



League of Women Voters of Minnesota Records

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

February, 1957

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House File # 450 - Senate File # 421

THE BERGERUD REAPPORTIONMENT BILL

The League of Women Voters of Minnesota asks your consideration of this bill, on the basis of the following facts:

This is an area compromise plan.

Hennepin and Ramsey legislators would represent an average of 18,121 people each.

Non-metropolitan legislators would represent an average of 13,834 people each.

Metropolitan districts would have a 36% greater population than rural districts.

As many counties as possible are given a representative. Where a small county is paired with a large county, each is given one representative, with the assumption that the larger county will have a greater voice in the election of the senator from that district, thereby balancing the representation.

In accordance with constitutional requirements, districts are contiguous, and no house districts are divided in making senatorial districts.

Counties are not divided in forming districts (except Stearns which is divided at present).

As few district lines as possible are changed, and as few individuals as possible are affected. The status quo in both houses is upset much less than in most proposed constitutional amendments.

The effect in the House is to:

Add 1 each to Olmsted, Mower, Rice and Dakota Counties.

Give 1 each to Anoka and Isanti (instead of 1 together).

Add 2 to Ramsey (districts which contain suburban growth).

Add 6 to Hennepin (2 in Minneapolis and 4 in the suburbs).

St. Louis remains the same, except that representation is shifted from an over-represented to an under-represented district.

Hennepin and Ramsey counties would receive an increase of only 6% of state representation. They now have 22%; this bill gives them 28%; full population representation would give them 34%.

Many legislators, political scientists, lawyers and the members of the League of Women Voters, who have carefully analyzed this bill, believe it is a fair and workable compromise and the most realistic reapportionment plan that has been proposed for Minnesota.

To: State Item I Resource Chairmen
From: Mrs. K. Green, Constitutional Revision Chairman
Subject: Tips for Discussing Reapportionment

This study of the amendment approach to reapportionment is being carried out by the League of Women Voters of Minnesota for these purposes:

1. Information Giving
2. Discussion of the best method for Minnesota, leading to....
3. Action in the next legislative session.

INFORMATION GIVING * It would be helpful for resource people to read Democracy Denied and the 1957 Legislative Report, reapportionment section.

* Not all of the accompanying material is intended to be read or learned by each League member. It is a handy compilation of facts for use when specific questions crop up during discussion.

* Keep in mind the experience or inexperience of members in your League or unit. New people will need a patient explanation of the background of reapportionment; long-time Leaguers will need only a quick refresher before settling down to the new material.

DISCUSSION

* All members should save the Sept-Oct. Voter and read it before the Reapportionment topic is discussed.

* Try to keep the questions that the LWV must decide upon firmly in mind both at the beginning and at the end of the meeting.

* Stress why reapportionment is important to the citizens of Minnesota. Stress why reapportionment is important to the League - it could be the key to other legislative and constitutional reforms.

* Here is a smorgasbord of ideas which may help you put this study across to the members. Pick and choose those which suit you and your League.

1. Visual aids: Charts for outlining possible plans for an area Senate, an area House, or a compromise; Use of maps - individual ones to be colored in by members, large ones easily seen by groups; Listing main arguments for various plans on a large sheet of paper.
2. You might have a mock debate between "Senators" and "Representatives" on which house should have the area factor.
3. Try having a straw vote on the questions posed throughout the material at the beginning of the meeting and again at the end. See if the members' outlook has changed or broadened - or has been strengthened by your presentation.

ACTION

* All this information giving and discussion is for a reason.

If it has been fruitful, perhaps the League of Women Voters of Minnesota can come to a consensus on what sort of a reapportionment bill it favors by Council time next spring. We would then be able to press for legislative action at the 1959 session.

* Be sure to read the 1957 Legislative Report on the reapportionment bills. It contains many specific recommendations for local League action.

* Copies of this new reapportionment material are being sent to all the state legislators. After giving your legislator time to read his copy, it might be profitable to see him, ask if he has read it, and find out what his views are on the subject of reapportionment by amendment.

FEB 19 1957

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

February 1, 1957
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LEGISLATIVE BULLETIN

PATRICIA'S ESSAY



Last April the League of Women Voters of Minnesota sponsored an essay contest for high school students on the Minnesota Constitution. The first four winners were to be awarded a trip to the 1957 Legislature. Plans were made for a tour of the capitol, a visit to a committee meeting and lunch with the legislators. We also asked that the first prize winner be given permission to read her essay before the Senate and the second prize winner before the House. Verbal permission was granted to us so we sent out newspaper releases and arranged for radio and TV coverage. Plans were well under way when the Senate Rules Committee met and turned down the request because the issue discussed in the essay was controversial, and legislation on the issue was pending in the Senate. We accepted their decision without question and changed our plans accordingly. Patricia was to be introduced to the Senate and copies of her essay were to be put on every Senator's desk. At the last minute the Senate relented and decided to permit Patricia to read her essay right after adjournment. The press picked up the story as a newsworthy one and for three days Patricia's essay was headline news. Lots and lots of people heard about Constitutional Revision for the first time. On February 1 the Minneapolis Morning Tribune wrote an editorial and printed the entire essay.

1 8 5 7

Patricia's essay was titled Minnesota's Only Constitutional Convention and started out this way:

"1857! A constitutional convention..... Since then there have been 83 amendments made to our constitution, but never a revising convention. The cause for delay in this much needed revision is controversy in the legislature. According to Article I of the constitution the people are to decide whether or not to have a constitutional convention. They can only do this when the question is submitted to them at the polls, but the legislature has so far refused to allow this".

1 9 5 7

Let's take our cue from Patricia's essay and insist that in 1957 - 100 years later - the legislature allow the people of Minnesota a chance to call a constitutional convention "to give Minnesota a real, a working constitution."

ENCLOSURE

Enclosed is one tear sheet from the Minneapolis Morning Tribune of February 1, 1957, which includes Patricia Graf's first prize winning Essay on the Minnesota Constitution, which she read to the Minnesota Senators, and an excellent editorial entitled, "Patricia's Essay."

CONSTITUTIONAL CONVENTION A bill for an act proposing a convention to revise the constitution of the state of Minnesota was introduced in the Senate January 23, and in the House, January 24, 1957.

Senate File: #135

Authors: Stanley Holmquist (C, 26); E. L. Andersen (C, 42); and Harold Schultz (L, 37). *

The Senate bill has been referred to the Judiciary Committee with the following members:

Welch, Chm. C, 27	Kalina L, 28	O'Loughlin C, 40
Dunlap C, 3	Masek C, 39	Root C, 33
Erickson C, 9	Miller C, 36	Rosenmeier C, 53
Feldt C, 34	Mitchell C, 55	Schultz L, 37
Fraser L, 29	Mullin C, 35	Wefald C, 49
Gillen C, 20	Nelson, H. C, 16	Wright C, 30
Hanson, R. C, 6	Nycklemoe L, 50	

House File: #289

Authors: Joe Karth (L, 41); A. I. Johnson (L, 25); Clarence Langley (C, 19); Sally Luther (L, 30); Roger Noreen (C, 57).

The House bill has been referred to the General Legislation Committee made up of:

Hagland, Chm. L, 31	Fitzsimons C, 67	Murk L, 29
Kelly, J.J., V.Chm. L, 13	Iverson L, 48	Skeate L, 29
Alderink C, 55	Karth L, 41	Thompson, H. C, 51
Bergerud C, 36	Klaus C, 20	Thompson, T. C, 1
Enestvedt L, 23	Kording L, 32	Tomczyk L, 28
Ernst C, 22	Lovik C, 63	Wee L, 12
		Windmiller C, 50

* C- Conservative L - Liberal Number - legislative district

What you can do - If your senator or representative is an author of the bill, write or tell him "thank you." If either one of your legislators is on either committee, write and ask his support in the committee hearings.

Senator Holmquist, chief author of the bill in the Senate, mentioned when League representatives met with the authors of the bills, that the most helpful thing we could do was to get people in communities throughout the state to write their legislators asking them to vote for the bill. It is you, the constituent, on whom we have to depend for the real work.

PARTY DESIGNATION This elections bill would have the effect of providing party designation for state legislators.

House File: #41

Authors: Karl Grittner (L, 39); A. F. Oberg (C, 56); John Hartle (C, 16); Joe Karth (L, 41); Burnett Bergeson (L, 64).

The House bill was referred to the Elections Committee made up of:

Grittnr, Chm. L, 39	Fitzgerald L, 21	Klaus C, 20
Fudro, V.Chm. L, 28	Fuller C, 12	Knudsen L, 25
Borgeson L, 64	Grussing C, 24	Langley C, 19
Christie C, 30	Jensen C, 14	Luther L, 30
Dunn C, 50	Karth L, 41	Yetka L, 54

This bill was considered by the House Elections Committee on Thursday, January 31. Mrs. Albert Richter, speaking for the League of Women Voters of Minnesota, said that party labels for legislators, in the League's opinion, "are the best way to promote responsible government."

What you can do - If any of these legislators are your representatives, it would be helpful to the bill's passage if you remind them (by letter or in person) of the League's interest in obtaining party designation for state legislators.

Senate File: No bill has been introduced as yet in the Senate.

The Senate Elections and Reapportionment Committee, to which the bill will be referred when introduced, is composed of:

Erickson, Chm. C, 9	Feidt C, 34	O'Laughlin C, 40
Anderson, A.A. C, 11	Holand C, 5	Peterson L, 60
Anderson, M.H. L, 32	Johnson, R., L, 44	Root C, 33
Behmler C, 48	Keller C, 2	Rosenmeier C, 53
Burdick C, 4	Kroehler C, 15	Sinclair C, 67
Carr L, 59	Mitchell C, 55	

REAPPORTIONMENT The Bergerud Bill has been introduced in the House. Several other reapportionment bills are being considered. We will send you complete information on them later.

House File # 450

Authors: Bergerud (C, 36); Popovich (L, 40); Noreen (C, 57); Anderson, H. J. (C, 33); Adams (L, 31).

The House bill has been referred to the Committee on Reapportionment made up of:

Iverson, Chm. L, 48	Battles L, 67	Mosier L, 35
Adams, V.Chm. L, 31	Enestvedt L, 23	Noreen C, 57
Angstman C, 55	Fitzgerald L, 21	Olson, C.G. L, 9
Anderson, J.T. C, 42	Jensen C, 14	Parks C, 42
Bergerud C, 36	Klaus C, 20	Searle C, 16
Borgeson L, 64	Kording L, 32	

G O P and the D F L The Republican and Democratic-Farmer-Labor Parties in Minnesota have united for a drive for passage of constitutional revision, reapportionment and party tags for lawmakers. The bi-partisan approach to putting pressure on the legislature will be headed by a joint committee. Chosen by the Republicans were P. Kenneth Peterson, Minneapolis; Sen. Albert Quie, Dennison; Mrs. Leonard Wilson, Carlton; Rep. Alf Bergerud, Edina, and Mrs. Marge Howard, Chanhassen. Chosen by the DFL's are William E. Carlson, St. Paul; Mrs. Marge Maki, North St. Paul; Dr. C. F. McQuiggan, Marshall; Mrs. Betty Green, St. Louis Park; and Gerald Dillon, Minneapolis. This bi-partisan approach should be a good talking point for us in promoting our program. If any of these people are from your community - offer them congratulations, encouragement and material.

FEB 21 1957

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

February 20, 1957
Additional copies, 2#

LEGISLATIVE BULLETIN - No. 3

CONSTITUTIONAL CONVENTION The first hearing for the proponents was held before the General Legislation Committee on February 18, at 8:30 A.M. in Room 304, State Capitol. Those testifying for the bill, House File # 289 were: Mr. William Pearson, of State Grange; Mr. Donald Helmes, Chairman of the Minnesota Citizens Constitutional Committee; Professor William Anderson of University of Minnesota political science department; William Carlson speaking for the joint legislative committee of the DFL and Republican parties; Mrs. Malcolm Hargraves for the League of Women Voters of Minnesota; Mrs. Ellis Peilen for the Council of Jewish Women; Mr. George W. Lawson, University regent, and active in AFL; Mrs. G. Kilborn for the Republican Workshop; Speaker A. I. Johnson, Mr. Roger Noreen, Mrs. Sally Luther, all authors of the bill, spoke for its passage; and Mr. Joe Karth, introducing author, presented the bill to the members of the committee and introduced all those who wished to give testimony. Mr. Stanley Platt also spoke for the bill. The hearing on February 25, 8:30 A.M. will be for the opponents of the bill.

PARTY DESIGNATION The Senate bill has been referred to the Senate Elections and Reapportionment Committee. See page 3 of Feb. 1 Legislative Bulletin.

Senate File: # 705

Authors: Quie (C, 18); Holmquist (C, 26); Fraser (L, 29)

House File: # 41 - This bill was passed out of the House Elections on February 7, 1957. On February 14 it was discussed, debated and amended in the House Committee of the Whole. The amendment, authored by Rep. George French, Minneapolis, would give a state lawmaker, or a person of his choice, a seat on the county committee of his respective political party. On February 15, it was voted its final passage - 95 for and 32 against. Three did not vote.

REAPPORTIONMENT The Senate bill was introduced on January 31.

Senate File: # 401

Authors: Gillen (C, 20); Andersen, E. L. (C, 42); Wefald (C, 49).

This bill was referred to Senate Elections & Reapportionment Committee. See page 3 of Legislative Bulletin, dated Feb. 1, 1957 for listing of this committee.

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

February 28, 1957
Price: _____

TESTIMONY ON REAPPORTIONMENT

House Committee, Feb. 20, 1957

by Mrs. Stanley Kane, Reapportionment Lobbying Chairman

The League of Women Voters hopes its stand on reapportionment may be of some small value in the solution of this admittedly difficult problem: First, because we have studied it intensively, and we think from all viewpoints, for almost four years. Even more significantly, because we represent 5,500 members in 54 Leagues from communities of all sizes - in all parts of the state - from districts which are fairly represented, under-represented, and over-represented in this legislature. Their overwhelming consensus - not just a majority opinion - arrived at by equal participation of all Leagues, was:

1. Minnesota is in serious, even dire need, of immediate reapportionment because of the great inequities between our districts, and because true democracy and respect for constitutional law in this state suffer increasingly with each session that fails to meet this acid test of responsible self-government.

2. Our second conclusion was this: Our form of government demands equitable representation of all citizens in its legislative bodies. However, because of various differences between metropolitan and nonmetropolitan constituencies, true equilibrium of representation will be best preserved if our large urban center is content with some measure of under-representation.

3. Our third conclusion is that this problem, having grown more thorny and uncomfortable with each year, demands two solutions:

- (a) A statutory settlement to provide long overdue relief. You all know we are working for passage of H. F. 450 at this session. I shall not go into our reasons for support of this measure, which has already been fully explained to you.

We wish merely to explain that before deciding this bill was a good answer to Minnesota's problem, we analyzed it carefully; then talked - not to Mr. Bergerud - but to those people in Minnesota we knew to be most conversant with the problem: with political scientists and students who surely have no axe to grind; with lawyers; administrative officials; legislators in both houses and of both caucuses. We believe the bill is just, workable, practical, constitutional, providing wise measure of urban under-representation.

We cannot emphasize too strongly that under this bill the urban areas of Hennepin-Ramsey will be increased by only 7% of the total State representatives. These counties now have 22%; this bill gives them 29%; they should have 34%. We cannot see that this bill even faintly approaches the charge of urban domination with which rural areas are being frightened. Nor, on close analysis, can we see a change of political alignment from this bill. As a matter of fact, considering both houses together, this bill will change the status quo less than most compromise measures so far introduced in either house.

- (b) In addition to the statutory solution, provided by H. F. 450, (not in place of it) we hope the two houses of this legislature will be able to agree on an amendment which will solve justly and permanently the reapportionment problem in Minnesota.

Simultaneous Passage of Statute and Amendment

I know these are great expectations. But this double solution is based on good precedent - in this state and elsewhere.

Our last reapportionment in this state, that of 1913, was done on a statutory basis, coupled with simultaneous submission to the voters of an area-compromise approach.

The 1911 session of the legislature knew that the census figures of 1910 would be available by the next session. There was much feeling that the urban areas were growing so rapidly that some limitation was desirable. There was evidently no feeling that the constitution could be ignored in regard to reapportionment. Either it had to be changed or it had to be obeyed. The 1911 session first tried to effect a change. Authored by the ancestors of two men now in the legislature - Senator Duxbury, grandfather of Rep. Duxbury of Caledonia, and Senator Moonan, grandfather of Rep. Fitzgerald of New Prague - an amendment to limit any one county to seven senatorial seats, was submitted to the people in 1912. The amendment failed of passage. Accordingly the session of 1913, not being able to change the constitution, proceeded to obey it. It passed the reapportionment statute which still governs (or, might we humbly suggest, misgoverns) in this state. Having obeyed the constitution, they again, in good conscience, submitted to the voters the previous "7 Senators Bill," which again failed.

The simultaneous passage of a reapportionment bill and submission of a constitutional amendment also has precedent in other states. The Colorado legislature recently did likewise. Her constitution also calls for population representation in both houses and she is also troubled by a metropolitan center which contains 31% of her population. In 1953, when the census figures first became available, the legislature, having skipped 1940, felt reapportionment must now be done. That year and again two years later, constitutional amendments were submitted.

Reasons for Immediate Statutory Settlement

Why are we of the League of Women Voters hoping for a statutory correction of our inequities before an amendment is passed? And why are more voices joining with ours every day?

1. Because after 1960 statutory reapportionment will present an even more troublesome problem than at present.

2. Because, frankly, we do not think an amendment can be arrived at without great difficulty and perhaps many years of trial. We sat last session in all committee meetings in this house and in the senate. We came to feel that the so-called rural-urban split is no greater an obstacle to an amendment in this state than the split between the two houses. The Senate's solution is to reapportion itself on the basis of area (as in upper house of Congress) and put the House on a population basis.

Difficulties Associated with an Amendment

The House feels that if counties are to be given any consideration, then they must be the area chamber. The Senate the equally apportioned body. Nor, as you gentlemen know all too well, do you have ready time during a busy session for careful consideration of so difficult a problem. We have come to feel that perhaps only in a constitutional convention or in an especially appointed body, such as an Interim Commission, will such agreement be reached. This intra-legislative disagreement we see as the first stumbling block to a constitutional amendment.

The passage of a constitutional amendment on reapportionment we view as perhaps even more difficult. We know all too well that our amending process is so difficult that unless an amendment is unopposed by any considerable segment of our population it is doomed to defeat. It likewise has little chance of success unless it is backed with wide support, interested citizens groups, energy and often money.

Therefore we believe submission of an amendment is a waste of your effort, of state money, and of voter interest, unless it has been carefully worked out by knowledgeable members of both houses and by interests of both metropolitan and non-metropolitan areas.

League Stand on Amendment

The League of Women Voters is pledged to support two types of compromise:

One which would provide for area in one house, population in the other; if done not on the basis of set figures, which we do not believe belong in a constitution; but on a ratio plan to provide flexibility for future needs. It is quite possible also for a ratio plan to provide urban under-representation in both houses. This, indeed, we believe most practical.

The second type of compromise we are at present pledged to support is a plan to reapportion non-metropolitan areas on the basis of population and put a ceiling on urban representation in either or both houses.

Whatever the amendment approach adopted, we, and I'm sure you, would insist on some measure of enforcement so the present situation does not repeat itself. Six states with recent reapportioning legislation do this by giving reapportioning power originally to a commission; six others give it to a bi-partisan commission or an administrative committee - should the legislature fail in its duty. We feel this enforcement measure is both more efficient and more economical than calling a special session.

In other words, I think we have all come to feel that reapportionment must not only be fair, it must be periodic. When districts go so long unchanged as ours, it is only natural that legislators come to feel they have a vested interest in these districts.

We hope and believe the 1957 legislature realizes that under our constitution, no one has a vested interest in any legislative seat but that we all, legislator and citizen alike, do have a vested interest in making representative government work in this state.

DATA - BERGERUD REAPPORTIONMENT - H.F. No. 450

The following Senatorial Districts are unaffected or changed by the Bergerud Reapportionment Bill No. 450:

District No.		District No.	
(1)	Johnson	(40)	O'Loughlin
(2)	Keller	(41)	Westin
(4)	Burdick	(42)	Peterson, E.L.
(8)	Imm	(44)	Johnson, Ralph
(16)	Nelson	(45)	Richardson
(20)	Gillen	(46)	Harren
(21)	Metcalf	(50)	Nycklemoe
(25)	Wahlstrand	(51)	Heuer
(28)	Kalina	(52)	O'Brien
(29)	Fraser	(53)	Rosenmeier
(30)	Wright	(54)	Hanson, Norman
(31)	Mayhood	(57)	Butler
(32)	Anderson, M.H.	(58)	Rogers
(33)	Root	(59)	Carr
(34)	Feddt	(60)	Peterson, Elmer
(35)	Mullin	(61)	Vukelich
(36)	Miller	(63)	Wals
(37)	Schulz	(65)	Wiseth
(38)	Novak	(66)	Murray
(39)	Mosek		

TOTAL 39 DISTRICTS

The following Senatorial Districts are unaffected, except a County may be added or subtracted:

Dist. No. 5	-	Holland	minus	Dodge
" " 6	-	Hanson	add	Dodge
" " 10	-	Franz	add	Watson
" " 11	-	Anderson	"	Pipestone
" " 24	-	Childs	"	Yellow Medicine
" " 47	-	Lofvegren	"	Grant
" " 48	-	Behmer	"	Wilkin - minus Grant
" " 55	-	Mitchell	"	Pine
" " 62	-	McKee	minus	Lake-of-the-Woods
" " 67	-	Sinclair	add	" " " "

TOTAL 10 DISTRICTS

The following Senatorial Districts and Senators affected are as follows:

(3)	Dunlap	same district	(19)	George
(7)	Anderson, Ernest	" "	(9)	Erickson
(12)	Vadheim	" "	(13)	Josefson
(14)	Zwach	" "	(23)	Olson
(15)	Kroehler	" "	(22)	Bonniwell
(17)	Malone	" "	(18)	Quie
(26)	Holmquist	" "	(27)	Welch
(43)	Salmore	" "	(56)	Johnson
(49)	Wefald	" "	(64)	Larson

TOTAL 18 DISTRICTS.RECAP:

Unaffected	39
Unaffected, except to add or subtract a county....	10
Affected 18	
to be elected.....	9
New Districts (2 Rural Hennepin (36th District)	
1 in Minneapolis (33rd District)	
1 in Ramsey (42nd District)....	4
New District....(Brown and Nicollet Counties).....	1

TOTAL 63 Districts

DATA - BERGERUD REAPPORTIONMENT - H. F. No. 450

The following Representative Districts are not affected or changed by the Bergerud Reapportionment Bill No. 450:

District No.

(1)	Duxbury
(2)	McGill
(2)	McLeod
(3)	Furst
(4)	Franka
(5)	Larson
(5)	Herzog
(6)	Corn
(7)	Erdahl
(8)	Ogle
(8)	Schula
(9)	Van de Riet
(11)	Mitchell
(13)	Kelly, Dr. J.J.
(14)	Dirlam
(15)	Anderson, H.R.
(15)	Mueller
(16)	Hartle
(16)	Searle
(17)	McGuire
(18)	Sundet
(20)	Klaus
(21)	Ottinger
(21)	Fitzgerald
(22)	Ernst
(23)	Enstvedt
(25)	Knudsen
(25)	Johnson, A.I.
(26)	Nordlie
(28)	Tomaszyk
(28)	Pudro
(29)	Murk
(29)	Skoste
(31)	Adams
(31)	Hagland
(32)	Kording
(32)	Volstad
(33)	French
(33)	Anderson, H.J.
(34)	McCarty
(34)	Wright
(35)	Goodin
(35)	Monier

District No.

(36)	Bergerud
(36)	Lindquist
(39)	Grittner
(39)	Wozniak
(40)	Otto
(40)	Popovich
(41)	Shovell
(41)	Karth
(42)	Anderson, John T.
(42)	Barks
(43)	Swanson
(43)	O'Dea
(44)	Nordin
(45)	Schuman
(45)	Reed
(46)	Tisman
(46)	Kinser
(47)	Newhouse
(49)	Johnson, E.P.
(51)	Lorens
(51)	Thompson, Helmer
(52)	Renner
(52)	Shipka
(53)	Halstad
(54)	Johnson, O.L.
(54)	Yatka
(55)	Alderink
(55)	Angstman
(56)	Oberg
(56)	King
(57)	Morse
(57)	Campton
(59)	Lahroese
(59)	Munger
(60)	Rutter
(60)	Widstrand
(61)	Cina
(61)	Pagina
(62)	Chilgren
(63)	Lovik
(63)	Baeford
(66)	Affeldt
(66)	Wilder

TOTAL 86

The following Representative Districts are not affected, except a County may be added or subtracted:

Dist. No.	62	Berglund	minus	Lake-of-the-Woods
"	64	Bergeson	minus	Mahnomen
"	65	Wickertman	"	Clearwater
"	65	Day	add	Mahnomen
"	67	Battles	add	Lake-of-the-Woods

MAR 8 - 1957

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

March 8, 1957
Additional copies-44

LEGISLATIVE BULLETIN - No.4

The legislative session is half over and League supported bills are just beginning to move. From now on they will move fast, and those of us who are planning to take action must "get set" and be "ready to go" when the time for action comes.

PARTY DESIGNATION

The Party Designation bill has passed the House 95 to 32. It is now awaiting action in the Senate Elections and

Reapportionment Committee. If you have any influence with Senators on this committee (see page 3, Legislative Bulletin, Feb. 1), use it to hurry up action on this matter before it gets so late in the session that a special order will be required. (S.F.705)

FEPC

The FEPC supporters have appeared before the House Appropriations and the Senate Finance Committees, asking for an appropriation of \$70,000 for the next biennium, an increase of \$5,000 a year over last session.

CONSTITUTIONAL CONVENTION

The Constitutional Convention bill (H.F.289) was passed out of the House General Legislation Committee by a vote of 11 yes votes to 6 no votes, with 2 passes. Every mem-

ber was present, and they voted as follows:

Hagland, L, 31	yes	Fitzsimons, C, 67	no	Murk, L, 24	yes
Kelly, J.J., L, 13	yes	Iverson, L, 48	no	Skeate, L, 29	yes
Alderink, C, 55	no	Karth, L, 41	yes	Thompson, H., C, 51	pass
Bergerud, C, 36	yes	Klaus, C, 20	yes	Thompson, T., C, 1	no
Ernestvedt, L, 23	no	Kording, L, 32	yes	Tomczyk, L, 28	yes
Ernst, C, 22	yes	Lovik, C, 63	pass	Wee, L, 12	yes
				Windmiller, C, 50	no

The vote last session in the Committee was 20 to 1. So it's clear that the 11 to 6 vote this year is too close for us to relax. The bill will come up on the House floor the last part of the week of March 11 or, if debate moves too slowly, the first part of the following week. There is opposition to the bill in the House. Some of the rural legislators are telling us that they will vote against the bill because the convention would be controlled by liberals and labor people and they fear the Constitutional Convention would solve the reapportionment problems to the disadvantage of the rural people. We have found our most effective argument is that the legislature should no longer deny the right of the people to express themselves, as for or against a constitutional convention.

NOW IS THE TIME FOR ACTION -- ITS TIME TO WRITE YOUR REPRESENTATIVES TO VOTE FOR THE CONSTITUTIONAL CONVENTION BILL.

The Senate Judiciary Committee hearing for Constitutional Convention will be Thursday, March 14, from 8 to 9 A.M. for the proponents, and from 9 to 10 A.M. for the opponents. The Senate Committee personnel is the same as it was in the 1955 session. There is much work to be done in the committee. If your Senator is on the Judiciary Committee (see page 2, Legislative Bulletin, Feb. 1), please write and ask that he support the bill.

REAPPORTIONMENT

The Bergerud Reapportionment bill (H.F.450) passed out of the House Reapportionment Committee on March 6 by a vote of 10 to 7 with recommendation to pass. The vote was as follows:

Iverson, L, 48	no	Battles, L, 67	yes	Mosier, L, 35	yes
Adams, L, 31	yes	Ernestvedt, L, 23	no	Noreen, C, 57	yes
Angstman, C, 55	yes	Fitzgerald, L, 21	no	Olson, C.O., L, 9	no
Anderson, J.T., C, 42	yes	Jensen, C, 14	no	Parks, C, 42	yes
Bergerud, C, 36	yes	Klaus, C, 20	yes	Searle, C, 16	no
Bergeason, L, 64	no	Kording, L, 32	yes		

This is a larger vote of approval than the bill had last year. This is, however, only the first of four hurdles. The next, the Senate Committee, will be particularly difficult. Will you write your Senator and Representatives telling them we urge their support for H.F.450 and S.F.401.

The House Reapportionment committee also voted out an area compromise amendment without a recommendation to pass. If the Senate committee approves an amendment, there will probably be a conference committee to work out an agreement suitable to both Houses. We will advise you of progress in the next bulletin. We do remind you that the LWV is backing both a statute under the present constitution to remedy immediately Minnesota's bad situation (the Bergerud bill) and will support a compromise amendment to permanently solve the problem of apportionment in Minnesota, if an acceptable amendment makes any progress. Your lobbyists are keeping in close touch with legislators on this matter.

There will be a half hour TV show on Reapportionment on Sunday, March 17, at 1:30 P.M. on Channel 5. The Bergerud bill will be debated by the author and Senator Gillen, and an area compromise constitutional amendment on Reapportionment will be debated by Senator Erickson and Representative Iverson.

LAST MINUTE BULLETIN

The Reapportionment bill will be given its first Senate hearing on Monday, March 11, in room 237 at 9 A.M. before the Senate Elections and Reapportionment Committee. The proponents will speak the first forty minutes. Senator Erickson is chairman of this committee, and the rest of the committee is listed on page 3, Legislative Bulletin, Feb. 1. Your lobbyists say the interest in Reapportionment is at a peak of interest at the Capitol..... something will be done.....they want the question settled this session.

TIME FOR ACTION ON REAPPORTIONMENT

The Bergerud bill and a reapportionment amendment, which would forever freeze Senatorial districts, were married by action of the Senate Elections and Reapportionment Committee, April 4. Since the League of Women Voters considers this marriage an extremely ill-mated one, it is our policy to press for annulment. (Our reasons for objecting were set forth in Legislative Bulletin No. 5 which you have just received in the last President's mailing.)

After talking with the chief authors, Rep. Bergerud and Senator Gillen, and representatives from the Bipartisan Committee, the League has joined in a last attempt to pass either the Bergerud bill or - more probably - a reapportionment amendment which the League can support.

This is what will be tried:

1. Senator Gillen will move on Friday, April 12, that the Senate vote on the Senate version of reapportionment - that is, Bergerud bill a part of a reapportionment amendment - on Monday, April 15. It will be the strategy of the friends of reapportionment to try to separate the bill and the amendment on the Senate floor.
2. If this separation fails in the Senate (and there is little hope that it will succeed), and if the Senate should pass the bill and the amendment in their present unified form, the bill would have to go to a conference committee of the Senate and House.
3. The last hope for a form of reapportionment which the League could support would depend on how representatives from both the House and Senate would resolve the differences between the two versions of reapportionment legislation. The only "compromise" which the authors and the League can probably hope for would be rejection of the Bergerud bill and acceptance of a more "reasonable" amendment.

This action is being taken to get a commitment from each Senator with respect to his position on reapportionment and to secure further public education through the process of Senate debate.

In this strategy, local League members can be most helpful if they:

- will watch the papers to see if Senator Gillen gets the special order for a Senate vote on April 15. If he fails, reapportionment legislation may be lost in the last minute rush.
- urge their Senators - if Senator Gillen gets this commitment for an April 15th vote - to support either the Bergerud bill or an amendment, or both, but not the present version of bill-amendment.

No reapportionment legislation in the present Senate form will be accepted by the House. It will certainly not be supported by the League. We do have a chance of securing a good reapportionment amendment if we all let our Senators know that reapportionment by statute or by amendment should be considered and voted separately.

1957 -

We believe Minnesota is in serious need of immediate reapportionment.

*Our Constitution has not been obeyed in this regard since 1913.

*Only Alabama of all the 48 states has a worse record than Minnesota.

*Legislative Districts vary from 7,290 to 107,246 in the House (a difference of 14-1); in the Senate, from 16,878 to 153,455 (a difference of 9-1).

*This is a statewide problem, not just one of metropolitan under-representation. (Olmsted and Otter Tail counties have practically the same population; yet one has 4, the other, 1 representative.

*Since the problem grows more difficult with each year of neglect, the situation may be almost impossible to resolve after the 1960 census.

We believe the Bergerud-Gillen bill offers an excellent solution to Minnesota's reapportionment problem. We ask your consideration for the following reasons:

1. Many legislators, political scientists, lawyers, both political parties and the League of Women Voters, after carefully analyzing this bill, believe it is a fair and workable compromise - the most realistic solution yet proposed in Minnesota.
2. This is in effect an area compromise plan based on our present constitution.
*Henn. and Ramsey legislators would represent an average of 18,121 persons.
*Non-metropolitan legislators would represent an average of 13,834 persons.
*Metropolitan districts would have a 30% greater population than rural ones.
3. As many counties as possible are given a representative. Where a small county is paired with a large county, each is given 1 representative, with the assumption that the larger county will have a greater voice in the election of the senator, thus balancing the representation. As few district lines as possible are changed, and as few individuals as possible are affected.

The effect in the House is to:

*Add 1 each to Olmsted, Mower, Rice and Dakota Counties.

*Give 1 each to Anoka and Isanti (instead of 1 together).

*Add 2 to Ramsey districts which contain suburban growth.

*Add 6 to Hennepin (2 in Minneapolis and 4 in the suburbs).

*In St. Louis, representative is shifted from an over- to an under-represented district.

Hennepin and Ramsey would receive an increase of only 7% of state representation. They now have 22%; this bill gives them 29%; full representation would be 34.5%.

DFL-Republican Bi-partisan Committee
Gov.'s Advisory Comm. on Suburban Problems
League of Women Voters of Minnesota
Republican Workshop of Hennepin County
Rural Hennepin DFL Council

REAPPORTIONMENT

Legislative Report - 1957

"The League of Women Voters has stirred this whole thing up." So said Rep. Carl Jensen of reapportionment on the floor of the House on March 29. This remark was followed by a reluctant tribute: "I suppose it's a good thing they did."

This quotation implies (1) reapportionment is an old problem; (2) something should be done about it; (3) the League has a role in that solution.

Reapportionment will surely come; just how and when will depend to some extent on League thought and action in the next two years. Like it or not, we are looked upon for leadership in the area. We have had much to say about it; we are a point of liaison for the growing number of forces interested in the subject; the fact that we come from both urban and rural areas gives our decision the great advantage of reflecting state-wide, not just a sectional, interest.

Reapportionment received an amazing amount of attention in the past legislative session. The object of this account will be less to tell a running story of the session, absorbing as it was, than to record certain facts which point up the present problem; and a few observations to guide us in the future.

CHANGE IN REAPPORTIONMENT PICTURE BETWEEN 1955 and 1957

SURGE OF INTEREST

The only evidence of increased interest in reapportionment since 1955 had been the federal court action of Mr. Farrell of St. Paul and fellow lawyers (asking that the 14th amendment and the Civil Rights measure be interpreted to apply "equal protection of the law" to legislative reapportionment). We were therefore totally unprepared for the rush of events in this session. The publicity in 1955 and the unexpected passage of the Bergerud bill through the House in that session had aroused the guardians of the status quo to new resistance; had moved the public in under-represented areas to a vocal bid for their rights; had alerted legislators that they must move quickly to settle this problem to the interests of their constituencies, and themselves.

THEY ASK US FOR HELP

Last session League lobbyists had felt an almost amused toleration from the opposition forces, and not much more than a consoling pat on the back from reapportionment's resigned friends. This year we were taken seriously; legislators came to us to talk. Unfortunately, our small lobbying group was quite inadequate to a major persuasion job. Also we were unprepared with the material that members of both committees kept asking for, and were constantly researching and writing as we went. (Perhaps this is the best place to point out that the map-coloring we had originally started for our own use, to portray the differences between the Bergerud-Gillen bill (hereinafter abbreviated as B-G) and the Sinclair-Rosenmeier districting, caught on like wildfire. We were soon coloring not only small maps, but large ones for committee use. This became a somewhat formidable task as the B-G bill went through its Senate metamorphosis, new maps becoming necessary after almost every committee meeting! Such quick visual-aids are particularly valuable for busy legislators, who must read while they run, who can look but not linger. A See-It-Yourself Kit for every legislator, with maps, charts, outlines would be an effective tool next session.)

SUPPORT FROM OTHERS

Although only a small portion of League effort was going into reapportionment this year, the lobby was much more effective because it had attracted numerous other supporters. This is certainly one of our main objectives in legislative action - to provide liaison with other forces.

Most publicized was the Bipartisan Committee (appointed by the two parties to work for a constitutional convention, party designation, and reapportionment). The mere existence of such a committee is of great value; with party designation the effect would be incalculable. Independent units of both parties testified (e.g., Young Republican League; suburban DFL groups). The Hennepin County Republican Workshop contributed not only testimony but mimeographing and the simply invaluable aid of Mrs. Betty Hess and Mrs. Margaret Schopmeyer. The Governor's Advisory Committee on Suburban Problems lent great support, particularly through Mayor Fernstrom of St. Louis Park. The metropolitan press could hardly have done better by our cause. Under skillful prodding by the League's active Public Relations committee, the out-state press devoted countless columns to reapportionment - some of which we used very effectively in lobbying.

LAWSUIT

The federal lawsuit mentioned above really lit a fire. Although the lawyers would have preferred waiting a few weeks until the fate of a similar Oklahoma suit had been decided in the Supreme Court, they put in countless hours preparing it for immediate filing, realizing its great pressure value. Frank Farrell, who headed these forces, was in constant consultation with all of us - enlisting Senator Gillen to champion the Bergerud bill in the Senate; advising, encouraging and evaluating the situation at every turn. His emphasis on the political immorality of the situation and his righteous indignation were a most salutary antidote to the "political reality" arguments with which we were constantly being bombarded.

AUTHORS

We were particularly fortunate as to authors. Both Bergerud and Gillen have expert knowledge of the subject. Both have enormous legislative "know-how". Mr. Bergerud, member of many important committees, constantly beleaguered by the problems of over 150,000 constituents from an area with acute growing pains, was nevertheless simply tireless in his reapportionment efforts. Only a man of his good humor and his resiliency could keep his balance in what is undoubtedly the most complex job of representation in our legislature.

Senator Gillen was probably the best single thing that happened to reapportionment this session. Long a champion of reapportionment ("A man from Dakota County has to be"), he dropped his own bill that all interested forces might unite for strength. His influence in the Senate, his forensic ability on the floor, his keen knowledge of what could and could not be done, were doubly effective because of the immense energy and industry with which he does every job he undertakes.

REAPPORTIONMENT IN HOUSE COMMITTEE

During the 1957 session the League became more acutely aware than ever before of the power of legislative committees. We have even come to wonder if some of their practices do not hold real dangers for the democratic process.

HOUSE COMMITTEE PERSONNEL Perhaps the best pre-session move we made was to complain to a member of the House Committee on Committees about the makeup of last year's Reapportionment Committee, which had come largely from three sections of Minnesota - with not a single member from the north half of the state. We were told later that such a valid criticism was more than welcome. We also suggested for membership the names of two men who had answered League questionnaires on the subject with unusual intelligence. Both were appointed. This year's committee was well-balanced, industrious, and effective; even after all bills had been reported out, they continued to meet, discussing basic principles of the problem. The report of the second Subcommittee on the Amendment Approach, largely drawn by Representatives Searle of Waseca and Parks of Ramsey, is of such high caliber as to provide a basis for any future deliberations.

DELAY FOLLOWS DELAY The power which a chairman can wield over an unwilling committee soon became strikingly apparent. Mr. Iverson was equally determined that the reapportionment problem be settled and that the Bergerud bill not become law. For five meetings, from February 6 to March 6, he had to ignore motion after motion that the Bergerud bill be recommended to pass. This was done by alternately ignoring motions and ruling them out of order.

Rep. Iverson complained bitterly of the bad working conditions resulting from the crowds present at each meeting, overflowing into the next room. At the third meeting he threatened to exclude the public if "this circus" continues. Challenged as to this, he arranged to have all visitors confined to the second room, men only to fill the first row! (We were, of course, delighted that there were enough men - and more - to fill it.)

The real reason for delay was to get the amendment, not yet quite ready, reported out ahead of the B-C bill. Before the fifth meeting, we felt justified in complaining about the undemocratic procedure in the committee to the Speaker of the House, who said he was already aware of it and would admonish the chairman.

VOTED ONTO FLOOR: On March 6, with television cameras upon him, Iverson had finally to allow a vote - after one more obstructionist tactic. Before Noreen's motion to recommend for passage the B-C bill (#450) could be seconded, Bergeson moved to send both 450 and 409* out together. After exciting debate, Bergerud invoked rule 37, allowing separation; this passed 9-6. Iverson then ruled Noreen's motion out of order; and it was moved that 409 be voted out without recommendation. This carried. Jensen then moved 450 also be voted out without recommendation. This failed by another tense roll call vote, 10-7. Finally, after five weeks of frustration, 450 was voted onto the floor, 10 to 7.

Yes: Adams (L, 31), J. T. Anderson (C, 42), Angstman (C, 55), Battles (L, 67), Bergerud (C, 36), Klaus (C, 20), Kording (L, 32), Mosier (L, 35), Noreen (C57), Parks (C, 42).

No: Bergeson (L, 64), Enestvedt (L, 23), Fitzgerald (L, 21), Iverson (L, 48), Jensen (C, 14), Olson (L, 9), Searle (C, 16).

REAPPORTIONMENT IN SENATE COMMITTEE

In the House we saw a colorful chairman delay and thwart his committee's will. In the Senate we saw a chairman, in a quiet, fair and dignified way, carry out the wishes, less of the Committee, than of the Inner Circle of which we have heard so much. Last session Senator Erickson had been unwilling even to discuss the subject of reapportionment; and this year stated in early contacts that he could detect little interest in reapportionment and was not interested himself. Before long, the word evidently went down: let's settle reapportionment this session - on Senate terms.

Last year reapportionment was hardly discussed and the committee rated small attendance. This year reapportionment was given the major share of attention, and the attendance was remarkable for a 9 a.m. Monday meeting. The presence of Senator Rosenmeier at all meetings meant something important was cooking.

POWER MOVES

Rosenmeier's first move was to scathingly attack the B-G bill, then to move all reapportionment bills to a subcommittee. When, two weeks later, this bill was reported out, he again attacked it, mercilessly and quite unfairly, evidently playing for time. Just when he conceived the idea of abandoning his own combination measure (S.F. 815-816) and adapting the B-G bill to the same purposes make interesting speculation. Actually, Rosenmeier had little to do with the numerous amendments that were offered. His interest was obviously in a reasonable return to Senate status quo - then attachment to an amendment perpetuating the situation. His faith that fellow-legislators would restore the status quo was well-founded. Once all amendments were in, Rosenmeier moved a tieup between statute and amendment. The final chapter was then written outside committee, in nonofficial meetings between Rosenmeier, Sinclair, Gillen and Bergerud.

The Senate story shows why this body has the reputation of standing by its committee recommendations. The actual decisions are made in committee, rather than on the floor, with the chairman and powerful members reflecting the decisions of the guiding or inner circle.

WHERE THE LEAGUE FAILED IN 1957

Even before the session started we had failed in unanimity and perseverance.

1. Complete agreement on statutory reapportionment may be impossible to arrive at in a statewide organization. However, since our stand on the B-G bill was arrived at democratically, after careful polling of all our Leagues, and by much more than a majority, we could have expected more support (and at least no official opposition). The fact that four representatives told us their Leagues (or League members) had asked them to oppose the B-G bill; that one of these announced on the floor and in committee that his League had had no part in the League decision, which was imposed by "an executive board" - leads to these observations:

Those Leagues which do not attend state meetings, answer questionnaires, or object to a stand when they are asked to do so are hardly in a tenable position when they oppose our program with their legislators.

Perhaps we should all review the official League stand on minority positions. Disagreement with a particular item nevertheless gives that League a fine opportunity of explaining the democratic process by which we arrive at and support our program.

2. An item which the League deems important enough to retain a place on Continuing Responsibilities should perhaps get more Board and unit consideration. A subject so complicated as reapportionment would have profited by approach from a fresh angle; a subject so controversial, by continued community education.
3. The League had not anticipated the great amount of activity this session, and failed to enlist enough lobbyists. Hindsight shows that we should have been prepared to continue lobbying in the House between passage of the B-G bill and return for (non)concurrence. Apologies are due those who volunteered to act as observers this year. The quick rush of events made it impossible to contact or train enough volunteers for next year's effort. This lack of continuity is noticeable in all League legislative efforts: though lack of time and woman power will always plague the volunteer organization.
4. There are never enough letters from back home, of course, to please lobbyists, who see a few vivid examples of the good a well-timed letter can do.
5. We were hard pressed to meet the decision we had to make on the statute-amendment deal which came out of the Senate. (E.g., will we ever agree to frozen or semi-frozen districts in the Senate, which emerged this year as part of that body's interpretation of area?) Decisions mean study.
6. Our inability to do much in the Senate committee (except supply some information and color many maps) will, we hope, not be a permanent situation. New faces and emergence of strong new leadership, evident this year in both caucuses, may mean an Open Door policy in that body before long.

WHAT THE LEAGUE ACCOMPLISHED IN 1957

The League is equipped to do several things in the legislature. Local Leagues must take the first and final steps. If they do, then lobbyists from the metropolitan Leagues can fill in effectively. If they don't, our League lobbyists may irritate rather than influence.

1. Pre-session interviews at home are a sine qua non. Once given, a pre-session pledge is seldom revoked. Even if no commitment is obtained, your legislator has been informed and his interest quickened; what you have said to him may make all the difference in how he reacts to floor discussion and to lobbying of other special interest groups. Also, the more information you give your League lobbyists on your legislator, the easier and more effective their entire job.
2. Our metropolitan League lobbyists worked quite effectively with House committee members in both sessions. Whereas many non-committee members resent lobbying by other than constituents, the committee member has a real need for information (and the more complicated the subject, the more real the need); also the lobbyist comes to know quite well both the committee member as a person, and his attitude toward the subject.

We were particularly pleased at being allowed to attend subcommittee meetings in the House this year, as these are usually not open to the public. When the first House Subcommittee on the Amendment Approach was formed, we asked Chairman C. G. Olson if we might attend to make a two-minute statement. He agreed on condition we would not bring "all those women". Once there, we were asked by all members to stay for the entire meeting. When the second Committee on the Amendment Approach was formed, Mr. Searle asked first for information, then invited us to attend. Mr. Feidt, of the Senate Subcommittee, asked for information on both statute and the House amendment; he likewise issued an invitation to attend the meeting (promptly withdrawn by Chairman Behmler when he found out). These incidents underline what is perhaps the chief League function at the capital - Information Service.

3. A corollary to this function is Correction of Misinformation Service. One example: when Mr. Iverson was testifying in Senate committee that Minnesota should not reapportion by population because other states were not doing so, Rosenmeier asked if any states had done so in the last decade. Iverson answered, only Wisconsin. We could then give the four proper examples, not only to Senator Rosenmeier, but also to Iverson (who then cited these very examples to other rural members to enforce the urgency of immediate compromise).
4. To authors, of course, we can supply material; suggest next steps (simply because they haven't time to think of everything); tell them what others are saying; provide contact with the author in the other chamber; arrange meeting places; get needed information from the Legislative Research Bureau; the Attorney General's Office; and the Law Library. We even brought lunch to legislators trapped in their offices. In other words, we became Experts in Running Errands.
5. Two of four League suggestions for change in the Iverson-Jensen amendment were accepted. We also had a role in the amendment attached to the B-G bill, worked out in two late night meetings by Gillen, Bergerud, Rosenmeier, and Sinclair. Gillen asked for a statement as to what the League would accept. When the settlement was outlined, Rosenmeier asked for our decision as soon as possible; the authors deemed it a waste of time to discuss reapportionment on the floor unless League support would be forthcoming for the amendment when it was on the ballot.
6. Already discussed is the liaison the League provides with and between other organizations.
7. Surprisingly, our most constant function was to provide contact between House and Senate. The gulf between the two chambers needs more bridges. Party designation would provide the most effective contact. Control of the two chambers by different caucuses, of course, adds to the division. Some of this independence is consciously fostered; on the theory that one house is to act as a check upon the other. Some of the isolation is due to the fact that there are few occasions and little time for getting acquainted.

We were more than a little stunned, at the beginning of this session, to find that the Chairman of the House committee wasn't familiar with the name, district, or term of service of the chairman of the Senate committee. Joint hearings on important legislation (such as are held in 13 states) would obviate at least this particular difficulty.

8. The final step in the lobbying job must be done by our local Leagues. This report can best end with the story of how last-minute efforts of two local Leagues were responsible for the 2-vote margin by which the B-G bill passed the House.

Knowing that Rep. Newhouse was definitely on the fence, we long-distanced Lucille Buttz of Alexandria; one of our lobbyists also had her husband contact business associates there. Such a pile of telegrams appeared on Newhouse's desk the day of the vote that not only did he vote for the Bergerud bill; but likewise his deskmate, Mr. Tiemann of Stearns, also undecided until the last minute.

A most fortuitous visit from Mrs. Lamski of Moorhead on the day of the vote was, we feel, responsible for the yes vote of E. P. Johnson of Hawley. Here was an excellent example of superiority of simple sincerity over pressure. Mrs. Lamski sent down a note from the gallery to Mr. Johnson, telling him their League had come to the conclusion that all citizens of Minnesota should be fairly represented in our legislature. Within two minutes he was up in the gallery, explaining to her he had voted for the Jensen-Iverson bill to accomplish this and implying he was not going to vote for the B-G bill. She thanked him for his courtesy and, like us, was amazed when he punched the green light on the final vote. Probably everything he heard in subsequent debate about the unfairness of the situation was underscored by this word from home. All three of these deciding yes votes remained affirmative in the final vote on concurrence.

These are two telling examples of what on-the-spot and home-front lobbyists can and cannot do. We could ascertain the original attitude of Rep. Newhouse; follow up by discussing an editorial in his home-town paper which our Public Relations Committee had given us; find out as tactfully as possible his last-minute reactions; then phone Alexandria. Only Douglas County could influence his vote. As regards Mr. Johnson, we could supply him with information on what the three bills would do to his area, keep on friendly enough terms to interrupt his lunch with an introduction to Mrs. Lamski; encourage her to inform him of their League's stand; that was all. The effective work was done by one member from Moorhead with enough interest in the legislature to spend a day of her vacation observing, then quietly and effectively state her stand. This is the sort of home-front cooperation that keeps metropolitan lobbyists on the job.

BERGERUD-GILLEN BILL - A STATUTE
(H.F. 450 - S.F. 401)

LWV supported this bill in 1955 & 1957. Carries out present constitution though 2 largest counties are under-represented.

House Committee: recommended to pass after 5 weeks consideration, on March 6 by vote of 10-7.

House Floor: passed on March 29, by vote of 68-61, without amendment.

Senate Committee: considered in committee and sub-committee, committee again, in numerous meetings, for almost 2 months. Amended to restore status-quo of Senate almost completely. Made contingent on passage of population-area amendment. Motion to tie amendment to statute was narrowly passed 6-5. The statute-amendment tie-up unanimously passed committee.

Senate Floor: passed on April 18, 47-17.

House vote on concurrence: unheard of parliamentary maneuver to lay on table passed 68-59.

JENSEN-IVERSON AMENDMENT
(H.F. 409)

Passed House in 1955 and 1957. Would have met LWV standards if modified in 2 ways - guarantee of population in Senate, better enforcement provision.

Put House on area: 1 representative to each of 83 counties; 2 representatives to counties with $1\frac{1}{2}$ times ratio (ratio being population of state divided by number of representatives); remaining to 4 large counties. St. Louis would lose 2; Ramsey, 1; Hennepin, gain 2.

Put Senate on population (but without guarantees, to which LWV objected). Enforcement by special session.

House Committee: passed out without recommendation March 6 by clear majority on voice vote.

House Floor: passed March 29, vote 94-15.

Senate Committee: no action except to take file number, substitute Senate substance.

SINCLAIR-ROSENMEIER AMENDMENT
(S.F. 815 - 816)

Not LWV supported because introduced too late for study.

Frozen Senatorial districts, dubious tie-up of statute and amendment. Senate reduced to 56, House to 115. Senate districts frozen into constitution. House to be reapportioned every 10 years on basis of population, by the Senate. Metropolitan areas under-represented in both houses, getting 29% instead of 34.5% of state representation.

This bill was never considered in House or Senate because of reduction in size of both bodies and large number of representatives having to run at large in 2 or more counties. It greatly aided passage of more moderate B-G bill. Also important because idea of frozen districts in Senate and statute-amendment tie-up were incorporated into B-G bill.

This approach of frozen Senate districts we will undoubtedly meet again.

O'LAUGHLIN AMENDMENT
(S.F. 182)

A new approach. Had LWV support. Might provide basis for compromise in case House and Senate deadlock on which shall be area body.

Metropolitan areas limited to 33% of both houses. This would alleviate friction of one rural dominated, one urban controlled house. Also would eliminate statistical difficulty of reapportioning under different bases in 2 houses.

Dr. John Bond, the authority on reapportionment in Minnesota, advocated a similar approach through reducing 33% to 30%.

Another possibility would be to include 3 counties in the 33%.



WILL AN AREA AMENDMENT SETTLE REAPPORTIONMENT?

To reach our goal of reapportionment for Minnesota, we'd all best start out on the same foot. Because we have had many new members since we started to study reapportionment, and because some of the rest of us have forgotten a thing or two, we'll begin by retracing a few steps together.

It might even be helpful to define some terms - if you won't let their many syllables scare you away from what is really a very interesting subject, and very important to you as a Minnesotan and a League member.

DEFINITIONS

(If you don't understand them now, you will as you go along.)

APPORTIONMENT: The process of distributing representation. Another way of saying it: Assigning one or more members of a legislature to areas such as counties, cities, towns.

REAPPORTIONMENT: A change in Apportionment. Really, in most cases, a change in a previous Reapportionment, since only the first assignment of legislators under a new constitution is an Apportionment.

DISTRICTING AND REDISTRICTING: Unless we're going to be technical about it (and even political scientists usually aren't), these terms are used interchangeably with Apportionment and Reapportionment.

CONSTITUTIONAL (RE)APPORTIONMENT: The ground rules laid down in a constitution for assigning and reassigning representation in a legislature.

STATUTORY REAPPORTIONMENT: The piece of legislation which draws the lines of districts under the constitutional provisions, and assigns one or more senators or representatives to them. (For an example see the Bergerud-Gillen bill in the Appendix.) According to our Minnesota constitution, this should be done after every federal census. As you have heard many times, it has not been done since the 1910 census. But off the soapbox and back to definitions.

POPULATION REAPPORTIONMENT: Giving the same number of people the same number of legislators.

AREA REAPPORTIONMENT: Don't think this means square miles, at least not primarily. In most states it means seeing that counties of small population get more representation in the legislature than they would get on a population basis.

AVERAGE OR IDEAL DISTRICT: The population of the state divided by the total number of representatives or senators. The ideal Senatorial district in Minnesota is 2,982,483 divided by 67, or 44,515. The ideal House district is 2,982,483 divided by 131, or 22,767.

DEVIATION: The mathematical difference between supposedly equal districts. Political scientists say that districts may vary from the ideal by 15%, either way, and still be fair.

RATIO: The relation between the population of a given area and the population of an ideal district. An example: Pope County has a population of 12,862. Its ratio is 12,862 divided by 22,767 or 56% - expressed in fractions, a little over 1/2. (This idea is important because the reapportionment provisions of many states give 1 representative to any county with 1/2 or 3/4 of a ratio. The amendment which passed the House last year said any county with $\frac{1}{2}$ ratios should have 2 representatives.)

FROZEN DISTRICTS: Legislative districts whose boundaries and representation are set down in a constitution and cannot be changed except by amendment.

ENFORCEMENT PROVISIONS: Putting something into the constitution to see that the legislature really carries out its duty of reapportionment.

REFRESHING OUR MEMORIES

At its 1953 convention the League of Women Voters of Minnesota decided to look into reapportionment as one of three areas of emphasis in its study of constitutional revision. Here we were following the example of many State Leagues. League principles, 1, 2, and 7 demand that every citizen be fairly represented in his lawmaking bodies.

At the Council Meeting of 1954, delegates decided that the reapportionment situation in Minnesota justified legislative action in the 1955 legislature. (You'll see why we thought something should be done about reapportionment if you turn to Appendix II.)

During the fall of 1954, after studying specific proposals for reapportioning the state, League units decided, overwhelmingly, on a double approach. This bifocal view has caused us a lot of trouble, really, and confused some of our friends in the legislature. However, it provided the only logical correction to Minnesota's complex disorder. Here it is:

(a) The League believes our constitutional provisions should be changed to give some consideration to an area factor. This is because we have an unusually large metropolitan center. Urban centers can be fairly represented by less than their full quota of legislators because of their cohesiveness, and ordinarily their closeness to the capitol.

(b) Until such time as our constitution is changed to provide this different basis for representation, its present provisions should be carried out.

In the 1955 legislature, armed with firm convictions, masses of literature, and a few sympathetic friends within its halls, the League:

Supported a statute (the Bergerud bill) as carrying out item (b) above.

Testified for an amendment to provide fair population-area compromise. We were unable to support the Iverson-Jensen amendment providing for area in the House on a legislator-per-county basis because of three differences with our standards of "fair and enforceable." We did support a Senate amendment providing for area in that chamber, but it got nowhere due to lack of interest and knowledge in that body.

Helped get the Bergerud bill through the House. According to the Minneapolis Tribune, "The Minnesota House rocked the state capitol by passing an honest-to-goodness Reapportionment bill." According to its chief author, "The League of Women Voters deserves much of the credit." (We're inclined to think we got too much.)

In the 1957 Legislature an aroused interest was immediately apparent. Committee meetings were jammed with spectators; days were consumed in floor debate; legislators sought League lobbyists out. The opposition was formidable and well-organized and the Bergerud bill (now known as the Bergerud-Gillen bill for its new Senate author) barely squeaked through the House. It was distorted by Senate changes restoring the status quo; then tied onto a constitutional amendment providing for a population-apportioned House and an area-apportioned Senate; the House rejected it upon final referral.

This last fact brings us to the big question for 1959. How can the House and Senate be brought to terms on an Area-Population compromise? This is a \$64,000 question indeed, but it can't be answered in an isolation booth. To carry this worn analogy a step further, the expert most likely to be called upon to aid the contestant on that occasion is the League of Women Voters. We are, whether we like it or not, expected to contribute much to the public discussion and solution of this problem.

THE STRUGGLE WITHIN THE LEGISLATURE

It is all too common to look upon Reapportionment as a rural-urban struggle. It is true that the statutory approach (the Bergerud-Gillen bill is the only example) was argued out mainly along these lines. But in regard to a constitutional amendment, the situation is quite different. On an amendment the opponents are not urban and rural, but House and Senate. The question is: Where should the Area factor go? To the House, the Senate, or both?

This question may not seem very important to us, but to the average legislator it is vital. Vital to preserve the character of the chamber of which he is a member; vital to preserve the district he represents; vital to retain his own seat.

And this is why: Since 1913 population has shifted from the rural to the urban areas, but representation has remained in the dwindling rural areas. Therefore, in spite of what our constitution says about "population in both houses," both chambers are actually based on Area. Therefore, that chamber which gets the Area end of a Population-Area compromise will retain its status quo; that chamber which gets the short end of the stick (Population), will find its status quo badly upset.

Maybe we should digress here to say a word about the attitude of legislators. Because we have to generalize about "rural legislators" and "urban legislators," we are forced to make statements that are unfair to many of them. Many rural legislators whose districts and whose seats would be unfavorably affected by any reapportionment are just as anxious to see justice and constitutional government prevail in Minnesota as you and I -- and jeopardize their chances for re-election by saying so. Many urban legislators, who must vote for reapportionment because of their constituents' demands, would rather see things stay as they are than to upset the character of the chamber in which they have a secure place or to change the lines of the district in which they must campaign.

To get back to the Area factor concerning our legislators. There are many ways of putting Area into a legislative body, as we can see from looking at what other states do. The most frequent are:

1. To give each county, no matter what its size, one senator or representative, no more and no less. This is seldom done, except where counties are pretty much the same size.

2. To guarantee each county at least one representative or senator, no matter what its population, and distribute the rest among the more populous counties. This is a simple and frequently used device.

3. To give each county which has a ratio of $1/2$, $3/4$, etc., a representative. This is a modification of (2) above, since it cuts out the very smallest counties included in that more complete Area arrangement.

4. To limit a metropolitan area to a certain number or percentage of legislators.

5. To freeze districts so that no change can ever take place. This inevitably limits fast-growing areas.

6. To classify counties into three groups of small, medium, and large, and give them one, two, and three representatives respectively.

These devices are sometimes combined. For example, the Iverson-Jensen amendment combined (2) and (3). The amendment attached to the Bergerud-Gillen bill by the Senate combined (4) and (5).

It may seem to many League members and many citizens that the technical aspects of reapportionment are the business of the legislature alone. Also, that it is up to the House and Senate to decide which will be the Area, which the Population body. Unfortunately, the kind of reapportionment we have may well influence the kind of a legislature we have. It is a mistake to suppose that reapportionment is primarily a legislative concern. It is carried out through the legislature, but its basic concern is with the representation of the citizen in the body which makes his laws. Perhaps the most valuable lesson learned by the League in the 1957 session is this: Unless all our legislators know much more about reapportionment than the majority do, and unless the citizen increases his knowledge and speaks up, this problem will be settled on the terms of a few powerful men and special interest groups in our legislature. Therefore we must listen carefully to the debate which has been going on between House and Senate and try to join in the decision.

HOW CAN AREA BE WRITTEN INTO THE CONSTITUTION?

The bills introduced into the legislature in the last two sessions help us in answering this question.

Of course, it would be quite possible for the constitution merely to say: "The Senate (or House) shall be reapportioned on the basis of population; the House (or Senate) on the basis of area." As a matter of fact, some legislators say this is what should be done; though when you ask just what they mean by Area, you don't get a satisfactory answer, if you get one at all. We doubt that the people of Minnesota would ever approve an amendment which was so general; buying a pig in a poke is not much better than putting up with what we have.

Area in the House.— If Area is put into the House, it will almost certainly be by some arrangement favoring the smaller counties. No other system has been proposed for the House; also other states with Area in the lower chamber follow this system. The most complete "ruralites" think every county should have one member, no matter what its size (2,900 is the smallest). The urban representative is likely to think that only those counties which have half a ratio (11,384) should have a separate representative.

The amendment passed by the House in 1955 and 1957 guaranteed each county over 7,500 a representative, thus excluding only the four smallest counties in the state from separate representation. In addition to guaranteeing small counties their own representative, the medium-sized counties were given preferential treatment; any county with a ratio of one and a half would have had two representatives. The largest counties were to get what was left over. (You can find out more about the Iverson-Jensen bill in Appendix IV.)

Area in the Senate.-- Here we find a little more variety in suggested plans. In 1947, the Minnesota Constitutional Commission suggested that Hennepin-Ramsey be limited to 25% of Senate membership. In 1955 an amendment passed the Senate to limit any three contiguous counties to 30% (this would have been Hennepin, Ramsey, and the largest of the bordering counties). Many legislators, fearing a metropolitan area of five to eight counties that may eventually contain half the state's population, favor extending the limitation to this larger area - though no one has taken the trouble to translate this fear into a bill.

This "danger" from booming counties was controlled, not by a ceiling, but by a quite different method in the amendment attached by the Senate to the Bergerud-Gillen bill last session. First, Hennepin-Ramsey would have been limited to 30% of the Senate. In addition, all districts outside these two counties were protected from any change in the future. The protection was this:

Although reapportionment was not prohibited, neither was it provided for. We are too familiar with the admiration for Status Quo felt by most senators to foresee any voluntary change. Thus, Anoka County might grow to the 75,000 commonly forecast and still have one senator, while Wright County across the border would retain one senator for one third that population. We can describe this device of laying out districts without prohibiting nor providing for change as "semi-frozen districts."

The League of Women Voters was somewhat nonplussed during the last session when presented with this particular Area method. It has heretofore been our feeling that the urban center should be limited, but that there was no reason why the rest of the state should not be divided according to number of inhabitants. On the other hand, Arizona, Illinois, and Michigan have recently adopted frozen districts to guarantee Area in the Senate. One thing is sure. If frozen districts are to be approved by the voters, they will have to be carefully laid out with some thought for size, number of square miles, economic interests, and/or compactness. The semi-frozen districts hastily attached to the Bergerud-Gillen bill last session were made up with one idea in mind -- to disturb present districts as little as possible.

Area in both House and Senate.-- If both houses are put on an Area basis, it will naturally be a more modified one than if concentrated in one chamber.

Dr. John Bond, whose 600-page Ph.D. thesis on reapportionment in Minnesota is certainly the definitive work on all phases, made the following suggestion during the last session: Limit Hennepin-Ramsey to 30% of representation in both chambers and reapportion the rest of the state according to population. Senator O'Loughlin introduced an amendment specifying 33% for this area. Also possible would be 33% for three counties, etc., raising the percentage ceiling as more counties are added.

PUTTING THE MAP OF MINNESOTA TO WORK

We are now going to listen to the arguments of the Senate and House for receiving the Area factor. Before we listen to the pleadings of the contending parties, it would be helpful to call in an Expert Witness to help us evaluate the arguments. As a citizens' jury we are more interested in facts than points of law -- in figures than in theory. Perhaps a Map of Minnesota Reapportioned would help us to a decision.

Those of you who have time and inclination may want to participate in the actual drawing of district lines according to different plans. You will find a map with population figures and a blank outline map at the end of this material and some helps in Appendix I. The rest of you will have to take our competence as cartographer and our conclusions for granted. The conclusions we gathered from our map-drawing will be included in the following summary. Your own findings may modify or enforce ours. We hope you'll let us know.

HIGHLIGHTS OF SENATE-HOUSE DEBATE

I.- The Senate will make a strong appeal to many interests, geographic and economic, that Preservation of the Status Quo in this state argues for Area in the Senate. Do the opposite, put Population in the Senate, increase urban representation, change existing district lines, and the Senate may lose its present character and its intended role in our legislative process -- its traditionalism, its conservatism, its role as brake on the legislative wheels.

But rural House members have something to say about status quo, too. They argue that status quo in the House would be almost completely upset by putting that body on Population. Look at the figures: At present only the following counties are joined to form one representative district: Anoka and Isanti (with 47,702); Cook and Lake; Beltrami and Lake of the Woods; Norman and Mahanomen. (In two other districts, three counties divide two representatives.) However, population has so redistributed itself since 1913, that 48 of Minnesota's counties (well over half) are now under 19,352 (the ideal of 22,767 adjusted 15%, remember). Any or all of these counties could expect to be combined in a House based on Population.

The Senate would notice the coming of Population far less, say House members. Here the applecart wouldn't be completely upset, just tipped a little, with loss of only a few apples. In the Senate, 68 of Minnesota's 87 counties are already in multiple-county districts (23 districts of two counties; 6 of three; 1 of four). Since almost all of these fall below the population of an ideal Senate district, it would not be difficult for the senators from some of these districts to add another small county or to exchange a smaller county for a larger one. Nor for the senators from 10 single-county districts which are badly over-represented to take on another county, and represent two counties, like most of their colleagues.

The question posed to the citizen by these diverse viewpoints of Senate and House is not simple.

Is the Senate right? Do we need the braking function of a smaller, more deliberative body elected for longer terms and by an Area factor? We of the League of Women Voters are naturally concerned, not with keeping the two chambers as they are, but with fairness and the best possible legislative pattern for Minnesota. (Indeed, there have been times when our program could have done with somewhat less brake, particularly from the Senate.)

But we must remember that most legislators are vitally concerned with preserving the system in which they have an established place. And after all, legislators, not we, are going to prepare and pass reapportionment legislation. We must therefore, if we're going to be practical, assess these important arguments of status quo.

II.- As to Tradition, both houses can make a case for Area.

Senate case: In our federal Congress, the Senate is the Area body; this is therefore the logical state arrangement. So say Minnesota's senators. We believe that, at the present moment, public opinion is with the Senate. Ask any interested individual or group which has not really wrestled with this reapportionment problem where Area should go. You'll find federal tradition has conditioned public thinking to a quick, almost unanimous answer: the Senate.

One senator gives another reason related to tradition. "The House, elected every two years, designed as the body most responsive to the popular will, is the logical chamber for representation on the basis of Population." The fact that revenue measures must originate in that body is often cited as another constitutional reason for its election on the basis of Population.

House case: Although many representatives don't realize it themselves, they also have an argument from tradition. That is the example of other state legislatures. Eighteen states use a clearcut Area pattern in one chamber, Population in the other. Of these eighteen, two-thirds (or twelve) have put the Area factor in the lower and larger house; only one-third (or six) give Area to the Senate. (Most of these twelve, like Minnesota, are faced with a large number of counties wanting separate representation, which only an Area House can give.)

III.- As to Solidarity, the Senate has it, the House not.

Only one Senate member has stated he would gladly see the House get Area. Although he would have to add a third county to his present two, each of the three would then have one representative and he believes this would be to their advantage.

House members fall into six groups: a few who oppose any compromise with Area on principle; those who think the Area factor should be used in both houses in some form; those who don't care into which chamber Area goes, so long as it goes; urban members who would rather see Area in the Senate, since urban membership would decline in an Area House; ruralites who insist on protecting the small county by an Area House; and a few who want no reapportionment on any terms. There was enough power in these last two groups to defeat the Senate-amended Bergerud-Gillen bill on the final vote in 1957.

IV.- The Case of the Small County, which is the main argument for Area in the House, needs some careful looking at from all sides. The role of the county in state and local government is not easy to assess.

On the one hand, counties are not sovereign bodies, not policy-making units, and therefore haven't the same claim to representation in a state legislature as do states in Congress. On the other hand, the county is the administrative unit for much state legislation.

The rural legislator points to the following responsibilities given the county by the state: welfare, roads, tax assessment and collection, law enforcement, police protection, organization and supervision of school districts, drainage problems. He must deal with the county board, the welfare board, city councils, township supervisors, school boards, and all the people connected with them; with the county auditor, the county treasurer, the probate judge, and other county officials.

The pertinent question seems to be: Are county problems so difficult and diverse that each county needs a legislator close at hand? Or are their problems sufficiently alike so one representative can handle those of more than one county? Leagues in communities where the representative is from only one county, the senator from two or more, could be of great service in really exploring this question: Does the closeness-at-hand of a legislator really make him more serviceable to his county? What do your county officials think? One question we can't answer is this: Do some legislators become too immersed in questions of special legislation for one county? Would their viewpoint be broadened if it had to move beyond the county line?

V.- From the Statistical Viewpoint, Area in the House has a definite edge over Area in the Senate. That is because it is very difficult to put Population in the House, and not difficult at all to put Population in the Senate.

Area in the House, as expressed in the Jensen-Iverson bill, is simple, uncomplicated, and admits of only one interpretation.

Area in the Senate would, as at present, necessitate many, many districts of more than one county; therefore much argument as to possible combinations. (Witness the "Land Grab" in the Senate Elections and Reapportionment Committee last session, when it was decided to reshape the Bergerud-Gillen bill into an Area Senate-Population House deal. In the end those present and those powerful got the consideration.)

Flip the coin over. What about a Population House? You map-makers know this is not easy to achieve. You had to do three or four things:

(a) Combine three counties and give them two representatives in more than a few places.

(b) Combine some counties in a diagonal fashion, touching only at the corners. (Sometimes you could choose between a and b.)

(c) Use different House and Senate districts. (Not always, of course.)

(d) Give up on population in some places. For example, take the four adjoining counties of Sibley, Scott, Carver, and Le Sueur, with populations of approximately 15,800, 16,500, 18,100, and 19,000. Not one has a population up to 19,352 (22,767 minus 15%). Any two combined would go way over 26,182 (22,767 plus 15%). Not one adjoins another county small enough to justify combination. You simply have to give each one a representative, yet four counties of 69,400 should have three, not four representatives. Where will the extra representative come from? The urban areas can be forgiven for having a high index of suspicion on this point. If they give in on an Area Senate, they can hardly be blamed for demanding a guarantee of full quota in the House.

What mathematical difficulties lie in reapportioning the Senate on Population? Fewer, since many combinations of counties can be tried in forming districts of 44,515. (Our own plan kept all districts within the 20% deviation provided for the Senate by the Jensen-Iverson bill. However, one was a diagonal district, and two were not as compact as might be wished.) Separate Senate and House districts would be necessary within the three large counties.

Let us make another fact clear: When we say that a Population Senate would upset present conditions less than a Population House, we are talking about not cutting down on the representation a district is used to. We are not talking about guaranteeing the seats of present incumbents. When you try to avoid pitting one incumbent against another, you often have to sacrifice compactness and equality of population.

VI.- Reapportioning Both Houses on the Same Area-Population Factor has one very real theoretical advantage. It avoids the deadlock which may develop between two houses apportioned on different bases. Certainly, League lobbyists have been surprised and dismayed at the chasm between the two houses. Until the last hectic days of conference committees, they seem to operate almost within separate vacuums. The fact that the houses have been controlled by different caucuses the last two sessions has contributed to the gap. Different bases of reapportionment could be an equally divisive factor - particularly if Area went to the already more conservative body.

Practically speaking, if both houses refuse to budge on their claim to Area, the factor may have to be divided and spread thinner. (As with the infant at the Court of Solomon, the Chamber with the greater love for rural dominance may finally give in to the other. Ruralites have been heard to say they are after undisputed veto power in one house or the other.) At present, seven American states use a modified Area factor in both chambers.

The mathematical considerations of two chambers similarly based are advantageous:

- (a) Only one or two districts of three counties electing two representatives would be necessary.
- (b) Different Senate and House districts would not be necessary.
- (c) Constitutional provisions could be so framed as to allow occasional use of this device: over-representing a district in one chamber, while under-representing it in the other. Not ideal, we admit, but most helpful in fitting in an area that otherwise refuses to fall into the pattern of the jigsaw puzzle -- which reapportionment really is. (You'll find this point clarified and illustrated toward the end of Appendix I.)

VII.- Reapportionment problems have customarily been thought of as rural-urban conflicts. Now a new pressure has been added. Adjustment after the last World War introduced a new element into the American living pattern that has not only social and economic implications, but political ones, too.

That is the Great Growth of Suburbia. In more states than one, particularly in Illinois, suburban areas have made the loudest demand for reapportionment of state legislatures. And well they might -- they are the Great Unrepresented. The squeeze on these new developments is double. On the one hand, drastic under-representation. On the other, difficult, urgent, varying problems, many needing legislative assistance: school-building beyond financial ability; transportation problems; discriminatory utility rates; establishing fire and police protection for spread-out areas; road-building; construction of water, drainage, and sewage disposal systems.

For every legislator who sympathizes with the plight of the suburban citizen and his representatives, there are two filled with simple fear. They regard Minneapolis, St. Paul, suburban Hennepin and Ramsey; now Anoka, Dakota, and Washington; eventually even Carver, Scott, and Wright as part of one single-minded monster ready to gobble up every rural-dweller in the state. Geographers, public health workers, and others interested in forecasting population trends agree that Minnesota will eventually have a metropolitan center of five to eight counties containing half the population of the state.

When unobscured by the smokescreen of fear, the interests and needs of suburban areas emerge as quite distinct from those of the two large cities. Sometimes their interests are absolutely opposed (as seen in the welfare battle last session between Minneapolis and rural Hennepin; many matters of tax collection and distribution; increasing the tax base of the cities, etc.). Also, in political complexion, suburbanites are quite different from their city cousins. In Illinois, it has been pointed out, suburban Cook County legislators vote more consistently with downstate Illinois than with Chicago.

Nevertheless, the rural viewpoint has something to recommend it. Any heavy concentration of population in a small area can probably be fairly, even equally, represented by fewer legislators than rural dwellers widely spread out.

The Jensen-Iverson bill provided a curb for the entire metropolitan area now and in the future. For instance, should Anoka grow to the 75,000 predicted, and deserve at least three representatives, the extras would come, not from outstate, but from the two largest counties.

This growing metropolitan area could be curbed in the Senate by frozen districts, as attempted in 1957. Anoka might have grown to 100,000 under the Senate plan with no likelihood of ever getting another senator.

Is there some other safe but fairer, more flexible way of protecting against encroachment of this growing metropolitan area? Whether Area is put into the Senate, or into both houses, why not limit any three contiguous counties with over 2% of the state's population to 2% of its representation; or any four contiguous counties with over 2% of the population to 2% of the representation, etc.?

VIII.- The League of Women Voters and other citizens interested in the calling of a Constitutional Convention have a special problem to face. Our constitution (Article 14, Sec. 2) states that the delegates to such a convention are to be chosen in the same manner as are members of the House of Representatives. Putting the House on Area would therefore mean a convention in which rural areas were greatly over-represented, urban areas greatly under-represented.

We believe that the intrinsic character of a constitutional convention demands fair representation of all citizens. We believe that our founding forefathers thought so too. Therefore, we suggest that any amendment putting the House on Area be accompanied on the same ballot by an amendment to Article 14, Section 2. Many ways of assuring fair convention representation are feasible:

(a) The delegates could be elected as are members of the Senate. If a convention of 67 is deemed too small, two delegates could be elected from each Senatorial district.

(b) The convention could be composed of one member from each Senate district and one member from each House district. This is admittedly a large convention.

(c) Delegates could be chosen by congressional districts.

(d) The examples of any of the three states with recent constitutional conventions could be followed: In Missouri, each senatorial district elected one Republican and one Democrat. The Central Committees of both parties elected another seven and agreed on an additional one (83 in all). In New Jersey, each of 21 counties had one delegate; 60 others were apportioned on a population basis (81 in all). In New York each of 51 Senatorial districts elected three delegates; 15 delegates were chosen at large (168 in all).

SOME OTHER THINGS TO WATCH FOR

You know, of course, that a good reapportionment amendment will provide for other things besides an area-population compromise. Just a once-over-lightly on a few additional points.

The size of the legislature is discussed in Appendix I -- and dismissed as being impossible to change.

The time for reapportionment is universally agreed on as every 10 years, though some Senate leaders did talk about every 20 being enough.

Enforcement - How can we be sure the legislature will reapportion when it should? Political scientists stress the necessity of "enforcement provisions" or "self-enactment clauses"; legislators of the 1957 session humorously referred to such devices as the "Big Stick." If you'll turn either to Democracy Denied or Appendix III, you'll see what kinds of reapportionment insurance other states have taken out. In brief, every state to adopt new reapportionment legislation in the last few years has either taken the job away from the legislature entirely; or has provided for a commission to do the job should the legislature default at its first opportunity after the new census figures become available. Commissions are of two kinds: administrative officials and bipartisan committees. Both have proved workable; every state with enforcement provisions of any kind was reapportioned promptly after the 1950 census.

We really believe the League made some educational progress with reapportionment the last two legislative sessions. But not much on this point. No amendment submitted in either session removed the reapportionment power from the legislature at any stage. Most bills provided that the governor reconvene the legislature in special session for the sole purpose of reapportioning should it fail in its task at the first regular session after each federal census. Another threat was election-at-large of all legislators.

The League of Women Voters will probably want to go right on saying a special session is cumbersome, inefficient, and expensive, and not likely to come to a satisfactory agreement on something it couldn't work out such a short time before. We can understand why legislators would not want to trust our present broad constitutional provision on reapportionment to the tender mercies of a commission. But an amendment is something else again, for its provisions will be clear and specific (otherwise, it's not likely to get citizen approval). Being clear and specific, the legislature will hardly fail to carry it out; if it did, a commission couldn't exercise much harmful discretion.

The threat of election at large is a big stick, to rural legislators especially, since they would be snowed under by candidates from larger centers. One canny member of the House Reapportionment Committee suggested urban legislators might even try to stymie reapportionment with this hope in mind. A different possibility is that any legislation might get by rural legislators fearful of the alternative.

Population Guarantees.- There is no need to talk of guaranteeing Area; under any plan discussed above, the devices used to obtain this factor are specific and exact. Not so with the vague term "Population."

It is, of course, obvious that any amendment must have substantial support of the metropolitan area to pass. It is unlikely that these populous centers will change their constitutional birthright of "population in both houses" for "population in one" unless assured they are really getting population, and not a mess of political pottage. It was disconcerting to hear an author of the House amendment of 1957 testify before a Senate committee that really the phrase "population in the Senate" didn't need to frighten any senator. "Population" could be "adjusted" to something like the Senate version of the Bergerud-Gillen bill (which was, of course, not population at all). How can such easy-going interpretations of "population" be prevented?

If Population goes to the Senate, we can follow Missouri's recent example. The Iverson-Jensen bill made a similar provision: No Senate district may vary by more than 20% from the ideal.

If Population goes to the House, this method of limiting deviations will not be feasible. We have seen that inconvenient county populations will necessitate greater fluctuations than 20% in a few places. One possibility would be to guarantee metropolitan representation, letting the rural areas adjust the rest, since those areas are favored in the other body.

Either with or without these guarantees, we are going to make a Daring Suggestion. We hasten to say: Other States Do It. Even two states which have reapportionment commissions. This is Supreme Court Review. Any citizen and taxpayer may petition the court to review the fairness of a reapportionment. In Arkansas the case takes precedence over all other matters on the calendar; the court may, and has, formulated a substitute reapportionment and declared it in effect.

Congressional Reapportionment.- In the 1961 session our legislators will be faced with a double reapportionment task. As to reapportionment of the state legislature, either an amendment will have been passed by the voters and a statute await formulation; or an amendment will still be in the making. In the latter event, a statute carrying out our present constitution and based on the 1960 census will be receiving fresh support in view of legislative inability to agree on an amendment. Congressional reapportionment will also have to be faced.

If Minnesota loses a congressman, as seems quite possible, congressional reapportionment will have to take place. If not, the legislature may use its discretion. We urge them to consider these facts:

- Even in 1950 there was a 60% deviation between supposedly equal districts.

- As of today, it is reliably estimated that Minnesota's Third Congressional district is the largest in a five-state area (over 500,000).

The citizens of this district are the very ones most under-represented in the state legislature. In neither house of our state legislature, in neither body of Congress do these urban and suburban dwellers have an audible voice in lawmaking.

Let it be said to the credit of Minnesota's legislature that after the 1950 census, inquiries were made of the Minnesota congressional delegation as to whether they desired reapportionment. The answer was no.

Does not the right of the American citizen to fair representation in the House of Representatives transcend the natural desire of an officeholder to maintain his district intact and to retain his seat? Does it not transcend partisan politics? Does it not transcend the understandable wish of legislators to please their congressmen?

We are coming close to a denial of the very basis of representative government when the vested interest of a legislator in his district and in his seat is put ahead of the vested constitutional right of a citizen to fair representation in his lawmaking body. The reapplication of this democratic principle to the makeup of our state and national legislative assemblies is surely one of the basic questions to be answered by the coming sessions of Minnesota's legislature.

APPENDIX I

We are not going to draw complete reapportionment maps for you. In the first place, you'll learn more by doing. In the second, you might assume such maps represented the best arrangements possible; actually, there are dozens of ways in which Minnesota's 87 counties can be combined under any plan. In the third place, we do not wish to be accused of impinging on the prerogative of legislators. (We believe they are jealous of it even if they haven't paid any attention to it for 44 years.)

However, we will do the following things for you:

- (a) Provide you with a map on which are printed population figures and a blank map for your own use; (b) give you some guides for reapportioning; (c) reapportion a small corner of the state according to different plans; (d) outline the problems encountered in using different plans. (If you want a map of present legislative districts, you'll find one in the Legislative Manual (Blue Book), obtainable from your legislator. The back of Democracy Denied lists present districts and populations.)

Here are some guides and warnings for map-making.

If the Senate is to be reapportioned on population, the ideal district is 44,515. If the House is to be reapportioned on population, the ideal district is 22,767. (Based on 1950 census figures.)

Any district which is 15% above or below these figures is considered "fair" by political scientists. Therefore:

Senate districts may vary from 37,838 to 51,192.

House districts may vary from 19,352 to 26,182.

In a few cases, in the House, at least, you will simply have to depart from the ideal by a little more than 15% to make things fit.

Districts containing more than one county should be as compact as possible. Counties within a district must be contiguous, or touching. Legally, counties which touch at the corner (e.g., Freeborn and Dodge) are contiguous. Of course, this diagonal kind of combination is to be avoided wherever possible.

Single-member districts are preferred by most legislators and by experts in the field. For instance, if Olmsted County is to have two representatives, one might go to Rochester, the second to the rest of the county.

If Population is to go to the House, you will have to, in a few cases, combine three counties and give them two representatives. Either these two can be elected at large from three counties; or the county in the middle can be divided, part going with one county, the rest with the other.

Minnesota has always used the same districts for election of senators and representatives. That is, Senate districts are divided for the purposes of forming representative districts. In some states, however, a county may be joined with a county to the west in the House; but with two counties to the north and south in the Senate. It would be agreeable to continue Minnesota's present practice of using the same districts, certainly helpful in setting up election machinery. However, many states which use different bases for apportioning House and Senate have had to adopt different districts for them (Illinois and Michigan most recently).

Don't try to improve our legislature by cutting down its size. You may please political scientists and be true to League training, but you'll antagonize legislators and waste your time. The very carefully prepared amendment-statute combination submitted by Senators Rosenmeier and Sinclair this last session failed of support in either house because it cut the Senate from 67 to 56 and the House from 131 to 112. Reapportionment hurts enough legislators by changing district lines: to destroy seats is to cry havoc. Few legislators care to increase the size of the already bulging chambers. Although many agree a cut in size is theoretically desirable, they feel this could be done only in a constitutional convention. If your plan comes out one or two short of 67 or 131, all right, but better not try to do so. Better yet, try not to do so.

Working Out a Sectional Example

Let us attempt to reapportion the southwestern corner of the state. This is somewhat daring of us, since it is over-represented and some heads will have to fall. Let's take 11 counties:

Rock	11,278	Pipestone	14,003
Nobles	22,435	Lincoln	10,150
Jackson	16,306	Lyon	22,253
Martin	25,655	Yellow Medicine	16,279
Wantonwan	13,881	Murray	14,801
Cottonwood	15,763		

Total population 182,804

At present these counties have 11 representatives and 5 senators.

Population in the House.— First let us see what would happen if the Senate were to remain on area, the House be reapportioned on Population. Population in the House would mean a drop from 11 to 8 representatives. Remember districts may vary between 19,352 and 26,182. A statistically acceptable combination would be:

No. of Rep.	District	Average Population per Representative
2	Rock-Pipestone-Murray	20,041
1	Yellow Medicine-Lincoln	26,429
1	Lyon	22,253
1	Nobles	22,435
2	Cottonwood-Jackson-Wantonwan	22,975
1	Martin	25,655

One objection: A two-county combination goes slightly over the "fair" maximum. This would be less serious if it were one county. A second objection: We end up with two districts in which three counties have to divide two legislators. Either both legislators will have to assume the difficult task of campaigning in and representing three counties: or Cottonwood will have to be split, part going with Jackson and part with Wantonwan; likewise Pipestone will have to be split between Rock and Murray. A third objection: Different House and Senate Districts. This is because Population in the House would mean 8 representatives and Area in the Senate would probably work out to 5 under almost any method. The only way of keeping the same districts would be throw Nobles with Rock-Pipestone-Murray, adding up to 42,476, while the other four districts varied between 22,253 and 26,427.

Let's try another combination of these 11 counties into 8 House districts.

No. of Rep.	District	Average Population per Representative
1	Martin	25,655
2	Cottonwood-Jackson-Wantonwan	22,975
1	Nobles	22,435
1	Lyon	22,253
1	Yellow Medicine	16,279
1	Rock-Murray	26,079
1	Pipestone-Lincoln	24,153

One disadvantage over the first plan: One district falls seriously below the acceptable lower limit. One improvement: There is only one three-county district with two representatives. One new disadvantage: Rock and Murray touch only at the corner. The same impasse of relating Senate and House districts prevails.

Population in the Senate.- Now, let us try to reapportion these 11 counties on the basis of Area in the House, Population in the Senate. Using the Iverson-Jensen plan for an Area House, each of these counties would have one representative. In the Senate, five districts would have to be realigned into four.

Remember a "fair" Senate district may vary between 37,838 and 51,192.

<u>District</u> (underlining indicates present districts)	<u>Size</u>
<u>Yellow Medicine-Lyon-Lincoln</u>	48,682
<u>Pipestone-Rock-Nobles</u>	47,716
Murray-Cottonwood-Wantonwan	44,445
Jackson-Martin	41,961

This seems the best division if equality of population is the goal. However, it pretty much changes present district lines and two incumbents must run against each other. Here is another combination:

<u>District</u> (underlining indicates present districts)	<u>Size</u>
<u>Martin-Wantonwan</u>	39,536
<u>Yellow Medicine-Lyon-Lincoln</u>	48,682
<u>Pipestone-Rock-Nobles</u>	47,716
Murray-Cottonwood-Jackson	46,870

This combination has greater deviation than the first. However, all districts are within acceptable limits. Present districts are better preserved, though two incumbents run against each other.

It can be seen that ease of reapportionment will be greatly aided by putting the Senate on Area. The status quo is upset less than in a Population-apportioned House. Different Senate and House districts would not be necessary except in the three large counties. In St. Louis county there would be 7 representatives and 5 senators; in Ramsey 11 representatives and 8 senators; in Hennepin 18 representatives and 15 senators.

Area in Both Houses.-- We don't have to draw any maps to discover what limiting the metropolitan area to 30% of both houses would do. The result would be much like the Bergerud-Gillen bill. A great howl will go up in various quarters at this information. Maybe it can be quieted by these points:

- The League of Women Voters has always looked on the Bergerud-Gillen bill as a "fair and workable compromise" under the 1950 census. After hours spent in carving up the map of Minnesota for Area in one house, Population in the other, you can't avoid this conclusion: Considering both houses together, this statute upset the status quo less than any amendment yet considered in either house.
- Many legislators told us they would vote for the Bergerud-Gillen bill except that it was "the foot in the door." Writing the 30% limit into the constitution would mean a closed door on further urban encroachment.
- When it comes to writing the 30% limit into the constitution, it may well be the urban legislators who balk. Looking at population forecasts, they may not consider this an acceptable deal. Would a figure of 33% extended to three counties be a good compromise? Or a higher percentage applied to four, five, or even more?
- There is one more point to be made about an equally divided Area factor in both houses. It is difficult to understand, perhaps, but quite important from a practical point of view. The Bergerud-Gillen bill occasionally and deliberately balanced over-representation of a district in one house with under-representation in the other. For instance, Crow Wing-Morrison with a population of 56,707 were under-represented in the Senate (where the ideal district is 44,515). But it was over-represented in the House by giving each of the two counties one representative, plus one at large. This device was bitterly attacked by a powerful Senate foe as being contrary to our constitutional provision of equal Population in both houses. However, a new constitutional provision could be worded so as not to exclude this device. It is not to be looked on as desirable, but as offering an occasional way out of a bad corner. There are any number of counties in Minnesota with a population between 30,000 and 50,000. By giving such a county one representative and one senator, under- and over-representations would cancel out. An occasional district like this helps enormously in making the rest of the jigsaw puzzle fall into shape.

APPENDIX II

A Few Facts and Figures on Minnesota's Status

Of all the states, only Massachusetts and Virginia have perfect records for carrying out reapportionment after each federal census. At the other end of the scale, Minnesota, Alabama, and Tennessee, vye for the worst record of neglect in the union. Alabama and Tennessee are still apportioned on the basis of the 1910 census. However, the Alabama legislature has submitted three reapportionment amendments to the voters since 1950; and Tennessee did relieve urban under-representation in 1954 by shifting a few counties.

In 44 years of neglect, Minnesota has gotten all out of shape. In some places, she is bulging to the bursting point; in others she is much too thin for good health or good looks. You've heard so often that Minnesota's largest district has 14 times as many inhabitants as her smallest that you're probably immune to the figure. Try to imagine that by 1960, there will be 20 people on one end of the legislative teeter-totter and on the other one lone figure trying to bring it into balance.

. . .

You should know figures of three different kinds to show that this is a state-wide problem, particularly to refute the claim of some rural legislators that the whole problem could be solved if Hennepin and Ramsey would just do some redistricting.

- In the metropolitan area, one legislator was elected by 801 citizens in 1955; another a few miles away, by 46,594 - a discrepancy of 1 to 58.

- In rural Minnesota, one county of approximately 50,000 has four House members; another of the same size, but with problems of greater diversity and growing much faster, has one House member (Otter Tail and Olmsted). Chisago county has one representative for 12,669 people; just across the county line, Isanti with 12,125 shares one representative with Anoka, which now has 35,579 and is growing faster than any county in the state.

- The suburbanite is the real forgotten man. Population forecasts indicate that by the next congressional election, it will take as many voters in suburban Hennepin county to elect 1 of 67 state senators as voters in District 9 to elect 1 of our 9 congressmen.

. . .

We don't have much trouble any more with people who say the legislature doesn't have to reapportion since our constitution uses the phrase "shall have the power." The Supreme Court - which, after all, is the only body with the right to say what the constitution means when it is ambiguous - interprets this phrase "imposes a duty of reapportionment." Citations are:

1914 decision - State ex rel. Meighen v. Weatherill, 125 Minn. 336
1945 decision - Smith v. Holm, 220 Minn. 486

Both times the state court said in essence: Sorry, because of the separation-of-powers doctrine, we can't force the legislature to do its duty; that's up to the voters. The presently pending lawsuit attacks the problem in a new way. It asks the federal court to declare that lack of reapportionment is depriving the citizen of due process of law and equal protection of the laws under our U. S. Constitution.

APPENDIX III REAPPORTIONMENT PROVISIONS OF OTHER STATES

Perhaps we can aid Minnesota's decision as to area consideration by seeing what other states do. We will probably end by concluding that since there are almost 48 patterns for 48 states, Minnesota will also have to custom tailor her own solution. Our 48 states fall into 5 general categories as to legislative apportionment:

- (A) 11 states use population as the basis for reapportioning both houses.
- (B) 11 states use area as the basis for reapportioning both houses.
- (C) 7 states spread the area factor somewhat thinner and put it in both houses. (It is difficult to classify some states as B or C.)
- (D) 12 states base their upper house on population, the lower on area.
- (E) 6 states base their lower house on area, the upper on population.
- (F) 1 state (Nebraska) has only one house, based on population.

In 31 of the 48 states each county has a separate representative. In 13 of the 31 states this distribution is guaranteed by the constitution; in the others, the ratio between legislators and counties is high enough so it just works out that way at present.

ENFORCEMENT PROVISIONS

The legislature has nothing to do with reapportionment in four states. In Arizona, Senate districts are set up in the constitution; County Boards of Supervisors reapportion the House. In Arkansas, Senate districts are frozen (on basis of 1950 population); the House is reapportioned by a board of three administrative officials (Governor, Secretary of State, and Attorney General). In addition the Supreme Court may review and revise the reapportionment. In Missouri, the Senate is reapportioned by a bipartisan commission appointed by the governor from lists submitted by the central committees of the two parties. In the House the Secretary of State decides how many representatives a county should have and the county boards draw lines within counties. In Ohio, the House is reapportioned by the Governor, Auditor, and Secretary of State, or any two of them.

The legislature has the first chance at reapportionment in six states. If it fails to reapportion within a specified period after the census figures become available, the power passes to another agency: In California to the Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Superintendent of Public Instruction. (Reapportionment is also subject to referendum in this state.) In Michigan to the Secretary of State, Treasurer, and Superintendent of Public Instruction (the State Board of Canvassers). In South Dakota to Governor, Superintendent of Public Instruction, Presiding Judge of Supreme Court, Attorney General, and Secretary of State. In Texas to Governor, Speaker of House, Attorney General, Comptroller, and Land Commissioner, any three constituting a quorum. All of the above 10 states reapportioned promptly after the 1950 census.

The Supreme Court has the power of issuing a writ of mandamus to force the Commission to action. (It is widely held that mandamus can be issued to executive boards or officials, even without such provision, since the court is not trespassing on separation-of-powers doctrine.)

APPENDIX IV
Reapportionment Measures Receiving Major Attention in 1955 and 1957

IVERSON-JENSEN AMENDMENT

Provisions

1. House on Area: 1 representative to every county over 7,500. (At present, this would combine Cook, Lake of Woods, Mahanomen, and Red Lake with smallest adjoining county.) Counties with $1\frac{1}{2}$ ratios would get 2 representatives: Anoka, Blue Earth, Dakota, Freeborn, Mower, Olmsted, Otter Tail, Polk, Rice, Washington, Winona. Remaining representatives distributed among: Hennepin (20, a gain of 2); Ramsey (11, loss of 1); St. Louis (7, loss of 2); Stearns (3, same).
2. Senate on Population.
3. House limit 131; Senate 67, as at present.
4. All representatives to come from single-member districts.
5. Enforcement: If legislature failed to reapportion at first regular session after official census figures become available, the governor would have to call a special session within 30 days, to consider only reapportionment and not adjourn without reapportioning.

Legislative History.-- Prepared by House Reapportionment subcommittee in 1955.

Passed House 77-44, Mar. 30. In 1957 passed out of committee without recommendation 10-7. Passed House 94-15, Mar. 29. Both years, Senate took only House File number and substituted own substance.

League Stand.-- The League had reservations on 4 points:

1. Writing the set figure of 7,500 into the constitution; $1/3$ of a ratio would achieve the same result, with flexibility.
2. Although the House could never exceed 131, it could have been reduced to any number. Reductions would come solely from 4 largest counties.
3. There was no guarantee of "population" in the Senate. Some insurance would seem imperative -- either putting a limit of 20% on deviations between districts; or giving the Supreme Court power to review the fairness of the bill; or giving the large counties their quota off the top of the heap.
4. Enforcement by special session seems inefficient. Results of forced reapportionment might be more acceptable with supreme court review.

BERGERUD-GILLEN BILL

Statutory Phase.-- This stage lasted thru House passage, 68-59, in 1955; through House passage, 68-61, in 1957. Received League support in both sessions as "a fair and workable compromise." Although carrying out our present constitution, it gave two large counties only 75% of full representation, (Hennepin and Ramsey).

Amendment Phase.-- The Senate Committee was faced by two House-passed reapportionment measures in March, 1957, and the necessity of doing something. They couldn't change the Iverson-Jensen bill into an Area amendment favoring the Senate; but they ingeniously adapted the Bergerud-Gillen bill to that purpose:

House reapportionment was left as in original bill and Senate provisions were changed to restore 4 senators and redraw Senate districts pretty much along present lines. It was then provided that this bill take effect in 1961, on condition a constitutional amendment passed the voters in 1958 or 1960.

This constitutional amendment provided:

1. House to be reapportioned every 10 years, beginning in 1971.
2. In the Senate, Hennepin and Ramsey to receive 30% of membership. Senate reapportionment not provided for (though not prohibited).
3. House reapportionment enforced by threatening election at large.





REAPPORTIONMENT

The Minnesota Picture

The Minnesota constitution says that our state legislature should be apportioned equally on the basis of population. It also says that the legislature has the responsibility (or duty, as interpreted by the State Supreme Court) to reapportion itself every 10 years.

This provision was carried out regularly from 1860 until 1913, when the legislature reached its present size. Since then, our legislators have been caught in a constitutional dilemma: to add to a legislature already too large; or to rectify serious inequities by redistricting and reapportioning the entire state. Instead of doing either they have simply disregarded the constitutional provision.

Since the 1910 census, the basis of the last reapportionment, there has been tremendous growth and shift in population. This has resulted in grossly unfair representation for many Minnesota citizens. Over 50% of our legislators are chosen by less than 35% of our population. This means that 1/3 of Minnesota's voters can impose their will on the entire state. Deviations run from 7,290 voters in Ward 4, Dist. 40, in Ramsey County, to 107,246 in the south half of rural Hennepin (36). This is more than a 1-14 ration for un-representative democracy.

The National Picture

On the national scene, more and more states are seeing the need to solve their reapportionment problems. Neighboring states of Illinois, Michigan, South Dakota, and Wisconsin have recently done so.

The report of President Eisenhower's Commission on Intergovernmental Relations voiced the nation-wide concern about state legislative reapportionment. It emphasized one serious result of state neglect of the reapportionment problem: urban governments have bypassed the states and made direct cooperative arrangements with the national government in such fields as housing, urban development, and air and defense facilities. This tends to weaken the state's proper control over its own policies and its authority over its own political subdivisions. The report concludes that the states could help "to minimize

REAPPORTIONMENT

The pressure for greater centralization or greater Federal participation in state and local affairs, by making sure that representation in their legislatures is on a fair and equitable basis."

Ways to Solve the Problem in Minnesota

1. A constitutional convention could rewrite the reapportionment article.
2. A constitutional amendment (incorporating some area-population compromise and reinforcement provisions) could be submitted to the people.
3. A statute could be passed at any session of the legislature, to carry out the present constitutional provision. The "Bergerud Bill," submitted at several recent sessions, is an example. The LWV supported this statutory measure in 1955 as fair, workable, and realistic.
 - a. It offers an immediate answer to a growing problem.
 - b. It rectifies the most serious inequities throughout the state, yet--
 - c. It limits metropolitan representation in both houses. Legislators from Hennepin and Ramsey Counties would each represent over 18,000 people; outstate legislators each only 14,000.

Passage by the House in 1955 of the first reapportionment measure in 42 years indicates that Minnesota may soon follow the lead of other states which have recently taken steps to make state legislatures representative of all the people.

The League of Women Voters will during the 1957 legislative session:

Support legislation to reapportion our state legislature. Under our Current Agenda, Constitutional Revision, we are prepared to support fair changes in our present constitutional provision, either by convention or by separate amendment. Until such time, we will continue to support the statutory approach (of which the Bergerud Bill is one example) under our Continuing Responsibilities.

DA

D. Anderson
return to file
F3D2A22

September 17, 1957

Mrs. Dorothy Jacobson
Office of the Governor
State Capitol Building
St. Paul 1, Minnesota

Dear Mrs. Jacobson:

I suppose you are now back from a wonderful and well-deserved vacation. I'm sure you realize how grateful we of the League are for the time and consideration that Gov. Freeman and yourself have given the appointment of a Reapportionment Commission. I hope the following tentative suggestions carry out what you had in mind.

In talking over the real problem of whether the legislators should be neutral or include well-known spokesmen of all viewpoints, we feel the latter solution is the practical one. First, such legislators are the really knowledgeable ones. Second, a solution which did not have the support of these leaders would find tough sledding in the 1959 session.

We're listing the name of only one legislator from each congressional district since, at your suggestion, we are aiming at a balance between representatives and senators, Liberals and Conservatives. Should you prefer other legislators, we can, of course, revise the list accordingly.

To provide an exact balance, it was necessary to make one of the members at large a legislator. We are suggesting 3 members at large to make the total number uneven; and thought an administrative official might be a good choice for second member. Gov. Freeman seemed interested in the name of Ralph Fjelstad as chairman; discreet inquiries confirm the opinion that he would be most excellent.

There were some districts where we were hard put to think of people. For example, we know Duluth should be represented - but by whom - and there are a few gaps in districts 7 and 8. In these and in the others, you can probably improve on our suggestions. Please do so.

We are available for consultation and further suggestions at any time you mention.

Sincerely yours,

Mrs. Stanley Kane

September 17, 1957

SUGGESTIONS FOR REAPPORTIONMENT COMMISSION
(League of Women Voters of Minnesota)

Chairman: Ralph Fjæstad
Asst chairmen: Arthur Gillen
Bernay Allen

District I

Rep. Searle
Albert Marshall
or Mrs. John Grindlay

Waseca County
Red Wing
Rochester

Cons.
Editor
Former League State Board
member; Republican Chair-
woman, Olmsted County

District II

Sen. Frans
Robert Sheran
or Walter Mikelson

Jackson Co.
Mankato
New Ulm

Cons.
Former leg., Lawyer
Editor

District III

Rep. Bergerud
Mrs. Stanley Kane
or Mrs. Russell Lund

Hennepin
Golden Valley
Edina

Cons.

District IV

Sen. Schulz
Frank Farrell

Ramsey

Liberal
Lawyer (law suit - very
knowledgeable on all
aspects)

District V

Sen. Fraser
Bob Hess
or St. Clair Beeman

Hennepin

Liberal
CIO

District VI

Sen. Rosenmeier
Mrs. Bert Easton
or Bob Zumwinkle

Morrison Co.
St. Cloud

Cons.
Republican Workshop leader
on college staff

District VII

Rep. Iverson
Howard Rundquist
or Judge Lee

Grant Co.

Granite Falls

Liberal
Farmer Leg. - Parole Board

District VIII

Rep. Chilgren or Gina

Liberal

District IX

Rep. Langen
John C. Sims

Kittson Co.
E. Grand Forks

Cons.
Editor

27 Member Committee named by Gov. Freeman to recommend a program for achieving what he termed "long overdue" reapportionment of the Minnesota legislature. Reported Minneapolis Star, Dec. 27, 1957

Mrs. Stanley Kane, Golden Valley, and Mr. Philip Duff, Red Wing - Co-Chairmen

9 lay persons

Asher N. Christensen, University of Minnesota, Roseville
Raymond D. Black, Minneapolis,
Edwin Christensen, St. Paul, president of the Farmers Union
Clarence W. Myers, Blue Earth, president of Minnesota Farm Bureau Federation
William B. Pearson, Ogilvie, master of Minnesota Grange
Miss Eleanor Salisbury, Minneapolis, treasurer of League of Women Voters of Minnesota
Neil C. Sherburne, St. Paul, secretary of Minnesota AFL-CIO

9 Senators

Albert H. Quie, Bemis - later replaced by Sen. Harold S. Nelson, of Oatonna
W. J. Franz, Mountain Lake
Donald Fraser, Minneapolis
Arthur Gillen, South St. Paul
Harold Kalina, Minneapolis
C. C. Mitchell, Princeton
Harold W. Schuchts, St. Paul
Donald Sinclair, Stephen
John W. Zwach, Walnut Grove

9 Representatives

E. J. Children, Littlefork
Dewey Reed, St. Cloud
Harold J. Anderson, Minneapolis
Alfred Bergerud, Edina
B. J. Bergeson, Twin Valley
Carl M. Ivarson, Ashby
Joe Karthy, St. Paul - later replaced by Sally Luther, Minneapolis
Rod Searle, Waseca
Lawrence Yetka, Cloquet

CENTENNIAL ESSAY CONTEST

OUR MINNESOTA CONSTITUTION - ITS FIRST HUNDRED YEARS

The League of Women Voters of Minnesota is sponsoring an Essay Contest to encourage students at the high school level to acquaint themselves with the Minnesota Constitution.

1ST PRIZE

30 VOLUME SET OF THE ENCYCLOPEDIA AMERICANA, new 1957 edition. Approved by the American Library Association and used by government agencies and leading universities in America.

2ND, 3RD AND 4TH PRIZE

Day at the State Capitol, including a personal tour, a chat with the Governor and participation in Minnesota Centennial events. This all expense paid visit is offered to all four winners.

SUGGESTED TOPICS

1. Should there be a Convention to revise Minnesota's Constitution?
Reasons for or against revision. Suggested methods of revision. Advantages of the amendment process and of the convention process. Experiences in other states.
2. Minnesota's Only Constitutional Convention
Its historical background. What were the peculiar circumstances of the Convention? Do any present day problems stem from that haste and confusion?
3. Compare Minnesota's Constitution with the Federal Constitution
How do the documents compare in length, clarity, frequency of amendments and practical enforcements? Compare the way the two were written.
4. Amending the Minnesota Constitution
History of and changes in amending process. What does an amendment cost? Is extensive revision by amendment practical?
5. Reapportionment, Good or Evil?
What is its purpose? When was it last accomplished? What are some of the things wrong with our present system? How does Minnesota compare with other states?

CONTEST RULES

1. Contest opens March 1, 1958 and closes at twelve noon, April 12, 1958. All papers must be in the office of the League of Women Voters of Minnesota (address above) by the closing date in order to be considered.
2. Only Minnesota high school students (grade 9 through 12) will be eligible to enter.
3. The completed essay is not to exceed 1,500 words. Use one side of the paper, write legibly or typewrite, double-space.
4. The full name of the contestant, grade, age, address, telephone number, name of high school must be written in upper left hand corner. Fasten all pages securely.
5. No papers will be returned and the decision of the judges will be final.

Suggested Bibliography - Report of Constitutional Commission of Minnesota, 1947; Constitution of Minnesota, Legislative Manual (available from your legislator); A History of the Constitution of Minnesota, Anderson and Lobb, U of Minn. Press, 1921 -- ask at your library for these. A 25¢ packet of League material - available from your local League, or League of Women Voters of Minnesota, address above.

minnesota's future is in your hands

LEAGUE OF WOMEN VOTERS OF MINNESOTA

15th and Washington Avenue S.E. Minneapolis 14, Minnesota

Federal 8-8791

January 15, 1958

Dear Sir:

That time is here. Once again the League of Women Voters of Minnesota is sponsoring an essay contest to encourage students at the high school level (grades 9 through 12) to acquaint themselves with the Constitution of Minnesota. The contest opens March 1, 1958 and will close April 12.

With Minnesota looking forward eagerly to its second hundred years, it seems most important that the future citizens have a clear understanding of the constitution upon which this state was built so that they will be better able to plan for the future.

Please forward the enclosed contest information to your teachers and students. Additional copies of Contest rules are available on request. Will you let us know the approximate number of entrants?

Sincerely,

Dorothy Anderson

Mrs. O. H. Anderson
President



Affiliated with the
League of Women Voters of the U.S.

G.R. Allen

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

Civil No. 2981.

10 July 1958

DANIEL B. MACRAW, JOHN O. ERICKSON,
RUTH H. O'DELL, ARTHUR R. SWAN,
Plaintiffs,

vs.

JOSEPH L. DONOVAN, Secretary of State
of the State of Minnesota; WALTER H. BORGES, Auditor of St. Louis County, Minnesota; ROBERT F. FITZSIMMONS, Auditor of Hennepin County, Minnesota; EUGENE A. MONICK, Auditor of Ramsey County, Minnesota; FRANCES L. UNDERLEAK, Auditor of Olmstead County, Minnesota, individually as auditors of their respective counties and representatives of all County Auditors of the State of Minnesota,

Defendants,

and

COUNTY OF HOUSTON, COUNTY OF GRANT,
COUNTY OF OTTER TAIL; and DOLORES HAUGE,
Auditor of County of Houston, G. J. LYNN,
Auditor of County of Grant, and S. B. JOHNSON, Auditor of County of Otter Tail,

Intervening Defendants.

ORDER DEFERRING
FINAL DECISION.

Frank S. Farrell and William C. Meier, Jr., St. Paul, Minn., for plaintiffs.
Reginald Ames, William A. Bierman, O. H. Godfrey, Jr., William B. Randall,
Joseph A. Rheinberger, John G. Robertson, St. Paul, Minn., of counsel.

Stanley D. Kane and Neal D. Peterson, Minneapolis, Minn., for Minnesota
State League of Women Voters, amicus curiae.

Marshman S. Wattson, Minneapolis, Minn., and Patrick J. Foley, Kasson,
Minn., for Minnesota Branch, American Civil Liberties Union, amicus curiae.

Miles Lord, Attorney General, and Harold J. Soderberg, Assistant Attorney
General, St. Paul, Minn., for defendant Joseph L. Donovan, Secretary of State.

Thomas J. Nagler, County Attorney, Duluth, Minn., for defendant Walter H.
Borges, Auditor, St. Louis County.

George H. Scott, County Attorney, Minneapolis, Minn., for defendant Robert
F. Fitzsimmons, Auditor, Hennepin County.

James F. Lynch, County Attorney, and Robert G. Flynn, Assistant County
Attorney, St. Paul, Minn., for defendant Eugene A. Monick, Auditor, Ramsey
County.

L. L. Roerkohl, County Attorney, Caledonia, Minn., for defendants Houston
County and Dolores Hauge, Auditor.

I. L. Swanson, County Attorney, Elbow Lake, Minn., for defendants Grant
County and G. J. Lynne, Auditor.

Owen V. Thompson, County Attorney, Fergus Falls, Minn., for defendants
Otter Tail County and S. B. Johnson, Auditor.

Before SANBORN, Circuit Judge, and BELL and DEVITT, District Judges.

PER CURIAM.

The plaintiffs, citizens and voters of the state of Minnesota and residents of several of the more densely populated areas of that state, principally the urban sections, bring this action asking that the 1913 Minnesota Legislative Redistricting Act (Chapter 91, Minn. Laws 1913; Minn. Stat. 1953, § 2.02 et seq.; M.S.A. § 2.02 et seq.) be declared invalid and that the Secretary of State and County Auditors be enjoined from operating the election machinery at future elections under that law.

Plaintiffs contend that, by virtue of the substantial increase in population and major shifts of it within the state since 1913, there is now gross inequality in the population of the legislative districts. It is stated that the Minnesota State Legislature refuses to reapportion the state as is required by the Minnesota Constitution, Articles 4, Sections 2 and 23. Plaintiffs argue that this unequal representation deprives them of rights guaranteed by the Fourteenth Amendment to the Constitution of the United States and that the Redistricting (reapportionment) Act of 1913 is now unconstitutional. This action is brought under the Civil Rights Act, 42 U.S.C.A. § 1983 et seq. The plaintiffs are seeking a judicial remedy for a legislative wrong.¹

By order of the District Court, Grant, Houston and Otter Tail Counties and their respective County Auditors were permitted to intervene as additional defendants. These are less populous rural counties. It appears that the strength of their legislative representation has been enhanced by the recent population shifts to urban areas of the state. These intervening defendants moved to dismiss the action on the ground that the Court had no jurisdiction. The Court denied that motion. 159 F. Supp. 901.

This three-judge court was convened by authority of 28 U.S.C.A. § 2281, and took evidence and heard arguments. Briefs have been filed.

¹Their prayer for relief reads as follows:

"WHEREFORE, Plaintiffs respectfully pray that your Honorable Court take jurisdiction of this matter; that a special three-judge court be called to hear and determine this action as by law provided in 62 Stat. L. 968, 28 U.S.C. Sec. 2281, et seq. and declare the rights of the plaintiffs pursuant to 68 Stat. L. 890, 28 U.S.C. Sec. 2201 in the premises to-wit:

"A. That the present legislative apportionment of the State of Minnesota has deprived and continues to deprive the plaintiffs of liberty and property without due process of law and has denied and continues to deny the plaintiffs equal protection of the laws in violation of the Fourteenth Amendment of the Constitution of the United States.

"B. That the Minnesota Stat. 1953 Secs. 2.03 through 2.70 inclusive, is void and invalid as being contrary to the Fourteenth Amendment of the Constitution of the United States, and the Constitution of the State of Minnesota because of the failure to reapportion the legislative districts of the State of Minnesota in accordance with present population distribution as herein alleged.

"C. That the right of the plaintiffs to vote as guaranteed by Article I, Section 2 and Article VII, Section 1 of the Constitution of the State of Minnesota has been impaired.

"AND plaintiffs further particularly pray that after hearing of this action, the court grant further relief in accordance with 62 Stat. L. 964, 28 U.S.C. Sec. 2202 as follows:

"A. To restrain the defendants from furnishing forms for nominations, from receiving nomination petitions and papers, from certification of nominations or elections, and from any other acts necessary to the holding of elections for members of the Minnesota Legislature in districts as established by Minnesota Stat. 1953 Secs. 2.03 through 2.70 inclusive, until such time as the said Legislature enacts legislation reapportioning the state senatorial and representative districts according to the Constitution of the State of Minnesota.

"B. To direct the defendants to declare the next primary and general elections for members of the Minnesota Legislature on an at-large basis, and to direct them to take whatever further action is necessary to insure that all candidates for election to the 1959 session of the Minnesota Legislature run at-large throughout the entire state on the following basis: the sixty-seven candidates for the State Senate receiving the highest number of votes shall be declared elected to the State Senate; the one hundred and thirty-one candidates for the House of Representatives receiving the highest number of votes shall be declared elected to the House of Representatives; said method of election to continue until such time as the said Legislature enacts legislation reapportioning the State senatorial and representative districts according to the Constitution of the State of Minnesota.

"C. For such other and further relief as may seem just, equitable and proper."

It was made to appear at the hearing, and is virtually a matter of common knowledge, that there is substantial, and in some instances gross, population inequality among the 67 Minnesota Legislative Districts. There have been 8 legislative apportionments in the history of Minnesota, in the years 1857, 1860, 1866, 1871, 1881, 1889, 1897 and 1913. The 1913 reapportionment was made upon the basis of the 1910 census. During the period between 1910 and 1950, the population of Minnesota increased from 2,075,708 to 2,982,483, or 43.7 per cent. Population growth throughout the state during that period has been distributed unevenly. Some counties have gained population. Anoka County, for instance, has gained 184.8 per cent. Other counties have lost population. Generally, urban and suburban counties have shown the largest increase.

As an example of the discrimination as between legislative districts in the state, it was made to appear that the smallest Senate district, the Third, consisting of Wabasha County, had a population of 16,878, whereas the largest Senate district, the Thirty-sixth, Hennepin County, had a population of 153,455 — both according to the 1950 census. Each Senate district is represented by one Senator. Similar, but not as marked, discrepancies appear in many of the other Senate districts.

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The voluminous statistics set out in the pleadings and shown by the evidence were supplemented by the testimony of Representative Alfred J. Otto of the Fortieth District, and Alf Bergerud of the Thirty-sixth District South, and by the testimony of William Anderson, Professor Emeritus of Political Science at the University of Minnesota, and Dr. John A. Bond, Professor at the North Dakota State Agricultural College, Fargo, and the author of a treatise on legislative reapportionment in Minnesota. Professor

Bond testified that only 4 of Minnesota's 87 counties are equitably represented in the State Legislature, assuming a 15% variation from the norm.

From all of the evidence, it is obvious that substantial inequality exists in the present composition of Minnesota legislative districts. The Minnesota Supreme Court has held that the 1913 reapportionment law, valid when enacted (see State ex rel. Weighen v. Weatherill, (1914) 125 Minn.336, 147 N.W. 105), was not made invalid by subsequent population changes, and that it would continue in effect until superseded by a valid reapportionment act. Smith v. Holm, 220 Minn. 486, 19 N.W. 2d 914. It is to be noted that the Smith case was decided in 1945, and no question of equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States was presented or considered.

This Court has jurisdiction of this action because of the federal constitutional issue asserted. We think, however, that no attempt should be made to decide the issues presented and argued until after the Legislature of the State of Minnesota has once more had an opportunity to deal with this problem, which is of vital concern to the people of the state.

The federal courts are disinclined to rule on matters peculiarly and primarily of state concern. A healthy respect for the division of powers between the central government and the states is conducive to harmonious and effective government on all levels. We must have a "scrupulous regard for the rightful independence of the state governments," and should refrain from acting where proper recourse may be had to a branch or tribunal of the state government. See Railroad Commission of Texas v. Pullman Co., 312 U.S. 496, 500-501; Chicago v. Fieldcrest Dairies, Inc., 316 U.S. 168, 172-173; Spector Motor Co. v. McLaughlin, 323 U.S. 101, 103-105; Albertson v. Millard, 345 U.S. 242, 244-245; Green v. Phillips Petroleum Co., 8 Cir., 119 F. 2d 466; Romero v. Weakley, D.C. S.D. Calif., 131 F. Supp. 818, 832. "The history of equity jurisdiction is the history of regard for public consequences in employing the extraordinary remedy of the injunction." Railroad Commission of Texas v. Pullman Co., *supra*, page 500 of 312 U.S.

Here it is the unmistakable duty of the State Legislature to reapportion itself periodically in accordance with recent population changes. Minnesota

Constitution, Article 4, Sections 2 and 23; Smith v. Holm, *supra*, page 490 of 220 Minn.; State ex rel. Meighen v. Weatherill, *supra*, page 341 of 125 Minn.

Early in January 1959 the 61st Session of the Minnesota Legislature will convene, all of the members of which will be newly elected on November 4th of this year. The facts which have been presented to us will be available to them. It is not to be presumed that the Legislature will refuse to take such action as is necessary to comply with its duty under the State Constitution. We defer decision on all the issues presented (including that of the power of this Court to grant relief), in order to afford the Legislature full opportunity to "heed the constitutional mandate to redistrict." Smith v. Holm, *supra*, page 490 of 220 Minn.

It seems to us that if there is to be a judicial disruption of the present legislative apportionment or of the method or machinery for electing members of the State Legislature, it should not take place unless and until it can be shown that the Legislature meeting in January 1959 has advisedly and deliberately failed and refused to perform its constitutional duty to redistrict the State.

The Court retains jurisdiction of this case. Following adjournment of the 61st Session of the Minnesota Legislature, the parties may, within 60 days thereafter, petition the Court for such action as they, or any of them, may deem appropriate.

Dated July 10, 1958.

JOHN B. SANBORN

United States Circuit Judge.

ROBERT C. BELL

United States District Judge.

EDWARD J. DEVITT

United States District Judge.

Constitutional Convention, State C.R.'s, and the three Amendments - Mrs. Green

A very important influence on our Constitutional Convention efforts this year will be the Bipartisan Committee and the Public Relations Society.

Reapportionment has the following problems that the League will have to think about and decide on before the next legislative session:

- 1) Frozen or semi-frozen districts; 2) Strict population guarantees; 3) Use of census tracts in metropolitan areas; and
- 4) Reinforcement provisions
 - a) Legislature having first chance to reapportion,
 - b) Special session to reapportion,
 - c) Bipartisan commission or a committee of administrative officials or a committee of Senior District Judges.

Discussion followed presentation of Item 4 and a show of hands was called for, to determine if the League is ready to support this. The show of hands was almost unanimous indicating support for this will be strong in the League. There is more publicity now than ever on Reapportionment because of the Bipartisan Committee, the Federal Court suit, and the Governor's Committee on Reapportionment. *The committee plans companion folders on Reap. Const. Conv. to match the folders on P.D. - accompanied by fact sheets for each.*
Mrs. Green discussed the three Amendments to be on the ballot and explained the League's position in supporting the first amendment on Home Rule and the second amendment on increasing the terms of certain state offices to four years and also the League's position of neither supporting nor opposing the third amendment permitting a legislator to be elected to another office providing he resigns his legislative office when he assumes the new office.

Mrs. Wm. Graham, Jr., of Bloomington reported on the panels on Party Designation at the area conferences.

LEAGUE OF WOMEN VOTERS OF MINNESOTA
15th and Washington Avenues S. E., Minneapolis 14, Minnesota FE 8-8791

M
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DATE: July 8, 1958

TO: National Office

FROM: Grace Wilson, Secretary

SUBJECT REAPPORTIONMENT MATERIAL, you requested June 30, 1958 ---included

The materials we have which would interest you, I think, are:

Democracy Denied, 25¢, have for sale

Will an Area Amendment Settle Reapportionment, 45¢, for sale

Tips for Discussion Reapportionment, to go with above, free

Legislative Report,, 50¢, have for sale

Carbon Copy to A.Green.....Is this answer sufficient, do you think? If not,
suggest what else you would send.....

6

League of Women Voters
of the United States

JUL 2 1958
Minnesota -
Memorandum

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

TO: State League Presidents
FROM: National Office
RE: Interchange of Materials on Reapportionment and Redistricting

As the result of requests at Convention the national office will attempt to facilitate the interchange of information among state Leagues which have worked or are about to begin work in the field of Reapportionment and Redistricting. In order to do this we are asking the help of those Leagues which have Agenda items or Continuing Responsibilities on this subject or which have been in the field of Constitutional Revision and so might have gathered some useful information on Reapportionment, etc.

Please send us a copy of each publication you have produced (mimeographed or printed), whether substantive, how to present to membership (such as unit outlines) or public, flyers, etc. Note beside each item whether it is still available to be purchased and price. If no longer in quantity sufficient for sale would you be willing to lend to other state Leagues? If a bibliography of non-League material is not included in your publications, please list such sources, checking those you found most useful. An historical description of your activities with any "words of wisdom" to others would also be welcome. From all of this material we hope to prepare a descriptive list sufficiently informative to be stimulating and help newcomers in the field benefit by the experience of veterans.

Thank you very much for your cooperation. If this device proves of real value perhaps we can be of assistance in other fields which are most frequently on state Current Agendas.

Green?

add note to Circ mail

✓ Reap-natl
June 30, 1958
file

LEAGUE OF WOMEN VOTERS OF MINNESOTA
15th and Washington Avenues S. E., Minneapolis 14, Minnesota FE 8-8791

M
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M
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DATE: Oct. 30, 1958

TO: National Office

FROM: Roberta Williams, Secretary

SUBJECT REAPPORTIONMENT SUIT

Enclosed for your information are three copies of the decision in the
Federal Court Case in Minnesota on Reapportionment.

LEAGUE OF WOMEN VOTERS OF MINNESOTA
15th and Washington Avenues S.E., Minneapolis 14, Minnesota FE 8-8791

M
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DATE: September 8, 1958
TO: Anne Green
FROM: Grace
SUBJECT: Reapportionment Suit decision

This is our one and only copy Anne, don't know whether you had a chance to see it last Thursday. Should copies of all, or any part of it, be made for any purpose? You can let us know, and return it to us.

July 18, 1958, was a red-letter day for the League of Women Voters of Minn. for it was on that day that the long and eagerly awaited decision in the suit to force Reapportionment-in the Federal Courts, was handed down. In this suit, the Plaintiffs contended " that the present legislative apportionment has deprived-and continues to deprive-the plaintiffs of liberty and property without due process of law, and has denied and continues to deny, the plaintiffs equal protection of the laws in violation of the Fourteenth Amendment of the Constitution of the United States ". ~~After stating-~~

Our position on what has been on of our most bitterly opposed program items has now been clearly vindicated; our contention that it is the moral obligation of the Legislature to reapportion itself-has now been made the subject of this legal opinion;

After stating that the Federal Court has jurisdiction of this action, the opinion goes on to say:

Here it is the unmistakable duty of the State Legislature to reapportion itself periodically in accordance with recent population changes. Early in January, 1959, the 61st Session of the Minnesota Legislature will convene, all of the members of which will be newly elected on November 4th of this year. The facts which have been presented to us will be available to them. It is not to be presumed that the Legislature will refuse to take such action as is necessary to comply with its duty under the State Constitution. We defer decision on all the issues presented(including that of this Court to grant relief) in order to afford the Legislature full opportunity to ' heed the constitutional mandate to redistrict' ".

The opinion continues:

It seems to us that if there is to be judicial disruption of the present legislative apportionment or of the method or machinery for electing members of the State Legislature, it should not take place unless and until it can be shown that the Legislature meeting in January 1959, has advisedly and deliberately failed and refused to perform its constitutional duty to redistrict the state.

The Court retains jurisdiction of this case. Following adjournment of the 61st Session of the Minnesota Legislature, the parties may within 60 days thereafter, petition the Court for such action as they, or any of them, may deem appropriate."

The League of Women Voters of Minnesota applauds the decision of these distinguished judges--we applaud their restraint in deferring final action until the 61st Legislature shall have had yet another opportunity to act-- We are proud to have been one of the 'friends of the court' in this action--and we now look hopefully to 1959-and the 61st Legislative Session.

LWV files - see particularly pages 5-6 for possible use in August President's letter.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

JUL 18 1958

Civil No. 2981.

DANIEL B. MACRAW, JOHN O. ERICKSON,
RUTH H. O'DELL, ARTHUR R. SWAN,
Plaintiffs,

vs.

JOSEPH L. DONOVAN, Secretary of State of the State of Minnesota; WALTER H. BORDEN, Auditor of St. Louis County, Minnesota; ROBERT F. FITZSIMMONS, Auditor of Hennepin County, Minnesota; EUGENE A. MONICK, Auditor of Ramsey County, Minnesota, FRANCES L. UNDERLEAK, Auditor of Olmstead County, Minnesota, individually as auditors of their respective counties and representatives of all County Auditors of the State of Minnesota,
Defendants,

ORDER DEFERRING
FINAL DECISION.

and

COUNTY OF HOUSTON, COUNTY OF GRANT, COUNTY OF OTTER TAIL; and DELORES HAUGE, Auditor of County of Houston, G. J. LYNNE, Auditor of County of Grant, and S. B. JOHNSON, Auditor of County of Otter Tail,

Intervening Defendants.

Frank S. Farrell and William C. Meier, Jr., St. Paul, Minn., for plaintiffs. Reginald Ames, William A. Bierman, O. H. Godfrey, Jr., William B. Randall, Joseph A. Rheinberger, John G. Robertson, St. Paul, Minn., of counsel.

Stanley D. Kane and Neal D. Peterson, Minneapolis, Minn., for Minnesota State League of Women Voters, amicus curiae.

Marshman S. Wattson, Minneapolis, Minn., and Patrick J. Foley, Kasson, Minn., for Minnesota Branch, American Civil Liberties Union, amicus curiae.

Miles Lord, Attorney General, and Harold J. Soderberg, Assistant Attorney General, St. Paul, Minn., for defendant Joseph L. Donovan, Secretary of State.

Thomas J. Naylor, County Attorney, Duluth, Minn., for defendant Walter H. Borden, Auditor, St. Louis County.

George M. Scott, County Attorney, Minneapolis, Minn., for defendant Robert F. Fitzsimmons, Auditor, Hennepin County.

James F. Lynch, County Attorney, and Robert G. Flynn, Assistant County Attorney, St. Paul, Minn., for defendant Eugene A. Monick, Auditor, Ramsey County.

L. L. Roerickohl, County Attorney, Caledonia, Minn., for defendants Houston County and Delores Hauge, Auditor.

I. L. Swanson, County Attorney, Elbow Lake, Minn., for defendants Grant County and G. J. Lynne, Auditor.

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Before SANBORN, Circuit Judge, and BELL and DEVITT, District Judges.

PER CURIAM.

The plaintiffs, citizens and voters of the state of Minnesota and residents of several of the more densely populated areas of that state, principally the urban sections, bring this action asking that the 1913 Minnesota Legislative Redistricting Act (Chapter 91, Minn. Laws 1913; Minn. Stat. 1953, § 2.02 et seq.; M.S.A. § 2.02 et seq.) be declared invalid and that the Secretary of State and County Auditors be enjoined from operating the election machinery at future elections under that law.

Plaintiffs contend that, by virtue of the substantial increase in population and major shifts of it within the state since 1913, there is now gross inequality in the population of the legislative districts. It is stated that the Minnesota State Legislature refuses to reapportion the state as is required by the Minnesota Constitution, Article 4, Sections 2 and 23. Plaintiffs argue that this unequal representation deprives them of rights guaranteed by the Fourteenth Amendment to the Constitution of the United States and that the Redistricting (reapportionment) Act of 1913 is now unconstitutional. This action is brought under the Civil Rights Act, 42 U.S.C.A. § 1983 et seq. The plaintiffs are seeking a judicial remedy for a legislative wrong.¹

¹Their prayer for relief reads as follows:

"WHEREFORE, Plaintiffs respectfully pray that your Honorable Court take jurisdiction of this matter; that a special three-judge court be called to hear and determine this action as by law provided in 62 Stat. L. 968, 28 U.S.C. Sec. 2281, et seq. and declare the rights of the plaintiffs pursuant to 68 Stat. L. 890, 28 U.S.C. Sec. 2201 in the premises to-wit:

"A. That the present legislative apportionment of the State of Minnesota has deprived and continues to deprive the plaintiffs of liberty and property without due process of law and has denied and continues to deny the plaintiffs equal protection of the laws in violation of the Fourteenth Amendment of the Constitution of the United States.

"B. That the Minnesota St. 1953 Secs. 2.03 through 2.70 inclusive, is void and invalid as being contrary to the Fourteenth Amendment of the Constitution of the United States, and the Constitution of the State of Minnesota because of the failure to reapportion the legislative districts of the State of Minnesota in accordance with

present population distribution as herein alleged.

"C. That the right of the plaintiffs to vote as guaranteed by Article I, Section 2 and Article VII, Section 1 of the Constitution of the State of Minnesota has been impaired.

"AND plaintiffs further particularly pray that after hearing of this action, the court grant further relief in accordance with 62 Stat. L. 964, 28 U. S. C. Sec. 2202 as follows:

"A. To restrain the defendants from furnishing forms for nominations, from receiving nomination petitions and papers, from certification of nominations or elections, and from any other acts necessary to the holding of elections for members of the Minnesota Legislature in districts as established by Minnesota Stat. 1953 Secs. 2.05 through 2.70 inclusive, until such time as the said Legislature enacts legislation reapportioning the state senatorial and representative districts according to the Constitution of the State of Minnesota.

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have gained population. Anoka County, for instance, has gained 184.8 per cent. Other counties have lost population. Generally, urban and suburban counties have shown the largest increase.

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" Here it is the unmistakable duty of the State Legislature to reapportion itself periodically in accordance with recent population changes. Minnesota Constitution, Article 4, Sections 2 and 23; Smith v. Holm, *supra*, page 490 of 220 Minn.; State ex rel. Weighen v. Weatherill, *supra*, page 341 of 125 Minn. Early in January 1959 the 61st Session of the Minnesota Legislature will convene, all of the members of which will be newly elected on November 4th of this year. The facts which have been presented to us will be available to them. It is not to be presumed that the Legislature will refuse to take such action as is necessary to comply with its duty under the State Constitution. We defer decision on all the issues presented (including that of the power of this Court to grant relief), in order to afford the Legislature full opportunity to "heed the constitutional mandate to redistrict." Smith v. Holm, *supra*, page 490 of 220 Minn.

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Dated July 10, 1958.

JOHN B. SANBORN

United States Circuit Judge.

ROBERT C. BELL

United States District Judge.

EDWARD J. DEVITT

United States District Judge.

MINNESOTA HAS SOME RURAL LEGISLATORS WHO CLAIM THAT REAPPORTIONMENT WOULD CAUSE
URBAN CONTROL OVER RURAL PEOPLE

Total population of the five-county area containing Minneapolis and St. Paul is only 39% of population (1950 census). Yet even if in the next 50 years, urban areas should gain control, there is little need for fear. Studies have shown that in the few states where the cities control the legislature under a true population apportionment, there is no evidence that rural interests have suffered.

Cities seldom vote as a bloc. More often, conservative suburban legislators vote with conservative rural legislators, and liberals with liberals.

MINNESOTA CITIZENS SHOULD BE GUARANTEED PARTICIPATION ON AN EQUAL BASIS
IN THE AFFAIRS OF THE STATE

MINNESOTA'S REAPPORTIONMENT PROBLEMS CAN BE SOLVED IN TWO WAYS

1. A statute under our present constitution is needed for an immediate, though temporary, solution to an urgent situation. Legislative districts with severe under-representation must be granted relief and an adequate voice in the government given to all areas in the state.
2. A constitutional amendment is needed for a permanent solution that will enforce periodic reapportionment and perhaps include a fair area consideration in one house of the legislature.

MINNESOTA NEEDS BOTH A STATUTE AND AN AMENDMENT TO ACHIEVE FAIR REAPPORTIONMENT

MINNESOTA VOTERS

DO YOU KNOW WHETHER YOU ARE FAIRLY REPRESENTED IN OUR STATE LEGISLATURE?

If you are under-represented, let your legislators know you favor reapportionment.

If you are over-represented, consider whether it is fair that you have a vote several times stronger than someone in another district. Let your legislators know you favor reapportionment.

FIND OUT if you have your fair share of representation. Write for "Democracy Denied" (25¢) available from...THE LEAGUE OF WOMEN VOTERS OF MINNESOTA, 15th and Washington Avenues S. E., Minneapolis 14, Minnesota.

Pub. #093058

2 for 5¢

September 1958

MINNESOTA NEEDS
LEGISLATIVE
REAPPORTIONMENT

MINNESOTA CITIZENS ARE NOT BEING GRANTED A FAIR AND EQUAL VOICE
IN THEIR STATE GOVERNMENT

Rapid, uneven population growth of many sections of the state has made the need for reapportionment urgent. Look at the contrast between a House district in St. Paul with only 7,290 people, and a rural Hennepin district with a population of 107,246. Each has one representative. Or consider the Olmsted County representative who speaks for 48,228 people, while the legislator in neighboring Dodge County represents only 12,624 people.

MINNESOTA HAS A LEGISLATURE IN WHICH OVER 50% OF THE LEGISLATORS
ARE CHOSEN BY LESS THAN 35% OF THE PEOPLE

MINNESOTA LEGISLATORS HAVE NOT REAPPORTIONED SINCE 1913, EVEN THOUGH
THE CONSTITUTION PROVIDES FOR REAPPORTIONMENT EVERY 10 YEARS

Article IV, Section 2, provides for redistricting after each federal census on the basis of equal numbers of people. No method of enforcement is written into the constitution.

The present apportionment is based on the 1910 census, and only four out of 87 counties have their rightful share of representation in both houses of the state legislature.

MINNESOTA RANKS SECOND ONLY TO ALABAMA IN FAILURE TO REAPPORTION
AS THE CONSTITUTION REQUIRES

MINNESOTA'S PRESENT APPORTIONMENT LAW HAS BEEN DECLARED UNFAIR
BY FEDERAL COURT DECISION

The right of the equal vote under the 14th amendment to the United States Constitution is being denied by the 1913 Minnesota Law.

The three Federal Court Judges' ruling indicates that if the 1959 legislature fails to perform its constitutional duty to redistrict the state, the Federal Court will have to take action.

MINNESOTA'S LEGISLATURE IS BEING GIVEN ONE MORE CHANCE TO REAPPORTION

MINNESOTA CITIZENS LIVING IN HEAVILY POPULATED SECTIONS ARE JUSTIFIED IN RAISING THE CRY
"TAXATION WITHOUT REPRESENTATION"

Voting discrimination based on geography is just as bad as that based on race,
color or creed.

MINNESOTA LEGISLATORS ARE DENYING THE DEMOCRATIC PRINCIPLES OF TRULY
REPRESENTATIVE GOVERNMENT

What every Leaguer should know about....

REAPPORTIONMENT

THE THREE ROADS TO REAPPORTIONMENT

1. A constitutional convention could rewrite the reapportionment article. However, at the State Council in 1954, the League decided that more immediate legislative action was needed.
2. A constitutional amendment could be submitted to the people which would
 - (a) change the present basis to give some consideration to area, and (b) include provisions which would guarantee future reapportionment.
 - (a) An "area" amendment received League of Women Voters sanction in 1954 as a long-range solution to the rural-urban split. We agreed that the urban centers could receive somewhat less than full population representation because of cohesiveness and closeness to the capitol. In the 1955 session the League of Women Voters testified for an area compromise amendment, but could not support the Iverson-Jenson amendment because of its several differences with our standards of fair and enforceable. In 1957 and 1958 we have studied more closely the specific methods of putting area into our reapportionment provisions.
 - (b) The re-inforcement provision most likely to be considered at the next legislative session is one which calls for a special session for reapportioning if the legislature fails in its duty after each Federal census, followed by administrative or judicial commission action if the special session cannot agree. At the 1958 Council, the LNW accepted this re-inforcement principle.
3. A statute could be passed by any session of the legislature to carry out the present provision. In 1954 the LNW decided that while it would support fair changes in the Constitution by amendment or convention, it must continue to support the statutory approach until the Constitution is changed and because reapportionment is long overdue. Accordingly, in both the 1955 and 1957 sessions, the LNW advocated passage of the "Bergerud Bill" as a fair, workable, and realistic reapportionment law. The recent Federal Court decision vindicates the League position and calls for the 1959 session to carry out its constitutional duty to reapportion.

For more detail see "Will An Area Amendment Settle Reapportionment?" LNW 1957.

WHERE DOES MINNESOTA STAND IN THE NATIONAL PICTURE?

The majority of states have taken action on reapportionment.

25	states	have	reapportioned	since	1950
9	"	"	"	"	1940
5	"	"	"	"	1930
3	"	"	"	"	1920
2	"	"	"	"	1910 - this includes Minnesota

Recently Illinois, Michigan, South Dakota and Wisconsin have reapportioned.

THE REAPPORTIONMENT DEBATE

CON

Reapportionment would disrupt present districts and unseat capable, well-thought-of legislators.

The cities would control the legislature if population reapportionment took place now.

The whole problem would be solved if Hennepin and Ramsey would do some re-districting within their boundaries.

Labor interests will dominate the legislature if the cities get more representation.

Under-representation of city voters is compensated for by their closeness to their legislators and the capitol.

PRO

Federal Court quote: "It is the unmistakable duty of the State Legislature to reapportion itself periodically in accordance with recent population changes."

The 5-county area including Minneapolis and St. Paul have only 39% of the State's population. If the legislature had been reapportioned on the basis of the 1950 Census, Minneapolis and St. Paul would elect 28% of the legislators. Hennepin and Ramsey would elect 34%, Duluth 3%; other areas would control 62% of the Legislature.

A quick look at population figures shows that inequalities are state-wide. One example: Otter Tail County - 51,320 people and 4 rep. Olmsted County - 48,223 people and 1 rep.

In suburban areas, which have the most to gain from reapportionment, labor is not a dominant factor. In Illinois, it was found that suburban representatives rarely voted with downtown Chicago. In Massachusetts, studies show that even with the majority of the legislature coming from the metropolitan center, rural interests have not suffered. The President's Commission on Intergovernmental Relations said in 1954 that rural-dominated legislatures, unsympathetic to urban and suburban problems, have forced these areas to deal directly with the Federal government in such fields as housing, urban development, and air and defense facilities. The result has been to weaken the state's proper control over its own policies. Which is worse - rule by the majority to the possible detriment of the minority, or the present minority rule to the proven disadvantage of the majority?

This may be true to some extent, but city people probably have less contact with their representatives than do rural people. It is easier to know and talk with a man in a district with only 16,000 people, than it is in a district with over 100,000. A legislator is as near as the nearest mail box.

CONCLUSION: The question is not now "whether to" but "how to" - how to protect the democratic principle of the equal vote and assure all sections of the state an adequate voice in the government. The Governor's Committee on Legislative Apportionment and the next Legislature may come up with an answer if the League of Women Voters and other interested citizens make themselves heard.

INGREDIENTS FOR A DO-IT-YOURSELF REAPPORTIONMENT MAP

Under-represented House districts (over 26,182 people per representative)

<u>Dist.</u>	<u>County</u>	<u>Dist.</u>	<u>County</u>	<u>Dist.</u>	<u>County</u>
4	Olmsted	34	Minneapolis (part)	44	Anoka and Isanti
5	Mower	35	Minneapolis (part)	45	Stearns (east)
6	Freeborn	36	North rural Hennepin	49	Clay
18	Rice	36	South rural Hennepin	52	Itasca
20	Dakota	40	St. Paul Ward 7	57	St. Louis (SE)
25	Kandiyohi	41	Ramsey (part)	59	St. Louis (SW)
29	Minneapolis (part)	42	North Ramsey	62	Beltrami and
33	Minneapolis (part)	42	South Ramsey		Lake of the Woods

Equitable House districts (between 19,352 and 26,182)

2	City of Winona	23	Renville	47	Douglas
7	Faribault	31	Minneapolis (part)	51	Todd
8	Blue Earth	37	St. Paul (north)	52	Cass
9	Martin	38	St. Paul (north)	53	Crow Wing
11	Nobles	38	St. Paul (south)	54	Carlton
13	Lyon	39	St. Paul Ward 5	60	St. Louis (NW)
15	Nicollet	39	St. Paul Ward 6	63	Becker
16	Steele	46	Stearns (central)	64	Mahnomen and
22	McLeod				Norman

The other 62 House districts are over-represented

Under-represented Senate Districts (over 51,192 people per senator)

5	Dodge, Mower	36	Rural Hennepin	53	Crow Wing,
29	Minneapolis (part)	41	Ramsey (part)		Morrison
32	Minneapolis (part)	42	Ramsey (part)	57	Cook and Lake
33	Minneapolis (part)	45	Benton & Sherburne (part)		St. Louis (SE)
34	Minneapolis (part)		Stearns (part)	59	St. Louis (SW)
35	Minneapolis (part)	52	Cass and Itasca		

Equitable Senate districts (between 37,838 and 51,192)

1	Fillmore, Houston	25	Kandiyohi, Swift	49	Clay, Wilkin
2	Winona	30	Minneapolis (part)	50	Otter Tail (approx)
4	Olmsted	31	Minneapolis (part)	51	Todd, Wadena
8	Blue Earth	38	St. Paul (part)	54	Aitkin, Carlton
9	Martin, Watonwan	39	St. Paul (part)	60	St. Louis (NW)
12	Lincoln, Murray, Pipestone	40	St. Paul (part)	62	Beltrami & Lake
13	Lyon, Yellow Medicine	44	Anoka and Isanti		of the Woods,
14	Brown, Redwood	48	Big Stone, Grant,		Koochiching
20	Dakota		Stevens, Traverse	67	Kittson, Marshall,
					Roseau

The other 29 Senate districts are over-represented

These figures are taken from Democracy Denied, League of Women Voters 1954

LEGISLATIVE RESPONSIBILITIES

STATE BOARD

Decides when to issue a Call for Action to local Leagues. Determines League stand on legislation through authority granted at convention.

STATE LEGISLATIVE COMMITTEE

Supervises all League work at the Legislature. Informs state Board on progress of bills and timing for Calls for Action. Edits "Capitol Letter." Sees that all sessions concerned with League program items are attended. Arranges for testimony before Senate and House committees.

STATE LOBBYISTS

Keep informed on League program and League stand on legislation. Know time of and attend legislative committee meetings, House and Senate sessions concerned with bills on particular program items. Keep in constant contact with Legislative Committee on progress of bills and on proper timing for Calls for Action. Inform legislators of League stand. Determine the proper time for speaking before a legislative group on League stand.

LOCAL LEAGUES THROUGH LOCAL LEGISLATIVE CHAIRMAN

Lobby at home from November until the end of the session. Congratulate your newly elected legislator. Invite him to a local function and talk with him informally about League program. Give your legislator material on the state program, esp. the three folders on Party Designation, Reapportionment and Constitutional Convention. Keep a file on your legislator and know his voting record. Respond immediately to Calls For Action by writing as a League to legislators. Thank them when they support League items. Make brief regular reports at unit and general meetings on the progress of the bills. Write letters to the local editors and keep the paper informed on League program and stand on issues.

The Lobby by Letter kit will assist you with your letter writing and "Capitol Letter" will help you keep track of League bills and Calls for Action. These publications need your support.

The Legislative Chairman is responsible for conducting League members on Capitol tours during the legislative session. Because of the great amount of time and manpower involved, we are not conducting tours for each Local League this session. We hope every League will go ahead and arrange its own tour. You may make arrangements for a guided tour and for reserved seats in the House and Senate by writing directly to Mr. H. T. Kennedy, Asst. Sergeant of Arms, House of Representatives, St. Paul. Your own legislator may also be willing to make the arrangements for you. We will also help your representative make arrangements when she is here on February 20th, however this is quite late in the session to be sure of getting reserved seats.

DEC 22 1958

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

FOR RELEASE: December 31

HOW REPRESENTATIVE GOVERNMENT IS ASSURED BY OUR STATE CONSTITUTION

Minnesota's High School students throughout the state will be busy reading most of the 26,000 words contained in Minnesota's most important document, the Minnesota Constitution, in preparation for the third annual essay contest entitled, "How Representative Government is Assured by our State Constitution," sponsored by the League of Women Voters of Minnesota. The contest is held to encourage high school students to become better acquainted with their constitution and state government.

First prize is a 30-volume set of the Encyclopedia Americana, new 1957 edition. The first three winners will also come to St. Paul for an all-expense paid day at the state legislature. This will include a tour of the capitol, a chat with their legislators and the governor and a seat in the gallery of the House and Senate to see their government in action.

The contest opens January 5, 1959 and closes February 14. All papers will be sent to the League of Women Voters of Minnesota, 15th and Washington Ave. S.E., Minneapolis, Minnesota. No papers will be returned and the decision of the judges will be final. Only Minnesota high school students grades 9 through 12 will be eligible.

The judges are Miss Miriam Alburn, editorial staff, Minneapolis Tribune; Dr. Scott Johnston, Political Science Professor, Hamline University; Mrs. William Graham, Jr., past president of the Bloomington League of Women Voters and a lobbyist for the League of Women Voters in the state legislature.

A copy of the contest rules and a list of material available on the Constitution may be had by writing to the League of Women Voters, 15th and Washington Aves. S.E., Minneapolis, Minnesota.

Essay Contest



prize

30 VOLUME SET OF THE ENCYCLOPEDIA AMERICANA,
new 1957 Edition. Approved by the American
Library Association.

A DAY AT THE STATE LEGISLATURE, including
a chat with your representatives and the
Governor. This all-expense paid tour is
offered to all three winners.



prizes

HOW REPRESENTATIVE GOVERNMENT IS ASSURED BY OUR STATE CONSTITUTION

(This is the general topic of the contest. The following suggestions are specific areas in which you might specialize - or you may choose a speciality of your own under the general heading.)

1. What safeguards does the federal constitution have for Minnesota citizens to assure them of true representative government.....are these safeguards also protected by the state constitution?
2. What are the present statutes on reapportionment? What is the purpose and methods of reapportionment? What are some solutions for the present problem of reapportionment?
3. How will our present constitution serve Minnesota in the future? Have there been any past attempts at change? If future changes have to be made, what should they be?

CONTEST RULES

1. Contest opens January 5, 1959 and closes February 14, 1959. All papers must be in the office of the League of Women Voters, 15th and Washington Avenues S. E., Minneapolis 14, Minnesota by noon on the closing date to be considered. No papers will be returned and the decision of the judges will be final.
2. Only Minnesota high school students grades 9 through 12 are eligible. The completed essay should not exceed 1,500 words. Use one side of paper, write legibly, or typewrite double-space.
3. The full name of contestant, grade, age, address, telephone number should be written in upper left corner. Fasten all pages securely.

SUGGESTED BIBLIOGRAPHY - Report of Constitutional Commission of Minnesota, 1947; Constitution of Minnesota, Legislative Manual, at your library. From your local League of Women Voters or address above you may get: Democracy Denied (a study of reapportionment-25¢); The State You're In (study of Minnesota's constitution-50¢); You Are the Government (handbook on Minnesota Government-25¢); Flyer and Fact Sheet on Reapportionment - 5¢.

History of Reapportionment in Minnesota

In the 100 years that Minnesota has been a state, its legislature has been reapportioned 7 times. In the first 40 years of this century, reapportionment was done 6 times; in the last 60 years, only once.

The inevitable problem in any reapportionment is the shift in control following transfer of legislative seats. Starting with the reapportionment of 1860, the shift of representation was from the older, southeastern part of Minnesota to the more recently settled north and west - a shift largely circumvented by increasing the size of the legislature.

Reapportionment of 1860. This was the only redistricting act in Minnesota's history that did not increase the size of the legislature. Actually, the Senate was reduced from 37 to 21, the House from 80 to 42.

Reapportionment of 1866. An addition of 1 senator and 5 representatives brought the Senate to 22 and the House to 47.

Reapportionment of 1871. A 75% increase in population during the previous 5 years made necessary either a tremendous shift in legislative power or a greatly increased legislature. The legislature chose the latter alternative, increasing the Senate from 22 to 41 and the House from 47 to 106.

Reapportionment of 1881. This act was the first large-scale redistribution of legislative seats. Although the population had increased from 41 to just 47, and the House from 103 to 106.

Reapportionment of 1888. Discrimination against Hennepin and Ramsey Counties appeared for the first time. Even so, their great growth made it necessary to increase Hennepin from 2 to 6 in the Senate and from 10 to 15 in the House; Ramsey went from 2 to 4 in the Senate and from 7 to 10 in the House. The Senate was increased from 47 to 54 and the House from 103 to 114.

Reapportionment of 1897. Again the legislature was increased - from 54 to 63 in the Senate and 114 to 119 in the House. The act was equitable throughout the state though somewhat underrepresenting the metropolitan areas. Hennepin and Ramsey gained only 1 senator and 1 representative each; Hennepin now had 7 and 16; Ramsey 5 and 11.

Reapportionment of 1912. The overrepresentation of southern Minnesota and underrepresentation of the 3 most populous counties, revealed by the 1910 Census, delayed redistricting in 1911. Instead, a constitutional amendment was put before the voters in 1912. This

was known as the Seven Senators Bill, since it permanently restricted Hennepin to that number in the upper House. It was defeated at the polls.

The 1913 Legislature passed 2 reapportionment measures - the statute which still governs and, again, the Seven Senators Bill. The statute increased the Senate from 63 to 67 and the House from 119 to 130 (the 131st was added in 1921 to District 65). Southern Minnesota took the greatest loss of representation. Northern Minnesota gained 5 senators and 14 representatives; Hennepin, 2 senators and 2 representatives. Ramsey, 1 senator and 1 representative; St. Louis, 2 senators and 4 representatives.

At the election of 1914, the voters again - and by a larger majority - rejected the Seven Senators amendment. This was the last constitutional amendment on reapportionment passed by the legislature, just as the 1913 act was the last statutory reapportionment. During the ensuing 45 years, the population of Minnesota has increased by 44%, with some legislative districts now underrepresented by as much as 371%.

Please give to the Reapportionment Chairman for her notebook.

Page 3

12/12/58

REAPPORTIONMENT *December*

Included in this mailing is a questionnaire for Units to consider, the purpose of which is the UPDATING OF CONSENSUS ON LEGISLATIVE REAPPORTIONMENT. You may request more copies, so you can have one for each unit, if you wish, no charge. The deadline for returning this information to the state office is February 2nd. If this, however, is a very difficult date for you, because your board meets that week, please get the information to the state office, or directly to Mrs. Kenneth Green, 3025 Simpson Ave., St. Paul 8, by Wednesday afternoon, February 4th, so that the state Board can consider the question at its meeting the morning of February 5th.

P.S. In the questionnaire (I - A) in the last sentence, insert "eventual" before the word "dominance" for greater accuracy.

(Enclosure)

League of Women Voters of Minnesota, 15th & Washington S.E., Minneapolis 14, Minn.
December 1958 121258D

UPDATING OF CONSENSUS ON LEGISLATIVE REAPPORTIONMENT

The last time League members expressed an opinion on legislative reapportionment in Minnesota was in the fall of 1954. To quote from the letter to local Leagues reporting results of the consensus questionnaire (December 20, 1954): "1. We will support the Bergerud bill (or something like it) which comes close to reapportioning on a population basis under the present Constitution. 2. We will support legislation calling for an amendment to the Constitution if: a. it provides for some degree of area compromise approximating the Missouri plan or the recommendation of the Minnesota Constitutional Commission. b. it contains an enforcement provision."

In the four years since then we have studied, we have gained new members, and we have seen two new factors enter the picture - the appointment of the Governor's Committee on Legislative Reapportionment,* and the Federal Court Order of July 1958.

The state Board is asking now for an up-dating of the 1954 consensus. We need as much guidance as possible as to your thinking on reapportionment before the heat of the session when the bills come thick and fast. However, we are not asking the Leagues to commit themselves to any one method of reapportionment at this time because we don't know what sort of statutes or amendments will be introduced. In addition, it is the feeling of the Board that it would be impractical for the League to have a stand on every detailed technicality of a reapportionment bill. What the Board wants to know is your general viewpoint, and we will then be guided by your thinking in supporting or opposing the detailed provisions of any bill or amendment.

When considering any changes to the Constitution, you must remember that the influence of the LWV is not always in getting what it wants in the way of reforms, but its influence is strong to prevent passage of those measures to which it objects.

(This is because passing amendments is an uphill fight, even with almost unanimous approval, as we well know.) Because the LWV holds a real veto power, we must give our approval, or disapproval, only after careful consideration of whether the proposal meets our ideas of "fair and enforceable."

*P.S. This questionnaire has been delayed partially because we were hoping to include material on the Governor's committee report. It is now apparent that the report will not be available until after Christmas and will be general rather than specific in nature.

On the next page are the QUESTIONS ON REAPPORTIONMENT we would like your League to answer. By all means add to them if you have an opinion not included here. It is not imperative to call a general membership meeting for this purpose. Unit meetings can be satisfactory if: 1. there is discussion and report (no phone polling, no return postcards, no bulletin ballots,) and 2. the local Board thoroughly appraises the feeling of its League.

The state Board needs the local League appraisals by February 2nd.

Use opposite side of sheet for additional comments.

- I. Do any one or more of these statements come close to expressing your viewpoint? The Constitution should be amended to provide an "area" factor in reapportioning because:

- A. The metropolitan areas can be fairly represented with fewer legislators than the rural areas because these urban representatives live closer to the Capitol, closer to their constituents and their fellow legislators, and because of the dominance of the Twin City area in the state's economic, cultural and business life. The rural voice should be protected from dominance by a metropolitan center by limiting urban representation.
- B. Minnesota will never get reapportionment unless there is compromise with the rural forces. As a matter of practical politics, getting enforcement provisions is dependent upon a guarantee of an area factor through a Constitutional amendment.
- C. It is better to work out a permanent solution now through constitutional amendment with some area consideration and enforcement provisions, while there is some pressure from the Federal Court Order.

II. If you agree there should be an "area" amendment,

- A. Do you think that the area factor should go into one body of the legislature with a guarantee of getting strict population in the other?
- B. Would you be willing to see an "area" factor, such as a ceiling on metropolitan representation, used in both houses of the legislature, so as not to widen the already large gulf between house and senate?

III. Would you agree with this viewpoint?

situation
The Federal Court opinion (see Minnesota Voter Sept-Oct 1958) is a new factor of vital importance in the reapportionment, therefore now is not the time for Minnesota to compromise the principle of equal representation by amending the Constitution. Any compromise or concessions to the rural voice can come through a statute like the Bergerud Bill. Most rural legislators said last session it was not the bill they objected to, as much as the "foot in the door" which would lead to eventual true population reapportionment for the state. Now, with the Federal opinion hanging over them, these men may have to face up to the reality of carrying out the Constitution. An area amendment at this time would forfeit any legal weapons against unrepresentative apportionment.

To: State Item I and Legislative Chairmen
Subject: League Consensus on Reapportionment

Why: The last time League members expressed an opinion on reapportionment was in the Fall of 1954. In the four years since then, we have studied, we have gained new members, and we have seen two new factors enter the picture - the Federal Court Order of July, 1958, and the appointment of the Governor's Committee on Legislative Apportionment. For these reasons, the State Board feels it would be wise for the Leagues to reassess their basic general attitudes towards reapportionment to ~~see if we still have~~ *determine what the current areas of agreement are.*
~~an area of agreement (or consensus).~~

After much discussion, the Board decided that consensus is not needed on the technical, specific workings-out of a reapportionment bill, such as those mentioned in the June outlook for work. Nor is there any question as to the need for guarantees of periodic reapportionment. Since the League is committed to reapportionment, we should certainly agree to writing enforcement provisions into the Constitution by amendment. What is needed is the consensus of the League regarding broad principles and approaches to reapportionment. *With your thinking* The State Board would then be guided by such consensus *will* and support or oppose the detailed provisions of any bill or amendment, *in* ~~in the light of these principles.~~

On Taking Consensus: The distinguishing features about consensus in the

LNV, as opposed to polling or voting, are these.

1. Consensus emerges from discussion by interested members.
2. Consensus shows substantial areas of agreement. If 25 people in a League support proposition "A" and 30 people are for proposition "B", the

League does not take a stand for "B" on the basis of a majority vote. This is not consensus.

3. The Board of the local League is empowered to decide if such areas of agreement exist within its League after a general membership meeting or reports from thorough unit discussion.

Consensus on Reapportionment: During this consensus-taking process, new

members will have been drawn into the discussion and have had a chance to add their voices to a League decision. These are the possibilities:

1. It may be apparent that there is no substantial agreement within the League - which would be very unfortunate ^{and probably unlikely,} but better than proceeding on the assumptions of 1954.
2. The League may reaffirm its previous stand, which was to support:
 - a. a bill reapportioning on a population basis, or close to it, under our present Constitution; and
 - b. an amendment providing for some degree of "area" compromise and for periodic reapportionment.
3. The League may agree on a different stand.

For your discussion we are giving you two viewpoints on the basic principle of reapportionment in debate form, with the strongest case we can put together to support each one. Your job is to bring these cases to your members and see what their feelings are.

It may not be possible to call a general membership meeting for this purpose. Consensus can come out of unit meetings if:

1. There is discussion, and report (no phone polling, no return postcards).
2. The local Board thoroughly appraises the feeling of its League.

The state Board needs the local League appraisals by February 2.

*no bulletin
bullet*

RESOLVED: Our State Constitution should be amended to provide for greater representation of rural areas in the legislature.

PRO: We haven't reapportioned since 1913. Why? Because nothing in our Constitution forces reapportionment. And the farther we get from 1913, the more out-of-balance our legislature becomes and the less willing our elected representatives are to upset the alignment.

It is absolutely imperative that we amend our Constitution to provide for representation based on some kind of "area" compromise for these reasons: 1. "area" compromise is necessary for true representative balance; 2. we shall never get reapportionment without an "area" compromise; and 3. we cannot get enforcement of periodic reapportionment without consenting to an "area" compromise.

By their very proximity, urban voters can more easily reach their elected representatives with their ideas and wishes and can be represented by them. In Minnesota, city people have easier access to the State Capitol and are better organized for lobbying purposes. Yet sectional interests with special economic problems in rural areas need representation. All "area" plans (seriously considered) use the county as the basic unit of representation, and with good reason. The county is important both legislatively and politically; counties are frequent subjects of legislative action and county political organizations may directly affect a legislator's political life.

Few experts would question the soundness of our federal legislative system, with an "area" Senate providing balance to the population House. It would seem a foolish duplication and an unwise breakdown of a well-functioning system of checks and balances to put both federal houses on a population basis. Why, then, do it at the state level?

The realities of nearly half a century of worsening apportionment require compromise. The fact is, we simply will not get reapportionment

unless rural legislators have a constitutional guarantee that the growing major metropolitan area will not dominate the legislature. Furthermore, we shall not get enforcement of periodic reapportionment without an area compromise. Even if we could get a reapportionment bill through the 1959 session, we should still have no ^{constitutional} guarantee of another reapportionment in the next half-century. We cannot expect an enforcement amendment without being willing to compromise in order to get it.

The LWV would find itself in a most peculiar position if it said that it believed in compromise, but not in compromising the Constitution itself. After all these years of being critical of a legislature which does not abide by the Constitution, we could hardly suggest that it was all right in this case.

Hoping for definitive action by the Federal Court is too long a chance to take. Even if the Federal District Court decided in favor of the population reapportionment proponents, appeal and other litigation would put action off for years. And even we finally did get reapportioned as a result of court decision, we would not have the enforcement we need in order to have reapportionment be automatic.

Compromise is the essence of democratic government. The only fair and realistic approach is for the League of Women Voters to put itself in the position of the legislature and honestly decide what compromise must be made in order to achieve fair reapportionment.

CON: The Federal Court order is the first real break in the court's heretofore solid assertion that they could not interfere in this legislative prerogative. Now is hardly the time to compromise one of the cornerstones of democratic government - equal representation - by writing it out of the basic charter of our State government. The issue of equal representation

in state legislatures and congressional districts has never been fully tested in the courts. If the League gives in now and endorses ^{constitutional} amendment limiting representation, and the amendment passes, any legal weapons are lost.

No one can say for sure what the U. S. Supreme Court will decide if the case is appealed. It is possible that recent studies such as the CIR report of 1954 will have convinced the Court that fair representation, if provided for by a state constitution, is a matter for court enforcement. If this happened, we might not even need an enforcement provision written in to our Constitution. However, if Minnesota changes its Constitution in the next two years and joins the ranks of states with unrepresentative provisions for reapportioning, nothing can be done through the courts in the future.

It is possible to apportion a state fairly by population; Wisconsin and Massachusetts have done so. A statute, ^{such as the Burger Bill} embodying in some measure the "area" considerations which might be in a proposed amendment, could be passed by the next legislative session and be subject to the court's approval. It could greatly improve the dismal situation we have now, i.e., "area" in both houses, and as such would probably satisfy the court. Thus the compromise would come through a statute, not in changing our Constitution.

In states where the pro-reapportionment forces have finally given in and approved an "area" plan in one house as a condition of getting more representation in the other, they have seen permanent control of the "area" house by one party or faction guaranteed by the constitution. This is a cynical undercutting of the two-party system. Furthermore, whichever house has the "area" factor (the less representative of the two) can and often does completely block legislation proposed by the truly representative house.

Most "area" proposals use counties as the "area" unit. In the federal

(Spelled out)
President's
Commission
on Intergovernmental
Relations

congress, the Senate is the "area" body. This is because through no other form of compromise could the U. S. have been created, for our nation is the creature of the states, which insisted on an "area" Senate to preserve their sovereignty. Counties did not create our state, nor are they meant to hold power paralleling state power in the federal system. Therefore, the federal congress and the state legislature are in no way comparable in a discussion of representation.

The influence of the LNV is not always in getting what it wants in the way of reforms, but its influence is strong to prevent what it does not approve of. Passing amendments is an uphill fight even with almost unanimous approval, as we know. The League does not have to accept just any amendment the legislature offers. If we decide that an "area" proposal would be inimical to representative government, our opposition would be a real roadblock to getting it passed. The LNV holds a real veto power and we must not give our approval too easily.

Constitutional provisions should remain as they are - as an ideal of truly representative government. People - not pastures - are the basic units of government. Of course compromises are necessary in carrying out the ideal. However, we should ^{weigh the issues carefully} ~~consider seriously~~ before writing concessions and compromises into the Constitution. It is argued that we cannot get enforcement unless we agree to "area" compromise. If true, is it worth the trade? Once we let it go, we shall never regain the ideal.

Although it must never take a "holier-than-thou" attitude, the League - of all organizations - should decide what principles of democratic government are important enough never to be permanently laid aside, and then hold on to them. Is not the principle of equal representation one of these? If it is, then it should remain part of our Constitution. The necessary compromise comes in implementation of that Constitution.

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WHAT DOES YOUR LEAGUE THINK? Should we amend the Constitution to provide for "area" or should we leave population as the constitutional basis and provide for "area" by statute?

RURAL VIEW

This is the philosophy of the "enlightened rural view" as expressed by Phil Ruff, newspaper ^{editor} ~~owner~~ from Red Wing, and co-chairmen of the Governor's Committee on Legislative Reapportionment.

We recognize the Constitutional duty to reapportion in accordance with population changes. We want to find a solution, not only for one redistricting, but to establish a system so that we will have regular reapportionment.

What we are striving for is an approximately equal voice in state government. This doesn't mean a numerically proportionate vote. The metropolitan area can have an equal voice with the rural areas with less than numerical representation because:

1. The city can more easily influence state government by geographical proximity.
2. The Twin cities and surrounding suburbs are a dominant influence in the state-- It is dominant in economics, business, banking, newspapers, cultural matters.
3. The metropolitan delegates are more co-ordinated, and exercise a power beyond their numerical share.

We feel the Constitution should be amended to provide a permanent solution and to prevent the metropolitan center from eventually dominating the state.

1. Enforcement provisions should be written into the Constitution
2. An amendment should keep the legislature at its present size.
3. It should establish that one body should be on a strictly population basis. It should define what the population basis is--set limits beyond which districts should not vary.
4. It should introduce an area factor in the other house, along with population. This factor should set a limit on metropolitan dominance. Each county should have one legislator (except the smallest in population). The many local government units, such as towns and school districts, within a rural district shows the need for a legislator.

We feel that an area factor is a legitimate thing to be considered on the merits.