestions, and to avoid confusion Bill Stevenson is making a single report for all of us.

Thanks for this opportunity of seeing the material.
Val Björnson



YOUNG MEN'S CHRISTIAN ASSOCIATION

OF THE CITY OF MINNEAPOLIS

South Town Branch

1845 EAST LAKE STREET

MINNEAPOLIS 7, MINN.

TELEPHONE PARKway 4-3695

L. L. McBURNEY,
President

HARPER GLEZEN,
General Secretary

AL WICKESBERG,
Chm., Committee of Management

RICHARD LEE,
Executive Secretary

April 2, 1962

Mrs. Albert Richter
5038 Gladstone Ave.
Minneapolis, Minn.

Dear Mrs. Richter:

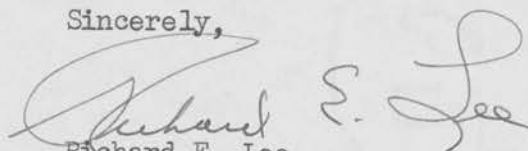
On behalf of the Hi-Y Youth and Government Program Committee, I want to thank you again for the excellent job you did at our Pre-Legislative Conference on March 3rd. Since that time the delegates have been writing model bills on State needs. These bills will be presented at the Model Legislature on April 27th and 28th at the State Capitol.

I would like to invite you to serve as a resource person for the committee meetings of the Model Legislature. Because of the limited time our committee process has to be speeded up. Your help as a resource person will insure that the best possible legislature is referred out of committee and on to the floor of the House and Senate.

Your specific responsibility would be to help the delegates discuss, revise and report out deserving bills in the best possible form. A convenor will be on hand to chair the group. The committee meetings will be held Friday, April 27th, from 11:00 a.m. to 3:30 p.m. (which includes lunch) at the State Capitol.

I have enclosed a return postcard to facilitate your response. The Program Committee is looking forward to having you on board with us again.

Sincerely,



Richard E. Lee,
Youth in Government Program Committee

REL/mp



Dr. Philip Moos
604 Granite Exchange
St. Cloud,
Minnesota

Dear Dr. Moos,

We received a copy of your resolution favoring Amendment 2, which was approved by the State Dental Association. We appreciated your forwarding us notice the resolution was approved as well as your having made it in the first place.

Thanks for thinking of us. Let's hope The Amendment passes.

Sincerely yours,
Mrs. Albert Richter
Const. Division Ch.

Sent
5/11/62

DR. PHILIP H. MOOS

DENTIST


604 GRANITE EXCHANGE

DIAL BL 1-7766

ST. CLOUD, MINN.

APR 10 1962

Please forward a copy of this
to the State office of the
L. O. W. U. - I cannot find an
address.

Acknowledge
on receiving it. 

RESOLUTION

BECAUSE: present Minnesota Laws prohibit indebtedness over \$250,000
and

BECAUSE: there is a great need for source of funds for new and
additional facilities and buildings in education,
hospitals and health services

THEREFORE BE IT RESOLVED: that the Minnesota State Dental
Association approve and support the Amendment 2 to the
Minnesota State Constitution at the next November, 1962
election.

PUBLIC POLICY COMMITTEE
P. H. Moos, Chairman

4/1/62
vt

This was approved by the Minnesota State Dental
Assn, House of Delegates April 3, 1962. I hope
it will help in your campaign for this
Amendment
P. H. Moos
Box 118
51 Laurel Run

RESOLUTION

BECAUSE: present Minnesota Laws prohibit indebtedness over \$250,000
and

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PUBLIC POLICY COMMITTEE
P. H. Moos, Chairman

4/1/62
vt

See —

LEAGUE OF WOMEN VOTERS OF MINNESOTA

15th and WASHINGTON AVES. S.E.

MINNEAPOLIS 14, MINNESOTA

M TO: A. Kluff and D. Anderson

E FROM: Phil Beckley

M SUBJECT letter fr G. Rosenwasser -

DATE

5/25/62

Phil wants you to see this letter — then it
could go back in file (STI ST material)

See —
Phil wrote me a
question on the last page.
I was never able to find an
answer to it. Can you?

Am 11/11/62
P.S. might Sally Luther also be
advised on regions to be
interesting to me & wisdom.
as a whole I would say
a user of his mind & back,
dickens back, xx
Am

GORDON ROSENMEIER
SENATOR 53RD DISTRICT
LITTLE FALLS, MINNESOTA

CHAIRMAN
CIVIL ADMINISTRATION COMMITTEE



State of Minnesota
SENATE

JAN 18 1962

17 January 1962

Mrs. E. C. Williams, Executive Secretary
League of Women Voters of Minnesota
15th and Washington Avenues S.E.
Minneapolis 14, Minnesota

My dear Mrs. Williams:

The requirements of business, and of the legislature, kept me away from my desk most of last week. There has been little chance to study your commentary on Minnesota's Constitution and what I can say now will be of small moment, I am afraid. Indeed, had there been more time I could not have been critical, for the paper shows thoughtful effort and it is admirably and objectively informative.

As you might expect, I could debate some of the conclusions--all of which, I believe, relate to the reason for things being as they are, and are not recommendations for action--but that would be neither meaningful nor appropriate; I claim no special knowledge in this regard. My comments, therefore, are generalizations and casual. Perhaps they are not so much criticism as expression of a long-standing curiosity about the approach, prevalent whenever revision is talked about, that seems to assume a sad state of affairs constitutionally speaking. In this light the comment would be more suitable to some other phase of your activity than to this surprisingly complete explanation of the document.

1. As just suggested, I am not convinced the Constitution of Minnesota is a weak, ambiguous document. Compared to other states--New York, California, to name two among many--it is good by most accepted standards. In its original form there was much in it similar in tone, purpose, and language to its prototype, the Federal Constitution. No one has ever pointed out to me anything seriously wrong with it as a result of the oft-described controversy between the two partisan conventions, though critics invariably suggest forebodingly that we still suffer the consequences of that schism in ways which require immediate corrective action. On the contrary, reading the published journals of the debates of that convention I am impressed with the high order of the parliamentary understanding and common sense disclosed. It was the developing state which called for amendment, and still does, but present criticisms about verbosity, inflexibility, etc. are mostly directed to what was added by the amendments and not to the original document. Article XVI, for example, is long and detailed. There is much in it I dislike, but it was written twice in two decades with learned study, public discussion, and general earnest insistence on the need for adoption each time.

I do not mean by these remarks that there should not be change in the Constitution. There should be, but change carefully thought out where need as



17 January 1962

To Mrs. E. C. Williams, Executive Secretary, League of Women Voters of Minnesota

page 2.

a practical matter has been established, and not change simply for the sake of change.

2. When there is talk about the Constitution and the supposed need for its change there is usually an assumption that it is an outmoded instrument reflecting the ancient needs and political attitudes of the past. I wonder why there is so seldom recognition that it is a document which has been largely rewritten for today. Only Articles I, III, XII, XIII, and XV of the original articles have not been substantially amended since 1940. These are the articles relating to the Bill of Rights, Division of Powers, Militia, Impeachment, and Miscellaneous, as to which there has been little or no complaint, even in these enlightened days. To be sure, the other of the original articles have not been rewritten in their entirety, but each has had public and legislative scrutiny, and each was amended according to the consensus of needed change. Besides, of course, there have been five new articles: Highways, Forest Fires, Forestation, Aeronautics, and Veterans Bonus. These changes are all reported in your paper, where it is shown there have been 17 substantial amendments in twenty years and, if the three now proposed are adopted, there will have been twenty. The number of amendments is usually pointed to as proof of the defective character of the Constitution and of the need to change it. More accurately, I believe, it shows that the people of Minnesota have been keeping their fundamental law up to date as practical need for change has been demonstrated to them. It shows, too, the readiness of the legislature to propose change if necessity for change arises.

3. I was a member of MCC; in fact, as I recall it, an author of the bill that created the convention.² At the conclusion of its work the Commission urged a constitutional convention with the hope its recommendations could be adopted there. This was based in part at least on the fear that there could not be a valid single amendment rewriting a whole article. ("If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately." XIV, 1. See amendment proposed in 1949 anent this which failed.) We have learned since the fear was not well-founded through adoption of new articles on Judiciary, Highways, Home Rule. Ironically, our new-found ability legally to amend in blocks of sections relating to a single topic has demonstrated our lack of practical ability to write sound amendments of that kind. Deficiencies in the Home Rule, Judiciary, and Highway amendments are notorious. Despite the expert thinking and wide public discussion which guided their draftsmanship they are inadequate and in important ways ambiguous. Unless we are slow to learn, this experience should make us pause long and be quite sure of ourselves before undertaking extensive change. It is safe to say the new Home Rule provision, designed to encourage home rule, as a practical matter is destroying it, and besides is proving to be a real handicap to much needed legislation where home rule is not practical, e.g., the metropolitan sanitary district proposal. Perhaps we would have been better off simply to repeal the old sections and rely, as political scientists so often urge, on the legislature

17 January 1962

To Mrs. E. C. Williams, Executive Secretary, League of Women Voters of Minnesota
page 3.

to set up statutory standards for home rule for the observance of which it alone would be responsible.

4. We can agree with Justice Cardozo that "A constitution should state, not rules for the passing hour, but principles for an expanding future." And we all agree that what is properly "statutory" should be omitted so that the constitution may deal tersely only with what is fundamental. Yet proposals for amendment involve invariably detailed definitions and classifications intended to strap the constitution to the current situation. It is my impression that whenever a basic principle is proposed the constitution doctors promptly get busy to tie it down to our present notions of what the law should be without much concern about flexibility to meet future developments. Usually this is geared to what is fashionable in contemporary political styles. The fad for proportional representation, now well gone, is an example that comes readily to mind of thinking that for a time some believed must be expressed in a constitution. The larger constitutions like New York's are replete with instances of this.

5. With the possible exception of a change in the reapportionment provision, none of the suggested changes for the legislature seems to me to have high priority. Certainly the restriction on legislators moving to another office is not of great moment to the public or to most legislators, nor is amendment to the section governing calling of a special session, however desirable change in that regard may be from the standpoint of political theory.

Extension of the legislative session may not be needed. Here I believe there has been too little recognition of what has been and can be accomplished within the framework of the present constitution. I have heard no acclaim, for example, for Senate reforms within the past fifteen years, yet they have been fundamental and important. Reorganization of committee structure, clerical comparison and substitution of bills, the Calendar of Ordinary Matters, and mechanical enrolling and engrossing, to name a few of the reformed procedures, in aggregate effect have added weeks of production to each session. The Senate has urged a law to permit standing committees to meet between sessions. This has been defeated in the House but it is entirely feasible and if enacted committee meetings, and so the work of the legislature, could be continuous. Thereby the ninety day session could devote itself to the enactment of ultimate policy, for the spade work of hearings and draftsmanship of the important matters, now so time-consuming, would be done. Staff facilities proposed by Senate bills (and defeated again by the House) included creation of a legislative department consisting of a division of legislative research (continuing L.R.C.), a division of audit (on the order of the Bureau of the Budget), and a division of law (legal counsel and statute revision). Putting this into effect would have been an outstanding event; it could have accomplished all that could be hoped for by constitutional amendment for post-audit, etc. A bill proposed in 1961 for approval of executive interim appointments would have made systematic what is now eccentric.

17 January 1962

To Mrs. E. C. Williams, Executive Secretary, League of Women Voters of Minnesota
page 4.

All of these reforms are not only now possible but have been proposed and have passed the Senate (dominated by the so-called "Conservatives").

Ann - How over-all was this reorganization?

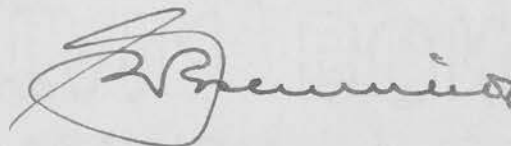
In the field of the judiciary your report mentions reform of judicial administration as indicated, but it overlooks that extraordinary reorganization of courts was made legislatively in 1957 and 1959. Today by statute Minnesota's district courts are well set up administratively. If they are not well administered the fault lies with the judges, not with constitutional or statutory deficiency.

6. Too often, it seems to me, there is wide but uncritical acceptance of constitutional proposals which do not take into account Minnesota political tradition and climate. Such proposals may have been needed where they were invented and put into effect, and yet are not needed here. At the present time, for example, we hear much about a new way to elect judges by which we are to elevate the quality of the Bench. This is a recurrent theme. In it there is a curious implication that our Bench lacks quality and willingness to blanket in the incompetents as the price of security for those who are supposed to measure up. One of the most frequent suggestions is the adoption of the Missouri Plan. As your paper shows, this proposal has been studied here and rejected. It comes to life again. But its advocates do not see fit to explain that in Missouri the plan applies only to the Supreme Court, three Courts of Appeal, and the courts in St. Louis and Kansas City; that it is not state-wide in its application. Nor do they explain that the reform there was necessary because selection and tenure of judges were controlled on a partisan basis by party politicians (See explanation of L. M. Hyde, C. J., Supreme Court of Missouri, distributed by American Judicature Society). That underlying compelling situation simply does not obtain in Minnesota, where judges for a half a century, except as installed by executive appointment, have been and are as completely as could be insulated from partisan politics, and where in a very real sense they must stand for re-election on their record without the aid of party machinery.

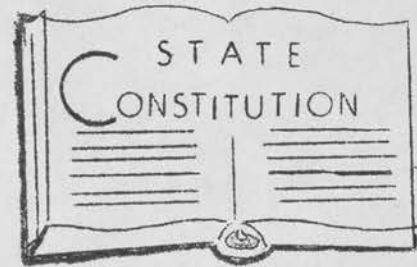
These "brief" remarks are more lengthy than they started out to be, like some proposed constitutional amendments. There is much more that I could say but I would add little of significance and only violate the desirable quality of terseness. Let me, in sincerity, add my respect for the outstandingly effective work of the League in the politics of Minnesota.

I return the paper sent with your letter of January 9 which inspires all this.

Respectfully yours,



OUTLOOK FOR WORK
ON STATE ITEM I
1962 - 1963



Chairman: to be announced

"The League of Women Voters of Minnesota will work for amendments to improve the constitution of the state of Minnesota."

In our Constitutional Revision item, we are indeed today where our thoughts of yesterday have brought us, and where you told us you wanted to be. Based on thorough study, we have strong support positions on the three ballot issues, the proposed constitutional amendments; we have a new position on the amending process; we have a fine resource piece in our "Commentary on the Minnesota State Constitution," which, along with the forthcoming Lively Issues Voter, can serve as the basis for unit meetings which will be the forerunners of good state program selection.

Our Council Workshops showed no burning issues on which you wanted more study material - in fact, we heard many pleas for no more material. So - there will be no more resource pieces on the item.

Rather, we urge you to concentrate first on reviewing the study materials on the three amendments and then taking your information to the public and asking for a YES vote; we urge your cooperation with the many other groups also working for the passage of these three amendments. This is the joint responsibility of your local Public Relations and Legislative Chairmen and you.

We suggest your close attention to the activities of the Governor's Committee on Constitutional Revision, we urge you to use the Commentary not only as a stimulus toward new program making, but also as good general background in this important field.

Local League Handbook (national)
Publications Catalogs (national, state)
Facts (national, state)
Forty Years of a Great Idea (national)
How to Spend Money for the LWV (national)
Local Bylaws, Program and Budget

The State You're In (state)
Well, What D'Ya Know..(state)
Proposed Const. Amendments (state)
Commentary on Minn. Constitution (state)
VOTE YES Three Times brochure (state)

July 6, 1962

THE HONORABLE JOSEPH L. DONOVAN
Secretary of State
State of Minnesota
St. Paul

Dear Mr. Donovan:

The three amendments proposed by the 1961 Legislature will have the following effect on the state constitution if approved at the November 6, 1962 election.

AMENDMENT NO. 1 - INVESTMENT OF TRUST FUNDS FOR SCHOOLS.

Amendment No. 1 broadens the authority of the state investment board in managing the permanent school fund.

The state investment board will be the governor, state treasurer, state auditor, secretary of state and attorney general.

OLD AUTHORITY

The amendment removes the present provision limiting investment of these funds to interest-bearing bonds of the United States, the State of Minnesota, and other states, and certain mortgages and municipal securities.

NEW AUTHORITY

The amendment places the swamp land fund in the permanent school fund and permits investment in the following:

1. Securities of the United States and its agencies;
2. United States guaranteed securities;
3. Bonds of the State of Minnesota or its political subdivisions or agencies;
4. Bonds of other states;
5. Corporate stocks (not more than 20% of the fund);
6. Corporate bonds (not more than 40% of the fund).

Page Two
The Honorable Joseph L. Donovan
July 6, 1962

Certain limitations on the investments are stated in the amendment, and the legislature may adopt other limitations.

The amendment authorizes the investment board to sell investments at less than they cost the fund. However, from interest and dividends the net loss must be repaid to the fund to keep the fund perpetual and inviolate forever.

PROCEEDS TO SCHOOL DISTRICTS

All earnings from the investments will be distributed to the school districts. Part of the income from the swamp land fund is appropriated to state institutions at present.

The present constitutional powers of the University of Minnesota board of regents over the permanent university fund remain unchanged.

AMENDMENT NO. 2 - STATE DEBT AUTHORITY - BUILDINGS AND OTHER PURPOSES

Amendment No. 2 establishes procedures for incurring state debt, and lists the purposes for state debt, including the financing of state buildings and capital improvements.

OLD SYSTEM

For the past fifty years the state has financed state buildings partly by bonds and certificates which the courts held were not subject to the public debt conditions in Sec. 5 and Sec. 6 of Article IX. One of the conditions is a two hundred and fifty thousand dollar limit. In 1960, the state supreme court stated that in the future this type of financing should be declared unconstitutional.

NEW AUTHORITY

The amendment removes the conditions in Sec. 5 and Sec. 6 and sets no maximum limit. The legislature will be able to authorize bonds for a term of not more than twenty years by a three-fifths vote of all members of each branch. Bonds may be issued only to:

- buy, build, or improve public land or buildings;
- appropriate or loan to agencies or subdivisions of the state for capital improvements, or
- refund state debt.

Page Three
The Honorable Joseph L. Donovan
July 6, 1962

In addition, the legislature will be able to provide for short term borrowing on certificates in anticipation of the collection of taxes and other revenues for any fund of the state. These certificates would be guaranteed by a levy on all taxable property, if necessary.

The amendment does not change other sections of the constitution which permit bonds for highways, airports, rural credit, or the veterans' bonus.

AMENDMENT NO. 3 - 120-DAY LEGISLATIVE SESSIONS

Amendment No. 3 authorizes a one hundred and twenty day regular session of the legislature each odd-numbered year and deletes the present ninety day limit.

In addition, during the last thirty days of the session no new bill could be introduced without the request of the governor. At present, the constitution has a similar twenty day limitation.

OLD AND NEW WORDING FOR ALL THREE AMENDMENTS

The form of the existing sections and the form of the sections as they will read, if amended, are attached as part of this statement of purpose and effect.

Very truly yours,

WALTER F. MONDALE
Attorney General

WFM:dk

Con Ram 6-63

League of Women Voters of Minnesota, 15th & Washington S.E., Minneapolis 14, Minn.
November 1962 112462D

MEMO TO: State Item I Chairman
FROM: Mrs. L. G. Murray, State Item I Chairman

It seems certain that a bill to amend the state constitution to allow the governor and lieutenant governor to run on the same ticket will be introduced in the 1963 legislative session.

When there is a difference in party between the governor and the lieutenant governor, the lieutenant governor becomes a leader of the governor's opposition as well as one of his chief administrative officers. This divides the executive branch. Insuring that these two offices would be held by people of the same party would eliminate such a possibility.

Another consideration is that the lieutenant governor is first in line of succession when a vacancy occurs in the office of governor. He may assume the duties of governor any time the governor is absent from the state. The lieutenant governor presides over the senate during the legislative sessions and assigns bills to the appropriate standing comm., of the senate. Does a party split between governor and lieutenant governor affect the performance of these duties?

Clearly fixed executive responsibility has been advocated by League since 1955, both as a CA and later as a CR. In 1961 it was dropped as a CR. However, action would still be possible, if desired, under Current Agenda I. In fact, one of the suggestions to the state Board on program (given at the State Convention in May, 1961) was "... to bring specific stands out of old positions."

This proposed change is much narrower in scope than our previous position which recommended substantial reduction of the number of constitutionally elected officers. See The State You're In, pp. 35-39, Constitutional Commentary, p. 7, and Article V, Constitution of State of Minnesota.

Would you please consider this matter at your January unit meeting and return this sheet with the results of your discussion to your local Board by _____. They are due in the state office by February 8th.

The LWV of Minnesota will support the principle that the governor and lieutenant governor be elected jointly on a party ticket.

☐ Yes

☐ No

Comments:

File

December 18, 1962

The Honorable Elmer L. Andersen
Governor of Minnesota
State Capitol, Minneso
St. Paul, Minnesota

Dear Governor Andersen:

We of the Minnesota League of Women Voters want you to know how eagerly we are awaiting public release of the recommendations of your Constitutional Revision Committee. We hope you will find it possible to give this information to the people of the state in the near future.

Hopefully this latest study will provide many valuable contributions to the continuing effort to update our constitution.

Sincerely yours,

Mrs. L. G. Murray
State Constitution
Revision Chairman

SM:rw

STATE BOARD of the LEAGUE OF WOMEN VOTERS OF MINNESOTA, Discussion on State C.R.'s.
January 17, 1963

Questions, Suggestions, Opinions, Doubts etc. on our CRs, preliminary to decisions on bills that may be proposed in Legislature in these fields, and in preparation for Program Making, 1963-65. Discussion lead by Miss Shimmin, State CR Chairman

Reading suggested for all Board Members -- Minutes of State Convention, 1961, State Continuing Responsibilities 1961, and Recent Developments on the CR's, 1962, and 1st issue of Capitol Letter, Dec., 1962.

CR 4 - Constitutional Revision by Convention. We think this will not even be mentioned in the 1963 Legislature although a few legislators did mention it in their answers to the questions on the Legislative Questionnaires. I think even League members regard the Convention method as a lost cause and adopted this CR only as a precaution. Board agreed.

CR 3 - Home Rule. Our consensus taken in 1955 is outdated. "Increased home-rule for local governments -- a. Realistic restrictions on special legislation and
b. Broader provisions for adoption and amendment of home rule charters."

Why? We supported Home Rule Amendment, which passed, in 1958, November, which lowered voting requirements, required local approval by referendum, required naming of community "special" law applied to, and supported implementing legislation, 1959. With the growth of metropolitan areas, and the problems involved, many LWV people think a little less home rule may be a necessity.

League of Minnesota Municipalities' proposals, which will ease initiating and ratifying of charters, may be legislation the LWV can support.

CR 2 - Party Designation for Legislators, Election Laws, Corrupt Practices.

Party Designation for Legislators - what do we do if the Legislators start talking about the "Independent" being included in a Party Designation bill? Board agreed we could not support this because our purpose is to strengthen the parties and this would do the opposite.

Election Laws - Mrs. Young is in charge of reporting, with assistance of Mrs. Gustafson of St. Paul and Mrs. Hutchens of Bloomington. Proposals that may come up are: Voter registration extended statewide (we have a stand for this).

Simplified recount machinery (we do not have a stand, because have not studied)

Fresh crew for counting (could be made mandatory - we have no stand).

Voting machines mandatory (we have no stand).

Simplifying voter registration (how could this be done? more V.S. education on this?)

Training judges (good idea, but cost may be considerable)

Corrupt Practices. None of the "fuss" that I've heard or read about seems to be in field of corrupt practices. Board agrees.

CR 1 - Ethics in Government (conflict of interest and lobby regulation.)

We're only watching and not proposing legislation. Board agreed League should ask for a report from the committee set up under Chap. 558, 1961 Session Laws, concerning both the agencies and the legislature.

Fair campaign practices are covered in our consensus on corrupt practices. We do not judge campaign practices of individual candidates but press for the voters' right to know the facts. Also, we could well do more in the V.S. field by instructing voters in the election laws field, how to cast a legal ballot etc.

State Attack on the Constitution

Radical Proposals Pushed in State Legislatures Defy Concept of Nationhood

From a Statement by
Charles L. Black Jr.
of the Yale Law School

The Council of State Governments by a close vote has recorded its support of:

A resolution to amend Article V of the Constitution so as to force the proposal of amendments endorsed by two thirds of the state legislatures, without action by Congress or by a national convention.

CONSTITUTION
OF THE
UNITED STATES



cussed above. What it amounts to is a withdrawal of federal protection from a designated area of political life.

This proposal, if passed, would constitute the first diminution, since our history began, of any federal constitutional guarantee of liberty, justice, or equality. More specifically, the equal protection clause has up to now been left, as it came into the Constitution, entirely general; "equal protection of the laws," not as to some matters but as to all, is one of the



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Con Res 61-63

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STATE BOARD of the LEAGUE OF WOMEN VOTERS OF MINNESOTA, Discussion on State Item I
Constitutional Revision Item
January 17, 1963

The reason for this discussion is that five old positions, which we have assumed have been included under our Current Agenda Item I, have disappeared. That is, a person looking at our Agenda as presently worded would not know they were part of it. These areas are: amending process, reapportionment, clearly fixed executive responsibilities, adequate length of legislative session and post-auditor. A briefing which was based on all actions in this area as expressed in Board Minutes, Minnesota Voters and LWV material was provided for all Board members previous to the discussion. These sheets have attached the Minnesota Voter for May-June 1955, a very complete wording of program positions in the biennium 1955-57. Discussion led by Mrs. Murray, State Item I. Chairman.

Amending Process. The question here is the relationship of the League stand and the stand of the Governor's Committee proposal, which will probably be introduced in the legislature.

League Stand (3/62)

Governor's Committee Stand

Majority of Legislature to propose.

60% of Legislature to propose Amendments.

Majority of voters on question to ratify. Majority of voters on question to ratify.

Mrs. Murray feels, and the Board agrees, (on reading March 26 President's Letter, the March 15, 1962 Board Minutes, and the March-April 1962 Minnesota Voter) that the strongest agreement of the members was on the general position of "easing the amendment process" and that they feel strongly that a majority vote of those who voted "on the question" is the important agreement. The other part of the agreement (% of vote in the Legislature) was of secondary interest. So, if the Governor's Committee Bill is introduced, LWV will be able to support. No LWV consensus on Spec. Elections at call of Governor or Legislature.

Reapportionment. Our consensus of 12/58 and on the specific amendment of 2/59 still stands. "League wants effective enforcement machinery, a population basis in one house and area factor in other, a limit on size of legislature to present size" is still understood by our members, is current, is general enough.

It is not expected that there will be any action this session. If a Legislator introduced a bill, or if the League makes a statement, this would only be for publicity reasons. It was agreed this is not a good idea.

Clearly Fixed Executive Responsibilities. According to 1955 C.A. this includes:

a. Fewer elective offices; b. Longer, uniform terms for elected executive officials; c. Provision for self-executing succession to governorship; d. Provision for an executive budget. Items b. and c. have been taken care of by 1958 and 1960 Amendments.

a. Fewer elective offices. First supported in 1950, reaffirmed by place in 1955 CA and a CR since 1957. Board agrees that members probably are quite well informed and feel quite strong in support.

d. Executive Budget. Supported as CA in 1955, a CR since 1957. Board is not so sure of members' knowledge on this. However, this doesn't lose these positions for us. IF we act in these fields, we would at the same time that we alert members, send them updating material, not to ask their permission to act, but to brush them up on League stand which has not had attention for some time.

e. Governor and Lt. Governor on same ticket. IF we get consensus supporting this stand in Feb. 1963, this will be added as a sub item to Clearly Fixed Executive Responsibilities.

Adequate Time for consideration of Legislation by Legislature. In 1955 this CA Item included: a. More frequent regular sessions and/or length of session determined by the Legislature itself.

b. Special sessions called at discretion of Governor.

The question here is the relationship of our old general stand, above, and the newer stand on Amendment #3 (March 1962), where we supported 120 day session, bianially. In evaluating consensus in May 1962, Mrs. Richter reported annual sessions preferred by many and lengthening session criticized as stop gap measure. The Board agreed that our LWV general stand still holds, that our support of the 120/^{day} biennial session was considered a temporary solution, not perfect, and need not bind us or keep us from supporting a better measure if and when introduced. If a return to 90 day session bill is introduced, we would oppose as a step backward.

b. Special sessions called at discretion of the Governor or the Legislature. On this, there is no newer consensus than the statement in CA in 1955, so presumably we would support legislation in this field IF Board felt it important considering workload etc., and if they did so would send updating material on this to members.

Post-auditor responsible to Legislature. No opportunity for action is seen in this field, but if legislation is introduced, state Board has authority to support. Updating material would go to members, in this case, not to ask permission, but to give members background and recent information on an old stand. No change in this since was stated in 1955 CA.

General Discussion of this matter. In discussing this whole matter, the Board agreed that when the state Board proposed the Continuing Responsibility on Constitutional Revision in 1961 (which spelled out all old stands), and then it was changed on the Convention floor to read: "...work for amendments to improve the constitution of the state of Minnesota" -- the understanding of the delegates and the Board was that the old CR positions became a part of the new CA, though it is true that this is not clearly shown in writing.

This omission should be corrected by careful explanation in Convention Work book, and in proposed Program explanation state Board sends to local Leagues after February Board meeting.

In comparing state Program and national Program, it was agreed that national has made a practise of naming our CR positions within the wording of the CA, when a new CA includes past CR positions. In other words, on the state level, when a CR goes back to CA status, it takes with it the CR positions reached previously. Our mistake is in not making this clear either in the wording of the item, or the explanation. We hope, at this Convention, to make our stands in the Constitutional field very clear, whatever program items are adopted.

THE MINNESOTA VOTER

A PUBLICATION OF THE LEAGUE OF WOMEN VOTERS OF MINNESOTA

VOL. 33

MAY-JUNE, 1955

NO. 6

LEAGUE OF WOMEN VOTERS OF MINNESOTA

State Program 1955-1957

"The Program consists of state governmental measures on which the League of Women Voters of Minnesota may take action. The Current Agenda and Continuing Responsibilities . . . constitute the Program."

—State By-Laws

CURRENT AGENDA

The Current Agenda is limited to such current state governmental issues as the state Convention chooses for concerted action. Action includes: 1. providing information; 2. building public opinion; and 3. supporting legislation.

The League of Women Voters of Minnesota will work for revision of the constitution of the State of Minnesota. (Principles 1, 2, 3, 4, 5, 7, 10, 11*)

To do this it will:

- A. Build public opinion for the calling of a constitutional convention.
- B. Support revision of constitutional provisions for:
 - 1. Review of the constitution by periodic submission to the people of the question of calling a constitutional convention. (Principle 2)
 - 2. A workable amending process. (Principle 2)
 - 3. Fair and enforceable apportionment of the Legislature. (Principles 1, 2)
 - 4. Clearly fixed executive responsibility: (Principle 3)
 - a. Fewer elective offices;
 - b. Longer, uniform terms for elected executive officials;
 - c. Provision for self-executing succession to governorship;
 - d. Provision for an executive budget.
 - 5. Adequate time for consideration of legislation by the Legislature: (Principle 5)
 - a. More frequent regular sessions permitted and/or length of session determined by the Legislature itself;
 - b. Special sessions called at discretion of the Governor or the Legislature.
 - 6. A post-auditor appointed by and responsible to the Legislature. (Principles 3, 5)
 - 7. Increased home-rule for local governments: (Principles 2, 4)
 - a. Realistic restrictions on special legislation;
 - b. Broader provisions for adoption and amendment of home-rule charters.
- C. Study, for the purpose of supporting, revision of constitutional provisions for:
 - 1. An integrated and flexible tax article. (Principle 11)
 - 2. An article providing judicial reform. (Principle 5)

CONTINUING RESPONSIBILITIES

Continuing Responsibilities are those positions on state governmental issues to which the League of Women Voters of Minnesota has given sustained attention, and on which it may continue to act, as determined by the state Convention.

- I. Reapportionment by statute. (Principles 1, 2)
- II. Fair Employment Practices Commission. (Principle 9)
- III. Party designation for legislators. (Principles 2, 3)
- IV. Civil service system. (Principles 5, 6)

*Principles are those established by the National Convention of 1954, covering Program at all levels.

THE CONVENTION STORY

"No workshops? Five-minute legislative reports? What did you *do* at the State Convention?"

Well—quite a lot—and with no time left over, either. If you were not there, here is a brief story of how the 1955-57 Program was made. If you were there, maybe the printed page will help you remember.

The St. Paul League of Women Voters was a gracious hostess, its president, Mrs. Don Y. Moore, welcoming us to our convention "home," the Lowry Hotel. Mrs. Basil Young officiated just as we would have expected her to—calmly, efficiently, and with charm. Her able alternates were Miss Barbara Stuhler and Mrs. Hamilton Lufkin.

The first morning we proceeded almost immediately to the business of the convention, the Program for 1955-57. As you know, on the opening day the delegates vote on what items they will *consider* for the Current Agenda and the Continuing Responsibilities (CR's). On the second day, the vote is taken which actually *places items* on the Program. Miss Stuhler presented the Current Agenda which had been put together by the State Board from suggestions sent in by 22 local Leagues. This appeared in your last *Voter*. The recommended item received a favorable vote for consideration.

Mrs. Allan Brown of St. Paul moved consideration of three non-recommended items for the Current Agenda:

"1. The LWV of Minnesota will continue to work on steps leading to a new constitution.

"2. The LWV of Minnesota will consider and recommend measures to improve the state finance and tax structure of the State of Minnesota.

"3. The LWV of Minnesota will make an evaluation of the provisions in the state laws for local government and home rule."

Number two was voted consideration; numbers one and three failed.

Mrs. John Neumaier of Hibbing moved consideration of this non-recommended item: "The LWV of Minnesota will promote the understanding of the financial problems of the public schools of Minnesota." The motion passed.

Next order of business was the CR's. Mrs. L. Vernon Moen presented the State Board proposals and moved consideration, which passed.

Mrs. Frank Dosse of Minneapolis moved consideration of "Civil Service System" as a non-recommended CR. The motion won the vote of the convention.

On Friday (the 13th!) the proposed Program, with its added non-recommended items came in for lengthy discussion and numerous proposals to amend. There was considerable sentiment for limiting action in the coming biennium to working only for the calling of a constitutional convention. The debate was extremely informative. League members again demonstrated that

they know what they're talking about and how to express themselves. Final votes found the convention approving the recommended Current Agenda. The convention then substituted "Civil Service System" for the recommended CR on civil service which would have limited our support only to veterans preference modification. It then voted four CR's.

The convention further requested that the State Board provide information on school finances, sales tax, and the iron ore tax amendment.

Now a word on the Current Agenda. Everything found on page one under Current Agenda *is* the Current Agenda; it is *not* just the one-sentence statement. It consists of a statement of intent and three working parts.

Under "A" will come a concentrated public education job to get a constitutional convention called. "B" consists of constitutional specifics to the support of which this convention committed the LWV of Minnesota. These specifics will be used as particular arguments answering the question "What's the matter with our constitution?" and will prepare us when the convention finally is called. They may also, at the discretion of the State Board, be a basis for support of possible amendments, on the theory that our real goal is a better constitution—by whatever means is possible. Under "C" are two areas we have not adequately studied to date; after studying them, we may or may not support specific proposals.

The rest of this *Voter* will be devoted to very abbreviated notes on each of the "B" specifics. They will serve to orient us until more complete material can be prepared. Incidentally, you might want to file this *Voter* for future reference.

1. Periodic Review of the Constitution

The constitution now states that whenever two-thirds of the Legislature thinks it necessary to call a convention to revise the constitution, this question shall be submitted to the people at the next general election. Repeated failure of the Legislature to act has produced a situation where the people do not have reasonable access to their constitution. The Minnesota Constitutional Commission (MCC) has recommended that the Legislature be required to submit to the people every twenty years the question of calling a constitutional convention. The provision would be self-executing, would function automatically, and not require additional legislation to implement it. This will not result in frequent conventions, but the power of the people is there if they wish to exercise it.

2. The Amending Process

From 1858 to 1898, Minnesota had a very simple process for amending the constitution: proposal by a majority of both houses of the Legislature and ratification by a majority of the voters *voting on the proposal*. During this time, 66 amendments were proposed, 48 were adopted. In 1898, the amending process was made much

more difficult. It still takes only a majority of both houses to propose amendments, but it takes a majority of those *voting at the election* to ratify them. In addition, amendments may be submitted only at a general election. Since this change, 96 amendments have been proposed, only 31 have been adopted.

On the average, 67% of the voters participating in a general election vote on proposed constitutional amendments. An amendment, therefore, goes to the people at a general election with a 33% handicap; only 18% of those actually voting upon the measure are enough to defeat it!

The MCC has recommended that two-thirds of both houses be required to propose amendments, that they may be submitted to the people at either a general or a special election, and that only a majority of those voting on the amendment be required for adoption.

Minnesota has the easiest method of all states of proposal by the Legislature—a majority of those present and voting. It is one of six states where the voters have the hardest time ratifying. Several of the amendments adopted in recent years have passed only after they have been submitted several times and there have been extensive publicity campaigns by interested organizations. The will of the majority of *informed* and active voters has been defeated time and again.

3. Apportionment

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

After studying reapportionment, League members decided on two approaches: a solution under the present constitutional provision, as represented in the Bergerud bill (see our CR I); an amendment to the constitution changing the basis for apportionment and including an enforcement provision to assure periodic reapportionment. Under the Current Agenda, we are concerned with the latter approach.

Proposed bases for a constitutional amendment fall into three classes: area compromise in the Senate; area compromise in the House; area compromise in both houses. Experience during the past legislative session would indicate that the most practical approach to the proposal is some compromise in both houses. It may be

unrealistic to assume that either house will vote to apportion itself by population and let the other house set up a broad area basis.

An enforcement provision was included in all the amendments considered during this session and seemed to be accepted by legislators as a necessity. Just what form it should take, however, is still open to question.

There is considerable need for a meeting of minds on this subject before a solution can be reached. Because its membership extends to all parts of the state and represents all of the different areas of thought on the problem, the League is in a particularly good position to bring these widely divergent ideas together.

4. Executive Responsibility

The constitution now provides for six elected executive officers: Governor, Lieutenant Governor, Attorney General, Treasurer, Secretary of State, Auditor. The MCC recommended that three be eliminated as elected officers (Treasurer, Secretary of State, Auditor). The Minnesota Efficiency in Government Commission—Little Hoover Commission (LHC)—recommended adding the Attorney General to the list to be eliminated.

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

The principle of the short ballot would restrict officers chosen by election to policy-determining officers. It would: centralize responsibility and help insure more efficient administration; recognize that popular government consists in selection of officials whose key positions enable them to control policy and make them directly responsible to the voters; simplify the voter's task.

The terms of elected executive officials are for two years. Both the MCC and LHC recommended they be set at four years. Biennial election of the House would provide a means of expressing disapproval of any measures which are against the popular will. In 28 states, the term is four years; 20 states have the two-year term. The current trend is in the direction of the four-year term. The longer term would: permit development of administrative policies and give the state more efficient government; make possible greater economy in administration, reducing the inevitable extravagance and waste connected with more frequent changes; and further shorten the ballot.

The MCC proposed that succession to the governorship be clarified by providing that the Lieutenant Gover-

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ELEANOR SALISBURY Editor

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nor succeed the Governor, then the President pro tem of the Senate and then the Speaker of the House. After that, the oldest senator in age be authorized to convene the Senate to elect a President pro tem, who would immediately succeed to the governorship. A clear and continuing procedure for succession would prevent possible governmental turmoil.

The MCC recommended that the statutory requirement that the Governor submit a budget to the Legislature be made a constitutional one. The biennial budget has become so important in coordinating revenues and expenditures that the MCC added the budget should be presented within three weeks after the legislature convenes.

5. Legislative Sessions

Legislative business has greatly increased since the 90-day session was established in 1888. If the Legislature is to fulfill its duties adequately, it should be allowed to meet as often and as long as its responsibilities require.

The MCC recommended biennial sessions and other sessions as prescribed by law, and that the Legislature could decide within 75 days if it needed longer than 90 days in which to complete its business.

Many advocate annual sessions because: rapid changes in social and economic conditions require frequent sessions; legislation is a continuous process and cannot be confined to infrequent intervals; the Legislature needs continuity, a permanent secretariat and research staff; more economical administration would result as budgets would more nearly reflect actual needs.

Only the Governor may call a special session of the Legislature. He may not limit the matters to be considered. The MCC recommended that the Legislature be permitted to call special sessions and the Governor be allowed to limit the matters to be considered at a special session which he calls.

Minnesota has had 13 special sessions since it was admitted to the Union, increasing in frequency since the early days of the state.

Some students of the legislative process feel that the question of annual vs. biennial sessions would be largely resolved if legislatures could be called into special session by governors or by a majority of their members without undue restrictions on the measures to be considered. Others say, however, that they cannot be considered a substitute for annual sessions, with their more orderly distribution of the work load on the Legislature.

6. The Post-Auditor

Two types of financial audits are essential in state government. The pre-audit, prepared by the State Auditor, is a review of transactions before they are made. The post-audit is a review of transactions after they are completed, to learn if and how the money appropriated by the Legislature is being spent, and to determine the current financial standing of the government; this is

done by the Public Examiner, who is appointed by the Governor.

The MCC recommended that the elected office of State Auditor be eliminated, the pre-audit to be performed by an auditor directly responsible to the Governor. It further recommended the creation of a post-auditor selected by and directly responsible to the Legislature. His term would be six years. The MCC felt this to be one of its most important recommendations. The Legislature now appropriates the state's money but has no effective method of determining how its mandates are being carried out, and what changes should be made by law for the more efficient handling of public funds. The creation of a legislatively-chosen post-auditor would insure financial accountability to that body which has the constitutional responsibility for the raising and spending of state funds. Authorities in the field of finance and special study commissions of several states agree almost without exception that the post-auditor should be responsible to the Legislature. In Minnesota, the MCC, and LHC and the Legislative Research Committee have made this recommendation.

7. Home Rule

Much local legislation is passed by the Legislature in the form of special legislation. This means that the Legislature classifies the political subdivision for which it wishes to legislate and then enacts a law that is general in language but actually applies only to a single locality. For example, a law enacted under the guise of general legislation yet restricted to "a county with a population of more than 10,000 but less than 15,000, according to the 1940 federal census, and containing more than 26 full and fractional congressional townships." There is only one county in the state like this.

The result of such special legislation is that undue demands are made on the time of individual legislators, the feeling of localism is accentuated in the Legislature, log-rolling practices are encouraged, local affairs are brought into the state-wide political arena, multiplicity of laws sometimes results in actual contradiction of provisions applying to a single community, and control of local affairs is taken from local citizens—often without their knowledge.

The MCC major recommendations were: a general law to prevail over a home-rule charter only if the law so states; name of community permitted in special legislation and approval of local citizens required; cities, villages, counties permitted home-rule charters; consolidation of counties and cities; city-county organization by home-rule charter, not by legislative action.

... BRIEFING FOR STATE BOARD on Old Positions under C A I, by Sue Murray, 1/11/63

There are four old positions which are assumed to be under C.A. I. They are the items which have been on program continuously since 1955 (some have been supported since 1947) and which were omitted from C.R.'s at 1961 Convention. They are:

- | | |
|---|-------------------------------|
| 1. Reapportionment | 3. Post auditor |
| 2. Clearly fixed executive responsibility | 4. Adequate length of session |

... From 1955 to 1961 we can assume that these items as CA and CR were reviewed yearly by local Leagues. There has been no specific study or review of Reapportionment, Clearly fixed executive responsibility or post auditor since 1961, although each item is mentioned on "Constitutional Commentary" (Jan. 1962. It would be difficult to estimate the coverage of these items, since "Constitutional Commentary" was published as a resource piece for C.A.I committees and has been covered by unit meetings in some local Leagues, ignored in others. Comment ranges from, "We covered "Constitutional Commentary" quickly but thoroughly at a unit meeting" (Grace Wilson) to question from C.A.I Chairman of metro-area League wondering what "Constitutional Commentary" was, she'd never seen it.

... Adequate length of legislative session was studied specifically under "Proposed Amendments to Minnesota Constitution, 1962" as well as being covered in "Constitutional Commentary."

... 1. Reapportionment

Last consensus (a/5/59) - Gives League specific but flexible standards for amendment:

- a. effective enforcement machinery
- b. population basis in one house, area factor in other
- c. limit legislature to present size.

Mandatory reapportionment stated as League position in "Constitutional Commentary." Betty Kane does not think that enforcement amendment will be introduced, and even if introduced would not likely get out of committee. Value to legislator in proposing it would be for publicity only. (This would apply to League, too, if they supported or proposed amendment.)

... 2. Clearly Fixed Executive Responsibility

... 2. Clearly Fixed Executive Responsibility

According to 1955 C.A this includes:

- a. fewer elective offices
- b. longer uniform terms for elected officials
- c. automatic succession to governorship
- d. constitutional provision for executive budget.

b. and c. have been taken care of by 1960 Amendments.

- a. Fewer Elective Offices first supported in 1950, reaffirmed by place in 1955 C A and C R since, 1957. It is mentioned in Constitutional Commentary (61) as a suggestion of MCC, not as a League position
- d. Executive Budget supported as C A 1955, under C R since '57. Mentioned as suggestion of M C C in "Constitutional Commentary" (61).

... 3. Post Auditor

No new consensus here since it was put on C A in 1955 and C R in 1957. In "Constitutional Commentary" it is listed as a League position.

... 4. Adequate Length of Legislative Session

As 1955 C A this item included:

- a. More frequent regular sessions and/or length of session determined by legislature itself.
- b. Special sessions called at discretion of Governor.

A general stand in favor of lengthened session is stated as League position in "Constitutional Commentary". In consensus on Amendment III, March 1962, League ~~supported~~ supported 120 day bi-annual session. In evaluating the consensus in May 1962 Voter, Chairman Phil Richter reported annual sessions preferred by many and lengthening session criticized as stop gap measure.

This general unhappiness over Amendment III is apparent in Governor's Committee on Constitutional Revision and also with some legislators, so it is possible that a new amendment on length and/or frequency of session will be proposed. The question to be decided if this happened, would be how does our specific consensus on Amendment III affect our old, general position on adequate length of session?

I am assuming that you know that each of these items is covered in "The State You're In" (1956) our basic material for Constitutional Revision. None of them are mentioned in the 1962 "Lobby by Letter" kit. At 1961 Legislation Session, Constitutional Revision as a C.R. was watched by an observer (A. Cochrane) (Reapportionment was separate item lobbied by Betty Kane). Eight bills to lengthen session were proposed, seven died in committee, the 8th became Amendment III. Companion bills for Governor-Lt. Governor were also introduced and died. The League evidently did not support any of these length of session bills, although they were definitely within League position. Even after Amendment III was passed ^{by legislature} decision on for support ^{of Amendment by Voters in Nov 1962} was given to membership as a whole.

file

January 27, 1963

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

Dear Governor Andersen:

Thank you for sending us the copy of the report of the Committee on Constitutional Revision. It seems to me that a proper start has been made- in recommending a change in our difficult amending process. While the League has always had a strong position for an easier amending process, we have not specifically decided on the process by which the Legislature puts it on the ballot. I believe we can strongly support the Committee's proposal.

Do you plan to use your considerable influence to to get this issue introduced and on the ballot ? I would like to urge that you do this since the difficult amending process is proving a block to constitutional reform.

It was kind of you to see Mrs. Watson and me last week and we appreciate your order for our new publication.

Sincerely,

DA

Mrs. O. H. Anderson President

Carbon - See - A Whiff - File

Feb. 6, 1963

Senator Raymond Bares
State Capitol
St. Paul, Minnesota

Dear Senator:

Looking through our League files I find no bills to create an Interim Constitutional Commission from 1953 until Sen. Grittner's bill in 1961. However there were bills introduced every session proposing a Constitutional Convention to put into effect the changes suggested by the 1947 Commission. I will give you the information on these bills, since these authors are likely to be interested in Constitutional Revision in general.

1959 - SF 86 -- Holmquist, Schultz
HF 181 - Mosier, Bassett,
Killed by Senate Judiciary Committee.

1957 - SF 135 - Holmquist, Schultz
HF 289 - Langley
Passed House where it was supported by Searle, opposed by Duxbury.
Debated on Senate floor.

1955 - SF 23 -- Westin, Schultz, Holmquist
HF 65 -- Cina, Langley, H.R. Anderson, Rutter
Passed House, killed on Senate floor.

1953 - HF 100 -- Holmquist, Langley, Wozniak
SF 28, or 128 - (no authors now in Senate)
Defeated in House, no Senate hearings.

The three legislators who are presently serving on the Governor's Committee on Constitutional Revision are: Holmquist, Mosier, Kucera.

I hope this will be of some help to you.

Sincerely,

See Murray
Mrs. L. G. Murray

ELECTION LAWS

CAMPAIGN PRACTICES:

1. Raising obsolete limits on campaign spending.
2. Complete reporting of all money actually spent in elections, including reporting by volunteer committees.

ELECTION PROCEDURES:

1. Uniformity of procedures and training of election officials.
2. Extension of voter registration to communities where it is not required now.
3. More latitude for local governing bodies to determine qualification and number of election judges.

VOTING:

Legislation to enable an otherwise qualified voter to vote for U.S. President and Vice-President before he meets residence requirements.

Extensive studies on each subject have been made and are available from your local League of Women Voters or the League of Women Voters of Minnesota, 15th and Washington Aves. S.E., Minneapolis 14, Minnesota.

Price 5 cents each.

LEAGUE OF WOMEN VOTERS OF MINNESOTA

1963



LEGISLATIVE PROGRAM

OUR GOAL:

*Efficient government responsible to
the people of Minnesota*



PARTY DESIGNATION

for state legislators

1. Programs for legislative action are formulated by political parties.
2. Candidates for governor advocate the program for which their party stands. They run on a party ballot.
3. The legislature determines whether the party's program is enacted, yet legislative candidates do *not* run on a party ballot.
4. Responsible government, under our two-party system, would be better served if legislators also ran on a party ballot. Their responsibility for carrying out the program of their party is just as great, if not greater, than that of the governor.

EQUAL OPPORTUNITY

legislation

It is our conviction that Minnesota's march ahead in today's competitive world requires the full talents of all its people, regardless of race, creed, color, national origin, or age. We shall support:

1. Increased funds and personnel for the State Commission against Discrimination.
2. SCAD administration of the public accommodations law.
3. A workable "age" amendment to the fair employment practices law.

ETHICS IN GOVERNMENT

1. Lobby regulation legislation.
2. Strengthening of existing "conflict of interest" legislation.

AMENDING THE

STATE CONSTITUTION

1. Improvement of the amending *process*. Passage or defeat of a proposed amendment should be determined by those voting *on the question*, not by the blank ballots of those who do *not* vote on it.
2. Continued revision of the Constitution to increase the efficiency of government.

HOME RULE

Less stringent requirements for the adoption and amendment of home rule charters.



STATE OF MINNESOTA
EXECUTIVE OFFICE
SAINT PAUL 1

ELMER L. ANDERSEN
GOVERNOR

copy @ Sue - AD - File
FEB 11 1963

February 7, 1963

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

Dear Dorothy:

Responding to your letter of January 27, so far, I have called the attention of the Chairman of the Judiciary Committee of each house to the report of my committee on Constitutional Revision and am scheduling interviews with them to see what support I can get from them on it.

We do plan to introduce it and seek passage.

Cordially yours,

Elmer L. Andersen
GOVERNOR

ELA:dp

TIME FOR ACTION

ON

H.F. 10

February 14, 1963

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

Telephone 373-2959



JOINT ELECTION OF GOVERNOR -- LT. GOVERNOR

Results of consensus on joint election of Governor and Lt. Governor show overwhelming support from local Leagues. Now we need help from local Leagues to make this position a political reality.

House File 10, introduced by Rep. Mahowald, Conservative from St. Cloud, was passed unanimously by the House Elections Committee, but met opposition on the floor. Rep. Mahowald had it re-referred to the House Rules Committee and will hold it there until more support seems evident.

Now is the time to contact your Representative urging passage of H.F.10.

The most effective way to build support for this bill is for each League member to write or call her Representative on the phone, and to tell her friends who are interested to do the same. A suggestion -- do it this weekend, Feb. 16-17, or at least before February 23.

We know by the tremendous response on the consensus questionnaire how important this issue is to Leaguers. Let's let our Legislators know how we feel. Even if you feel your Legislator favors this bill, write him so he knows how many people throughout the state share his views.

To quote from the Minneapolis Tribune, February 14, 1963, on the League's announcement of support for this bill:

"The League believes when the two officials are of opposite parties the efficiency of the executive branch is hampered. The lieutenant governor becomes leader of the opposition as well as one of the governor's chief administrative officers.

"Since both officials now are elected for four-year terms, the League believes the measure is especially important. If the governor should become incapacitated early in his term, a member of the opposite party would be able to take his place for an entire legislative session."

Please note enclosed card for reporting your League's response for this TIME FOR ACTION. Note also enclosed list of Legislators.

League of Women Voters of Minnesota
University of Minnesota
15 S Washington Avenue S. E.
Minneapolis 14, Minn.

League of Women Voters of Minnesota, February 14, 1963.

The League of Women Voters of _____
responded in the following ways to the TIME FOR ACTION
on JOINT ELECTION OF GOVERNOR - LT. GOVERNOR:

signed: _____

League of Women Voters of Minnesota
Mrs. Allan J. Wash, Public Relations
15th & Washington Aves.S.E.
Minneapolis 14, Minn.

FOR RELEASE
i m m e d i a t e l y

February 21, 1963

R

The League of Women Voters of Minnesota has announced its support of two bills now before the legislature: a bill to provide party designation for state legislators and a bill to provide that the governor and lieutenant governor run jointly and be elected from the same political party. According to Mrs. O. H. Anderson, president of the League of Women Voters of Minnesota, both of these bills will tend to strengthen the responsibility of elected officials and make them more responsive to the will of the voter. Both major political parties favor party labels for legislators. This bill will also provide that legislators will automatically become members of their county party committees and thereby will have an opportunity to make platform policy.

Some conservative members of the committees which will hear this bill during the week of February 25th state that the "average voter has no interest in party designation" -- this may be true, but if it is, the League of Women Voters feels that it is up to the "average voter" to become aware that his elected representative in St. Paul is not merely "liberal" or "conservative" but is in fact DFL or Republican and should be willing to stand up and be so counted. At least the Minnesota voter should be given an opportunity to decide on the ballot whether or not he wishes to have his representatives designated by party. This bill would give the voter this opportunity.

This bill to provide that the governor and lieutenant governor shall both be of the same party would make the office of lieutenant governor, now merely titular, with no real duties or responsibilities assigned to it by the governor, a real assistant's job. Under the present arrangement it would indeed be unusual for a governor to delegate important duties to his possible successor if he were of the opposite party. Certainly it is only sensible that the person who would succeed to the governorship in case of death or emergency would be of the same political philosophy as the elected governor. The governor now holds office for a 4-year term and now more than ever before it is important to have both men of the same party. This is a bill on which both Governor Anderson and Lt. Governor Keith agree.

A second printing (3,000) of the publication INDIANS IN MINNESOTA costing \$671 has been made. Since there will be no income from this printing this year, Mrs. Williams questioned where the Board wishes to show this item in bookkeeping.

MOTION: Charge the second printing of INDIANS IN MINNESOTA to the 1963-64 budget.

Mover: Mrs. Isaksen. Second: Mrs. Duff. Carried.

MOTION: Handle the bookkeeping for CAPITOL LETTER through a special account outside of the budget.

Mover: Mrs. Jensen. Second: Mrs. Duff. Carried.

Lobbyist expense accounts will be reimbursed for just what they have used before March 31, 1963 and carry over additional expenses to the next year since this is an accrual account.

PRESIDENT'S
REPORT

Mrs. Anderson reported that the meeting on the Common Market was very successful and that Leaguers added considerably to the meeting.

As president of the Minnesota League, Mrs. Anderson spoke in support of party designation for legislators at the hearing in the Senate. She attended the "Liberty Amendment" hearing, also.

During the past month she spoke to the Omaha League in Omaha, Nebraska and to an adult class at Trinity Community Church in Minneapolis.

A letter was received from Mrs. Bernard Halper, President of the Hibbing League, stating that rumors persisted that the League was opposed to any taconite amendment. Mrs. Anderson answered her letter replying that the League has no position on such an amendment.

The planned European tour has been cancelled because of insufficient interest. All moneys have been returned.

Mrs. Anderson accompanied by Mmes. Kane and Whiting will leave March 19 for the meeting in Chicago on Reapportionment.

SOUNDOFF It was agreed that the program presentation mailed to local Leagues was well presented.

LEGISLATIVE Mrs. Duff reviewed the League legislative program in each category as follows:

Amending Process: It appears at this point that this bill will not pass. Support has come in the wrong places for passage. Leadership in the House and Senate is against it.

Governor and Lieutenant Governor of the same party: It is predicted that this will pass. The Board approved a Call to Action in this field. The authors feel that League interest thus far has helped.

Election Laws: Corrupt Practices will probably carry mainly because of the clause concerning campaign contributions of unions. Residence requirements eased to enfranchise more voters for President and Vice President will probably pass.

Party Designation for Legislators: Rule 71 will hopefully be used to call this bill to the Senate floor Monday, March 18. A spot call to action by the League will be sent out for support of this bill. The bill has been placed in sub-committee of the House and the hope is that it may reach the floor of the House without a committee recommendation of "no."

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

CONFIDENTIAL 61-63
R
FOR RELEASE

MONDAY, MARCH 26, 10A.M.

The League of Women Voters of Minnesota announces support of all three proposed amendments to the Minnesota Constitution.

These amendments will be on the ballot at the general election next fall.

An active campaign will be waged by the League to encourage a YES VOTE throughout Minnesota.

Amendment I concerns provisions for investment of Minnesota trust funds.

The League feels passage of this amendment will maintain the standards of a safe investment policy and at the same time increase the earnings of the trust funds for our schools.

Amendment II removes the state debt limit from the Constitution. It allows the legislature to decide the size of state debt. The large League majority which backed the amendment was aware that experts in governmental debt are not convinced of the effectiveness of debt limits.

Also League members did not wish to jeopardize the state building program.

Lengthening the legislative session--Amendment III--also has the support of the League. Perhaps this is a stop gap solution but it is surely a step in the right direction. Legislators need more than the current 90 days every other year to handle the problems of Minnesota today.

From Silver Bay to Albert Lea, from Battle Lake to South St. Paul, the 58 local Leagues in Minnesota dug deeply into the carefully League researched facts. They held excellent community meetings and thoughtful discussions among the members. The results are a very substantial area of agreement throughout the state. Over 90% of the local Leagues took part in this decision making. Plans will now proceed for the YES VOTE.

Program Item	Choice 1	Choice 2	Choice 3	No Mention	Total League Mention
Taxes	9	2	0	11	11
Const. Amendments	9	3	2	8	14
Indians	13	1	1	7	15

General conclusions of the committee were:

Recommend a two item study: Indians and Constitutional Amendments.

Put the tax item as a non-recommended item.

A taconite amendment will be among the constitutional amendments to be studied if such an item is adopted, and since this is true, the Board felt that such a study could not be complete without a complete tax study for background. The CR's as proposed would cover other proposed amendments. For these reasons, the following recommendations for state program were made:

MOTION: The state Board recommends as program item I, "The League of Women Voters of Minnesota will study specific areas where legislation would be effective in improving the situation of the Minnesota Indian."
Mover: Mrs. Whiting. Second: Mrs. Zaidenweber. Carried.

MOTION: The state Board recommends as program item II, "The League of Women Voters of Minnesota will study the tax structure of the State of Minnesota."
Mover: Mrs. Whiting. Second: Mrs. Thompson. Carried.

Convention workbook presentations will be prepared as follows:

Item I: Mrs. Jensen with help of Mrs. Watson
Item II: Mrs. Wright

MOTION: The proposed CR's be as stated in the first round of program suggestions.
Mover: Mrs. Whiting. Second: Mrs. Zaidenweber. Carried.

Convention presentations were assigned as follows:

Item I: Indians - Mrs. Watson
Item II: Taxes - Mrs. Wright
CR's: Miss Shimmin

Official negatives to be ready for convention presentation, if voted consideration at convention, were assigned as follows:

Constitutional Amendments: Mrs. Murray
Election Laws: Miss Shimmin

WOMEN IN THE LABOR FORCE The Board was circularized on the briefing for this consensus. Following thorough discussion on all aspects of this consensus, this motion was made:

MOTION: Recommend we do not take a position on "Women in the Labor Force" for these reasons:

1. Inadequate study as revealed by comments.
2. Disinterest as shown by less than usual response and by comments and lack of understanding by local Leagues.

Mover: Mrs. Watson. Second: Mrs. Murray. Carried.

GOVERNOR-LIEUTENANT GOVERNOR CONSENSUS

Mrs. Murray reported on results of questionnaires sent to local Leagues concerning the proposed amendment to put candidates for governor-lieutenant governor on a joint party ballot. 44 Leagues responded, and all voted "yes." 20 were unanimous, 10 very strong, others "yes."

June 1963

CONSTITUTIONAL REVISION COMMITTEE

Board Members - Jeanne Diefenbach, Ann Duff, Mary Faucett - Chairman: Sue Murray

Advisory Members - Sis Fenton, Jan Sigford, Louise Kuderling

Non-Board Members: Mrs. Gordon Grunditz (Richfield) Mrs. David Vail (White Bear Lake),
Mrs. Earl Colborn (Mpls), Mrs. E. H. Newstrom (Bloomington),
Mrs. Joel Russell and Mrs. Loren Barta (Owatonna), Mrs. H. P. Bodley
(Duluth), Mrs. Allen Thorngren (Silver Bay), Mrs. Thomas Richards
(Rochester), Mrs. Roger Montgomery (Mpls), Mrs. Gerald Kincaid,
(Roseville), (Mrs. Marlin Haugen (Wayzata)

A meeting of the State Constitution committee was held on June 11, 1963 at 1 p.m.

Mrs. Murray read the Outlook for Work on this Agenda item which will be sent to local Leagues soon.

Mrs. Murray led discussion of material to be written and assignments were made:

1. Ballot Amendment material from two years ago is probably similar to what should be done this year.

Taconite - History and pro - Marge Thorngren
Amendments and con - Joane Vail

Obsolete Provisions - Luella Newstrom

2. Constitutional Tax Provisions

- a. Introduction - what are basic principles on constitution)
Model Constitution (Betty Barta and
What other states do) Helen Russell
- b. Various taxes provided for in constitution
 - 1) Occupation - Ellie Colborn
 - 2) Gasoline - hiway and plane - Mrs. Montgomery
 - 3) Forestry and Timber Yield - Bodley
 - 4) Motor Vehicle - Haugen
 - 5) RR Gross Earnings - Muriel Grunditz
 - 6) Air Carrier-Flight Property - Liz Haugen

DEADLINE - AUGUST 26th

Suggested Outline for Material

Taconite	History	(industry)political aspects (legislative
	Intent	- attorney general's office (Sue Murray)
	Comparison	
	Possible results	- pro and con
	Check List	

Obsolete

History
What Makes it Obsolete
Attorney General

Various Taxes

History - why not statutory?
who benefits?

Intent

Comparison with other states

Results - different points of view

Bibliography

Be accurate.

Materials were distributed. Constitutions will be mailed to each member.

Meeting dismissed at 3 p.m.

Luella Newstrom
Secretary pro tem

OUTLOOK FOR WORK

STATE ITEM II - 1963-1964

Chairman: Mrs. L. G. Murray
Box 82, Minnetonka Beach
Telephone: GR 1-8856

Board Committee:
Mrs. E. J. Diefenbach
Mrs. N. E. Duff
Mrs. Robert Faucett



"The League of Women Voters of Minnesota will work for amendments to improve the state constitution."

The first order of business in our third year of working for constitutional improvement by amendments will be to study, discuss and reach decisions on the 1964 ballot amendments. One of them, a proposal to delete eight obsolete sections from the constitution, was passed by the legislature with little opposition and almost no debate, except as to form. The other, the taconite tax amendment, has been the subject of heated political controversy in Minnesota for over twenty years. Both will require a thorough and factual study.

The resource material we are preparing is:

1. A study of the two amendments which will be submitted to the voters of Minnesota in 1964.
2. A companion piece on the special tax laws which are a part of the state constitution. This will include information on the railroad's gross earning tax, the motor vehicle tax and the iron ore occupation tax. Because of the interest shown in the finance article at Convention time, our continuing study of the constitution will focus on these taxes, their effect on the constitution and on the state. In addition this should be helpful background information for understanding the taconite tax amendment.

Because we will need consensus on the two ballot amendments by April 1 the following schedule might be followed:

1. In December you will receive companion resource material on the ballot amendments and tax laws in the constitution.
2. January and February we suggest as good months for your units to study and discuss the materials.
3. In March your local Board decides your League's consensus.
4. APRIL 1 - this is the date by which the state Board must receive your consensus. No consensus reports arriving after April 1 will be considered in deciding the state League position on the amendments.

We would like the results of your discussion on the special tax laws for direction at Council in May.

We hope this will provide helpful information both on the ballot amendment study and for more thorough understanding of our state constitution.

What to do 'til the material arrives? If you want to start constitution study in the fall the material found in the "State You're In" (Chapter VII) and "Commentary on the Minnesota State Constitution" (Article 9) are "must" reading for your resource committee. (Note that the sections on the state debt limit are now obsolete.)

PUBLICATIONS

Local League Handbook (national)
 Publications Catalogs (national, state)
 Facts (national, state)
 How to Spend Money for LWV (national)
 The State You're In (state)
 Well, What D'Ya Know, Minnesota Has a Constitution (state)
 Commentary on Minnesota State Constitution (state)
 Gopher Historian, Spring 1963
 (Amendments since 1947)
 Constitution, Minnesota

June 1, 1963

Mrs. Sue H. Blat, Secretary
League of Women Voters of Hibbing
Androy Hotel
Hibbing, Minnesota

Dear Mrs. Blat:

Thank you for your expression of congratulations on my election as the new president of the League of Women Voters of Minnesota. It is going to be a privilege to serve as your president. I realize that my success will depend upon the cooperation of all of our members so I appreciate your wishes for my success and your looking forward to working with me and our new Board.

About the tacomite amendment -- I believe your quotes were from an article in the Minneapolis ST R. Miss Warden, their Staff Writer, attended all of our meetings and reported them as she heard them or at least what she surmised was the intent of some of the delegates. Fortunately we do not take our direction from the newspaper stories because we know that they are not able to report everything that is said.

We do have a full report of the convention and are using it to give us some focus as we start anew on constitutional revision by amendment. This item is more than just this, however, and I think to understand some of the delegates' comments it is important to remember the exact wording of the item.

Of course we League members know that we do not have a position until we study and discuss and come to some decisions as a result of our study and discussion. The reason we do this is to be able to act as an organization. I do not believe that anyone can say definitely what our position may be on the tacomite amendment after we study and discuss it in all our local Leagues next year.

Naturally we have developed certain criteria regarding constitutional revision. With this item as a current agenda such criteria are subject to review and change by substantial agreement of the members. Don't forget the possibility of our taking no position and perhaps providing good voter service on this issue. As we develop our resource material we will appreciate any suggestions that your League is able to give us. We are here primarily to serve you which is not always easy to do if we do not understand what it is you wish of us.

I hope this is some clarification for you and that we will hear from you again soon.

Sincerely yours,

Mrs. Wm. W. Whiting
President

LEAGUE OF WOMEN VOTERS OF HIBBING

HIBBING, MINNESOTA

May 23, 1963

Mrs. William Whiting, President
League of Women Voters
622 E. School
Owatonna, Minnesota

Dear Mrs. Whiting,

We wish to congratulate you upon your election as president
Of the Minnesota league.

We are confused by an article which appeared in the May 16,
1963, Minneapolis Star. It is the explanation of the second
item on the state current agenda which confuses us:

A stand on the taconite amendment could be a
major result of the second item. League
members indicated at the convention in St. Paul
that they would oppose the taconite amendment
if they did take a position. League principles
are against constitutional amendments which
apply only to special groups.

Would you please clarify league position on the constitutional
amendment item as it applies to a study of the taconite
amendment?

We wish you every success and are looking forward to working
with you and your board.

Sincerely,

Mrs. Sue W. Blat

Secretary

June 1, 1963

Mrs. Harold E. Miller
Abbott Hospital
Minneapolis, Minnesota

Dear Kathleen:

You certainly are a devoted League member when you will make known your concern for the League from your hospital bed. We are sorry that you are temporarily incapacitated but glad that you feel well enough to follow League activity.

We are interested in your comments on the taconite amendment. You express the feelings of many League members on this subject. As you probably know constitutional revision was not recommended by the state Board and one of the reasons as stated in the official negative was the problem of a position on the taconite amendment.

We have the item and the Convention directed the Board to give them information as a background for study and discussion on the taconite amendment. This we must do and then it is up to the members to decide what should be our position if any. It will be important for us to have substantial agreement on a position on this item in order to act.

There is really no way of predicting what the outcome of our study and discussion may be though it is bound to be influenced by factors outside of the League and by groups working in support of the amendment already.

Do what the doctors tell you to do so that you can soon be back among us. In the meantime thanks for giving us your ideas and let us hear from you again.

Sincerely,

Mrs. Wm. W. Whiting
President

A.W.

Abbott Hospital
Minneapolis, Minnesota
May 21, 1963

Board of Directors
Minnesota League of Women Voters
Minneapolis 14, Minnesota

Dear Ladies:

I am writing regarding the newspaper report from the state convention last week to the effect that if the League takes any stand on the taconite amendment it will have to be against it. Although it is scarcely conceivable to me that with both political parties favoring the amendment the League could ^{find} itself opposing it, according to the paper this is at least a remote possibility. I am writing to say that I surely hope such a thing doesn't happen, both for the good of the state and the reputation of the League.

Personally I should like to see the League support the amendment (although I understand the basis of our possible opposition) but if this cannot be, then I certainly hope we will take no position at all. As the late Professor Oscar Furkins used to say in one of his modern drama classes, "Sometimes the principle of morality is maintained by breaking the precept." This is one of those times. It is far more important that we try to enable people on the Range to support themselves with dignity (and that all the resulting benefits accrue) than that the League maintain its generally-right principle about the nature of constitutions.

Please accept my very best wishes to all of you as you start on your new year's work.

Yours very truly,
Kathleen Miller
(Mrs. Harold E. Miller)
Mph. + Edina Leagues

OUTLOOK FOR WORK

STATE ITEM II - 1963-1964

Chairman: Mrs. L. G. Murray
Box 82, Minnetonka Beach
Telephone: GR 1-8856

Board Committee:
Mrs. E. J. Diefenbach
Mrs. N. E. Duff
Mrs. Robert Faucett



"The League of Women Voters of Minnesota will work for amendments to improve the state constitution."

The first order of business in our third year of working for constitutional improvement by amendments will be to study, discuss and reach decisions on the 1964 ballot amendments. One of them, a proposal to delete eight obsolete sections from the constitution, was passed by the legislature with little opposition and almost no debate, except as to form. The other, the taconite tax amendment, has been the subject of heated political controversy in Minnesota for over twenty years. Both will require a thorough and factual study.

The resource material we are preparing is:

1. A study of the two amendments which will be submitted to the voters of Minnesota in 1964.
2. A companion piece on the special tax laws which are a part of the state constitution. This will include information on the railroad's gross earning tax, the motor vehicle tax and the iron ore occupation tax. Because of the interest shown in the finance article at Convention time, our continuing study of the constitution will focus on these taxes, their effect on the constitution and on the state. In addition this should be helpful background information for understanding the taconite tax amendment.

Because we will need consensus on the two ballot amendments by April 1 the following schedule might be followed:

1. In December you will receive companion resource material on the ballot amendments and tax laws in the constitution.
2. January and February we suggest as good months for your units to study and discuss the materials.
3. In March your local Board decides your League's consensus.
4. APRIL 1 - this is the date by which the state Board must receive your consensus. No consensus reports arriving after April 1 will be considered in deciding the state League position on the amendments.

We would like the results of your discussion on the special tax laws for direction at Council in May.

We hope this will provide helpful information both on the ballot amendment study and for more thorough understanding of our state constitution.

What to do 'til the material arrives? If you want to start constitution study in the fall the material found in the "State You're In" (Chapter VII) and "Commentary on the Minnesota State Constitution" (Article 9) are "must" reading for your resource committee. (Note that the sections on the state debt limit are now obsolete.)

PUBLICATIONS

Local League Handbook (national)
Publications Catalogs (national, state)
Facts (national, state)
How to Spend Money for LWV (national)
The State You're In (state)
Well, What D'Ya Know, Minnesota Has a Constitution (state)
Commentary on Minnesota State Constitution (state)
Gopher Historian, Spring 1963
(Amendments since 1947)
Constitution, Minnesota