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APPORTIONMENT IN MINNESOTA

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APPORTIONMENT IN MINNESOTA

I. DEFINITIONS

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

REAPPORTIONMENT: A change in apportionment. In most cases, a change in the previous reapportionment, since only the first assignment of legislators under a new constitution is an apportionment.

DISTRICTING AND REDISTRICTING: These terms are generally used interchangeably with apportionment and reapportionment. Strictly speaking, districting is the process of drawing lines within a political unit to which a number of representatives has been assigned.

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

STATUTORY REAPPORTIONMENT: The law which defines the boundaries of the legislative districts and apportions the legislators to the districts so defined. According to the Minnesota Constitution, as interpreted by the courts, statutory reapportionment should be done by the legislature after every federal census.

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

AREA REAPPORTIONMENT: Area does not mean acres or square miles, but refers to the assignment of legislators to political subdivisions, usually counties. In its simplest form each county would be assigned one representative. However many states have used modified area formulas, giving some weight to population.

AVERAGE OR IDEAL DISTRICT: The population of the state divided by the total number of representatives or senators. On the basis of the 1960 census the ideal Senatorial district in Minnesota is 3,413,864 divided by 67, or 50,953; the ideal House district is 3,413,864 divided by 135, or 25,288.

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

PER CENT OF POPULATION THAT CAN CONTROL. The smallest number which could in theory elect a majority of the legislature. This criterion is frequently used to measure the representativeness of a legislature.

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

FLOTERIAL DISTRICTS: Counties remain intact, but additional population over a certain amount is counted with other units for additional at-large representatives.

ENFORCEMENT PROVISIONS: Amending the constitution to insure that the legislature is reapportioned as stipulated by the constitution.

II. INTRODUCTION

As we look ahead to the 1965 session of the Minnesota State Legislature, it is apparent that one of the most challenging and controversial issues will be that of apportionment. On June 15, 1964 the United States Supreme Court in *Reynolds v. Sims* handed down a precedent-shattering decision requiring that both houses of state legislatures be apportioned on a population basis. Just before the Supreme Court decision, a suit (*Honsey v. Donnovan*) was filed in Federal District Court by a group of Twin City area officials asking for reapportionment for Minnesota.

Minnesota's Constitution already specifies that representation in both houses is to be based on population. Minnesota was last redistricted in 1959 on the basis of 1950 census figures. The suit contends that the apportionment of 1959 did not accurately reflect population even on the basis of 1950 figures, and that the 1960 census figures reveal further shifts. The suit therefore claims that Minnesota's apportionment is in violation of the equal protection clause of the Fourteenth Amendment.

The combination of the Supreme Court decision and the pending federal court case establishes a whole new climate for reapportionment in Minnesota. The Legislature must consider (1) a statutory plan for redistricting in compliance with the Sims decision and Minnesota's constitutional requirements, (2) possible changes in the Minnesota Constitution to facilitate reapportionment under the "one man, one vote" principle, and (3) the possibility of an amendment to the federal Constitution permitting an area factor in one house which would enable the legislature to submit an area amendment to the Minnesota Constitution if they desired to do so.

Although the Supreme Court established a basic principle for apportionment, it did not set up precise formulas or machinery, but rather left these problems for lower courts and state legislatures. As in the school desegregation decisions, it will probably be a number of years before standards and procedures are established in the various states. Undoubtedly the Supreme Court will have to give further clarification on different plans of apportionment as they are proposed by state legislatures. In the two months after the court handed down its decision there was considerable variance in the methods of implementation. In Colorado the Governor called a special session of the legislature to deal with the problem. Connecticut started a process to elect delegates to a constitutional convention to establish new standards. A federal court in Oklahoma invalidated a May primary and set up new districts for fall elections. Other states were planning to conduct elections under their old systems, expecting the newly elected legislatures to reapportion. Over one hundred different bills dealing with apportionment have been introduced into Congress.

The precise implications of the Supreme Court decisions for Minnesota may be clarified by the ruling of the Federal Court this fall. A citizens commission appointed by Governor Rolvaag is also expected to make recommendations.

Under the new conditions will it be necessary or desirable to establish constitutional rules for apportionment? Before trying to answer this question it is necessary to understand what the basic problems have been, the implications of the Supreme Court decision, and some of the early reactions to the decision.

III THE PROBLEM OF MALAPPORTIONMENT

Malapportionment—the undue discrepancy between the weight given the votes of citizens in different legislative districts—has long been a concern of civic groups such as the League of Women Voters, and of students of politics. According to a recent report on the subject:

> No single feature of State government has been so vulnerable to criticism by statesmen and scholars alike as the unrepresentative situation into which many State legislatures have permitted themselves to drift.[1]

Some factors accounting for widespread malapportionment are: 1) the mobility of population in general, and the fact that reapportionment does not take place continuously, necessarily means that the newest centers of population are underrepresented; 2) voters of one party may be discriminated against by gerrymandering—the drawing of districts to the advantage of one party—by the majority in the state legislature; 3) some state constitutions have contained provisions specifically basing representation on extreme area factors such as the equal representation of all counties regardless of population; 4) because reapportionment is such a difficult problem, many legislatures have simply refused to reapportion and redistrict their component districts despite constitutional provisions calling for regular reapportionment.

At least until 1962, the pattern of representation in most states was one of overrepresentation of rural areas and underrepresentation of cities and suburbs; metropolitan areas are the ones in which population gains have generally taken place. The pattern appears at least partially responsible for the generally unresponsive attitude of state legislatures to urban demands. Numerical underrepresentation of some areas, and the consequent inability of one party to elect the governor and majorities of both legislative houses, has led to divided government and stalemates in decision-making. Both of these factors, it is argued, contribute to the increasing involvement of the federal government in urban and state concerns.

Until quite recently, the malapportionment problem had two sides, neither of which seemed very susceptible to change. According to one writer:

> The problem is twofold—first, one of obtaining an equitable and acceptable pattern of representation for each of the houses; second, of assuring periodic reapportionment in accordance with the agreed pattern.[2]

Although the original constitutional provisions of thirty-six states based apportionment completely or substantially on population, thirty-five of the state legislatures were apportioned at least partially on the basis of area factors by November 1961. Such provisions were most extreme in Connecticut—where each town, including Hartford with some 177,397 population and Union with only 261, sent two representatives to the lower house—and Nevada, where 8% of the population could in theory control the Senate.

Obstacles to changing constitutional provisions to clauses stipulating population alone as the basis of representation, or to some more reasonable area factors, were numerous. A simple amendment in most states required, of course, the concurrence of the legislature which was the prime beneficiary of the status quo. Even if it were possible to get a constitutional convention, this was frequently composed of members elected on the basis of existing

legislative districts. Indeed, in spite of increasing advocacy of pure population factors by political scientists, the trend in a number of states was to add an area factor where the previous constitutional basis had been population only.

The second main impediment to securing equitable reapportionment was the reluctance of legislatures to act. (Reapportionment would have required depriving fellow legislators of re-election, and involved rural legislators handing over control to urban and suburban representatives.) Legislatures therefore frequently ignored constitutional provisions requiring reapportionment after each federal census and, having failed to reapportion for a number of years, the legislatures were faced with an even more aggravated situation, since the discrepancy between the existing distribution of power and the constitutionally required distribution became greater. If they did reapportion, they made only very minor changes.

Had appropriate sanctions been available, legislative balking might not have been crucial. Frequently, the governor was not empowered—at least not explicitly—to intervene. State courts were sometimes unwilling to intervene at all in what was a "legislative" function. The Minnesota Supreme Court in 1945 said in essence "Yes, the legislature does have a duty to reapportion, but because of the separation-of-powers doctrine, we can't force the legislature to do its duty; that is up to the voters." Until 1962 the federal courts had refused to rule on cases involving legislative apportionment.

These various factors meant that the urban voter, confronted by both constitutional obstacles and legislative intransigence, had really no means of achieving just representation except in the states (some 15) allowing constitutional change by initiative.

IV. SUPREME COURT DECISIONS

Baker v. Carr: the Tennessee case

In 1962 the Supreme Court opened Federal Courts to voter complaints about unfair representation in state legislatures. In an opinion overturning previous precedents, the Court justified intervention on the provision of the 14th Amendment to the U.S. Constitution that requires that no state "shall deny to any person within its jurisdiction the equal protection of the laws."

The *Baker v. Carr* decision represented a substantial victory for advocates of reapportionment, but it left unclear the precise criteria for representation which the Supeme Court would hold as not incompatible with the "equal protection" clause of the Fourteenth Amendment.

The decision immediately prompted the citizens of many states to bring suit in both state and federal courts challenging existing apportionment plans. Fearful of court action, or having their statutes branded unconstitutional, state legislatures began to reapportion themselves. Near the end of 1963 there were only eleven states in which suits had not been brought. All of these, except Minnesota, had been reapportioned in the previous two years. Twenty-eight of the other thirty-nine states were reapportioned in 1961 or later, and some of these were the first actions in many years. Mississippi had not previously reapportioned since 1890, Delaware since 1897, Alabama and Tennessee since 1901, Wyoming since 1931, Nebraska since 1935, Kentucky since 1942, and Maryland since 1943.

Only twelve states had not been reapportioned since the last federal census, and only four of these had not been reapportioned at all in the last decade.

> . . . At the time of the *Baker* decision, there were only twenty-seven legislative houses, in twenty-two states, where as high as 40 per cent or more of the voters was required to elect a bare majority of legislators. In the remaining seventy-two houses, a smaller percentage of voters could elect a majority of legislators. Eighteen months later, a vote of 40 per cent or more voters was required to elect majorities in forty-five houses in thirty-five states.[5]

Reynolds v. Sims

On June 15, 1964 Chief Justice Warren, in a majority opinion dealing with a number of cases from various states, ruled that under the "equal protection" clause of the Fourteenth Amendment of the Federal Constitution, neither house of a state legislature could deviate from a population basis:

> Legislatures represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a full and unimpaired fashion is a bedrock of our political system.

Continuing, the opinion stated the dilution of a citizen's vote by malapportionment meant counting the vote of one citizen more than another:

> It would appear extraordinary to suggest that a state could be constitutionally permitted to enact a law providing that certain of the state's voters could vote two, five, or ten times for their legislative representatives, while voters living elsewhere could vote only once . . . Of course, the effect of state legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical.

If the Court was absolutely definite about requiring both houses to be based on population, however, it specifically granted latitude to the states in determining exact formulas of representation:

> By holding that as a federal constitutional requisite both houses of a state legislature must be apportioned on a population basis, we mean that the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts in both houses of its legislature as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents or citizens or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.

The Court suggested the possibility of more latitude in using political subdivisions in legislative than in congressional districting "as long as the resulting apportionment was one based substantially on population and the equal-protection principle was not diluted in any significant way."

A state might it suggested:

> . . . legitimately desire to maintain the integrity of various political subdivisions insofar as possible and provide for compact districts of

> contiguous territory in designing a legislative apportionment scheme . . . Indiscriminate districting without any regard for political subdivisions or natural or historical boundary lines may be little more than an open invitation to partisan gerrymandering. Single-member districts may be the rule in one state while another state might desire to achieve some flexibility by creating multi-member or floterial districts.

The opinion also stated that continual reapportionment was not necessary and that decennial reapportionment would meet minimal criteria.

Dissenting from the Warren opinion were Justice Harlan, Stewart, and Clark. In a strong dissent, Justice Harlan attacked the theory that "every major social ill in the country can find its cure in some 'constitutional principle' " and stated that "the equal protection clause was never intended to inhibit the states in choosing any democratic method they pleased for the apportionment of their legislatures." Justices Stewart and Clark took a moderate position, saying that a state need only be "rational" in its districting. The problem with this approach, and its lack of definite standards, was shown by the inability of these two justices to agree on its application to the six cases before the court.

V. TRADITIONAL ARGUMENTS FOR AN AREA FACTOR

Before discussing the reactions to the Supreme Court decision, it may be well to consider briefly some of the traditional reasons advanced for including area or other non-population factors as a basis for legislative representation.

The "Federal" Analogy

One traditional reason for the incorporation of an area factor in one legislative house has been based on the example of the federal Congress. If it is logical, or acceptable, that the states—regardless of size—receive equal representation in the federal Senate, is it not equally acceptable that the counties within a state receive equal representation in one house?

The historical reason for equality in the federal Senate was the insistence on the part of the smaller sovereign states on this scheme if they were to agree to union. The Warren opinion stated:

> Political subdivision of states—counties, cities or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the state to assist in the carrying out of state governmental functions.

The use of the analogy by defenders of existing apportionments appeared, declared the Court, "often to be little more than an after-the-fact rationalization offered in defense of maladjusted state apportionment arrangements."

Another argument in favor of the "federal" analogy is the desirability of two houses, with differing bases, checking each other. The Supreme Court's answer to this is that differing size of constituencies and differing terms would provide variety between the houses, without necessitating the representation of areas.

Protection of Minority Rights

Another argument for departing from strict population figures as a basis

of apportionment is that concerning the necessity of protecting minority rights. Proponents of this view stress the fact that the United States, like Great Britain and unlike revolutionary France, has been a constitutional, limited, representative democracy as opposed to the sort of "Rousseauan" democracy characterized by mass rule. The system of checks and balances, the separation of powers and the inclusion of Bills of Rights in both the federal and state constitutions, as well as federalism itself, are all safeguards against hasty, ill-considered, drastic action by majorities.

There are several arguments against this view.

1) Only certain interests, or minorities, are in fact so overrepresented and assured of consideration. Urban groups of all sorts, immigrants and their immediate descendants, Northern Negroes, union members, and others are all among those numerically underrepresented by schemes which value area in favor of population factors. One could perhaps make a case for overrepresenting all minorities—although most majorities are formed of minorities—but it appears indefensible to overrepresent some supposedly vulnerable minorities but to underrepresent others.

2) The Supreme Court opinion stated:

> Logically, in a society ostensibly grounded on representative government, it would seem reasonable that a majority of the people of a state could elect a majority of that state's legislators. To conclude differently, and to sanction minority control of state legislative bodies, would appear to deny majority rights in a way that far surpasses any possible denial of minority rights that might otherwise be thought to result.

The Functional Argument

According to some theorists, the appropriate way to represent citizens in a political system is not as individuals but rather as members of groups or interests which perform different functions for society. One can also argue that functions served by some interests are far more important than numbers of citizens involved would indicate. Agriculture, for instance, is more essential to American well-being than a head count of farmers in relation to the total population would suggest.

Arguments against this theory are several. First, if existing malapportionment does represent the agricultural function "fairly," it is obviously "unfair" to such functional groups as manufacturers, retailers, distributive services, etc. Second, it would be all but impossible to get widespread agreement on what constituted fair "functional" representation if population were to be completely abandoned as the basis of representation.

The Danger of Fragmentation

This argument, a corollary to the above, stresses the dangers of doing away with such factors as community, tradition, group membership, etc., as buttresses between the citizen and government. Once cut adrift from stabilizing influences such as these, citizens would be powerless before an all-powerful government. Certainly, the priority which totalitarian governments have attached to abolishing interest groups suggest their insulating function.

It is perhaps unrealistic, though, to argue that merely counting each citizen equally will serve to break down real bonds which exist.

Rural Superiority

While rarely stating it as baldly as saying rural residents are good and city dwellers are bad, opponents of equal districting do imply that the political ethics, at least, of countryfolk are superior to those of city residents. There is also the fear expressed that accurate representation of cities would subject the entire state to the "bossism" of political machines. What these commentators overlook, however, is that "machines" may exist in rural areas on the county level. More genuine is the fear that with urban areas electing both houses and the governor and other state officers, rural voters will have no voice at all in state government.

The "Unfairness" of Voter Representation Even With Equal Population Districts

One aspect of this argument states that individuals differ in terms of wealth, prestige, and political influence, and that these inequalities will not be erased by merely giving each individual the same weight toward representation.

A second line of argument contends that the emphasis being placed on the "unfairness" of existing apportionment schemes is quite out of proportion to the relative lack of concern about other sorts of unfairness in the political system.

Cited as one of the least "fair" aspects of most United States politics is the one-member district system under which the majority gets its representative sent to Congress or the legislature, while the minority, even if it is very large, is completely unrepresented.

VI. REACTION TO THE SIMS DECISION

Area was more than a theoretical concept. It was embodied to a greater or lesser degree in the apportionment of more than forty of the state legislatures. It is not surprising therefore that the Sims decision was highly unpopular in many quarters. A number of different bills were introduced in Congress to delay or modify the court's decision. As of mid September 1964, two major bills were pending.

The Tuck Bill

As passed by the House, this bill would remove state legislative apportionment from the jurisdiction of Federal Courts. However there was considerable feeling that this bill would itself be unconstitutional. Only once before, in 1868 during the reconstruction period, had Congress restricted the power of the courts. To avoid this objection a group of senators in conjunction with officials of the Attorney General's office worked out the Dirksen Bill which is designed to regulate the enforcement of the Sims decision.

The Dirksen Bill

This bill would give states a period of grace before complying with the "one man, one vote" decision. Court action is to be stopped for as long as the courts feel the stay is in the "public interest." Congress would specifically define "the public interest" to permit the status quo to continue until January 1, 1966 and added "It would be in the 'public interest' to allow states 'a reasonable opportunity' to act through regular legislative sessions or amendments to the state constitutions." The courts would have to follow the criteria established by Congress "in the absence of highly unusual circumstances."

The Mansfield Resolution

With liberal Senators blocking the passage of the Dirksen Bill and hence the adjournment of Congress, the Senate agreed on a compromise resolution, stating that it is the "sense of Congress" that the courts should give legislatures six months to comply with the Sims decision.

The McCulloch Amendment

The purpose of the bills was to give Congress and the states time to act on an amendment such as the one introduced by Representative McCulloch of Ohio and Senator Dirksen of Illinois. This amendment would provide that if a state legislature based one of its houses on population it might use some other criterion for the second. It also provides that any alternative scheme to strict population would require approval of the people in a referendum. This type of amendment is supported by a number of Midwest congressmen, and it would seem that if it is passed by Congress there would be little difficulty in finding 38 states that would ratify it.

The Disunion Amendments

One group, the Council of States, prompted by the Tennessee decision in 1962 put forth three proposed amendments to the United States Constitution: the first would establish a procedure for amending the Constitution by state legislative initiative without congressional action; the second would place control of state legislative apportionment beyond any federal court jurisdiction; the third would create a Court of the Union composed of the chief justices of the highest courts of the states to sit above the Supreme Court. These amendments called "Freedom Amendments" by their sponsors and the "Dis-Union Amendments" by their opponents have attracted increased support since the Sims decision. Their adherents are concerned not only with the reapportionment decisions but also feel that the Supreme Court in recent years in such decisions as those regarding school segregation has been making attack on states rights and has not been interpreting the Constitution but has in effect been rewriting it.

Favorable Reactions

In other quarters the Sims decision was hailed as a victory for democracy. It has been stated that, although on the surface it looks as if the trend of Supreme Court decisions has been to minimize states rights in actuality these decisions should help to strengthen state legislatures. Made more effective by being more representative, a general upgrading of legislatures should be the most effective way to reserve to the states those powers which otherwise will be taken away and performed on a federal level due to abdication of responsibilities by present less effective legislatures.

With both houses of a bicameral state legislature to be apportioned on a population basis, other observers have gone on to ask why two houses at all? Chief Justice Warren answered such arguments by stating that two houses would prevent precipitate action, and that even if both were apportioned substantially on a population basis, they would develop different collective attitudes because of the different size of constituencies and different length of terms. His argument was characterized by the *New York Times* as being

"more like a prescription for political featherbedding than a justification for bicameralism." There are a number of arguments for unicameralism in terms of increased efficiency and the saving of time and money. Although unicameralism is recommended by the Model Constitution of the National Municipal League, only Nebraska has one house. In Nebraska the unicameral legislature was adopted during the depression as an economy measure. Since adopting a unicameral system would put an entire house of incumbents out of office, there has understandably been relatively little interest in other state legislatures.

VII. QUESTIONS TO BE DECIDED IN MINNESOTA

Either an amendment to the federal constitution permitting an area factor or a unicameral legislature are possibilities for the future. More important for the next legislature will be a number of questions relating to the precise mechanics and formulas of apportionment. Precise rules for apportionment may be written into a state constitution, or details may be left to the discretion of the legislature. The recent Supreme Court decision has invalidated provisions in state constitutions which established an area factor for either or both houses of state legislatures; however, the Warren opinion also indicates that states should be permitted some flexibility in the methods they use in apportionment. Lower courts and state courts in reviewing legislative plans for reapportionment have given considerable weight to state constitutional provisions, assuming these provisions did not violate the basic premise of "population-only." Traditionally, explicit instructions on reapportionment have been regarded as a protection to the people against the possible malfeasance of their legislatures. However, with the likelihood of court review, legislatures themselves may wish to establish more definite constitutional standards.

According to the Minnesota constitution, the representation of both houses of the legislature shall be "apportioned equally throughout the different sections of the state, in proportion to the population thereof"; "the senators shall be chosen by single districts of convenient contiguous territory," and "no representative district shall be divided in the formation of a senate district"; reapportionment is to take place at the first session after each federal census. The constitution also states that half the senate is to be elected every two years, except that all senators shall stand for election at the election following each new apportionment; actually Minnesota has always elected the entire senate every four years. In considering whether the present constitutional provisions should be changed or made more specific, here are some of the factors that might be considered.

1) *How often should reapportionment take place?*

Traditionally, most states have specified that reapportionment should take place every ten years in keeping with the most recent federal census. In an era when the population is so mobile, such a relatively long time lag means that there will be considerable change. Possibly it would be easier for legislatures to make smaller adjustments after shorter periods of time.

However, the Warren decision indicated that reapportionment every ten years would meet the Court's minimal criteria. Certainly arithmetical exactness is not so vital that legislatures should be forced to reapportion annually.

The Report of the Minnesota Constitutional Commission of 1948 recommended a provision that reapportionment should become effective with the expiration of senate terms .

If a decision is made that more frequent reapportionment is desirable, population data other than the federal census figures now utilized must be obtained. This will probably necessitate a different definition of "population."

2) *Precisely who should constitute "population"?*

If the federal census figures are not used, the most logical basis for representation would be either registered voters, or voters in an election—probably a presidential election where the turnout is largest. This would, of course, make possible reapportionment every four years.

The practical effects of basing representation on voters, or registered voters, instead of on total population, would probably be quite small—at least in a northern two-party state. (In the South, of course, where substantial groups in the population have been systematically denied enfranchisement, the effects might be quite different.) The argument against the use of registered voters as a basis is that such lists are frequently out of date or inaccurate. Minnesota does not require smaller communities to register voters. Those opposing the use of election figures argue that the presence or absence of local issues may distort the turnout. Those in favor cite the ready availability of such figures and believe their use for representation would encourage higher citizen participation in voting. Presently only one state uses election figures as a basis for apportionment. Several states specify "eligible voter" rather than population as a criterion.

3) *Permissable deviation from the ideal.*

The Supreme Court decision left in doubt precisely how equal "equal population" districts must be. The Court said, "Mathematical exactness or precision is hardly a workable constitutional requirement." Political scientists have recommended a constitutional provision specifying the maximum deviation any one district may have from the ideal. Figures range from the 10% recommended by the Commission on Intergovernmental Relations to 20%, with 15% most generally accepted. Based upon 1960 census figures, the ideal Senate district in Minnesota contains 50,953 people, while the ideal House district is 25,288. In actuality Senate districts vary from 24,494 to 100,520, and House from 8,343 to 52,015. Some of the largest discrepancies occur within the city of Minneapolis, and appear to have very little rational basis. Another check on too great legislative latitude in specifying district size would be a provision whereby not less than 40% or 45% of the population could elect a majority of each house.

4) *Counties as units of representation*

Certainly if rules are incorporated that counties may not be divided or that county lines must be followed whenever possible, the resulting districts may diverge substantially from the ideal. The 1959 statute in Minnesota does not cut across county lines. One advantage cited in using whole counties is that their use precludes extreme gerrymandering. More important is the fact that outside of metropolitan areas, business is conducted on a county basis. Counties serve as a geographical identification of districts and candidates, while artificial boundaries are generally unknown by the general populace. However, many critics of the numerous counties in Minnesota maintain that county lines are themselves artificial and should be redrawn to make more

economic and efficient units of government. It is interesting to contrast two different plans for redistricting established by the Supreme Courts of Wisconsin and Michigan. The Supreme Court in Michigan districted across county lines and produced a plan where senate districts varied less than 2% from the ideal and house districts less than 5%. In Wisconsin the Court followed a constitutional provision requiring the observance of county lines. Although an occasional district did deviate from the ideal, the end result was that 45.4% of the voters are required to elect a majority of the Assembly, and 48.4% to elect a majority of the Senate.

5) *Size of the legislature*

It is always tempting for a legislature, when struggling with the problem of which seats must be eliminated, to add a few representatives to make things come out even. Presently Minnesota's state senate is the largest in the nation and the house is the fifteenth largest. Political scientists tend to agree that state legislatures function better if they remain relatively small. In practice state legislatures are often short-handed. It is probably unrealistic to urge Minnesota's legislature to reduce its size, because this would mean asking legislators to vote themselves out of a job; but perhaps it would be desirable to have a constitutional amendment prohibiting further growth.

6) *Which agency should reapportion?*

Traditionally, in the majority of states including Minnesota, the function of reapportionment has been entrusted either wholly or initially to the legislature. Increasingly, however, because of legislative reluctance or failure in this area, the function has been delegated to other agencies as was done in Hawaii, where the governor has the responsibility, and Alaska, where there is an apportionment board. Such an agency may be a specifically listed group of officials of the state, as named in the constitution or in a statute. Another possibility is for the governor to name a committee to perform this function and to review its work. Conceivably, if a semi-automatic formula is available for reapportionment, it could be the responsibility of one official like the secretary of state.

The courts have also recently been named as reapportioners, although their function is generally one of inspecting new laws in the area and determining their constitutionality, rather than doing the original districting.

Political scientists widely favor the efficient expert commission as opposed to the more cumbersome and often protracted legislative process. A major problem with this approach is that, because of widespread party affiliation in this country, it is difficult to find experts so Olympian that they have no partisan leanings. If this problem is bypassed by equally dividing an independent agency between the two parties, the likelihood of stalemate appears. This actually happened in Illinois in 1964 when the commission, like the legislature before it, was unable to agree on any scheme; the result was an at-large election.

There is still a great deal to be said for a respected, relatively nonpartisan commission reapportioning or backstopping legislative reapportionment. If one cannot completely remove politics from the process, one can at least reduce it.

Because of the practical difficulty of gaining legislative approval of an independent agency initiating redistricting, the best use for an agency might

be the legislature first, and a commission second if the legislature failed to act in a given time period.

7) *Enforcement machinery*

Prior to the Supreme Court decisions, there was no remedy for the citizen if the legislature failed to act; now he has the opportunity of seeking relief from the courts. With the threat of court action it seems likely that legislatures will prefer to reapportion themselves rather than have it done for them by the courts. Court action, however, is not automatic. It requires someone to file a suit, it is expensive for the individual involved, and it can be a slow process.

For these reasons it may be desirable to set up definite enforcement machinery. The possibilities available are (1) a special session of the legislature, (2) a commission as dicussed above, or (3) the responsibility could be turned over to the State Supreme Court.

It is also possible to establish a procedure for the review of any redistricting legislation by a special agency or the courts.

8) *Multiple-member vs. single-member districts, and different alternatives*

The Minnesota Constitution specifies that senators be elected from single-member districts (only two candidates for one seat). It is silent on the election of representatives. Traditionally Minneapolis has elected two representatives at large from each senatorial district. Advocates of multimember districts say that within a city a single-member district may be so small that the average voter has no idea of its boundaries and consequently who his representatives are. The opposite extreme—electing all the representatives of an urban county at large—presents the voter with a long list of candidates with whom he may not be familiar, and sometimes enables one party to elect its entire slate. Opponents of multimember districts point to the added expense for a candidate of campaigning in a large area. Outstate, some senatorial districts elect two representatives at large; some are divided into three house districts, some two, and a few have only one. In striving for equality of population, it is possible to create large multiple-member districts outstate where two senators would be elected from three counties or even three senators from four. Removing the restriction that representative districts must not be divided in forming senate districts would give the legislature additional flexibility.

Another possibility would be a system of "floterial votes" where counties remain intact, but additional population over a certain figure is counted with other units for an additional at-large representative.

A different scheme allows a county which is entitled to one and a half representatives to elect one representative for each session and another for every alternate session.

Still another alternative is "weighted voting." Under this arrangement the legislators themselves would remain constant and shifts in population would be represented by giving or taking away the votes they could cast in the legislature. The major advantages of this system are: 1) areas with sparse population could retain a representative to handle special local problems, 2) counties that deviate from the average would not have to be divided, and 3) continuity of leadership in the legislature would be preserved. A disadvantage is that a small number of men with a large number of votes might be able to exert undue influence on legislation.

All these plans are rational and have been used in one or more states.

APPENDIX I

HISTORY OF REAPPORTIONMENT IN MINNESOTA

The problem in any reapportionment is the possible shift in control following transfer of legislative seats—a shift largely circumvented in the past by increasing the size of the legislature.

Constitutional Provision of 1857. Article IV, Legislative Department, Sec. 2 . . . "The representation in both houses shall be apportioned equally throughout the different sections of the State, in proportion to the population thereof. . . ."

Reapportionment of 1860. This was the only redistricting act in Minnesota history which did not increase the size of the legislature, and actually decreased the size of both houses. The Senate was reduced from 37 to 21, the House from 80 to 42.

Reapportionment of 1866. The Senate was increased by 1 to 22. The House was increased by 5 and brought to 47.

Reapportionment of 1871. The population of the state increased by 75% during the previous five years which made necessary either a tremendous shift in legislative power or another increase in size of the legislature. The legislature chose to increase the number of legislators. The Senate increased from 22 to 41 and the House from 47 to 103.

Reapportionment of 1881. This was the first large-scale redistribution of legislative seats. The population had increased 78% in the previous 10 years. The Senate was increased only 6 (from 41 to 47) and the House from 103 to only 106.

Reapportionment of 1888. Ramsey and Hennepin showed great growth in the intervening 7 years and for the first time discrimination against the two counties appeared. The Senate was increased from 47 to 54, and the House from 106 to 114.

Reapportionment of 1897. This act was considered to be fairly equitable throughout the state although Hennepin and Ramsey were somewhat underrepresented. Again the legislature was increased from 54 to 63 in the Senate and from 114 to 119 in the House.

Reapportionment of 1913. Southern Minnesota was shown to be overrepresented by the 1910 census. Instead of redistricting, a constitutional amendment was passed by the legislature and presented to the voters in 1912. This was known as the Seven Senators Bill since it permanently restricted Hennepin county to seven senators. It was defeated by the people.

The 1913 Legislature redistricted, increasing the Senate from 63 to 67 and the House from 119 to 130. Southern Minnesota had the greatest loss of representatives. The 131st member of the House was added in 1921.

The 1913 Legislature also passed the Seven Senators Bill again, but at the 1914 general election the voters again, by a larger majority, rejected the proposed amendment.

Reapportionment of 1959. Based on the 1950 census figures, this statute was really an area-population compromise in both houses. It gave the metropolitan center about half the increase to which its population entitled it. The

suburbanite had been the forgotten man in the previous 46 years of growth. Badly underrepresented suburban areas benefited the most, and Ramsey county lines were well drawn; but the City of Minneapolis retained some discrepancies (about 2 or 3 to 1). Outstate, the worst inequities of both under and overrepresentation were rectified. The statute increased the House from 131 to 135 but the Senate remained at 67. The statute became effecive in 1962 with the expiration of senate terms.

A constitutional amendment was also passed by the 1959 Legislature which would have changed the Constitution in two ways: (a) By making the basis of the Senate membership area instead of population; (b) by adding enforcement machinery that would make reapportionment more likely after each census. The amendment was to take effect after the 1970 census. This amendment provided that the five metropolitan counties surrounding the Twin Cities would have a permanent Senate representation of 35%, commonly referred to as a frozen district. The method of enforcement was a special session to be called immediately if the reapportionment were not accomplished within the regular session. The special session could only consider reapportionment, and was to remain in session until the job was accomplished. Legislators would receive no compensation during the special session.

Amendment No. 2 on Reapportionment was presented to the voters in 1960 and defeated.

APPENDIX II.

LEAGUE OF WOMEN VOTERS ACTION ON REAPPORTIONMENT

At its 1953 convention the League of Women Voters of Minnesota decided to consider reapportionment as one of three areas of emphasis in its study of constitutional revision. League principles state that every citizen should 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.

During the fall of 1954 League units overwhelmingly decided in their first consensus on reapportionment to support a double approach:

(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 provision should be carried out.

In the 1955 Legislature the League supported a statute (the Bergerud Bill) as carrying out item (b) above, and testified for an amendment to provide fair population-area compromise. We supported a Senate amendment providing for an area in that chamber. The League helped get the Bergerud Bill through the House. The newspapers and the chief author gave the League credit for its help in passing the bill. However, the bill failed in the Senate.

In the 1957 Legislature an aroused interest was apparent. Legislators sought League lobbyists out and the Bergerud Bill just passed the House by 2 votes.

The House also passed a constitutional amendment putting area into that body (LWV withheld support because of inflexibility and insufficient enforcement). The Senate distorted the Bergerud-Gillen bill (renamed for its new Senate author) by restoring the status quo; then added a constitutional amendment providing for a population-apportioned House and an area-apportioned Senate; the House rejected it upon final referral.

Between 1957-59 three important events took place, all of which exerted pressure on the Legislature:

(1) A suit was brought in Federal Court claiming that the citizens of Minnesota were being denied equal protection of the laws by the long failure of the legislature to reapportion. In 1958 the Federal Court ruled that it would not even rule on whether it had the power to intervene until after the 1959 session of the legislature—giving that body one more chance to fulfill its constitutional duty. If it did not reapportion, the plaintiffs were invited to readdress the court for relief.

(2) A committee on reapportionment, appointed by Governor Freeman in 1958, consisting of 9 Senators, 9 House members, and 9 laymen (including two LWV members), recommended a constitutional amendment that put the area factor in the House (County Representation Plan).

(3) The imminence of the 1960 census also exerted pressure upon the legislators. If action did not come in 1959, the basis of reapportionment would then be the new census figures, which by all indications would show an even greater discrepancy between under and overrepresented areas.

In 1959 the League, realizing that its membership had changed a great deal since its 1954 consensus, provided updated information, and asked for a new consensus. Results showed our members still in favor of two approaches to reapportionment:

(a) A temporary statutory solution such as the Bergerud Bill.

(b) A constitutional amendment recognizing area in one chamber in a fair, flexible, and specific manner; guaranteeing population in the other house; providing effective enforcement machinery and no increase in legislative size.

In the 1959 Legislature the House passed the County Representation Plan and the Bergerud Bill. The Senate passed a greatly amended Bergerud Bill and an amendment giving that chamber the area factor. The conference committee deadlocked and the session ended without action. After several weeks of heated meetings during the special session, the conference committee agreed on a statute adding four members to the House to become effective in 1962 without reference to the amendment.

The proposed amendment was studied by the League of Women Voters and found short of its standards of fairness and enforceability. The League decided it would rather continue the fight for a good amendment than settle for something inadequate. Consequently, in 1960 before the general election, the League worked actively to inform the public about Amendment No. 2 and explain its opposition to the amendment. Amendment No. 2 was defeated at the polls in the fall of 1960.

In the 1963 legislative session Amendment No. 2 was repassed by the House but laid over and finally killed by a Senate committee.

APPENDIX III.

POPULATION OF LEGISLATIVE DISTRICTS IN MINNESOTA ON THE BASIS OF 1960 CENSUS FIGURES

During the 1950-1960 decade the urban population of the state increased by 30.6 per cent while the rural population decreased by 4.9 per cent. Only 49 of Minnesota's 87 counties showed an increase, and in general these were counties having cities of 10,000 or more. The central cities showed a slight decrease while their suburban areas increased by a staggering 278.9 per cent. Presently about 1½ million people live in the Minneapolis and St. Paul area, ½ million in the Duluth-Superior area, and 100,000 in the Moorhead-Fargo area.

It is expected that further increases in population will occur in the metropolitan suburban areas. The Metropolitan Planning Commission has estimated that in the four years since the 1960 census, suburban Hennepin had grown by more than 25%, suburban Ramsey by 20% and Anoka County, the fastest-growing county in the state, by 44%.

PRESENT APPORTIONMENT OF LEGISLATIVE DISTRICTS IN MINNESOTA AND 1960 CENSUS FIGURES

No. of District	*Senate Population*	*House Population*	*Area of Districts*
1	40,356	16,588	Houston
		23,768	Fillmore
2	40,937	24,895	Winona (city)
		16,042	Winona exclusive of city
3	30,517	17,007	Wabasha
		13,517	Olmsted exclusive of Rochester
4	52,015	52,015	Rochester (city)
5	61,757	20,590	Mower exclusive of Austin
		13,259	Dodge
		27,908	Austin (city)
6	33,035	33,035	Goodhue
7	38,988	38,988	Rice
8	41,070	16,041	Waseca
		25,029	Steele
9	37,891	37,891	Freeborn
10	50,671	23,685	Faribault
		26,986	Martin
11	44,385	20,588	Blue Earth exclusive of Mankato
		23,797	Mankato (city)
12	41,815	19,906	Le Sueur
		21,909	Scott
13	78,303	42,457	Dakota (in part)
		35,846	Dakota (in part)
14	45,759	24,401	McLeod
		21,358	Carver
15	39,424	23,196	Nicollet

No. of District	Senate Population	House Population	Area of Districts
		16,228	Sibley
16	42,156	18,887	Meeker
		23,249	Renville
17	49,394	21,718	Redwood
		27,676	Brown
18	46,127	14,460	Watonwan
		16,166	Cottonwood
		15,501	Jackson
19	49,972	23,365	Nobles
		11,864	Rock
		14,743	Murray
20	45,911	9,651	Lincoln
		13,605	Pipestone
		22,655	Lyon
21	43,953	17,004	Pine
		26,949	Chisago and Isanti
22	45,173	13,330	Lac qui Parle
		16,320	Chippewa
		15,523	Yellow Medicine
23	44,923	14,936	Swift
		29,987	Kandiyohi
24	36,589	20,132	Stevens and Grant
		16,457	Traverse and Big Stone
25	33,227	21,313	Douglas
		11,914	Pope
26	46,542	12,367	Stearns (exclusive of St. Cloud)
		34,175	Stearns (in part)
27	54,256	33,803	St. Cloud (city)
		20,453	Benton and St. Cloud in Sherburne
28	33,262	16,631 *av*	Kanabec, Mille Lacs, Sherburne
		16,631 *av*	elect two at large
29	29,935	29,935	Wright
30	100,524	50,934	Hennepin (part)
		49,586	Hennepin
31	85,637	33,916	Hennepin
		41,721	Hennepin
32	93,919	50,498	Hennepin
		43,421	Hennepin
33	85,162	41,852	Hennepin
		43,310	Hennepin
34	59,475	23,738 *av*	Minneapolis
		23,738 *av*	two at large
35	70,915	35,438 *av*	Minneapolis
		35,438 *av*	two at large
36	53,233	26,617 *av*	Minneapolis
		26,617 *av*	two at large
37	65,120	32,560 *av*	Minneapolis
		32,560 *av*	two at large

No. of District	Senate Population	House Population	Area of Districts
38	24,428	12,214 *av*	Minneapolis
		12,214 *av*	two at large
39	67,808	38,904 *av*	Minneapolis
		38,904 *av*	two at large
40	37,143	18,572 *av*	Minneapolis
		18,572 *av*	two at large
41	65,162	32,581 *av*	Minneapolis
		32,581 *av*	two at large
42	44,323	22,162 *av*	Minneapolis
		22,162 *av*	two at large
43	83,348	56,076	Ramsey
		27,272	Ramsey
44	53,150	27,664	Ramsey
		25,486	Ramsey
45	51,639	28,020	Ramsey
		23,619	Ramsey
46	42,176	21,520	Ramsey
		20,656	Ramsey
47	62,551	30,429	Ramsey
		32,122	Ramsey
48	76,011	53,038	Ramsey
		22,973	Ramsey
49	53,650	25,644	Ramsey
		28,006	Ramsey
50	52,432	26,216 *av*	Washington
		26,216 *av*	elect two at large
51	85,916	42,958 *av*	Anoka
		42,958	elect two at large
52	40,094	12,162	Aitkin
		27,932	Carlton
53	58,775	32,134	Crow Wing
		26,641	Morrison
54	35,318	12,199	Wadena
		23,119	Todd
55	48,960	24,480 *av*	Ottertail
		24,480 *av*	elect two at large
56	49,730	39,080	Clay
		10,650	Wilkin
57	33,921	23,958	Becker
		9,962	Hubbard
58	54,726	38,006	Itasca
		16,720	Cass
59	56,554	28,277 *av*	St. Louis (part)
		28,277 *av*	elect two at large
60	46,012	23,006 *av*	St. Louis (part)
		23,006 *av*	elect two at large
61	50,738	30,362	St. Louis (part)
		20,376	Cook and Lake

No. of Districts	*Senate Population*	*House Population*	*Area of Districts*
62	50,135	25,068 *av*	St. Louis
		25,068 *av*	elect two at large
63	45,228	22,614 *av*	St. Louis
		22,614 *av*	elect two at large
64	45,919	27,729	Beltrami and Lake of the Woods
		18,190	Koochiching
65	26,458	11,253	Norman
		15,205	Mahnomen and Clearwater
66	54,480	18,298	Pennington and Red Lake
		36,182	Polk
67	34,759	8,343	Kittson
		12,154	Roseau
		14,262	Marshall

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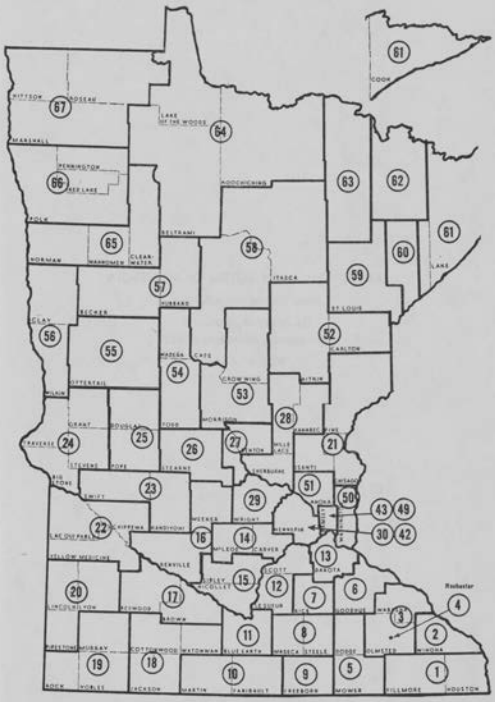


LEGISLATIVE DISTRICT MAP

LEAGUE OF WOMEN VOTERS OF MINNESOTA

State Organization Service

University of Minnesota
Minneapolis, Minnesota 55455

5000 9-64 15c

	I Should we keep the constitution as FLEXIBLE AS POSSIBLE? SHOULD WE AMEND THE STATE CONSTITUTION TO MAKE THE PROCEDURE OF APPORTIONING MORE SPECIFIC?	II Should population be the SOLE FACTOR IN DETERMINING REPRESENTATION?	III IS REAPPORTIONMENT A LEGISLATIVE OR JUDICIAL FUNCTION?	IV SHOULD LEGISLATIVE DISTRICTS PRESERVE COUNTY LINES WHEREVER POSSIBLE?
BACKSTROM	1 Keep the constitution a flexible document. Constitution difficult to amend.	7 No longer practical to discuss including an area factor.	13 Strictly legislative now and would require a constitutional amendment to change it.	19 Cut minimum number of county lines. Keep incumbents when possible.
BERGERSON	2	8 Might vote to amend the Minnesota constitution to provide for a factor other than population providing the Federal constitution permitted.	14 Strictly legislative but recent court decisions provide for judicial intervention.	20 County is a separate governmental unit. One representative for each county is good representation.
HAN	3 Keep the constitution a flexible document.	9 Both the Federal Court and State Constitution base representation on population. Don't change constitution unless absolutely necessary.	15 A legislative function with the judicial as enforcement. This is the present situation. Leave it as is if it works.	21 If we use county lines we're still using area factor. Feels rural legislators favor keeping county lines intact.
HEMBERGER	4 Constitution is specific enough now. Don't legislate now to solve future problems about which we know nothing.	10 Would favor an amendment to U.S. constitution allowing factors other than population to be included.	16 Strictly legislative.	23 Cut minimum number of county lines.
MODEL STATE CONSTITUTION	5 Strongly in favor of keeping the constitution flexible.	11 Population alone as basis of representation.	17	23
MINNESOTA CONSTITUTION	6	12 Representation shall be apportioned equally thruout the different Sections of the state on the basis of population	18 Strictly legislative-- "The legislature shall have the power	24

V ENFORCEMENT PROVISION REAPPORTIONMENT HOW OFTEN?	VI WHAT DO YOU THINK OF THE 1959 REAPPORTIONMENT?	VII Average dist size A. PER CENT DEVIATION PERMITTED. B. SINGLE MEMBER VS MULTI- MEMBER DISTRICTS	VIII SIZE OF LEGISLATURE ANNUAL SESSIONS SALARIES UNICAMERAL LEGISLATURE
25 Every ten years adequate. A third body should be used only if absolutely necessary. A third body would also have political bias in it.	31 Improvement after a fifty year lag but still unfair to metropolitan area.	37 15-20% deviation from average size may be permissible. Prefers single member districts but sometimes multi-member must be used to solve problem of districting within a city.	43 Unicameral still to new. Retain bicameral at present. present size O K.
26 Every 10 years is adequate. Shifts in population may occur more frequently but to frequent reapportionment may be disruptive.	32 1959 reapportionment was something of a compromise. We in the suburbs got a bit more representation than we were entitled to under the 1950 census.	38 15-20% deviation permissible. Favors single member districts.	44 Bicameral legislature. Present size large enough. No comments made on annual sessions and salaries.
27 Every ten years adequate. No added enforcement provision needed if it works the way it is now.	33	39 15% deviation permissible. Favors single member districts. Ease of campaigning.	45 Bicameral preferred. Size too large. Biennial sessions O K. Present salaries acceptable.
28 Leave the time for reapportioning up to the legislature. They are responsible enough to do it as frequently as necessary. No additional enforcement provision necessary.	34 It was a fair and equitable reapportionment.	40 Single or multi-member. Multi-member districts may be necessary in difficult apportioning [illegible]	46 Bicameral. Present size O K. Keep biennial sessions. Present salaries acceptable.
29 Governor initiates a reapportionment plan after each decennial census.	35	41 15% deviation permissible. Single member districts favored.	47 Unicameral favored.
30 No enforcement provision. Legislature shall have the power to prescribe the bounds of the congressional, senatorial and	36	42 Senators shall be chosen by single districts of convenient contiguous	48 Representation in senate shall never exceed one senator for every 5,000 inhabitants and never exceed in The House one Representative For each 2,000

	EDITORIAL COMMENT
Backstrom	Pragmatic practical approach. Would like to see some experimentation as far as weighted voting, proportional representation, etc. are concerned but is realistic enough to know such experimenting is highly improbable.
Bergerud	Comments based on the fact that he represents a suburban area. Any change made should give more representation to the suburban area.
Latz	Looking out for the problems of his own district but seemed to also have consideration for the common good of the whole state.
Roschmeier	Favors status quo. Represents the rural conservative viewpoint.
Minn. Constit.	
	League position: Fair and enforcement apportionment.

These remarks came from the candidates questionnaires prior to the 1964 Primary Election.

WHAT CHANGES, IF ANY, IN MINNESOTA'S CONSTITUTION DO YOU BELIEVE ARE NECESSARY TO ENSURE FAIR AND REGULAR LEGISLATIVE REAPPORTIONMENT?

JOHN TRACY ANDERSON C. 43rd S. - I would support a clarification of the constitutional requirement for reapportionment. I am anxious to obtain immediate implementation of this constitutional requirement before 1970.

ROBERT F. CHRISTENSEN -C. 44th N. - I support statuatory reapportionment of the state legislature every ten years as called for by our present state constitution.

ROBERT W. JOHNSON -C. 44th S. - It would appear that the United States Supreme Court in its recent decisions proposing to guarantee equal weight for votes cast throughout the State, that our Constitution should be changed to provide re-apportionment on a mandatory basis immediately following each 10 year census period. The real change here would be that re-apportionment now called for in our constitution would be made mandatory.

WILLIAM J. O'BRIEN -C. 45th N. - None. As far as the fairness of representation is concerned, Art. IV, Sec. 2 of the Constitution provides "the representation in both houses shall be apportioned equally throughout the different sections of the State, in proportion to the population thereof..." Regularity of re-apportionment is now being forced by Federal and some State courts (including Minnesota). I am wholeheartedly and enthusiastically dedicated to all efforts to obtain fair reapportionment of the Legislature based on the 1960 census during the next session.

DON D. WOZNIAK -L. 45th S. - An outside, representative, nonpartisan group should be authorized to reapportion every ten years if the Legislature fails to do so on an equitable basis.

RICHARD W. RICHIE -L. 46th N. - The constitution now states every 10 years, and this should be strengthened to assure such reapportionment based on population as much as possible.

ERNEST A. BENDLE,JR. -L.46th S. - I believe the recent Supreme Court decisions are quite clear on the State's duties to reapportion or have the Federal Courts do it for them. In view of this, I believe our Legislature will keep quite current in reapportioning the urban areas of the state to off-set any injustice that might exist between the cities and the country. I believe this is a matter which the Legislature should take care of and therefore a change in the Constitution at this time would seem to be unnecessary as presently the Federal Courts will enforce this if a state does not do it under recent legal precedence. I believe the Legislature has indicated its desire to comply with the regular reapportionment provisions that now exist and will do a proper job in the future. I personally favor reapportionment based upon recent census figures to insure fair representation by the people in the Senate and the House of Representatives.

JOSEPH PRIFREL -L. 47th N. - Representation based on population only.

BRUCE LINDAHL -L. 48th S. - There is nothing wrong with Minnesota's constitution, but rather with our state legislature's failure to follow it. The state should be reapportioned on a strictly population basis after each U.S. census.

VERNON L. SOMMERDORF -L. 49th S. - The Minnesota constitution now directs the legislature to redistrict itself every ten years using population as the criteria. In as much as the United States Supreme Court has taken jurisdiction over this issue and compelled other states to reapportion, I believe the legislature should be given an opportunity at its next session to abide by the court's clear mandate before we consider a constitutional amendment.

PAST LEAGUE WORK IN THE FIELD OF REAPPORTIONMENT

* It must be made clear at the outset of the study that problems of reapportionment can be treated in two ways; i.e., by statute or by constitutional amendment. The material below will outline league study over the past 10 years and perhaps clarify the purpose of our present league study. A complete league history will be found in the state publication "Apportionment in Minnesota".

1953 - State league adopted as a CA a study of constitutional revision. One field of emphasis considered was reapportionment.

1954 - Consensus taken. 2 positions arrived at - (1) A change should be made in our constitutional provision to include an area factor in one house. (2) Urged the legislature to carry out reapportionment under the present constitutional provisions until such time as our constitution is changed to include this area factor.

1954-1959 - League continues to work in the field of reapportionment under a CR.

1959- New consensus taken. Results showed our members still in favor of two approaches to reapportionment.
(a) A temporary solution such as Bergerud bill (statute).
(b) A constitutional amendment recognizing
(1) Area in one house in a fair, flexible and specific manner
(2) Guarantee of population in the other
(3) Adequate enforcement machinery
(4) No increase in size of legislature
We supported the Bergerud bill. It was based on the '50 Federal census. We opposed an amendment to the constitution (Amendment 2) which did not meet our criteria. Amendment 2 defeated by the voters in 1960.

1961 - At the State Convention League dropped its position on statutory reapportionment. We felt that statutory reapportionment had been taken care of by the '59 Bergerud bill for a while.

1963-64 Our present study is being undertaken under the State CA "will work for amendments to improve the Constitution. We still have a support position for "fair and enforceable reapportionment" under our constitutional convention CR. If any new reapportionment statute is proposed in the '65 session the League can neither support or oppose. We can consider constitutional amendments only at this time. To take ast tutory position in some later session would require placing reapportionment back on the state program as a CA.

Ideally this consensus as well as all taken in the league should result in some broad general principles or criteria against which we can measure legislative proposals or constitutional amendments. Before you have finished your study and consensus in the units you should have arrived at some agreement on these questions.

1. Should we keep the constitution a flexible document Are we in '64 capable of legislating for future generations. Can we leave it up to the legislature itself to carry out the constitutional provisions? Does the entrance of the Supreme Court into the field of reapportionment provide enough of an enforcement that future legislatures will make sure they reapportion themselves before the courts do it for them?
2. Should the constitution be amended to provide for specific enforcement machinery? This amendment might contain provision for a governor's commission to carry out the reapportionment should the legislature fail to reapportion itself. Should it include size, % deviation from ideal district?

BIOGRAPHIES

Charles Backstrom - Professor of Political Science, University of Minnesota Serving on Governor's reapportionment commission.

Senator Gordon Rosenmeier - Conservative, Little Falls. President Pro Tempro of the Senate. Represents the 53rd senatorial district consisting of Crow Wing and Morrison Counties. A member of the senate since 1941.

Senator Alf Bergerud - represents the 33rd district, suburban Hennepin County, a member of the House from 1941-1958 when he was elected to the Senate. Very active in reapportionment field for many years. Caucuses with the conservatives.

Representative Robert Latz - represents the 39th district of Hennepin County (city of Minneapolis). Assistant Attorney General 1955-58. Elected to the House in 1958. Caucuses with the liberals.

Model State Constitution - study done by the National Municipal league, most recent version is copyrighted 1963. In their research they talked to people in government, on campuses and looked at the actual workings of the legislatures in various states.

I. Should we keep the State constitution as basic and flexible as possible?

Should we amend the State constitution to make the procedure of apportioning more specific?

1. Backstrom

Specifics in the constitution might tend to lessen gerry-mandering a bit. The constitution already specifies who should apportion and when. It's difficult to amend the constitution, and it should be kept flexible. The only two reasons to amend the constitution would be to put in an area factor or to take reapportionment power away from the legislature.

2. Bergerud

Not discussed.

3. Latz

Agrees with Backstrom.

4. Rosenmeier

Leave specifics out of constitution. Why put in inflexible pronouncements that put a straight-jacket on future generations? We don't know about problems of the future. For apportionment on a population basis, the constitution is adequately specific now.

5. Model State Constitution

Speaks strongly in favor of flexibility. Too difficult to change constitution, and we should avoid putting in restrictions for future generations. Older State constitutions tend to be too restrictive and specific.

6. No comment.

II. Should population be the sole factor in determining representation?

7. Backstrom

It is the sole factor now; by decree of the U.S. Supreme Court and by our State constitution. It's not going to be changed by either the U.S. Congress or by our state. The amendment to our constitution to introduce an area factor failed in 1960. Americans are firmly committed to the concept of "one man, one vote", and that means representation on a population basis. However, that concept is not the ultimate answer to perfect representation; it has many problems of its own. The reason for the current interest in the concept is that for years and years we've said it is our principle, but we've never fully applied it. Now let's apply it.

We know that influence is not divided among people equally anyway. Influence depends upon many things, knowledge, seniority, personal influence and impact on people and interest group connections. Senator Rosenmeier, no matter how many people he represents, is going to be a terribly powerful individual because he is so well-informed, terribly bright, and so effective a speaker. In every regard he is an effective person.

8. Bergerud

. Area is a poor term. It should be "factors other than population". There has always been a definite effort in the legislature to amend the constitution to bring in an "other factors" basis for one house. Anyway, you can't do it now. Under the 14th Amendment of the U.S. Constitution, you must have 1 vote for 1 person. So says the Supreme Court, as of June 1964.

Admission of a socalled "area factor" would give some minorities a voice and deny a voice to other minorities. It's the conservative rural legislators who want an area factor. But from my point of view as a suburban legislator population basis is best.

9. Latz

Population as the basis in reapportionment is now the law of the land, and the State constitution also requires its use. It would be very difficult to change either one. While it's not perfect, I think it's the best, and I'm for it.

10. Rosenmeier

"I think the idea of representation based upon population is a shibboleth which has no real merit. As a rule of thumb, it provides a fairly decent division of representation, but is certainly not a scientific way of arriving at fair representation." It would be better to have the representation in one house based on other factors like economic, social, demographic, area, etc. For example, the Iron Range and the Red River Valley would have little representation if both houses are based on population. I haven't the slightest idea if the Federal Constitution will be amended to bring in other factors, but I think it should be.

11. Model Constitution - No comment.

12. No comment.

III. Is reapportionment a legislative or judicial function?

13. Backstrom

Ideally, I would like to see apportionment more automatic and taken out of the hands of the legislature. But that isn't going to happen. The legislature wants to retain control. The State constitution would have to be changed.

Political reformers have said it's too much to expect the legislature to reapportion itself because it's asking some people there to commit political suicide and to send off their friends. Political studies show that is a consideration.

Some people say "Let's reapportion on a non-partisan basis; take it out of the political arena." You can't stop it from having a political effect. "You could give it to a chimp in the zoo and have him draw the lines, and it would have a political effect." So anyone who does it is going to be political.

In Michigan, the state supreme court apportioned on a strictly mathematical basis. They threw away county lines and incumbents. That's really drastic and legislators don't like it. I think the legislature will do it because they want to comply with the law and don't want to relinquish the power to do it to some outside body like the courts, the governor or a commission. But the courts can now force the legislature to apportion itself.

Apportionment will remain a function of the legislature, in the past the courts did not force the legislature to do it. The courts said, "The Minnesota constitution says the legislature "shall have the power" to reapportion, we think they should, but we can't force them to. It's a political matter, and for us to interfere would violate the concept of separation of powers." Now the courts can interfere.

Some legislators who don't favor reapportionment say "shall have the power" in the constitution does not mean the legislators must reapportion, but that they can do it or not as they see fit. But the Minnesota Supreme Court, in a fairly early case, said the phrase means must. All legislators take an oath to support the Minnesota Constitution, but their interpretations vary on this phrase.

Courts aren't always a good way to redistrict. They may not be sensitive to political factors like incumbency. I believe our political parties should have a say in what goes on in reapportionment. If the courts do redistrict, they might use the plan of the Governor's Reapportionment Commission. They might even use computers. They could then say redistricting was done without their personal interference.

14. Berg erud

We in the suburbs couldn't do anything about reapportionment before 1959 because the Minnesota Supreme Court insisted it had no power to declare that the legislature should redistrict itself. Now, of course, the courts do have the power.

If the legislature doesn't reapportion, the courts might say "all right, we'll do it" or they might say, "we'll have a state-wide at-large election." At-large elections mean a very long ballot for all voters, and the metropolitan area would gain because of its large population. I think an at*large election would be very bad. I think the court will say, "We'll give the legislature a good chance to reapportion."

15. Latz

The legislature should handle reapportionment. The courts now have the power to enforce that.

16. Rosenmeier

Reapportionment is strictly a legislative function. Our constitution specifies that. Our system of government calls for a distinct separation of power. I see no more reason why the judiciary should do it than the governor should, and no one would permit the governor to do it.

17. No. comment.

18. No comment.

IV. SHOULD LEGISLATIVE DISTRICTS PRESERVE COUNTY LINES WHEREVER POSSIBLE?

19. Backstrom

"I think its just a little easier for the county auditors to make up the ballots." Mr. Rosenmier says that county lines were taken into consideration and if it had been done any differently county lines couldn't have been followed and it would have been very disruptive. (Mr. Backstrom feels that it is possible to preserve county lines and have less population variation among districts than was true in the 1959 reapportionment.)

20. Bergerud

To me it's a very serious matter when you start cutting up these units of government. . . Walter Klaus has taken so many townships from one county and attached them to another. He split Minnetonka village; to me that's poor reapportionment and that's poor representation because you can't escape the fact of county governments and village governments. Cutting municipalities and counties so as to equalize on population is bad legislation and bad redistricting. We should be able to find some way to take care of these units of government which go back to the founding of our state so that they could remain whole. Senators in the legislature tend to think in terms of "their counties". Also the election laws and balloting should be considered. Where do you report your votes? Do you have to go to the county seat? Where do you file for office? . . . There are hundreds of laws and regulations that go with a county or city. If you're going to have representation, you should represent the whole unit of government.

21. Latz

Counties are accepted and recognized units of government, but if you use county lines you are still using an area factor. Rural legislators tend to favor using county lines.

22. Rosenmeier

Yes, by and large we followed county lines. We've always done that. Now then United States Supreme Court looks benignly on that practice. It's almost universal throughout the United States. You just about have to follow some kind of lines.. . . We took part of St. Louis County and joined it with Lake and Cook to bring up the population. Interests are similar in those areas. Cook and Lake have a combined population of 20,000. If you didn't join them, you would be weighting that district with an area factor. We were trying not to do that. . . We apportion on the basis of counties.

Mr. Rosenmeier points to the fact that the biggest discrepancies in senate districts in the 1959 reapportionment occur within Hennepin county--#29 being 29,935 and #30 being 100,524. He felt that if Hennepin county as a whole were given an adequate number of legislators, the county itself could draw the district lines.

It isn't for us to worry about how they divide up their voting in Hennepin or Ramsey counties. . . To my way of thinking, the county is the smallest area that we should look at. We can't sensibly apportion otherwise. We can't take off five townships from this county and add them to someone else's just because we're trying to reach some purely fanciful quotint ideal. Really, the ideal district, speaking population wise, is the district which falls within the accepted range.

23. No comment.

24. No comment.

V. ENFORCEMENT PROVISION. HOW OFTEN SHOULD THERE BE REAPPORTIONMENT?

25. Backstrom

What is new at the state level is that the courts are willing to take drastic measures to support the state constitution. The United States courts now will take jurisdiction under the 14th amendment of the United States Constitution and they will redistrict the state or order them to run at large. So you now have two ways of getting this enforced. The Minnesota Supreme court hasn't done it, but it could, and I think it would be encouraged to now that the rest of the state courts and the United States federal court can do this. The federal court is now hearing this suit from the suburbanites.

The Minnesota constitution requires a census every year which ends in five, but we've never taken it. Amendment #two on November -64 ballot will take out the requirement. Now we probably need it. If we come to a census every five years then we may be able to reapportion oftener.

Ten years is adequate for reapportionment. Every five years would be very upsetting to incumbents and legislators. We don't have to be perfect, just keep some what up to date.

26. Berg erud

The constitution provides for reapportionment according to population and says that the legislature should do so. They haven't done so because human beings being what they are, to vote yourself out of a job takes probably more character than we have over there. Now that the courts have decided that they have jurisdiction the situation is entirely different. If we don't reapportion over there our district court might say they will do it.

I think reapportionment every 20 years would be alright. You have to have some certainly; you can't be changing it all the time, and the court says that. I think 10 years is good enough; you only have a census every 10 years.

27. Latz

It's too soon to tell if we need anything more specific. We should wait and see what happens to the suit in Federal District Court. If the court's taking jurisdiction will force the legislature to reapportion then nothing else is needed.

Ten years is often enough. That's what the constitution states and it would take a constitutional amendment to change that.

28. Rosenmeier

Why is there any need for an enforcement provision? We did it when the population figures first came around to show a need for it.

How often there should be reapportionment is implicitly in the constitution. It says that apportionment must be at all times on the basis of population. That doesn't give us the right to sit back for 10 years if there is an egregious malapportionment somewhere. We should do it anytime that it shows up.

29. Model State Constitution

Every 10 years, Governor should submit reapportionment plan to legislature within 90 days after publication of census.

30. No comment.

VI. WHAT DO YOU THINK OF THE 1959 REAPPORTIONMENT?

31. Backstrom

If the 1959 apportionment had been fair, the metropolitan area would have gotten about 6 more senators. Advocates are dishonest in saying it is the best they could do. What they mean is the best they could do keeping county lines, incumbents, and discriminating against the metropotitan area. It was so much better than before that everybody was relatively happy, but it was still not very good.

32. Berg erud

The 1959 reapportionment was something of a compromise, but after all when you haven't had any reapportionment for 50 years, and there were 400,000 people in the suburbs, I was ready to compromise to some extent.

33. Latz

not discussed

34. Rosenmeier

I don't knowwhere people get the notion that we compromised on that. That wasn't the feeling at the time. We worked most carefully with population figures. There was no deliberate departure from the population basis of apportionment. It was fully understood that we were bound by that constitutional mandate. We followed pretty closely the true population reapportionment plan presented by Governor Freeman's committee. (appointed in 1957). They assumed an ideal senate district of 44,000 based on the 1950 census, which meant, with 20% deviation, from 35,000 to 53,000. Actually, we did change this basis in several places. This committee called for an additional apportionment to Hennepin County, largely on the basis of the 1950 census of the suburbs (non-city Hennepin county). On their basis of 53,000, Hennepin county would have been entitled to only 3 rural senators. I don't like the rural-urban designation, but use it here for clarity. They said, however, that they thought the population was actually higher than the 1950 census, so we did apportion 4 additional senators to Hennepin county than this committee asked for even though such a move was unsupported by the 1950 census figures. We also increased representation in Dakota County and in Anoka County over what was justified by the 1950 census, estimating what we thought the 1960 census would be. We added representation to Mower County because of assumed growth of Austin. We also adjusted the boundaries of the St. Cloud district to conform more closely with what we thought the actual 1959 population was. We did it there by decreasing the geographical limits of that district in which the city lies.

Actually on the basis of the 1960 census, the apportionment act of 1959 is wholly within the constitutional standards of Reynolds v. Sims.

35. No comment

36. No comment

VII. VARIATIONS IN DISTRICT SIZE

A. % of deviation permitted

B. Single-member vs. multi-member districts

37. Backstrom

A. The courts have not set a deviation limit on the population of districts. I agree with other political scientists that the deviation from the ideal district should be approximately 15%. In Minnesota, based on the 1960 census, the ideal senatorial district is 3,413,864 (total population) divided by 67 (no. of senators) or 50,953; the ideal House district is 3,413,864 divided by 135 (no. of representatives) or 25,288.

In Minnesota the largest representative district has 7 times the people of the smallest, the largest senatorial district has 4 times as many as its smallest counterpart. I don't believe the courts would accept such a ratio.

Consider the difficulty of attempting only a 15% deviation while still keeping county lines and still keeping districts contiguous and convenient.

B. In a multi-member district, each person votes for more than one member (representative). We vote for two in Minneapolis as do several outstate counties. The rest of the state has 1 member per district. A district could vote for all its members at-large. Or a district could be districted within itself and each of the resulting smaller districts would elect one member. The main district would still be a multi- member district.

Running at large in the legislative district solves the very complicated problems of districting within that district. But if a majority party exists, that party is likely to win all the seats. Then the local areas within the district would not get good representation.

Generally, a multi-member district affords poorer representation to the minority. For example, if the representative of the Polish minority in N. Minneapolis ran at large within his district, he would never be elected unless one of the parties put him on its slate of candidates. Even with a perfect one-man-one vote apportionment, the minority is not represented. There is a theory called proportional voting. In this, you divide the cast in a multi-member district in proportion to the party vote. This may assure minority representation. It has never been tried in Minnesota. By and large, I believe the legislature will try to preserve single-member districts wherever possible.

38. Berg erud

A. State Representative Klaus's reapportionment plan has a deviation of 27½%. That's pretty high. The courts might allow a deviation of 20% or 15%. The 1959 reapportionment law cuts not one county line, except maybe where part of Olmstead is joined with Wabasha. (They gave Rochester a separate district and joined non-Rochester Olmstead county with Wabasha county to make a new First District.)

The problem is how to come within a reasonable deviation. Will you divide local units of government; divide counties, divide villages and townships?

Klaus's plan split Minnetonka village. To me, that's poor reapportionment because you can't escape the existence of already set up village and county governments. We should find some way to preserve these units of government.

B. On the whole, I'm against legislators running at large. I think a legislator should represent a definite area so he alone can be responsible and answer for his actions.

39. Latz

A. not discussed

B. I run at large in my district now, and there are disadvantages.

The campaign is more expensive, and now two legislators from different parties represent the same district. In a situation like that, you get some conflict and buck-passing between legislators in a multi-member district. Also, the voter's ballot becomes longer in a multi-member district.

40. Rosenmeier

A. "I feel the ideal district is the district which falls <u>within</u> the the accepted range (of deviation). I don't think you can come any closer to that ideal district on a population basis than we did in the 1959 reapportionment."

B. Usually the at-large device is used when you have difficulty setting out the district along geographical, municipal or county lines to meet the required member of people per representative.

Whenever you have an at-large race you increase the representation for each person in that district. Electing representatives at large does not lead to buckpassing between the representatives. Their votes are recorded in the house, and they are both responsible to their voters. Additional campaign expense is not a factor in determining what is good representation.

41. Model State Constitution

A. More than 15% deviation is unreasonable. No less than 45% of total population should elect a majority.

B. Favors single-member districts. They facilitate good voter judgment, multi-member districts sometimes prevent gerrymandering. No one should have to vote for more than 3 - 4 legislators. Favors proportional voting.

42. no comment.

VIII SIZE OF LEGISLATURE, ANNUAL SESSIONS, SALARIES: A UNICAMERAL LEGISLATURE

43. Backstrom

Minnesota senate is largest in the whole nation. We can't have it any bigger. I keep saying "What's wrong with having it so big?" No one will say. Frankly, with a senate the size of ours, the total salary cost is quite high. You're likely to get a lot of mediocre people. That's why they don't like it so large now.

They think if 60 are there, 30 aren't worth anything. I'm not sure if the 30 that would be left would be worth the more, but that's the hope, I guess. It makes them feel more important and valuable, better people would tend to run, people would focus on it more than presently. I don't see any information or evidence on this but that's what people think. I'm left with thinking that all these plans, or at least many of them, would solve problems, but it's not what's going to happen.

Because of difference in personal facts and the difference in size of the districts, you're getting a different mix. When you have 67 in one house and 135 in another, you get a different mix because some of the districts are much smaller, more localized. Each of those figures for any area is a mix. With a big area it might net out 50-50, but if you took small areas, one might be all one party and one the other. I think you can get a different slant on legislation from one house to the other. No matter if they are both based on population. If we were to reduce the size of the senate, there would be an even larger area that each man represented and he's get a different perspective on things. Then you always have this individual power factor. For example: if you've got two districts outstate and they send a senator and a representative, maybe the senator is a great power and the representative is a nonentity. Then you have two chances to affect legislation in different ways. You might tend to represent some minority area or another geographic area somewhat in the other house. I think two houses are worthwhile.

The model constitution published by the municipal league advocates a unicameral legislature. They don't like conference committees where people can slip something over. They don't like the buckpassing from one house to another when it doesn't get through the other house. I think all those things can be taken care of by the rules of the houses if they wanted to. That is: you could insist that if something passed one house, it would have to be considered by the other. You could insist that the conference committee accurately reflect the opinion of that house on the bill. I think two or three men looking at the same legislation doesn't hurt. If it causes some delay, if the people don't look at it then the LWV, or press, or the opposition party hasn't been watching. We don't depend on the legislature to operate by themselves. We have other institutions, parties, press, interest groups, and these are supposed to watch too.

44. Bergerud

I would never vote for an increase in the size of the legislature and I don't think very many would. We've got the largest senate in the United States right now, and one of the largest houses.

In fact, in the last session when we passed the bill there was an effort made to increase the senate; I said it's my bill, I'll kill it before I increase it. We had to increase the house, I had to give in that's all.

I certainly think we need bicameral. Nebraska has a unicameral, it's the only state in the union which has it and maybe they're doing alright, I don't know. I'm strong to have two houses and it's tradition. You'd have to change the constitution in the first place and it would take years to do it.

45. Latz

The current 120 day session is long enough. There is a tendency for legislation to bunch up near the end now and that would happen even if you had yearly sessions. Also the legislature is a full time job now when it is in session. If we had to devote still more time to it, it would make it possible only for people with independent means to serve. The size of the legislature is too big now. If you had a smaller one the salaries would probably have to be raised.

The unicameral legislature was a joke since I've been in the legislature. There happened to be one particular individual who kept introducing it every session and it always got a good laugh. I have a feeling that there is going to be a lot more serious consideration given to a unicameral legislature. I think, though, there's a lot of value in having two houses just as a matter of check and balance. I don't envision, at least in this session of the legislature, very much serious consideration being given to a unicameral legislature. Some states may do it. We've got to have a little more experience than they have in Nebraska. That one experience in Nebraska, from the little I know of it, if not sufficient for us to project it too far into other states. Nebraska is a fairly homogeneous, rural quiet place. When you are considering a unicameral legislature in states which have other kinds of problems and are more metropolitan in nature, and so on, I think you've got to be careful you don't make the leap on insufficient premises. I don't know that I've given it enough thorough study to be too educated, and I suspect most legislators are in the same boat that I am.

46. Rosenmeier

Pay has nothing to do with competency. You're not going to pay ~~$000,000~~ $18,000 a year anyway and make it a full time job. I don't readily expect top-rate people to make a career of it for less than that. And to talk about $5,000, $6,000 or $8,000 is unrealistic. It means that you're going to pick up the least competent people who are satisfied enough with that kind of income to make a career of it. Now you're getting people much, much more able than that who don't care anything about this. I do think we should encourage young people, not by saying make a fulltime job of it because you can't pay the kind of money to get them, but by telling them, you come in and put your time in on an avocation basis just because you like to, then someway the state will arrange to give you a deferred kind of payment 20 years from now. So at the time you want to retire, when you're done with your work, some of this sacrifice you've made can be compensated for.

We don't need annual sessions. For the first time our standing committees are meeting right now. Finance, labor, judiciary and four or five subcommittees such as civil administration and taxes. They are doing now the same things they can do during the legislative session. If the hearings and staff work are done there is no reason why we can't decide the policy in 4 months. This is a very important departure in the legislative history of the U.S. The LWV should look at this. The legislators get mileage for these meetings but no extra pay. That's different than the interim committee device. An interim committee usually consists of members of both houses meeting on specified subjects. Standing committees now continue during the interim on all matters within their normal jurisdiction.

As to the size of the legislature, I haven't heard anybody yet say they should reduce the U.S. Senate to 50 and the House to 200 and it would be more efficient in Minnesota. The fact is, we are short of manpower now; we don't have enough to go around. If we can be assured the highest quality of competence and integrity in every district of the state, we can reduce the number of districts because we probably would have more absolute ability to operate. But taking the run of the mill as we do, we don't have enough people to man our committees and do our work. People who are arguing we should have a small legislature are the same people who are arguing we ought to have annual sessions, and that we can't get our work done. We can't get it done because we don't have the people to do it.

Dispassionate students think the Minnesota legislature is one of the best in the country. I don't know of any study that's ever correlated legislative efficiency with size.

47. Model State Constitution

The Model State Constitution provides for a unicameral legislature, but suggests that states retaining two houses should carefully review their legislative structure and procedures. It states that bicameral legislatures are under continual criticism, that there is complicity and confusion resulting from the operation of two houses, and that prompt passage of important bills is frustrated. The experience of a unicameral legislature in Nebraska has shown that fewer bills are introduced and a greater percentage of them are passed, that responsibility is pinpointed, and that members of the legislature have more prestige. The claimed advantages of a unicameral legislature have been realized in Nebraska in the last 25 years. There is no data that two houses actually act as a check and balance on each other or that having two leads to better policies and better laws.

If there are two houses and a population group is underrepresented in one then they could be overrepresented in the other to compensate. (The Model State Constitution does not discuss the fact that Nebraska is a fairly homogeneous, rural state and that a unicameral legislature may work better there than in a state that is more diversified and more urban.)

48. No comment.

Courts 

35%

unwritten 1/3 of - Trust - 1/4 of Povich

Walz - horror | minorities

Benson - child

~~Rootlake~~ - Holmquist

~~Olive-loss~~ - ~~Langley~~

Swenson - Mitchell 

49

113

135

APPENDIX

Representation in the 5 county metropolitan area

Present state population - 3,400,000
Present metro-area population - 1,400,000
The 5 county area contains 40% of the people of the state but has only 34% of the representation.
At present the metro area has 23 senators and 46 representatives.
Based on the present population the 5 county area is entitled to 29 senators and 58 representatives.
Ideal average size of senatorial district = 50,953
Present average size in metro area = 64,000
Ideal average size for house district = 25,268
Present average size in metro area = 32,000

	Before '59 reapportionment		After 59 reapportionment	
Hennepin Co.	9 senators	18 representatives	13 senators	26 representatives
Ramsey Co.	6 senators	12 representatives	7 senators	14 representatives
St. Louis Co.	5 senators	9 representatives	5 senators	10 representatives

Anoka Co. population 85,000 1 senator 2 representatives
On basis of '60 census entitled to 1 2/3 senators, 3½ representatives

Washington Co. population 52,000 1 senator and 2 representatives
On basis of '60 census entitled to 1 senator and 2 representatives

Dakota Co. population 78,000 1 senator and 2 representatives
On basis of '60 census entitled to 1½ senators and 3 representatives

Ramsey Co. population 422,000 7 senators and 14 representatives
On basis of '60 census entitled to 8 senators and 16 representatives

This material furnished by Senator Bergerud of Hennepin County

Hennepin County population 842,000 (city of Mpls. population 482,000)
Population of city and suburbs essentially equal.

Suburbs 4 senators 8 representatives
Mpls. 9 senators 18 representatives

All 8 suburban representatives are conservative. Of the 18 city representatives only 8 are conservatives.

STATE LEGISLATORS - RAMSEY COUNTY

Senators

43rd. District
Claude H. Allen
909 Lakeview Ave. (17)

44th. District
Clifton Parks
1678 Beechwood Ave. (16)

45th. District
Nicholas D. Coleman
1018 Eleanor Ave. (2)

46th District
Karl F. Grittner
824 Cherokee Ave. (17)

47th. District
Edward G. Novak
1424 Arundel St. (17)

48th District
Leslie E. Westin
2160 Edgerton, (17)

49th. District
Wendell Anderson
852 E. Wheelock Pkwy. (6)

REPRESENTATIVES

43rd District North (suburban Ramsey)
Robert O. Ashbach
1585 Johanna Blvd. (12)

43rd District South
John Tracy Anderson
1048 Van Slyke Ave. (3)

44th. District North
Robert W. Christenson
148 S. Wheeler Ave. (5)

44th District South
Robert W. Johnson
1950 Bayard Ave. (16)

45th District North
William J. O'Brien
1531 Summit Ave. (5)

45th District South
D. D. Wozniak
1291 Bohland Place (16)

46th District North
Richard W. Richie
509 Fred Street (1)

46th District South
Ernest A. Beedle
868 Delaware (7)

47th District North
Joseph Prifrel
1031 Woodbridge St. (17)

47th District South
Anthony Podworski
643 Van Buren Ave. (4)

48th District North (suburban)
Tom Newcome
2374 Joy Ave. (10)

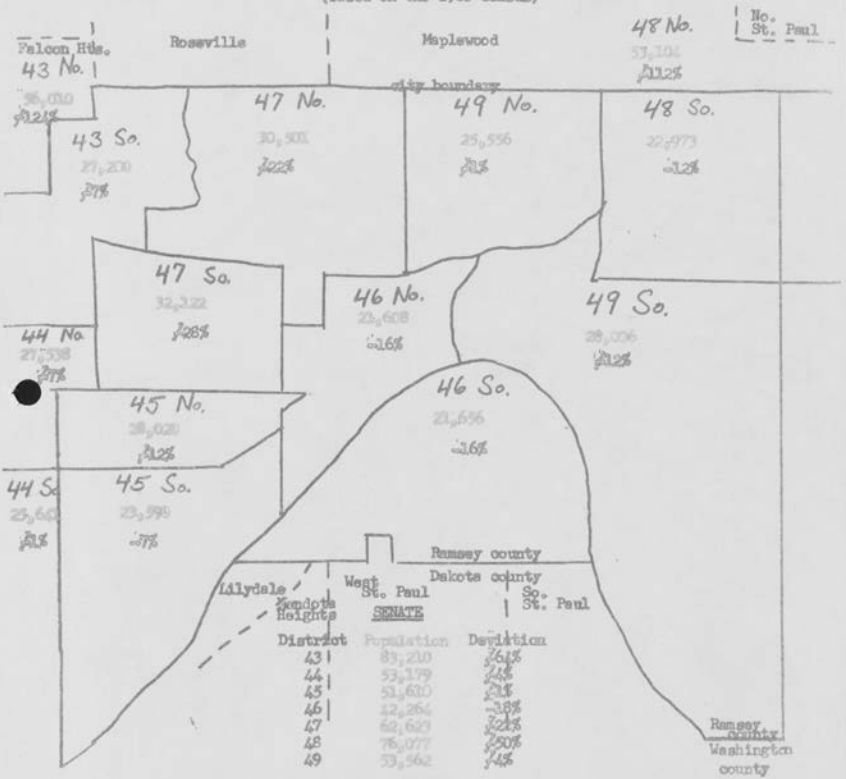
48th District South
Bruce Lindahl
1551 E. Iowa Ave. (6)

49th District North
Lyle T. Farmer
1484 Payne Ave. (1)

49th District South
Vernon L. Sommerdorf
1 Kennard Court (6)

RAMSEY COUNTY AND THE CITY OF ST. PAUL

Population of house and senate districts and deviation from the ideal district (based on the 1960 census)



SENATE

District	Population	Deviation
43	83,210	+6.4%
44	53,179	-24%
45	51,630	-27%
46	42,264	-38%
47	62,623	+21%
48	76,077	+50%
49	53,562	-14%

Figures represent the total population of the district, not the number of registered voters.

JAN 3 1964

January 1, 1964

Miss Marlene Johnson
Braham, Minnesota 55006

Dear Miss Johnson:

I have discussed your request for a speaker for the January 10th meeting of the Future Homemakers of America with members of the staff of the League of Women Voters of Minnesota.

The state League, like the Minneapolis League, maintains a speakers' bureau; and since Braham is so far from Minneapolis, the state office will provide the speaker for your program. Someone will get in touch with you to firm up the details very shortly.

We are glad to know of your interest in effective citizenship and are happy for this opportunity to get acquainted with the girls in your group.

Sincerely,

Mrs. Burton Paulu
Speakers' Bureau Chairman

COPY

copy to League of Women Voters of Minnesota

Thanks for your help!

Miss Johnson's telephone number in Braham is 3962516. Meeting is scheduled for 4 p.m. in the High School Building. Approximately 45 10th, 11th, and 12th grade girls will attend. Topic to be discussed: women's role in government (encourage community-minded activities, etc.)

Braham is on Highway 65

Irene Paulu

LWV of Minnesota, State Organization Service, U. of Minn., Minneapolis, Minn. 55455
June 1964

REPORT ON REAPPORTIONMENT

Constitutional Amendment Workshop - May 20, 1964

by Mrs. Stanley Kane

The LWV will probably never again move into a legislative area where the change in climate is so rapid and so invigorating as in the field of reapportionment during the last decade. At its state Convention in 1953, the League chose, by the narrow squeak of one vote, to study reapportionment as one of three areas of emphasis in an intensive review of the state's constitution. So unhealthy was the reapportionment climate at that time that this was standard comment from even the best-informed citizens: "The legislature of Minnesota will never reapportion until a strong area factor is written into the constitution. You're just wasting your time working on a statute". The attitude in the legislative halls in 1955 was one of amused toleration: "Come and play around if you want to. You're nice girls, and it's fun to argue with you, and of course, no one is going to take you seriously". Among League members, too, there was strong feeling that it was highly impolitic to mention the uncomfortable word "reapportionment" to legislators whom we were trying to convert to the controversial idea of a constitutional convention.

Less than nine years later, in March 1962, when the Supreme Court of the United States handed down its historic decision in Baker v. Carr (or the Tennessee case), the national attitude changed dramatically and overnight. Now the stereotype comment is something like this: "Well, reapportionment is something we'll never have to worry about again. The Supreme Court will see to that".

Let us examine this more recent stereotype, as we succeeded in getting Minnesota legislators to examine their outmoded stereotype in the sessions of 1955, 1957 and 1959.

It is true that at a single moment in time - with the decision in Baker v. Carr - two great new concepts in regard to legislative reapportioning were established - basic to the healthy functioning of true democracy:

1. The courts now have the power to enter into the field of legislative reapportionment - from which they had previously kept completely aloof in the belief that our "separation of powers" theory made them alien and helpless. (As in numerous other states, the high court of Minnesota had on two occasions turned down appeals for relief from discrimination agreeing that the constitution did indeed provide the legislature with a clear mandate to reapportion every ten years, but pointing out that the only remedy was "to prick the political conscience" of the legislators at election time.

2. The right of proper representation in a state legislative body is, since Baker v. Carr, a matter of civil rights - guaranteed by the "equal protection of the laws" clause of the federal constitution's Fourteenth Amendment.

Three subsequent decisions by the Federal Supreme Court have also been victories in the reapportionment struggle. Within a year and a half after the Tennessee case, the court had made it clear that:

1. State courts, as well as federal courts, have the power and the obligation to hear reapportionment suits. (A case involving the reapportionment system in Michigan had been dismissed in the state Supreme Court; the federal court remanded it back to the state court for a hearing and a decision - now incidentally waiting its turn again on the Federal Supreme Court docket.)

2. A reapportionment system may not depart so radically from the "one man, one vote" theory as the county-unit system which has kept Georgia's urban citizens in complete subjection to the sparsely settled rural areas.

3. Congressional districting is also a matter for judicial interference.

The last several months have been ones of anxious waiting for the most difficult decision of all: Is it proper for a state legislature to use "a little federal" system - choosing one of its houses on a basis other than population? You may remember that a recent issue of the "National Voter" carried an article about reapportionment entitled "The Other Shoe" - meaning, of course, "Please drop it!"

Justice Frankfurter, who dissented in Baker v. Carr, warned the court and the nation that in interfering with legislative reapportionments, the courts were entering "a political thicket". The court is, of course, acutely aware of this danger - and is slowly and painfully clearing a pathway through this thicket that the states will find it possible to trod in refashioning their apportionment systems. Patiently and attentively, the court has spent over one-tenth of its hearing time this term in listening to reapportionment cases from New York, Maryland, Virginia, Delaware, Alabama, Colorado and Florida; suits from Michigan, Washington, Oklahoma, Ohio and Illinois are still waiting to be heard.

Every Monday, which is decision day in the Supreme Court, the telephone in the clerk's office starts ringing early in the morning, and invariably the first question is: "Any decisions in the reapportionment cases yet?" So far the answer has been: "no"; but watch those Monday papers! Urging the court on to decision is the plight of states facing such problems as at-large elections for legislative seats; urging them to full contemplation is the knowledge that almost two-thirds of our states have an area factor in one or both houses so that their very legality is at stake.

The central question is, as we have said; "May a state, if its people so choose - in adopting a constitution or an amendment thereto - base one of its legislative houses on a factor other than population?" If the answer is yes, that some other factor <u>is</u> acceptable, then the court must lay down some guidelines for the states - telling them how far a state may go in protecting its geographical minorities.

Now to review a little League history in regard to this political thicket of reapportionment - which provided us with a little clearing job of our own. As an aside, we might comment that if the present statutory settlement is not all that it might be, having been based on the census of 1950, we must remember that this compromise settlement antedated Baker v. Carr and was a pathfinding effort in that day. Minnesotans should also take consolation in the fact that their efforts paved the way for Baker v. Carr. The Minnesota case of Magraw v. Donovan - in which the federal court retained jurisdiction of the complaint while waiting for the legislature to comply with the constitution - formed the basis for the Tennessee case, started shortly after the Minnesota "success".

The Minnesota LWV has taken two consensuses on reapportionment. One was in 1954, in preparation for the session of 1955. The decision was to work for a statute <u>and</u> a constitutional amendment. The League agreed that an area factor in one house would be <u>acceptable</u> or <u>wise</u> (some Leagues used one word, some the other) in return for enforcement machinery guaranteeing reapportionment after each census. This consensus served us until the end of the legislative session of 1959. In that historic session, the legislators complied with the constitution under the threat of Magraw v. Donovan and passed the statute under which we are now apportioned. The same session framed an amendment which provided for an area factor in the

Senate by a frozen district arrangement, and a very modified form of the enforcement machinery we had asked for.

Before deciding whether to support or oppose this amendment, the League again closeted with its conscience and its new view of the political and legal realities - and came forth with a clear consensus for opposition - which we proceeded to carry into effect in the election of 1960. In the process of reviewing our stand, we had a chance to repeat the standards for an amendment so carefully arrived at during the years: an area factor which would be fair, flexible and specific; guaranteed population in the other house; and enforcement machinery which would remove the privilege of reapportionment from a legislature unwilling to carry out the constitutional provisions.

What will the League do in sessions to come? Two factors make prophecy more difficult than usual - the awaited Supreme Court decisions on area and the fact, that through some rather peculiar programming procedures, the League is unable to do anything about statutory reapportionment until it puts the item on its Current Agenda and re-studies it from the beginning. According to the present League program, which will prevail during the coming legislative session, all the members may do is work for an amendment which will "improve the constitution". In the last session, there was one bill to improve our far-from-perfect reapportionment statute; the League did not and could not testify. Already the writer has heard of two bills to be introduced in the coming session - on which the League may likewise take no action.

Surely, League thought and League action will be needed in the future, both as to statutory and to constitutional reapportionment. I think we should be under no illusion that, with court intervention, future reapportionments will be cut and dried affairs. There will emerge, of course, some clearer guidelines as to what courts will accept and as to what courts will do. The present decisions of various state and federal courts allow us to see a trend, but it is not yet very consistent and even this trend is subject to final Supreme Court action.

With one or two exceptions, courts have <u>not</u> held that both houses of a legislature must be districted according to population. However, several courts have said that one of the houses must be on population, and other courts have added that the "area" chamber must not depart too far from the population principle.

Nor has the action of the citizenry been much more consistent than that of the courts. A few months after the Baker v. Carr decision, Colorado voted to put one of its houses on an area base - an attempt that had failed previous to Baker v. Carr! Likewise, California, with one of the most grossly unfair Senates in the nation, turned down an initiative amendment to rectify that unfairness. Nebraska - also post-Baker v. Carr - voted to add a 20% area factor to its population-based unicameral body. On the other hand, the voters of North Carolina turned down, this January, by a three-to-two vote, an attempt to institute a "little federal plan" in their state legislature.

It is not inconceivable that the voters of Minnesota may also, in the near future, be called upon to decide a similar question. And again the LWV can prove effective in clarifying for the voters the answers to many intricate questions. Indeed, the League may have a great deal to say both about the content of an amendment and its fate at the ballot box. In the process, you will again be met by these four questions which you have answered in the past:

1. Is an area factor desirable in our legislature?
2. If so, what kind?
3. If so, then is it not necessary to <u>guarantee</u> population in the other?

4. Is it now worthwhile, as it was in our previous proposals, to put so much stress on automatic enforcement provisions?

First - is an area factor desirable in a two-house legislature? It is probably the tendency for League members to cry out, "No - one man, one vote!" In the past, many members will say, we entertained the idea of an area factor only to get concessions on periodic enforcement.

But remember, there is also something to be said on the other side - even by many political scientists. Using their words, we can dignify the concept of area representation by comparing the two theories of working democracy. There is the concept of "majoritarian democracy", which holds that 51% of the people shall rule. Then there is the concept of "consensus democracy", which has been the traditional American approach. The upholders of this approach say that major programs and new directions cannot be undertaken without being supported by a sizeable majority of the population.

Those Minnesotans who incline to this latter traditional view will enforce their argument by saying that strictly majoritarian democracy could be particularly difficult, even dangerous, in this state because Minnesota is one of the few across the nation where over half of the population will soon live in one concentrated metropolitan area. Many League members will ask if it is wise that a diffused outstate minority have no protection in either house against the will of a highly concentrated majority.

Some of you, in the future as in the past, will say that actually, in legislative practice, an urban center is "equally" represented if it has fewer representatives than its population would entitle it to. This is mainly because the urban center in this state is also the seat of government - and urban legislators are therefore in closer communication with the center of power. A weaker argument is that the urban districts have more homogeneous interests (weaker because many of them do not). The argument that makes most sense to the person on the legislative scene is this: A rural representative must represent fewer people than an urban legislator if he is to represent them as well. First, because his problems of communication with the people in his district and with the administrative, legislative and party leaders is a more difficult and time-consuming one. Mainly, because the rural legislator carries heavier, more complex problems of representation (particularly in the field of special legislation which, let's face it, makes up much of his load). One example: A legislator from a rural district may have as many as a dozen school districts to represent - of different classifications, different needs, different degrees of impoverishment - but all competing for his attention. On the other hand, Minneapolis has only one school district, and though its problems may admittedly be great, the Minneapolis school board has 9 senators and 18 representatives to plead its case.

Now more rapidly to the other three questions the League will be considering if it turns its attention to framing an amendment which would "improve our constitution". Question two is this: If there is to be an area factor, where and what should it be? Here, of course, the forthcoming decisions of the Supreme Court will be of paramount importance. Apart from these, the League has found, from past sad experience, that the Senate has the faster, firmer hand in grabbing the area factor coveted by the leadership of both chambers. However, we also know, from wrestling with reapportionment maps, that it is statistically much more difficult to work out a rational and fair system of area representation in the Senate. To get down to particulars, will the Supreme Court decisions approve the "frozen districts" arrangement which was all the Minnesota Senate leaders had to offer for incorporating "area" into the constitution? Or will the high court include such an inflexible arrangement in its definition of "invidious discrimination"?

The third question that must be answered in another League consensus on reapportionment is relatively simple. If there is an area factor in one house, must not the population factor be guaranteed in the other? The word population is not synonomous with a constitutional assurance of the same. Standards must be laid down. Even in the previous conference committees, we were bold enough to suggest that no district vary more than 20% from the average, or ideal, state district. Now, with Supreme Court decisions to back us up, might we not join the political scientists and say 15% deviation is enough in a population body?

Now the fourth and final question - enforcement machinery. This is no longer the burning issue it was with us. The League is no loner "compelled" to trade area for enforcement. As to enforcement machinery, the courts have been proving very effective enforcers now that they have been allowed to set the machinery in motion. In more than one state, the courts have actually drawn district lines for legislatures unwilling to act or acting willfully. On the other hand, future courts, having led the nation out of decades of inaction and willful discrimination, may become less agressive in protecting our "equal rights". Moreover, there is no doubt that from the purist political science point of view, the best reapportionment solution is a body completely removed from the practical implications of the procedure. To allow the legislature to reapportion itself is like allowing a judge to preside in a case involving his own interests. Redistricting power is ideally in the hands of an impartial body - administrative or bipartisan - with power to review fairness of the redistricting being vested in the courts.

Our past Minnesota legislatures - particularly those who have held and still hold the reins of Senate power - were most adamant against letting reapportionment slip out of their hands at any point. Now, of course, the bargaining position of the LWV and the citizen is enormously enhanced on this point. League members will find a more sensitive and willing public ear. League lobbyists may even find a warming trend on the heights of Capitol Hill! Good luck!

REYNOLDS v. SIMS
Alabama Reapportionment Case decided June 15, 1964

(From Supreme Court Reporter, Volume 84, Pages 1362-1418. Some parts of the majority opinion, all of the footnotes, and the concurring and dissenting opinions are omitted.)

Mr. Chief Justice WARREN delivered the opinion of the Court . . .

I

On August 26, 1961, the original plaintiffs, residents, taxpayers and voters of Jefferson County, Alabama, filed a complaint in the United States District Court for the Middle District of Alabama, in their own behalf and on behalf of all similarly situated Alabama voters, challenging the apportionment of the Alabama Legislature. Defendants below sued in their representative capacities, were various state and political party officials charged with the performance of certain duties in connection with state elections. The complaint alleged a deprivation of rights under the Alabama Constitution and under the Equal Protection Clause of the Fourteenth Amendment, and asserted that the District Court had jurisdiction under provisions of the Civil Rights Act . . .

On July 12, 1962, an extraordinary session of the Alabama Legislature adopted two reapportionment plans to take effect for the 1966 elections. One was a proposed constitutional amendment, referred to as the "67-Senator Amendment." It provided for a House of Representatives consisting of 106 members, apportioned by giving one seat to each of Alabama's 67 counties and distributing the others according to population by the "equal proportions" method. Using this formula, the constitutional amendment specified the number of representatives allotted to each county until a new apportionment could be made on the basis of the 1970 census. The Senate was to be composed of 67 members, one from each county. The legislation provided that the proposed amendment should be submitted to the voters for ratification at the November 1962 general election.

The other reapportionment plan was embodied in a statutory measure adopted by the legislature and signed into law by the Alabama Governor, and was referred to as the "Crawford-Webb Act." It was enacted as standby legislation to take effect in 1966 if the proposed constitutional amendment should fail of passage by a majority of the State's voters, or should the federal courts refuse to accept the proposed amendment (though not rejected by the voters) as effective action in compliance with the requirements of the Fourteenth Amendment. The act provided for a Senate consisting of 35 members, representing 35 senatorial districts established along county lines, and altered only a few of the former districts. In apportioning the 106 seats in the Alabama House of Representatives, the statutory measure gave each county one seat, and apportioned the remaining 39 on a rough population basis, under a formula requiring increasingly more population for a county to be accorded additional seats. The Crawford-Webb Act also

provided that it would be effective "until the legislature is reapportioned according to law," but provided no standards for such a reapportionment. Future apportionments would presumably be based on the existing provisions of the Alabama Constitution which the statute, unlike the proposed constitutional amendment, would not affect.

The evidence adduced at trial before the three-judge panel consisted primarily of figures showing the population of each Alabama county and senatorial district according to the 1960 census, and the number of representatives allocated to each county under each of the three plans at issue in the litigation--the existing apportionment (under the 1901 constitutional provisions and the current statutory measures substantially reenacting the same plan), the proposed 67-Senator constitutional amendment, and the Crawford-Webb Act. Under all three plans, each senatorial district would be represented by only one senator.

On July 21, 1962, the District Court held that the inequality of the existing representation in the Alabama Legislature violated the Equal Protection Clause of the Fourteenth Amendment, a finding which the Court noted has been "generally conceded" by the parties to the litigation, since population growth and shifts had converted the 1901 scheme, as perpetuated some 60 years later, into an invidiously discriminatory plan completely lacking in rationality. Under the existing provisions, applying 1960 census figures, only 25.1% of the State's total population resided in districts represented by a majority of the members of the Senate, and only 25.7% lived in counties which could elect a majority of the members of the House of Representatives. Population-variance ratios of up to about 41-to-1 existed in the Senate, and up to about 16-to-1 in the House. Bullock County, with a population of only 13,462, and Henry County, with a population of only 15,286, each were allocated two seats in the Alabama House, whereas Mobile County, with a population of 314,301, was given only three seats, and Jefferson County, with 634,864 people, had only seven representatives. With respect to senatorial apportionment, since the pertinent Alabama constitutional provisions had been consistently construed as prohibiting the giving of more than one Senate seat to any one county, Jefferson County, with over 600,000 people, was given only one senator, as was Lowndes County, with a 1960 population of only 15,417, and Wilcox County, with only 18,739 people.

The Court then considered both the proposed constitutional amendment and the Crawford-Webb Act to ascertain whether the legislature had taken effective action to remedy the unconstitutional aspects of the existing apportionment. In initially summarizing the result which it had reached, the Court stated:

> "This Court has reached the conclusion that neither the '67-Senator Amendment,' nor the 'Crawford-Webb Act' meets the necessary constitutional requirements. We find that each of the legislative acts, when considered as a whole, is so obviously discriminatory, arbitrary, and irrational that it becomes unnecessary to pursue a detailed development of each of the relevant factors of the (federal constitutional) test."

The Court stated that the apportionment of one senator to each county, under the proposed constitutional amendment, would "make the discrimination in the Senate even more invidious than at present." Under the 67-Senator Amendment, as pointed out by the court below, "(t)he present control of the Senate by members representing 25.1 % of the people of Alabama would be reduced to control by members representing 19.4% of the people of the State," the 34 smallest counties, with a total population of less than that of Jefferson County, would have a majority of the senatorial seats, and senators elected by only about 14% of the State's population could prevent the submission to the electorate of any future proposals to amend the State Constitution (since a vote of two-fifths of the members of one house can defeat a proposal to amend the Alabama Constitution). Noting that the "only conceivable rationalization" of the senatorial apportionment scheme is that it was based on equal representation of political subdivisions within the State, and is thus analogous to the Federal Senate, the District Court rejected the analogy on the ground that Alabama counties are merely involuntary political units of the State created by statute to aid in the administration of state government . . .

Turning next to the provisions of the Crawford-Webb Act, the District Court found that its apportionment of the 106 seats in the Alabama House of Representatives, by allocating one seat to each county and distributing the remaining 39 to the more populous counties in diminishing ratio to their populations, was "totally unacceptable." Under this plan, about 37% of the State's total population would reside in counties electing a majority of the members of the Alabama House, with a maximum population-variance ratio of about 5-to-1 . . .

The District Court then directed its concern to the providing of an effective remedy. It indicated that it was adopting and ordering into effect for the November 1962 election a provisional and temporary reapportionment plan composed of the provisions relating to the House of Representatives contained in the 67-Senator Amendment and the provisions of the Crawford-Webb Act relating to the Senate. The Court noted, however, that "(t)he proposed reapportionment of the Senate in the 'Crawford-Webb Act,' unacceptable as a piece of permanent legislation, may not even break the strangle hold." Stating that it was retaining jurisdiction and deferring any hearing on plaintiffs' motion for a permanent injunction "until the Legislature, as provisionally reapportioned * * *, has an opportunity to provide for a true reapportionment of both Houses of the Alabama Legislature," the Court emphasized that its "moderate" action was designed to break the strangle hold by the smaller counties on the Alabama Legislature and would not suffice as a permanent reapportionment. On July 25, 1962, the Court entered its decree in accordance with its previously stated determinations, concluding that "plaintiffs * * * are denied * * * equal protection * * * by virtue of the debasement of their votes, since the Legislature of the State of Alabama has failed and continues to fail to reapportion itself (as required by law)." It enjoined the defendant state officials from holding any future elections under any of the apportionment plans that it had found invalid, and stated that the 1962 election of Alabama legislators could validly be conducted only under the apportionment scheme specified in the Court's order.

After the District Court's decision, new primary elections were held pursuant to legislation enacted in 1962 at the same special session as the proposed constitutional amendment and the Crawford-Webb Act, to be effective in the event the Court itself ordered a particular reapportionment plan into immediate effect. The November 1962 general election was likewise conducted on the basis of the District Court's ordered apportionment of legislative seats, as Mr. Justice Black refused to stay the District Court's order. Consequently, the present Alabama Legislature is apportioned in accordance with the temporary plan prescribed by the District Court's decree. All members of both houses of the Alabama Legislature serve four-year terms, so that the next regularly scheduled election of legislators will not be held until 1966. The 1963 regular session of the Alabama Legislature produced no legislation relating to legislative apportionment, and the legislature, which meets biennially, will not hold another regular session until 1965. . .

Notices of appeal to this Court from the District Court's decision were timely filed . . .

II

Undeniably the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections. A consistent line of decisions by this Court in cases involving attempts to deny or restrict the right of suffrage has made this indelibly clear. It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, Ex parte Yarbrough, 110 U.S. 651, and to have their votes counted, United States v. Mosley, 238 U.S. 383. In Mosley the Court stated that it is "as equally unquestionable that the right to have one's vote counted is as open to protection * * * as the right to put a ballot in a box." The right to vote can neither be denied outright, Guinn v. United States, 238 U.S. 347, Lane v. Wilson, 307 U.S. 268, nor can it be destroyed by alteration of ballots, see United States v. Classic, 313 U.S. 299, nor diluted by ballot-box stuffing, Ex parte Siebold, 100 U.S. 371, United States v. Saylor, 322 U. S. 385. As the Court stated in Classic, "Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a state to cast their ballots and have them counted * * *." Racially based gerrymandering, Gomillion v. Lightfoot, 364 U. S. 339, and the conducting of white primaries, Nixon v. Herndon, 273 U.S. 536, Nixon v. Condon, 286 U. S. 73, Smith v. Allwright, 321 U. S. 649, Terry v. Adams, 345 U.S. 461, both of which result in denying to some citizens their right to vote, have been held to be constitutionally impermissible. And history has seen a continuing expansion of the scope of the right of suffrage in this country. The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement of dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

In Baker v. Carr, 369 U.S. 186, we held that a claim asserted under the Equal Protection Clause challenging the constitutionality of a State's apportionment of seats in its legislature, on the ground that the right to vote of certain citizens was effectively impaired since debased and diluted in effect, presented a justiciable controversy subject to adjudication by federal courts. The spate of similar cases filed and decided by lower

courts since our decision in Baker amply shows that the problem of state legislative malapportionment is one that is perceived to exist in a large number of the States. In Baker, a suit involving an attack on the apportionment of seats in the Tennessee Legislature, we remanded to the District Court, which had dismissed the action, for consideration on the merits. We intimated no view as to the proper constitutional standards for evaluating the validity of a state legislative apportionment scheme. Nor did we give any consideration to the question of appropriate remedies. Rather we simply stated:

> "Beyond noting that we have no cause at this stage to doubt the District Court will be able to fashion relief if violations of constitutional rights are found, it is improper now to consider what remedy would be most appropriate if appellants prevail at trial."

We indicated in Baker, however, that the Equal Protection Clause provides discoverable and manageable standards for use by lower courts in determining the constitutionality of a state legislative apportionment scheme, and we stated:

> "Nor need the appellants, in order to succeed in this action, ask the Court to enter upon policy determinations for which judicially manageable standards are lacking. Judicial standards under the Equal Protection Clause are well developed and familiar, and it has been open to courts since the enactment of the Fourteenth Amendment to determine, if on the particular facts they must, that a discrimination reflects no policy, but simply arbitrary and capricious action."

Subsequent to Baker, we remanded several cases to the courts below for reconsideration in light of that decision.

In Gray v. Sanders, 372 U. S. 368, we held that the Georgia county unit system, applicable in statewide primary elections, was unconstitutional since it resulted in a dilution of the weight of the votes of certain Georgia voters merely because of where they resided. After indicating that the Fifteenth and Nineteenth Amendments prohibit a State from over-weighting or diluting votes on the basis of race or sex, we stated:

> "How then can one person be given twice or 10 times the voting power of another person in a statewide election merely because he lives in a rural area or because he lives in the smallest rural county? Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote--whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in that geographical unit. This is required by the Equal Protection Clause of the Fourteenth Amendment. The concept of 'we the people' under the Constitution visualizes no preferred class of voters but equality among those who meet the basic

> qualifications. The idea that every voter is equal to every other voter in his State, when he casts his ballot in favor of one of several competing candidates, underlies many of our decisions."

Continuing, we stated that "there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters within the State." And, finally, we concluded: "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth and Nineteenth Amendments can mean only one thing--one person, one vote."

We stated in Gray, however that that case,

> "unlike Baker v. Carr, * * * does not involve a question of the degree to which the Equal Protection Clause of the Fourteenth Amendment limits the authority of a State legislature in designing the geographical districts from which representatives are chosen either for the State Legislature or for the Federal House of Representatives * * Nor does it present the question, inherent in the bicameral form of our Federal Government, whether a State may have one house chosen without regard to population."

Of course, in these cases we are faced with the problem not presented in Gray--that of determining the basic standards and stating the applicable guidelines for implementing our decision in Baker v. Carr.

In Wesberry v. Sanders, 376 U. S. 1, decided earlier this Term, we held that attacks on the constitutionality of congressional districting plans enacted by state legislatures do not present nonjusticiable questions and should not be dismissed generally for "want of equity." We determine that the constitutional test for the validity of congressional districting schemes was one of substantialequality of population among the various districts established by a state legislature for the election of members of the Federal House of Representatives.

In that case we decided that an apportionment of congressional seats which "contracts the value of some votes and expands that of others" is unconstitutional, since "the Federal Constitution intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote * *." We concluded that the constitutional prescription for election of members of the House of Representatives "by the People," construed in its historical context, "means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." We further stated:

> "It would defeat the principle solemnly embodied in the Great Compromise--equal representation in the House for equal numbers of people--for us to hold that, within the States, legislatures may draw the lines of congressional districts in such a way as to give some voters a greater voice in choosing a Congressman than others."

We found further, in Wesberry, that "our Constitution's plain objective" was that "of making equal representation for equal numbers of people the fundamental goal * * *." We concluded by stating:

> "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right."

Gray and Wesberry are of course not dispositive of or directly controlling on our decision in these cases involving state legislative apportionment controversies. Admittedly, those decisions, in which we held that, in state-wide and in congressional elections, one person's vote must be counted equally with those of all other voters in a State, were based on different constitutional considerations and were addressed to rather distinct problems. But neither are they wholly inapposite. Gray, though not determinative here since involving the weighting of votes in statewide elections, established the basic principle of equality among voters within a State, and held that voters cannot be classified, constitutionally, on the basis of where they live, at least with respect to voting in statewide elections. And our decision in Wesberry was of course grounded on that language of the Constitution which prescribes that members of the Federal House of Representatives are to be chosen "by the people," while attacks on state legislative apportionment schemes, such as that involved in the instant cases, are principally based on the Equal Protection Clause of the Fourteenth Amendment. Nevertheless, Wesberry clearly established that the fundamental principle of representative government in this country is one of equal representation for equal numbers of people, without regard to race, sex, economic status, or place of residence within a State. Our problem, then, is to ascertain, in the instant cases, whether there are any constitutionally cognizable principles which would justify departures from the basic standard of equality among voters in the apportionment of seats in state legislatures.

III

A predominant consideration in determining whether a State's legislative apportionment scheme constitutes an invidious discrimination violative of rights asserted under the Equal Protection Clause is that the rights allegedly impaired are individual and personal in nature. As stated by the Court in United States v. Bathgate, 246 U. S. 220, "(t)he right to vote is personal * * *." While the result of a court decision in a state legislative apportionment controversy may be to require the restructuring of the geographical distribution of seats in a state legislature, the judicial focus must be concentrated upon ascertaining whether there has been any discrimination against certain of the State's citizens which constitutes an impermissible impairment of their constitutionally protected right to vote. Like Skinner v. Oklahoma, 316 U. S. 535, such a case "touches a sensitive and important

area of human rights," and "involves one of the basic civil rights of man," presenting questions of alleged "invidious discriminations * * * against groups or types of individuals in violation of the constitutional guaranty of just and equal laws." 316 U. S., at 536, 541. Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized. Almost a century ago, in Yick Wo v. Hopkins, 118 U. S. 356, the Court referred to "the political franchise of voting" as "a fundamental political right, because preservative of all rights." 118 U.S., at 370.

Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system. It could hardly be gainsaid that a constitutional claim has been asserted by an allegation that certain otherwise qualified voters had been entirely prohibited from voting for members of their state legislature. And, if a State should provide that the votes of citizens in one part of the State should be given two times, or five times, or 10 times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. It would appear extraordinary to suggest that a state could be constitutionally permitted to enact a law providing that certain of the state's voters could vote two, five, or 10 times for their legislative representatives, while voters living elsewhere could vote only once. And it is inconceivable that a state law to the effect that, in counting votes for legislators, the votes of citizens in one part of the State would be multiplied by two, five, or 10, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable. Of course, the effect of state legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical. Overweighting and overvaluation of the votes of those living here has the certain effect of dilution and undervaluation of the votes of those living there. The resulting discrimination against those individual voters living in disfavored areas is easily demonstrable mathematically. Their right to vote is simply not the same right to vote as that of those living in a favored part of the State. Two, five, or 10 of them must vote before the effect of their voting is equivalent to that of their favored neighbor. Weighting the votes of citizens differently, by any method or means, merely because of where they happen to reside, hardly seems justifiable. One must be ever aware that the Constitution forbids "sophisticated as well as simple-minded modes of discrimination." Lane v. Wilson, 307 U. S. 268, Gomillion v. Lightfoot, 364 U. S. 339. As we stated in Wesberry v. Sanders, supra:

> "We do not believe that the Framers of the Constitution intended to permit the same vote-diluting discrimination to be accomplished through the device of districts containing widely varied numbers of inhabitants. To say that a vote is worth more in one district than in another * * would run counter to our fundamental ideas of democratic government * * *."

State legislatures are, historically, the fountainhead of representative government in this country. A number of them have their roots in colonial times, and substantially antedate the creation of our Nation and our Federal Government. In fact, the first formal stirrings of American political independence are to be found, in large part, in the views and actions of several of the colonial legislative bodies. With the birth of our National Government, and the adoption and ratification of the Federal Constitution, state legislatures retained a most important place in our Nation's governmental structure. But representative government is in essence self-government through the medium of elected representatives of the people, and each and every citizen has an inalienable right to full and effective participation in the political processes of his State's legislative bodies. Most citizens can achieve this participation only as qualified voters through the election of legislators to represent them. Full and effective participation by all citizens in state government requires, therefore, that each citizen has an equally effective voice in the election of members of his state legislature. Modern and viable state government needs, and the Constitution demands, no less.

Logically, in a society ostensibly grounded on representative government, it would seem reasonable that a majority of the people of a State could elect a majority of that State's legislators. To conclude differently, and to sanction minority control of state legislative bodies, would appear to deny majority rights in a way that far surpasses any possible denial of minority rights that might otherwise be thought to result. Since legislatures are responsible for enacting laws by which all citizens are to be governed, they should be bodies which are collectively responsive to the popular will. And the concept of equal protection has been traditionally viewed as requiring the uniform treatment of persons standing in the same relation to the governmental action questioned or challenged. With respect to the allocation of legislative representation, all voters, as citizens of a State, stand in the same relation regardless of where they live. Any suggested criteria for the differentiation of citizens are insufficient to justify any discrimination, as to the weight of their votes, unless relevant to the permissible purposes of legislative apportionment. Since the achieving of fair and effective representation for all citizens is concededly the basic aim of legislative apportionment, we conclude that the Equal Protection Clause guarantees the opportunity for equal participation by all voters in the election of state legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment just as much as invidious discriminations based upon factors such as race, Brown v. Board of Education, 347 U. S. 483,

or economic status, Griffin v. People of State of Illinois, 351 U. S. 12, Douglas v. People of State of California, 372 U. S. 353. Our constitutional system amply provides for the protection of minorities by means other than giving them majority control of state legislatures. And the democratic ideals of equality and majority rule, which have served this Nation so well in the past, are hardly of any less significance for the present and the future.

We are told that the matter of apportioning representation in a state legislature is a complex and many-faceted one. We are advised that States can rationally consider factors other than population in apportioning legislative representation. We are admonished not to restrict the power of the States to impose differing views as to political philosophy on their citizens. We are cautioned about the dangers of entering into political thickets and mathematical quagmires. Our answer is this: a denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us. As stated in Gomillion v. Lightfoot, supra:

> "When a State exercises power wholly within the domain of state interest, it is insulated from federal judicial review. But such insulation is not carried over when state power is used as an instrument for circumventing a federally protected right."

To the extent that a citizen's right to vote is debased, he is that much less a citizen. The fact that an individual lives here or there is not a legitimate reason for overweighting or diluting the efficacy of his vote. The complexions of societies and civilizations change, often with amazing rapidity. A nation once primarily rural in character becomes predominantly urban. Representation schemes once fair and equitable become archaic and outdated. But the basic principle of representative government remains, and must remain, unchanged--the weight of a citizen's vote cannot be made to depend on where he lives. Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies. A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's Equal Protection Clause. This is an essential part of the concept of a government of laws and not men. This is at the heart of Lincoln's vision of "government of the people, by the people, (and) for the people." The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races.

IV

We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State . . .

V.

Since neither of the houses of the Alabama Legislature, under any of the three plans considered by the District Court, was apportioned on a population basis, we would be justified in proceeding no further. However, one of the proposed plans, that contained in the so-called 67-Senator Amendment, at least superficially resembles the scheme of legislative representation followed in the Federal Congress. Under this plan, each of Alabama's 67 counties is allotted one senator, and no counties are given more than one Senate seat. Arguably, this is analogous to the allocation of two Senate seats, in the Federal Congress, to each of the 50 States, regardless of population. Seats in the Alabama House, under the proposed constitutional amendment, are distributed by giving each of the 67 counties at least one, with the remaining 39 seats being allotted among the more populous counties on a population basis. This scheme, at least at first glance, appears to resemble that prescribed for the Federal House of Representatives, where the 435 seats are distributed among the States on a population basis, although each State, regardless of its population, is given at least one Congressman. Thus, although there are substantial differences in underlying rationale and result, the 67-Senator Amendment, as proposed by the Alabama Legislature, at least arguably presents for consideration a scheme analogous to that used for apportioning seats in Congress.

Much has been written since our decision in Baker v. Carr about the applicability of the so-called federal analogy to state legislative apportionment arrangements. After considering the matter, the court below concluded that no conceivable analogy could be drawn between the federal scheme and the apportionment of seats in the Alabama Legislature under the proposed constitutional amendment. We agree with the District Court, and find the federal analogy inapposite and irrelevant to state legislative districting schemes. Attempted reliance on the federal analogy appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted state apportionment arrangements. The original constitutions of 36 of our States provided that representation in both houses of the state legislatures would be based completely, or predominantly, on population. And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in state legislatures when the system of representation in the Federal Congress was adopted. Demonstrative of this is the fact that the Northwest Ordinance, adopted in the same year, 1787, as the Federal Constitution, provided for the apportionment of seats in territorial legislatures solely on the basis of population.

The system of representation in the two Houses of the Federal Congress is one ingrained in our Constitution, as part of the law of the land. It is one conceived out of compromise and concession indispensable to the establishment of our federal republic. Arising from unique historical circumstances, it is based on the consideration that in establishing our type of federalism a group of formerly independent States bound themselves together under one national government. Admittedly, the original 13 states surrendered some of their sovereignty in agreeing to join together

"to form a more perfect Union." But at the heart of our constitutional system remains the concept of separate and distinct governmental entities which have delegated some, but not all, of their formerly held powers to the single national government. The fact that almost three-fourths of our present States were never in fact independently sovereign does not detract from our view that the so-called federal analogy is inapplicable as a sustaining precedent for state legislative apportionments. The developing history and growth of our republic cannot cloud the fact that, at the time of the inception of the system of representation in the Federal Congress, a compromise between the larger and smaller States on this matter averted a deadlock in the constitutional convention which had threatened to abort the birth of our Nation. In rejecting an asserted analogy to the federal electoral college in Gray v. Sanders, supra, we stated:

> "We think the analogies to the electoral college, to districting and redistricting, and to other phases of the problems of representation in state or federal legislatures or conventions are inapposite. The inclusion of the electoral college in the Constitution, as the result of specific historical concerns, validated the collegiate principle despite its inherent numerical inequality, but implied nothing about the use of an analogous system by a State in a statewide election. No such specific accommodation of the latter was ever undertaken, and therefore no validation of its numerical inequality ensued."

Political subdivisions of States--counties, cities, or whatever--never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the State to assist in the carrying out of state governmental functions. As stated by the Court in Hunter v. City of Pittsburgh, 207 U. S. 161, these governmental units are "created as convenient agencies for exercising such of the governmental powers of the state as may be entrusted to them," and the "number, nature, and duration of the powers conferred upon (them) * * * and the territory over which they shall be exercised rests in the absolute discretion of the state." The relationship of the States to the Federal Government could hardly be less analogous.

Thus, we conclude that the plan contained in the 67-Senator Amendment for apportioning seats in the Alabama Legislature cannot be sustained by recourse to the so-called federal analogy. Nor can any other inequitable state legislative apportionment scheme be justified on such an asserted basis. This does not necessarily mean that such a plan is irrational or involves something other than a "republican form of government." We conclude simply that such a plan is impermissible for the States under the Equal Protection Clause, since perforce resulting, in virtually every case, in submergence of the equal-population principle in at least one house of a state legislature.

Since we find the so-called federal analogy inapposite to a consideration of the constitutional validity of state legislative apportionment schemes, we necessarily hold that the Equal Protection Clause requires both houses of a state legislature to be apportioned on a population basis. The right of a citizen to equal representation and to have his vote weighted equally with those of all other citizens in the election of members of one house of a bicameral state legislature would amount to little if States could effectively submerge the equal-population principle in the apportionment of seats in the other house. If such a scheme were permissible, an individual citizen's ability to exercise an effective voice in the only instrument of state government directly representative of the people might be almost as effectively thwarted as if neither house were apportioned on a population basis. Deadlock between the two bodies might result in compromise and concession on some issues. But in all too many cases the more probable result would be frustration of the majority will through minority veto in the house not apportioned on a population basis, stemming directly from the failure to accord adequate overall legislative representation to all of the State's citizens on a nondiscriminatory basis. In summary, we can perceive no constitutional difference, with respect to the geographical distribution of state legislative representation, between the two houses of a bicameral state legislature.

We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in the two state legislative bodies is required to be the same--population. A prime reason for bicameralism, modernly considered, is to insure mature and deliberate consideration of, and to prevent precipitate action on, proposed legislative measures. Simply because the controlling criterion for apportioning representation is required to be the same in both houses does not mean that there will be no differences in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multimember districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house. In summary, these and other factors could be, and are presently in many States, utilized to engender differing complexions and collective attitudes in the two bodies of a state legislature, although both are apportioned substantially on a population basis.

VI.

By holding that as a federal constitutional requisite both houses of a state legislature must be apportioned on a population basis, we mean that the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize that it is a

practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.

In Wesberry v. Sanders, supra, the Court stated that congressional representation must be based on population as nearly as is practicable. In implementing the basic constitutional principle of representative government as enunciated by the Court in Wesberry--equality of population among districts--some distinctions may well be made between congressional and state legislative representation. Since, almost invariably, there is a significantly larger number of seats in state legislative bodies to be distributed within a State than congressional seats, it may be feasible to use political subdivision lines to a greater extent in establishing state legislative districts than in congressional districting while still affording adequate representation to all parts of the State. To do so would be constitutionally valid, so long as the resulting apportionment was one based substantially on population and the equal-population principle was not diluted in any significant way. Somewhat more flexibility may therefore be constitutionally permissible with respect to state legislative apportionment than in congressional districting. Lower courts can and assuredly will work out more concrete and specific standards for evaluating state legislative apportionment schemes in the context of actual litigation. For the present, we deem it expedient not to attempt to spell out any precise constitutional tests. What is marginally permissible in one State may be unsatisfactory in another, depending on the particular circumstances of the case. Developing a body of doctrine on a case-by-case basis appears to us to provide the most satisfactory means of arriving at detailed constitutional requirements in the area of state legislative apportionment. Cf. Slaughter-House Cases, 16 Wall. 36, 78-79. Thus, we proceed to state here only a few rather general considerations which appear to us to be relevant.

A State may legitimately desire to maintain the integrity of various political subdivisions, insofar as possible, and provide for compact districts of contiguous territory in designing a legislative apportionment scheme. Valid considerations may underlie such aims. Indiscriminate districting, without any regard for political subdivision or natural or historical boundary lines, may be little more than an open invitation to partisan gerrymandering. Single-member districts may be the rule in one State, while another State might desire to achieve some flexibility by creating multimember or floterial districts. Whatever the means of accomplishment, the overriding objective must be substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.

History indicates, however, that many States have deviated, to a greater or lesser degree, from the equal-population principle in the apportionment of seats in at least one house of their legislatures.

So long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational state policy, some deviations from the equal-population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral state legislature. But neither history alone, nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population-based representation. Citizens, not history or economic interests, cast votes. Considerations of area alone provide an insufficient justification for deviations from the equal-population principle. Again, people, not land or trees or pastures, vote. Modern developments and improvements in transportation and communications make rather hollow, in the mid-1960's most claims that deviations from population-based representation can validly be based solely on geographical considerations. Arguments for allowing such deviations in order to insure effective representation for sparsely settled areas and to prevent legislative districts from becoming so large that the availability of access of citizens to their representatives is impaired are today, for the most part, unconvincing.

A consideration that appears to be of more substance in justifying some deviations from population-based representation in state legislatures is that of insuring some voice to political subdivisions, as political subdivisions. Several factors make more than insubstantial claims that a State can rationally consider according political subdivisions some independent representation in at least one body of the state legislature, as long as the basic standard of equality of population among districts is maintained. Local governmental entities are frequently charged with various responsibilities incident to the operation of state government. In many States much of the legislature's activity involves the enactment of so-called local legislation, directed only to the concerns of particular political subdivisions. And a State may legitimately desire to construct districts along political subdivision lines to deter the possibilities of gerrymandering. However, permitting deviations from population-based representation does not mean that each local governmental unit or political subdivision can be given separate representation, regardless of population. Carried too far, a scheme of giving at least one seat in one house to each political subdivision (for example, to each county) could easily result, in many States, in a total subversion of the equal-population principle in that legislative body. This would be especially true in a State where the number of counties is large and many of them are sparsely populated, and the number of seats in the legislative body being apportioned does not significantly exceed the number of counties. Such a result, we conclude, would be constitutionally impermissible. And careful judicial scrutiny must of course be given, in evaluating state apportionment schemes, to the character as well as the degree of deviations from a strict population basis. But if, even as a result of a clearly rational state policy of according some legislative representation to political subdivisions, population is submerged as the controlling consideration in the apportionment of seats in the particular legislative body, then the right of all of the State's citizens to cast an effective and adequately weighted vote would be unconstitutionally impaired.

VII

One of the arguments frequently offered as a basis for upholding a State's legislative apportionment arrangement, despite substantial disparities from a population basis in either or both houses, is grounded on congressional approval, incident to admitting States into the Union, of state apportionment plans containing deviations from the equal-population principle. Proponents of this argument contend that congressional approval of such schemes, despite their disparities from population-based representation, indicate that such arrangements are plainly sufficient as establishing a "republican form of government." As we stated in Baker v. Carr, some questions raised under the Guaranty Clause are nonjusticiable, where "political"in nature and where there is a clear absence of judicially manageable standards. Nevertheless, it is not inconsistent with this view to hold that, despite congressional approval of state legislative apportionment plans at the time of admission into the Union, even though deviating from the equal-population principle here enunciated, the Equal Protection Clause can and does require more. And an apportionment scheme in which both houses are based on population can hardly be considered as failing to satisfy the Guaranty Clause requirement. Congress presumably does not assume, in admitting States into the Union, to pass on all constitutional questions relating to the character of state governmental organization. In any event, congressional approval, however well-considered, could hardly validate an unconstitutional state legislative apportionment. Congress simply lacks the constitutional power to insulate States from attack with respect to alleged deprivations of individual constitutional rights.

VIII

That the Equal Protection Clause requires that both houses of a state legislature be apportioned on a population basis does not mean that States cannot adopt some reasonable plan for periodic revision of their apportionment schemes. Decennial reapportionment appears to be a rational approach to readjustment of legislative representation in order to take into account population shifts and growth. Reallocation of legislative seats every 10 years coincides with prescribed practice in 41 of the states, often honored more in the breach than the observance, however. Illustratively, the Alabama Constitution requires decennial reapportionment, yet the last reapportionment of the Alabama Legislature, when this suit was brought, was in 1901. Limitations on the frequency of reapportionment are justified by the need for stability and continuity in the organization of the legislative system, although undoubtedly reapportioning no more frequently than every 10 years leads to some imbalance in the population of districts toward the end of the decennial period and also to the development of resistance to change on the part of some incumbent legislators. In substance, we do not regard the Equal Protection Clause as requiring daily, monthly, annual or biennial reapportionment, so long as a State has a reasonably conceived plan for periodic readjustment of legislative representation. While we do not intend to indicate that decennial reapportionment is a constitutional requisite, compliance with

such an approach would clearly meet the minimal requirements for maintaining a reasonably current scheme of legislative representation. And we do not mean to intimate that more frequent reapportionment would not be constitutionally permissible or practicably desirable. But if reapportionment were accomplished with less frequency, it would assuredly be constitutionally suspect.

IX

Although general provisions of the Alabama Constitution provide that the apportionment of seats in both houses of the Alabama Legislature should be on a population basis, other more detailed provisions clearly make compliance with both sets of requirements impossible. With respect to the operation of the Equal Protection Clause, it makes no difference whether a State's apportionment scheme is embodied in its constitution or in statutory provisions. In those States where the alleged malapportionment has resulted from noncompliance with state constitutional provisions which, if complied with, would result in an apportionment valid under the Equal Protection Clause, the judicial task of providing effective relief would appear to be rather simple. We agree with the view of the District Court that state constitutional provisions should be deemed violative of the Federal Constitution only when validly asserted constitutional rights could not otherwise be protected and effectuated. Clearly, courts should attempt to accommodate the relief ordered to the apportionment provisions of state constitutions insofar as is possible. But it is also quite clear that a state legislative apportionment scheme is no less violative of the Federal Constitution when it is based on state constitutional provisions which have been consistently complied with than when resulting from a noncompliance with state constitutional requirements. When there is an unavoidable conflict between the Federal and a State Constitution, the Supremacy Clause of course controls.

X

We do not consider here the difficult question of the proper remedial devices which federal courts should utilize in state legislative apportionment cases. Remedial technique in this new and developing area of the law will probably often differ with the circumstances of the challenged apportionment and a variety of local conditions. It is enough to say now that, once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan. However, under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of state election laws, and should act and rely upon general equitable principles. With respect to

the timing or relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree. As stated by Mr. JUSTICE DOUGLAS in concurring in Baker v. Carr, "any relief accorded can be fashioned in the light of well-know principles of equity."

We feel that the District Court in this case acted in a most proper and commendable manner. It initially acted wisely in declining to stay the impending primary election in Alabama, and properly refrained from acting further until the Alabama Legislature had been given an opportunity to remedy the admitted discrepancies in the State's legislative apportionment scheme, while initially stating some of its views to provide guidelines for legislative action. And it correctly recognized that legislative reapportionment is primarily a matter for legislative consideration and determination, and that judicial relief becomes appropriate only when a legislature fails to reapportion according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so. Additionally, the court below acted with proper judicial restraint, after the Alabama Legislature had failed to act effectively in remedying the constitutional deficiencies in the State's legislative apportionment scheme, in ordering its own temporary reapportionment plan into effect, at a time sufficiently early to permit the holding of elections pursuant to that plan without great difficulty, and in prescribing a plan admittedly provisional in purpose so as not to usurp the primary responsibility for reapportionment which rests with the legislature.

We find, therefore, that the action taken by the District Court in this case, in ordering into effect a reapportionment of both houses of the Alabama Legislature for purposes of the 1962 primary and general elections, by using the best parts of the two proposed plans which it had found, as a whole, to be invalid, was an appropriate and well-considered exercise of judicial power. Admittedly, the lower court's ordered plan was intended only as a temporary and provisional measure and the District Court correctly indicated that the plan was invalid as a permanent apportionment. In retaining jurisdiction while deferring a hearing on the issuance of a final injunction in order to give the provisionally reapportioned legislature an opportunity to act effectively, the court below proceeded in a proper fashion. Since the District Court evinced its realization that its ordered reapportionment could not be sustained as the basis for conducting the 1966 election of Alabama legislators, and avowedly intends to take some further action should the reapportioned Alabama Legislature fail to enact a consitutionally valid, permanent apportionment scheme in the interim, we affirm the judgment below and remand the cases for further proceedings consistent with the views stated in this opinion. It is so ordered.

Affirmed and remanded.

LWV of Minnesota, State Organization Service, University of Minn., Minneapolis, Minn. 55455
July, 1964

OUTLOOK FOR WORK - STATE CURRENT AGENDA ITEM II

REAPPORTIONMENT - REVISED

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

We had wondered whether our old position favoring an "area factor in one house" still reflected the sentiment of our members. We now find it does not reflect the sentiment of the United States Supreme Court.

On June 15 the U. S. Supreme Court held that apportionment must be on a "one person, one vote" basis with each district "substantially equal" in population. Justice Warren in writing the majority opinion stated that "The equal protection clause (of the 14th amendment) requires that a state make an honest and good faith effort to construct districts in both houses of its legislature as nearly of equal population as is practicable."

Although the Court opinion settled one question---area vs. population--it raised a number of others:

(1) Specifically for our study: Will constitutional clarification of the formula and mechanics of apportionment be desirable? Or will the courts continue to exercise powers of review?

(2) How equal is equal? Is it necessary or desirable to ignore county and municipal boundary lines in setting up legislative districts? The Michigan Supreme Court did so in redistricting that state.

(3) If the legislature fails to act after a census should the problem be given to some sort of a commission? Or should a court suit be filed?

The application of the U. S. Court decision to the situation in Minnesota will be tested in a court suit filed June 4 by a group of Twin City area officials; the suit contends that Minnesota's present apportionment is invalid and asks for reapportionment. It is not now expected that this case will be heard in time to affect the November elections. Also, Governor Rolvaag is expected to appoint a commission on reapportionment.

The reaction to the decision across the nation has varied; supporters hail it as a "victory for democracy" and feel that making state legislatures more responsive to the majority of the voters will strengthen the ability of the states to act effectively. Critics join the dissenting Justice Harlan in feeling the court has gone too far, that in this case it was not "interpreting" the constitution but was rather "rewriting" it. We can expect renewed activity on the part of those who wish to curb the powers of the court. Three amendments---often called the Dis-Union proposals---would (1) provide a procedure for amending the constitution without congressional action, (2) place control of state apportionment outside of federal court jurisdiction, (3) create a Court of the Union composed of the chief justices of state courts to review Supreme Court decisions. Since it is possible for the League to lobby on the second one affecting reapportionment, we will send you a booklet "The Dis-union Proposals" put out by the National Municipal League. This booklet will be sent you in September with other reapportionment materials.

You should also be aware of a more moderate amendment introduced into Congress by Representative McCullogh of Ohio: this amendment would provide that if a state had one house of its legislature apportioned on a population basis it could use some other criteria in the second house. It also provides for a popular referendum on any alternative to a strict population apportionment.

Finally the court decisions have renewed interest in the unicameral (or one house) legislatures such as Nebraska has. Supporters ask the question "If both houses are to be established with the same representation wouldn't it save time and money to just have one house?"

League material will still be out the end of September; as for supplemental material, you will have to watch the newspapers and current magazines. Almost anything written before June 15 is no longer relevant.

July 16, 1964

Hon. Representative Wm. McCulloch
1024 Longworth House Office Bldg.
Washington, D. C.

Dear Representative McCulloch:

The League of Women Voters of Minnesota has been studying reapportionment for some time and would appreciate a copy of your reapportionment amendment bill.

Sincerely,

Mrs. Earl Colborn
5309 Girard Avenue South
Minneapolis 19, Minnesota

P. S. Will you please send the copy to my home address.

EC/ms

July 17, 1964

Mrs. Isabella M. Long
League of Women Voters of the U.S.
1026 17th Street NW
Washington, D. C. 20036

Dear Mrs. Long:

We would appreciate any information you may have concerning the McCulloch reapportionment amendment bill.

Have you any idea when it may be heard or what its chances of passage are?

Sincerely,

Mrs. Karl Colburn
Constitutional Amendments Chairman

KC/ac

July 17, 1964

Executive Secretary
League of Women Voters of Michigan
4612 Woodward Ave., Rm. 317
Detroit 1, Michigan

Dear Madam:

Will you please send me a copy of the Michigan redistricting plan.

I would appreciate it if you would send this to my home address:

5309 Girard Ave. S.
Minneapolis 19, Minn.

Sincerely,

Mrs. Earl Colborn
Constitutional Amendments Chairman

EC/ms

LWV of Minnesota, State Organization Service, U. of Minn., Minneapolis, Minn. 55455
July 1964

SPEAKERS BUREAU
Outline for Voters Service Talk

TITLE: Your Vote Makes a Difference

I. Election in Minnesota -- 1964 -- The Ballot Issues
   A. Amendment No. 1 - Taxation of Taconite and Other Metals
      1. History of the Amendment and its issues
      2. Provisions of the Amendment
      3. Purpose of the Amendment

      Tailor your discussion to the audience. Men will be much more interested in taxes than women. Some confusion may exist in the minds of your audience as to what the amendment does resulting from confusion in newspaper articles between the taconite and the natural ore industry and the different taxes which apply to them. Also both proponents and opponents of the amendment tend to make technically correct but misleading statements such as, "Taconite producers have to pay a special tax -- the occupation tax -- which no other manufacturers pay.", or conversely, "Taconite companies pay no state income tax." The correct statement would be, "Taconite companies pay an occupation tax instead of a state income tax".

   B. Amendment No. 2 - Removal of Obsolete Provisions from the State Constitution.
      1. History of this Amendment and its issues
      2. Provisions of the Amendment
      3. Purpose of the Amendment

      Be sure to mention the provisions that are being removed are not the only ones that might be considered obsolete. The amendment includes only those provisions that were considered absolutely noncontroversial.

II. Election in Minnesota -- 1964 -- Dates, Offices, Registration
   A. Residence requirements for voting in Minnesota
   B. Registration information
      1. August 18 - last date to register before Primary Election
      2. October 13 - last date to register before General Election
      3. Absentee registration
   C. Election dates
      1. September 8 - Primary Election
      2. November 3 - General Election
   D. Offices to be filled in 1964
      1. One U.S. Senator
      2. Eight U.S. Representatives
      3. 135 State Representatives
      4. One Chief Justice of the State Supreme Court
      5. Two Associate Justices of the State Supreme Court
      6. 24 District Court Judges
      7. One Railroad and Warehouse Commissioner

III. Conclude talk with some examples of the importance of "one vote" selected from the Report of the President's Commission on Registration and Voting Participation. Point out that failure to vote on the amendments is a "no" vote. If you are also discussing a local referendum with different requirements for passage than state amendments, point out the difference.

State

JUL 27 1964

LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES
1026 17TH STREET, N. W., WASHINGTON, D. C. 20036

AIR MAIL

July 22, 1964

Mrs. Earl Colborn
Constitutional Amendments Chairman
League of Women Voters of Minnesota
State Organization Service
University of Minnesota
Minneapolis, Minnesota

Dear Mrs. Colborn:

Hearings began today before Subcommittee #5 of the House Judiciary Committee on H.J. Res. 1055 (Mr. McCulloch's proposed constitutional amendment on apportionment of state legislatures) and the 69 other proposals in this area which have been introduced. They will continue tomorrow (July 23), July 29 and 30, and on August 5 and 6. It looks as if this Subcommittee will report some kind of an amendment to the full Committee, but whether there will be time this session for consideration by the full House, and whether the Senate will act, is unpredictable at the moment.

The enclosed copy of an article from the New York TIMES of June 25, sizing up of the situation, is the best I have seen. Anthony Lewis, its author, has been following the Supreme Court decisions and I think knows more about what is going on than almost anybody.

Sincerely,

Mrs. Francis P. Douglas
Congressional Secretary

BD:gb

Enclosure:

LEAGUE OF WOMEN VOTERS OF MINNESOTA
State Organization Service
University of Minnesota
Minneapolis, Minnesota 55455

August 12, 1964

MEMO

TO: All Boarders

FROM: Ele

SUBJECT: Reapportionment: Do We still want a consensus on area?

Remember way back when the summer was new the Supreme Court handed down a decision that both houses of a state legislature were to be apportioned on the basis of population?

The mechanics
The Court established a principle, but left the implementation to lower courts and state legislatures. As in the case of the school desegregation decisions, the establishment of new rules will be years in the making and the court will have to rule again on various schemes as they are suggested by state legislatures. Our material will cover some of the possibilities for establishing criteria in the Minnesota constitution such as a specific definition of "population", permissible deviation from "equal", and enforcement machinery.

The principle
However there is a wide spread feeling in this country that the Supreme Court went too far in establishing population as the sole basis of apportionment. There is a movement in Congress to amend the Federal Constitution (the McCulloch Amendment) to allow states if they have population in one house to use some other basis in the other, providing the alternative basis is approved by the people. Senator Dirksen also proposed a bill as a rider to the foreign aid bill which would have the effect of barring federal court action in the reapportionment field for two years so that states could consider amending the federal constitution. As of now, it looks like neither the bill nor the amendment will pass Congress this session, but probably there will be some sort of a resolution urging federal courts to go slow. The bill which would have been unconstitutional itself will probably be dropped, but the amendment will be taken up by the new Congress in the spring.

In Minnesota
We can expect a decision in the federal court case filed here in the next couple weeks. The court here could (looking at recent decisions in other states) redistrict Minnesota and require special elections or at the opposite pole say our present system meets minimal requirements. Most probably - looking at those three nice conservative judges - they will say "Yes, Minnesota should have been reapportioned after the 1960 census, but we will give the new legislature in January one more chance."

Here is where things get complicated: remember our constitution specifies both houses are to be apportioned by population. If the legislature thinks the federal constitution will be amended to make an area factor in one house permissible they will have to propose anamendment to our constitution which would be voted on by the people in 1966 to take effect in 1970 in the usual course of events. This may well be a longer time lag than the courts will permit so we have the possibility of the legal

legislature proposing both population and area plans, the court requiring a special referendum or a special election or setting forth its own apportionment plan.

The implications for the League

First, the Supreme Court decision is now the law of the land - like it or not, and questioning their ruling could put the League in rather dubious company. However, both Dirksen and McCulloch do represent the responsible leadership of the Republican party making the amendment perfectly respectable. It is also becoming clear that nationally reapportionment is going to be more of a party issue than it has been... states rights, constitutional fundamentalism are all elements of Goldwaters' philosophy, and they are on strong constitutional grounds in feeling the Supreme Court decision is improper. In Minnesota, too, there may well be more of a party alignment, especially if Kieth becomes governor since he would assume a more active role than Rolvaag.

If we do take a consensus we could bracket an area factor with a uni-cameral legislature as "a for future reference" kind of thing.

LWV of Minn., SOS, U. of M., Minneapolis, Minn. 55455
September 1964

Would your League be interested in a voters service flyer giving basic information on apportionment in Minnesota?

YES _____ NO _____

If yes, indicate the number of copies you might order for broad community distribution and League use. _____
If enough interest is shown, this flyer could be printed at a cost of 1¢ per copy.

This card will not be considered an order in the event such a flyer is printed but is merely a guide to indicate your interest. LWV of _____

Office

SEP 9 1964

SEP 1 1964

September 3, 1964

Mrs. Oscar W. Anderson
900 - 7th Ave. W.
Pine City, Minn.

Dear Mrs. Anderson:

On returning from vacation I was happy to find your inquiry about speakers etc.

We do have speakers available and there is no charge. Of course, we would like to have as large an audience as possible, but as far as I know there is no minimum required.

We would like to know the approximate number you expect at the meeting, the time and place - with directions if necessary, the length of time allotted the speaker and the general format of the meeting. If you would let me know the details, I'll be glad to line up a speaker (probably from the Wahtonedi League) who can give you an interesting and informative talk.

We're delighted to learn of your interest in this most important topic and will be glad to help in any way we are able.

Sincerely,

Mrs. Harold Nash, Public Relations Chairman
Route 7, Box 436
Excelsior, Minn. 55331

Office

September 21, 1964

Mrs. James Code
Route #5
Faribault, Minn. 55021

Dear Mrs. Code:

Thank you for your letter requesting a speaker. The League is strictly non-partisan and does not support or oppose any candidates or parties. Since it is so easy to misinterpret talks about candidates, even though the speaker tries to be unbiased, we do not speak about specific candidates.

However, we would be very happy to send someone to talk about citizens' responsibility for good government, how to become informed, voting regulations, facts about the amendments on the ballot this year, and that sort of thing - just about anything connected with the election except candidates. There is no charge for our speakers. If you are interested in this kind of a talk, please let me know by return mail so I can alert a speaker.

If you would prefer information about candidates, you might ask both parties to talk about their candidates - hardly unbiased, but at least you'd be getting both sides. Or, the League of Women Voters of Faribault will probably be having a candidates meeting which your group might like to attend. Mrs. Heinz Brahl, 835 Harron Rd., their president, could probably give you the time and place etc.

I'll enclose a copy of our flyer containing voting information and a self-addressed envelope so you can let me know right away whether you would like a speaker from the League or not.

If we can be of any further assistance, please let us know.

Sincerely,

Mrs. Harold Nash
Public Relations Chairman

"The League of Women Voters of Minnesota supports the principle of regular and equitable reapportionment. The League favors an amendment to the Minnesota Constitution which would:

1. Leave the primary responsibility for reapportionment with the legislature but would establish definite procedures if the legislature fails to act.
2. Specify the maximum deviation of any district from the average.
3. Prohibit an increase in legislative size.

"The League of Women Voters of Minnesota supports the principle of regular and equitable reapportionment. The League favors an amendment to the Minnesota Constitution which would:

1. Leave the primary responsibility for reapportionment with the legislature but would establish definite procedures if the legislature fails to act.
2. Specify the maximum deviation of any district from the average.
3. Prohibit an increase in legislative size.

63-65

League of Women Voters of Minnesota
State Organization Service
University of Minnesota
Minneapolis, Minn. 55455

September 11, 1964

R

STATEMENT OF MRS. WILLIAM W. WHITING, PRESIDENT
LEAGUE OF WOMEN VOTERS OF MINNESOTA
BEFORE THE GOVERNOR'S REAPPORTIONMENT COMMISSION

The League of Women Voters of Minnesota, with 5800 members in 64 local leagues throughout the state, has been concerned with the problems of reapportionment for a number of years. This fall we will begin a study to reevaluate our position in the light of the recent Supreme Court decisions. We will not propose or support a specific statutory plan. We will examine the rules for apportionment laid down in the Minnesota State Constitution. We hope to determine what changes, if any, should be made to facilitate regular, equitable reapportionment. Since we are still in the study process and have reached no conclusions we cannot offer you an official League stand on reapportionment. However we would like to suggest some of the possibilities for constitutuional amendments for your consideration.

The Supreme Court has indicated that the states should have some latitude in selecting apportionment formula within the framework of "one man, one vote". It is therefore desirable to consider the merits of such schemes as weighted voting and floterial districts. Another possibility is to specify whether representatives shall be elected from single member districts or whether two or more may be elected at large. Presently the Minnesota House has both kinds of districts. Or, it might be desirable to remove the present constitutional requirement that house districts may not be divided in the formation of senatorial districts. This would give the legislature flexibility and permit them to establish different plans for the two houses.

Even if it is decided that it is unadvisable to make a major change in our formula for representation, there are a number of different possibilities for specifying exactly how, when, and by whom redistricting shall be done.

First, should the constitution contain very specific instructions on how Minnesota is to be reapportioned, or should the details be left to the discretion of the legislature? In the past precise constitutional formulas have been thought of as a protection to the people against the possible malfeasance of their legislatures. However since the Sims decision courts have tended to follow state constitutional provisions, assuming they did not violate the basic premise of "population-only", so legislatures themselves may wish to establish more definite standards. Some possibilities here might include a definition of what is meant by "equal" such as a provision specifying the maximum deviation any district might have from the average or a provision establishing the minimum percentage of the people who could elect a majority of the legislature. Additional instructions could be given on the way district lines are to be drawn; here the major problem is whether or not district lines should follow county lines. Particularly in the House it is difficult to establish districts based on whole counties without having a number of districts substantially in variance with the average.

How often should reapportionment take place? The Supreme Court has indicated that every ten years in accordance with the availability of new federal census figures would meet minimal standards. A loss of identification with his district may be experienced by a voter whose district changes at intervals of less than ten years. Yet with a highly mobile population in ten years considerable changes will have taken place. A decision in favor of a

shorter period would require using different figures for population than those of the federal census. Most probable are either the number voting in the last election or the number of registered voters.

Who should apportion? Traditionally apportionment has been considered a function of the legislature, but in recent years there has been a trend toward giving the responsibility to some other agency such as a group of state officials or a commission appointed by the governor. If the legislature is to retain initial power should there be a constitutional provision establishing enforcement machinery if the legislature fails to act? True, the citizen now has recourse to the courts, but a court suit is not automatic and the process can lead to delay and uncertainty. Possibilities here include a special session of the legislature, a special commission or turning the problem over to the State Supreme Court. It would also be possible to establish a procedure for automatic court review of all reapportionment statutes.

All these proposals relate to the mechanics and formula of apportionment It might also be advisable to consider some other aspects of the legislative process such as the size of the legislature and the length and frequency of legislative sessions or even the possibility of a unicameral house.

We hope that your deliberations will lead to recommendations that you as a voluntary group of laymen will want to promote.

Office

October 13, 1964

Mrs. James Code
Route #5
Faribault, Minn. 55021

COPY

Dear Mrs. Code:

Mrs. Donald Kaplan, President of the League of Women Voters of Owatonna will be able to come to your Little Prairie Methodist Church this Sunday evening, October 18, at 8 o'clock.

Mrs. Kaplan will speak informally as you requested on the general subject of citizen responsibility for good government with special reference to the political parties and choosing a president as well as specific ballot issues of Minnesota and will then plan for an informal discussion with your questions and answers.

You realize that Mrs. Kaplan is not an "expert" for few League members are but because of her experience in the League she has more information than the average citizen about citizen participation in government. We are glad that Mrs. Kaplan is able to be away from her family and be with your group on this Sunday evening.

In case you should need to contact her the address is: Mrs. Don Kaplan, 380 Riverview Place, Owatonna, phone number 451-7385.

Sincerely,

Mrs. Harold Nash
Public Relations Chairman

League of Women Voters
of the United States

Memorandum

1026 17th Street, N. W. - Washington, D. C. 20036

This Memorandum is going on
State Board Supplement

October 29, 1964

To: State League Presidents
From: The National Office

CORRECTION OF INTERPRETATION OF SENATE VOTE ON STATE LEGISLATIVE APPORTIONMENT, page 5, October 9, 1964 Memorandum "Roll Call Votes, 88th Congress, Second Session."

Please substitute the following for the paragraph beginning, "After the Mansfield-Dirksen amendment was killed.....":

> Since the motion to table the Mansfield-Dirksen amendment was rejected by this vote, this amendment remained before the Senate. However, this vote showed the leadership and the group of Senators opposing the amendment that there was more opposition to the amendment than had been supposed. After the "cooling off" period allowed by the congressional recess for the Democratic Convention, the Senate adopted a much weaker "sense of Congress" amendment which was sent to the conference on the foreign aid authorization as a part of the foreign aid bill. This amendment was eliminated in conference.

Office file - apportionment

October 16, 1964

Mr. Wm. J. D. Boyd
Contributing Editor
National Civic Review
Carl H. Pforzheimer Bldg.
47 E. 68th St.
New York, New York

Dear Mr. Boyd:

Enclosed is a copy of APPORTIONMENT IN MINNESOTA.

In our federal court case here Sen. Rosemeier was allowed to file an intervention claiming that the 1959 apportionment was "a good faith" effort by the Legislature and was as well done as possible giving weight to subdivisions.

We expect a hearing to be scheduled shortly.

Sincerely,

Mrs. Earl Colborn
Constitutional Amendments Chairman

St. Paul League of Women Voters November, 1964

COMPARATIVE VIEWS ON REAPPORTIONMENT

The material presented in this booklet was obtained from personal interviews. It was given with the understanding that it was to be used solely within the League. It is not available to the general public and press. We recommend highly the state publication, "Apportionment in Minnesota". This additional material is merely supplementary to it and may prove helpful in providing the views of people knowledgeable in the field of reapportionment.

We would like to thank Clem Rardin, Unit 20, for her help in preparing the chart, and Alice Mae Watson, Unit 18, for the use of her tape recorder.

Rhea Wright, Unit 19
Chairman
Jeanne Drury, Unit 17
Kitty Goodrich, Unit 20

MRS. EZRA LEVIN PRESIDENT
LEAGUE OF WOMEN VOTERS OF ILLINOIS • 67 E. MADISON STREET • CHICAGO, ILL. 60603 • CE 6-0315

DEC 21 1964

December 15, 1964

Mrs. William W. Whiting, President
League of Women Voters of Minnesota
University of Minnesota
Minneapolis, Minnesota 55455

Dear Mrs. Whiting:

With the prospect of redistricting both House and Senate in Illinois, we are investigating the possibility of cooperating with some computer research organizations in order to present maps with equitable representation.

Have you had any experience in redistricting via computer? We would appreciate knowing what your experience has been and your recommendations.

Sincerely,

Helen Levin

Mrs. Ezra Levin,
President

HL:cm

DEC 1 1964

EDINA LWV SPEAKERS BUREAU

In Charge: Mrs. E. J. Diefenbach

Have furnished speakers for the following groups this fall:

1. Normandale Lutheran Church Women's Guild-"Woman's Role as a Citizen"
2. Suburban Sr. Citizens' Council;"General Citizenship" talk
3. Christ Pres. Church Women's Guild- "What Shape Are You In" (Woman's role as a citizen)
4. Calvary of Cahill Luth. Church Women's Guild-"New Approaches to the American Indian Enigma"
5. Edina Chamber of Commerce-"A New Library?-Yes, No, or Maybe So."
6. Normandale Lutheran Church Fellowship Group-"New Developments In Our Library Problem" (men and women)
7. Chapel Hills Luth. Church Womens Guild-"New Developments In Our Library Problem"
8. Shepherd of the Hills Luth. Church Womens Guild-"What Shape Are You In?"
9. Opti-Mrs Club- "The 1964 Amendments-Solution or Dilemma?"

Our speakers are:

Mrs. Allan Wash-Gen. Citizenship
Mrs. Clifford Lutz- Gen. Citizenship
Mrs. Maynard Hasselquist-Library
Mrs. J. Thos. Parry-Citizenship
Mrs. Roger Naas-Nat'l Items
Mrs. Clark Peterson-Amendments & Reapportionment
Mrs. Alden Stafford-Indians
Mrs. Helen Mjolsness-U.N. & Trade

Materials distributed varied somewhat, but generally "Minn. Facts", Amendments and Broadsides, and the Amendment #2 Support Sheet were distributed.

League of Women Voters
of the United States

Memorandum

1200 17th Street, N. W. - Washington, D. C. 20036

JAN 7 - 1965

This is not going on
State Board Supplement

January 5, 1965

TO: State League Presidents
FROM: Julia Stuart
RE: Reapportionment

URGENT

By return mail please

At its meeting starting at the end of this week the national Board will be giving very serious consideration to the proposal for an emergency current agenda item on reapportionment. Our files have a great deal of information on your work in this field but for Board discussion we need a complete, accurate, and up to the minute summary of the positions of the state Leagues in regard to state legislative apportionment. Will you, by return mail, please send us a brief statement of your state League position. Has your position been affected by the Supreme Court decision of June 1964 requiring that both houses be apportioned substantially on population? If so, in what way?

If your League is in this program field but has no position, please explain.

If your League is not in the field, you need not report. We just want to be sure not to leave anyone out.

Thank you for your cooperation.

January 25, 1965

Mrs. Ezra Levin, President
League of Women Voters of Illinois
67 E. Madison
Chicago, Illinois

Dear Helen,

Please excuse the delay in replying to your letter of December 18. With all the holiday mail, it took it a week to reach our office and then further delay in reaching me.

Your idea of cooperating with some computer research organization in order to present reapportionment maps is exciting. Since we are not involved with a statute on reapportionment (our only involvement is in constitutional revision), we will not have this opportunity.

Our Governor's Reapportionment Committee has just submitted its recommendations. One of our Board members, Mrs. L. G. Murray, served on this committee, and she informs me that Dr. Charles H. Backstrom, associate professor of political science at the University of Minnesota and also a member of the committee, has been working with the computer center at the University on reapportionment for our state. As I understand it, the necessary information is now available at the center so that the equality of any plans under consideration can be checked very easily by use of the computers.

I would suggest that you write directly to Dr. Backstrom, Department of Political Science, Social Science Building, University of Minnesota, Minneapolis, for he is apparently very interested in the use of projected information and no doubt can give you further suggestions of sources.

Good luck on your project. We'd be glad to hear what finally develops.

Sincerely,

Mrs. William Whiting
President

League of Women Voters
of the United States

Memorandum

1200 17th Street, N. W. - Washington, D. C. 20036

This is going on
State Board Supplement

January 15, 1965

TO: State League Presidents
FROM: Mrs. Robert J. Stuart
RE: LIMITED authorization to act in state legislatures only on resolutions memorializing Congress to amend the Constitution

Several states, which have been actively engaged in efforts to obtain fairer legislative apportionment under state program, have sent urgent requests to the national Board for permission to oppose current legislation affecting apportionment. The national Board on January 12, 1965 authorized:

> "the state Leagues working in the field of reapportionment to act in opposition to legislative proposals memorializing the Congress to amend the Constitution by curtailing the jurisdiction of courts in the field of apportionment."

The Board thus reaffirmed the permission granted by the national Board in January 1963 giving state Leagues working in the field of apportionment, which read:

> "the opportunity to oppose, if they wish, this attempt within their state legislatures to remove from all citizens the avenue of relief from malapportionment which the decision of the Supreme Court in the Tennessee case has opened to them. State Leagues on the basis of their state Program work on apportionment, are therefore given permission to undertake such action if they wish."

The Board is, by this action, granting permission to state Leagues working in the apportionment field to act only in state legislatures, only on resolutions memorializing Congress to amend the Constitution relative to the jurisdiction of the courts in the field of apportionment.

This means that state Leagues could oppose

1) the second of the original "disunion" amendments:

   a. No provision of this constitution or any amendment thereto shall restrict or limit any state in the apportionment of representation in its legislature.

   b. The judicial power of the United States shall not extend to any suit in law or equity, or to any controversy, relating to apportionment of representation in a state legislature.

2) the amendment proposed by the Council of State Governments on December 3, 1964, which states (in substance):

   Section 1 -- Nothing in this constitution shall prohibit a state from apportioning one house of a bicameral legislature on factors other than population if submitted to the people; and section 2 -- Nothing in this constitution shall restrict the state legislature in any way from determining how subordinate units of government shall be apportioned.

(over)

3) or any other variant of these proposals to amend the constitution in such a way as to remove the court authority to hear and rule on questions of malapportionment.

The Board is NOT authorizing any action in the Congress or with any League's own U.S. Representative or Senators on proposed amendments or other proposed national legislation which have been or may be introduced in this field.

The Board is NOT authorizing any opposition in state legislatures to measures ratifying any amendments which might be passed by this session of Congress and sent to the states for ratification.

A Memorandum giving full report of the Board's consideration of these procedural matters and the Tennessee proposal will reach you as soon as possible following the Board meeting now in process.

# # #

JAN 18 1965

January 9, 1965

Mrs. Robert J. Stuart, President
League of Women Voters of the United States
1200 17th Street, N. W.
Washington, D. C. 20036

Dear Mrs. Stuart:

As usual the mail service is not what we would like so my reply to your urgent Memorandum may too late for the national Board.

At the present time we are in the process of updating our position on the constitutional aspects of apportionment in Minnesota. We no longer have an item on our state Program relating to reapportionment by statute but we are carrying on our present study under our item "The League of Women Voters of Minnesota will work for amendments to improve the State Constitution."

We are reevaluating our position at this time because our previous position reached in 1959 provided an area factor be considered in providing representation in one house. We have included a question on area in this consensus and the reports to date seem to indicate that we would not have substantial agreement on this question in 1965.

I am enclosing a copy of our consensus report form to indicate the kind of questions with which we are concerned in Minnesota. These reports are all to be in by the end of this week so that a position can be determined at our Board meeting the following week. At this same meeting we will also be discussing the proposal for an emergency current agenda item on reapportionment.

The informal discussions we have had on this emergency item seem to indicate that we would not be in favor of such a move. The two major reasons are that we believe there are too many quite basic factors to be considered to have this considered on an "emergency" basis. Furthermore we believe there would be real difficulties with a consensus.

Our legislature is now in session and we are naturally following reapportionment activity. We have a Federal Court ruling that stated that the panel of judges expects the next (this) session to reapportion, to come up with a plan in which all districts would be substantially equal though not exactly equal--in population and in which county boundary lines need not be followed. We are fortunate to have Mrs. O. H. Anderson as our lobbyist for this item.

We will be anxious to hear the results of the national Board's consideration of this item as it relates to national Program.

Sincerely,

Mrs. William W. Whiting, President

March 22, 1965

Mrs. Robert Stuart, President
League of Women Voters of the U.S.
1200 - 17th Street NW
Washington, D.C.

Dear Mrs. Stuart,

Thank you for the February memo on reapportionment. It was helpful in explaining the national Board's interpretation of emergency. Whatever the outcome of the Tennessee proposal at the national Council, the provocative discussion of League procedure and Program structure which it has evoked will be useful to all of us.

In response to your request for information on the current status of reapportionment in Minnesota, we would report the following developments as of the end of February:

Senate File One proposing that Congress submit to the states an amendment permitting the apportionment of one house of a state legislature on factors other than population has now passed the Minnesota Senate. A companion bill is being considered in the House and is certain to pass.

The Assembly of States proposed constitutional amendment has been introduced in the House. Since it has not acquired Senate authors, its future is somewhat uncertain.

The Minnesota League is not taking any position on these resolutions. Half of our members have indicated that they would support an area factor for Minnesota if the federal constitution is amended. Our position on a state constitutional amendment includes : the establishment of definite procedures for reapportionment where the legislature fails to act; a constitutional standard defining the maximum permissible deviation of any one district from the average; a provision prohibiting further increase in legislative size.

It continues to be the feeling of the state Board that we will oppose the Tennessee proposal, but of course we are waiting to hear from our local Leagues.

At this point we would like to make a comment on the issue of the jurisdiction of federal courts in apportionment. It seems to us that a study

limited to this point would be useless. The national consensus outside the League seems to be moving away from the Disunion Amendment and towards a proposal of the Dirksen type. Although it is true that the Dirksen Amendment as presently stated would remove the apportionment of one house from federal jurisdiction, this does not seem to us to be the crucial issue. Federal court intervention was necessary because there was no other remedy available to the citizen faced with a recalcitrant legislature. The Dirksen Amendment would allow citizens to vote on any plan that deviated from strict population. This would seem to give adequate safeguards to the rights of the people, particularly if periodic approval of non-population apportionment plans was required as has been suggested by several Senators.

Sincerely,

Mrs. William Whiting
President

RADCLIFFE ALUMNAE COUNCIL

~~November~~ 17 - ~~19, 1964~~

1

Annette: You might be interested in the local Leagues which responded to the reapportionment concerns

41 were on time

13 late

I do not have all the late ones indicated

---

of the 54

27 favor ones

20 split

7 favor population only

---

10 leagues mention the ~~federal~~ "courts" as enforcers - more ~~those~~ volunteered opposition. to Fed court intervention except Virginia.

Many leagues indicated the State Supreme Court should be responsible

(54) 7 mo 27 20 7 ~~27 yes~~ ~~54~~ split

LOCAL LEAGUES 10 Area fed court

(41)

27 yes, 20 split, 7 mo X	Albert Lea	split	Fed
X	Alexandria	yes	?
X	Anoka	yes	
54/54 X	Arden Hills	yes	
X	Austin	yes	
	Battle Lake		
X	Bemidji	yes	
X	Bloomington[7]	split	
	Brainerd		
X	Brooklyn Center	?	
late	Brooklyn Park	? ?	?
	Buffalo		
X	Cass Lake	no	
X	Chisholm	yes	
X	Columbia Heights	yes	
	Crookston		
X	Crystal	yes	fed courts
X	Deephaven	split	
X	Duluth[3]	yes	
X	Edina[4]	split	
late	Excelsior	no	
X	Falcon Heights	yes	
X	Faribault	yes - almost unanimous	
	Fergus Falls		
X	Fridley	split	
X	Golden Valley	split	
late	Granite Falls	yes	
X	Hibbing	no	
X	Hutchinson	yes	
X	International Falls	~~yes~~	yes - fed courts
	Jackson		

adding late, with 41 with 54

18 yes / 7 mo / 16 split

27 yes / 7 mo / 20 split

X Mahtomedi — no

X Mankato — no

late Maplewood — yes(?) counts.

X Minneapolis[1] — split — no ? 40 yes 30 counts. same form

X Minnetonka Village[a] — may yes / min no

X Moorhead — may yes / min no

New Richland —

X New Ulm — yes

X North St. Paul — no

late Owatonna — yes

X Red Wing — may yes / min ?

late X Richfield — split — counts

X Robbinsdale — yes — counts

X Rochester[5] — split

X Roseville[x] — split

X St. Anthony Village — split — counts

late St. Cloud — need over ?

X St. Croix Valley — yes

X St. Louis Park — split

X St. Paul[2] — no

X St. Peter — split

X Shoreview — ?

late X Silver Bay — yes

X South St. Paul — yes / no

X Virginia — yes — count of

late X Wayzata — yes

Wells —

X Westonka — split

X West St. Paul — yes — counts only last round

X White Bear Lake — yes

X Willmar — yes 72% ?

Winona —

Worthington —

April 9, 1965

Mr. William Boyd
National Municipal League
47 East 68 St.
New York, N. Y.

Dear Mr. Boyd:

The Minnesota Legislature today passed a joint resolution asking Congress to call a Constitutional Convention for the purpose of a reapportionment amendment. Voting was strictly on Urban-Rural lines.

Yours truly,

(Mrs.) Ele Colborn,
Constitution Item Chairman

EC:ngf
cc

MEMO

TO: Marion

FROM: Peggy

SUBJECT PR type work

DATE 7/9/65

LEAGUE OF WOMEN VOTERS OF MINNESOTA
STATE ORGANIZATION SERVICE
UNIVERSITY OF MINNESOTA
MINNEAPOLIS, MINNESOTA 55455
PHONE: 373-2959

Just had a call from the Minnesota Farm Bureau. They are having a big meeting for their women - I don't think there's a formal women's organization in the Farm Bureau - this is just a meeting for one and all. They would like someone from the League for one hour or so on the second day of the three they're meeting. They want just general League philosophy, etc., and maybe cut a little short on the hour to allow some time for questions. They will meet out near whatever that lake is just outside Raynesville. They want the League person at 1:00 on Thursday, September 9, but she's also invited for lunch at 12:00. They're happy to pay mileage. It sounds like a nice early Sept. afternoon. If you want to turn it over to a local League, St. Cloud and Willmar would appear to be about an equal distance from there. I don't know how St. Cloud is on speakers, but they certainly must have some capable people, and Willmar has an active speakers bureau. The contact at the Bureau is Miss Gloria Savinn, 222-7301. I have assured her we will oblige them, because I was sure we would, but I imagine she would like to know who's doing it and all before too many weeks. She'll send the person attending directions and their three day schedule so she'll have some idea of what all is going on.

MEM

TO: Lois and Marion

FROM: Peggy

SUBJECT Speaker

DATE 6/29/66

LEAGUE OF WOMEN VOTERS OF MINNESOTA
STATE ORGANIZATION SERVICE
UNIVERSITY OF MINNESOTA
MINNEAPOLIS, MINNESOTA 55455
PHONE: 373-2959

Gt 7-3339

We have a request for a speaker on water - mostly state but some national information alright, too. The organization is Senior Citizens Organization. Meeting will be in Pillsbury Citizen Service Bldg., 320 - 16th Ave. S., at 12:15 on July 25. They want someone to talk for 20-30 minutes. There will also be a speaker on social security. After both have spoken they allow questions from the group to be directed to both speakers.
The woman who called is Mary Stolze, 3752 - 18th Ave. S.. Naturally, they would like to know who will speak as soon as possible, and they'd like a little bio. information.
You can either let me know who you suggest for the job, and I'll take care of it from there, or you can handle the whole thing. If the latter, will you let me know who's going to do it.

729-6103
332-3608

Erskine, Minn.
July 22, 1966

The League of Women Voters
Minneapolis, Minn

Dear Leaguers,

On the evening of Aug. 2, I am going to try to present this reapportionment act to the local Farm Bureau; and need some help. May I borrow a copy of the legislative act describing all districts? Do you have a large map of the districts as they are now, that I may rent or buy? Do you have more copies of the May-June, Minnesota Voter that I might buy? Do you have a map of the districts before this re-apportionment, that we might make a comparison. I will be glad to pay for any material that you have that you think I can use, also postage.

Thank you,
Mrs. C. M. Hjelmhaug.

July 26, 1966

Mrs. C. M. Hjelmhaug
League of Women Voters of Crookston
Erskine
Minnesota

Dear Mrs. Hjelmhaug,

We have only one copy of the 1966 Reapportionment Act in the office, and I really can't part with it right now because we find it necessary to refer to it frequently during this pre-election period and as we prepare new district maps. I have taken the liberty of ordering a copy from the State Documents Section for you since time seems to be a little short. They will send it directly to you.

I am sending under separate cover some copies of the May-June VOTER. That's all we have in the way of new district maps right now. You can prepare a very satisfactory large district map by marking off the districts on a road map of the state using a black marker.

We are completely out of the old district maps, but you should be able to locate some among your League members. At the time Crookston organized, the old district maps were included in the New Member Kits. I would think some of the initial members would still have them.

Good luck with your Farm Bureau meeting. It sounds like an ambitious and interesting evening.

Sincerely,

Mrs. Robert Thompson
Organization Secretary

MEMO

TO: Marion

FROM: Peggy

SUBJECT Another speaker

DATE 7/6/66

LEAGUE OF WOMEN VOTERS OF MINNESOTA
STATE ORGANIZATION SERVICE
UNIVERSITY OF MINNESOTA
MINNEAPOLIS, MINNESOTA 55455
PHONE: 373-2959

University Faculty Wives want a speaker. You can take a day or two on this one. It's for their March meeting, March 8th to be exact. She thought someone to talk about the League itself and to go into women's participation in government, etc. sounded fine. By that time, someone might be able to give them a bit about what was going on in the legislature. It will be at the Camelot - they pay for the luncheon. I took the liberty of telling her that I was sure we would provide a speaker. If you wanted to, I should think you could turn this over to Minneapolis. The woman who called is Mrs. Everett Keach - 788-0093.

MEMO

TO: Marion Watson

FROM: Peggy

SUBJECT Speaker

DATE 7/28/66

LEAGUE OF WOMEN VOTERS OF MINNESOTA
STATE ORGANIZATION SERVICE
UNIVERSITY OF MINNESOTA
MINNEAPOLIS, MINNESOTA 55455
PHONE: 373-2959

Lois Mann made such a hit at the Senior Citizens meeting on the 25th that they want someone else. They want someone to explain the amendment that will be on the ballot this fall to them. I don't know if Pat or Ele can do this or if someone in Minneapolis could do it. The meeting is on Sept. 26th at 12:15. The set up is the same I suppose - time shared with another speaker and then questions. The person to contact is Mary Stolze, Pa 9-6103, and, of course, she would like to know who will appear as soon as possible.

LWV of Minnesota, Department of Community Services, U. of M., Minneapolis, Minn.
August 1966

ARE THEY GETTING THE MESSAGE ????

SPEAKERS BUREAU WORKSHOP

WHEN: Wednesday, September 14

TIME: 9:30 a.m. to 2:00 p.m.

WHERE: Holiday Inn Central
1313 Nicollet, Minneapolis
(Parking in Holiday Ramp)

FOR WHOM: Anyone interested, especially Public Relations and Voters Service Chairmen and their committees

PRICE: $3.50
Send reservations to the state office

Deadline - September 8 No cancellations after September 12

AGENDA

9:30 -	Registration	
10:00 - 10:05 -	Welcome	Mrs. Wm. Whiting
10:05 - 10:20 -	Material available from state	Mrs. Harold Watson
10:20 - 10:45 -	How to contact groups	LL Panel
10:45 - 11:00 -	Idea exchange from audience	
11:00 - 12:00 -	Demonstration speeches in Program areas	
12:15 - 1:00 -	Lunch	
1:00 - 2:00 -	Voters Service through your Speakers Bureau	Mrs. Charles McCoy

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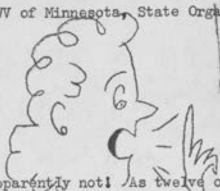
_____ members of the LWV of _____ will attend the Speakers Bureau Workshop. Enclosed is a check in the amount of $_____.
(No.)

September 1966



ARE THEY GETTING THE MESSAGE ? ?

Apparently not! As twelve of you know, the Speakers Bureau Workshop was cancelled for lack of interest. This is the kit you would have received. It contains sample speeches, tips on "how to" and sample letters. What has been of concern to us on the state Board is that we help to make your job of promoting state Program and disseminating state voter information easier. We hope these materials serve that purpose.

Annual Reports were very thin last year on the subject of state services to the community. We appreciate the tremendous job this can be for a local League. We have been trying to think of ways that it can be painlessly accomplished. One possibility is this - we have worked out an arrangement with University of Minnesota Radio Station KUOM which we would like you to discuss with your Board, and let us know about. Each week KUOM presents a fifteen minute radio program in cooperation with the Minneapolis and St. Paul Leagues entitled, "Listen with the League." Many of you have heard it. The schedule of these programs roughly parallels League Program calendars throughout the state. Some programs are included which are of local interest and relate specifically to Minneapolis and St. Paul items. Others are based on state and national Program.

What we would like to propose is that you go to your local radio station and ask them to donate fifteen minutes of their time each week. "Listen with the League" could then be sent to them at a cost of 50 cents per program, as you will learn from the enclosed explanation. There would be an additional investment, probably of less than $10, for tape. These amounts are so small that you could probably get the station to pay for it - or maybe a contributor would like this use made of his money. If you were to take advantage of this proposal, you would have a steady stream of recorded material arriving; you would have League time reserved on your station; and you would have the possibility of feeding in an occasional interview relating to your local Program. This would mean you could promote your Program without having the burden of weekly deadlines.

Some local Leagues already have radio programs. This would be a source of fifteen minute tapes - which you requested at the Leadership Workshops. If you need longer programs, we can arrange that, too. Let us know your specific problem. We can work out an arrangement with the staff at KUOM to select programs from their series "Public Affairs Forum." These, too, can be provided at a minimum cost.

- -

So we can evaluate what we are doing, please detach and fill out this form:

A representative from my League was registered for the Speakers Bureau Workshop.____

No one from my League was registered because ________________________________

____

The decision of our Board regarding the tape service is ______________________

____

LWV of ____

LWV of Minnesota, State Organization Service, U. of M., Minneapolis, Minn. 55455
September 1966

SPEAKERS BUREAU WORKSHOP

Whether or not you have an organized Speakers Bureau in your League, you are called upon to speak occasionally. These requests fall into three categories. You may be asked to explain the work of the League to an outside organization or to a group of prospective newcomers to the League itself. You may be asked to explain your government or a ballot issue on which you have no position. Such calls come from businesses, social clubs, youth groups or groups of older people. And you may be called to speak on some aspect of the League's Program on the local, state or national levle.

What we are attempting to do in this kit is to provide the beginnings of material which will help you to do this job more effectively. You will see that it has been prepared for use in a loose leaf notebook. This is because we want it to be flexible. We expect to add to it, and you will find that some of the material in it will become outdated. We hope that you will send us copies of speeches that you use or outlines for such speeches. Perhaps we can develop an exchange of ideas among local Public Relations chairmen in this area.

TIPS ON REACHING THE PUBLIC discusses organizing a Speakers bureau, pages 17-24. If you look at the things you are now doing in an informal way in a League without a Speakers Bureau, you will probably find you are already doing a lot of what is suggested. If this activity is formalized and if you make judicious use of materials available from state and national, you may find that you can reduce the amount of work for Board members rather than increase it.

In category one above, explaining the work of the League, we will continue to make available our slide film, "The League at Work." This is being updated and may be borrowed from the state office. We can also offer a new slide film to you on the subject of Minnesota's water resources, a topic which is gaining urgency and about which the public needs to become more aware. This would tie in nicely with our present metropolitan study.

When you make use of the materials in this booklet, be flexible. Each speech is only a suggestion as to content. No two speakers will find they want to present it in the same way. Not only will the style of the speaker vary, but also the type of audience, the size of the audience, the activity they have been pursuing just before you speak and what they are going to do next. Find out how long you are expected to talk and stick to it. Keep your speech simple. An audience can absorb two or three arguments and will remember them better than a long list. Put your best point first if you want it to be remembered.

A natural place to begin between now and November 8 is with the ballot amendment. We have been very specific in providing you with materials. It would be an excellent opportunity to involve new speakers since it is strictly Voters Service; our only aim is to inform the voter and fight voter apathy. A speaker who succeeds with this assignment may be delighted to serve you again.

Statement presented to the
Senate Committee on Judiciary
by the League of Women Voters of Minnesota

March 14, 1979

The League of Women Voters of Minnesota urges you to vote in favor of Senate File 129, the proposed amendment to the Minnesota Constitution providing for a bipartisan reapportionment commission.

Regular and equitable reapportionment of the Minnesota Legislature has been a continuing concern of our members for several decades. We have supported both legislative and constitutional methods to achieve this goal. Historically, reapportionment attempts by the Legislature have resulted in lengthy delays, confusion and great expense to Minnesota citizens.

We believe that the reapportionment commission proposed by SF 129 is the best way to provide for equitable, efficient and economical reapportionment because of the following:

(1) it provides strict standards to ensure districts based on equal population;

(2) it provides for accountability and openness of the commission to the public;

(3) it provides for safeguards against gerrymandering.

The League of Women Voters of Minnesota urges you to react favorably to this particular proposal to ensure prompt, orderly and fair reapportionment of congressional and legislative districts.

Submitted by:
LWVMN Government Chair
Karen Anderson, 935-2445

LEAGUE OF WOMEN VOTERS OF MINNESOTA
PHONE (612) 224-5445
555 WABASHA • ST PAUL, MINNESOTA 55102

REAPPORTIONMENT: UPDATE ON CONFERENCE COMMITTEE REPORT ON S.F. 129

--Karen Anderson

January, 1980

Many of you who followed the precarious progress of the proposed reapportionment amendment during the first half of this legislative session are well aware of its unique status as the Legislature re-convenes. Others who are new to the Government portfolio may be unfamiliar with the reapportionment issue as well as LWVMN's position on it. The following information is meant to supply background, present status and future action options on reapportionment. Hopefully, action will occur early in the legislative session.

Senate File (S.F.) 129 and House File (H.F.) 38 were companion bills introduced at the beginning of this session last January. Their intent was to remove the power of reapportioning legislative and congressional districts (redistricting) after the 1980 census (and subsequent censuses) from the Legislature and give it to a bipartisan commission. The bills proposed a constitutional amendment providing for a commission to be submitted to the voters in the 1980 general election. Similar bills had been passed by the House (and supported by LWVMN) in both the 1974 and 1976 sessions.

Action on the bills began early this session and continued through the final day. They were heard in many committees and underwent changes in both houses. S.F. 129 was passed by the Senate on May 17th and by the House (with the language of H.F. 38) on May 18th. Because the bills contained major differences, they were referred to a conference committee. Agreement was reached on May 21st, the final day of the session, in the form of Conference Committee Report on S.F. 129; but it was too late for both houses to approve it.

The Conference Committee Report provides for two constitutional amendments on the 1980 ballot. One would create a 9-member commission with 4 legislative members and 5 public appointees; it would have strict antigerrymandering standards, and the plan would be subject to prompt judicial review. The other amendment would allow state Senators, who will be elected in 1980, to serve out their full 4-year terms instead of being elected by new districts in 1982.

While the Conference Committee Report was signed by a majority of the members of that committee, it was not officially logged into the Senate Journal, so its present status is unclear. The problem is complicated by the fact that the House and Senate never adopted joint rules in 1979 and that the House may again be reorganized. The Senate may take up the report, or it may send it back to conference committee. If it takes it up, it may vote it up or down; if it is voted down, it will go back to conference again. The major controversies that were worked out in conference were the size of the commission (the Senate version had 7 members, while the House had 13) and the 4-year term for Senators. During the interim, Governor Quie expressed his support of a reapportionment commission, specifically a 9-member body as stated in the Conference Committee Report. He has not publicly expressed either support or opposition in regard to 4-year Senate terms.

LWVMN has been concerned with reapportionment issues since 1953 and has supported a reapportionment commission since 1973. While the LWVUS apportionment position addresses the issue of providing apportionment by population (one person/one vote), the LWVMN

(over)

position expands on this to include direction on the methods of apportionment. In fact, the 1979 LWVMN Convention adopted a new position statement on apportionment which incorporates the LWVUS position and revises the LWVMN position to make it responsive to reapportionment in the 1980s. The position now states:

"Support of apportionment substantially on population of congressional districts and of all elected state and local governmental bodies. Support of regular and equitable reapportionment, with definite procedures established to ensure prompt redistricting by the Legislature or by a reapportionment commission; support of procedures which provide for:

- compact contiguous districts giving advantage to no particular person or group.
- public accessibility to legislative or commission deliberations and action.
- prompt judicial review."

Consequently, LWVMN is supporting the passage of Conference Committee Report on S.F. 129. We have some concerns about allowing for 4-year Senate terms; however, as long as it is treated as a separate issue in the bill, our support will continue. Since the present status of the Conference Committee Report is unclear, we will have to be flexible in our support and action plans in order to respond to any of many possible happenings. We ask you to be flexible too and to carefully review the status and background in TIMES FOR ACTION you may receive from us on reapportionment so you will be clear about appropriate action. The action of local Leagues during the first half of this session was a major factor in the survival of the bill to this point; we hope our success will continue.

If you would like further information on reapportionment in Minnesota and/or LWVMN positions and action on reapportionment, please refer to the November-December, 1978, MN VOTER and the 5 issues of the 1979 LWVMN CAPITOL LETTER.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, MN 55102 - May, 1981

SLIDE SHOW - REAPPORTIONMENT IN MINNESOTA - Billie Franey

1 - We begin at Stillwater, the cradle of Minnesota. Territorial government was organized here. There were 9 councilors and 18 representatives. The population was 4,764.

2 - This is Fort Snelling. Around 1850 all settlement was east of the Mississippi.

3 - Other parts of the territory were held by the Indians.

4 - The 1852 Treaty of Traverse des Sioux evicted the Indians and opened up all lands west of the Mississippi for settlement.

5 - In 1853 this stone capitol was built for the territorial government.

6 - Immigration was big. This is St. Paul levee in 1858. The population was 150,037, and Minnesota became a state.

7 - We had 3 congressmen elected at large. The state was divided into 26 districts, with 37 senators and 80 representatives.

8 - The 1st Governor is Sibley. This is his home in Mendota.

9 - In 1860 the Governor was Alexander Ramsey, the first Territorial Governor. In the name of economy, the Legislature was reduced to 21 senators and 42 representatives. The session was cut to 60 days.

10 - The pioneer days were said to be over. Lumbering was a big business. The white pine seemed endless.

11 - This is Duluth in these formative years.

12 - Steam was now utilized for threshing. There were 85 grist mills in the state, and flour was being exported.

13 - In 1866, under the administration of William R. Marshall, a Brigadier General in the Civil War, the state was apportioned to 22 senators and 47 representatives. The population had grown to 250,000.

14 - Wheat production had doubled, and lumbering was up. This is Minneapolis in 1867.

15 - The railroads were stimulating growth of new communities.

16 - In 1871, under Governor Horace Austin, the state expanded to 41 districts with 41 senators and 106 representatives.

17 - There were now 207 sawmills in operation.

18 - By 1878 Minnesota patent flour was leading the market.

19. Under Governor John S. Pillsbury in 1881, the Legislature grew to 47 senators and the first 4-year terms and 103 representatives. The population was 780,773, 1/3 of these foreign born, and the largest number German. The stone capitol burned in 1881.

(over)

20 - This is the new capitol built in 1883.

21 - Iron ore was discovered, and in 1884 the first trainload of iron ore was loaded and sent to the lakes for shipment.

22 - This is the Lafayette Hotel built by railroad magnate Hill on Lake Minnetonka. It burned in 1895. In 1889 the Legislature grew to 54 senators and 114 representatives. The secret ballot came into use. The Governor was William Rush Merriam. He had beat clean Governor McGill, who put 500 saloonkeepers out of business in St. Paul alone by having liquor license fees raised to $1,000.

23 - The 1890 census of 1,310,283 showed a city trend and actual population loss in six southeastern counties. There was a census war between Minneapolis and St.
24 - Paul which triggered a recount. Minneapolis had padded the count by over 18,000, St. Paul by over 9,000, but Minneapolis remained bigger at a population of 164,738.

25 - State reapportionment didn't occur until 1897 under Governor David McClough, a lumberman. The districts were 63, with 63 senators and 119 representatives. The population was 1,574,617. The state had begun giving aid to roads and schools. Minneapolis in 1899 was the leading lumber market of the world. Minnesota had 3 of the 4 largest mills in the country.

26.- This is Winona in 1900. That year the population was 1,751,394, and we had 9 congressmen.

27 - There is our new capitol, finished in 1904. We are now labeled the bread and butter state. The 1910 census recorded a population of 2,075,708, giving us another congressman who had to run at large. The balance of power of city and farm was changing.

28 - In 1913 the Governor was A. O. Eberhardt, a lawyer, an immigrant from Sweden and a graduate of Gustavus. The Legislature grew to 67 senators and 130 representatives. This districting map remained in place for almost half a century - 46 years. An attempt had been made to hold any county representative to 7. It had failed at the polls. The Legislature became in 1913 the only non-partisan legislative body in the nation.

29 - This is a parade in St. Paul after the first World War. The war was over, but so were high prices for farm products. There was deflation. A raging fire in St. Louis and Carleton Counties killed 500 people. It was called the holocaust. On the good side there were 4 women in the 1923 Legislature.

30 - In 1932 Minnesota was due to lose a congressman. Governor Floyd B. Olson, the first non-Republican since Sibley, vetoed a congressional districting resolution labeled a blatant gerrymander. The U.S. Supreme Court upheld the veto, and the voters had to choose 9 congressmen from 88 candidates. In 1935 congressional districting was completed. Governor Olson had proposed a unicameral Legislature.

31 - Mark Nolan in the House from the Iron Range proposed a size reduction as did Senator Val Imm of Mankato. Senator Fay Cravens of Milaca proposed a body of 60 men and 60 women, but

32 - this is what happened. A Rove Roberts reported on the session of 1935 in a book from radio commentary.

33 - It's now World War II, and these are the active iron mines at Hibbing. In 1945 came the 1st court challenge to unfair apportionment in Smith vs. Holm. The case was won in the district court but lost in the Minnesota supreme court.

34 - In 1951, 1953, and 1955, Alf Bergerud of Hennepin County introduced reapportionment bills. In 1957 a bill passed only in the House.

35 - 1954, the year of the McCarthy hearings, was the date of the LWV publication, Reapportionment, Democracy Denied.

36.- The underrepresented are proliferating, and the Legislature is not about to give away its power. In 1957 the League joined in a court suit charging in McGraw vs. Donovan that malapportionment was a violation of civil rights and the 14th amendment. The courts listened and directed the Legislature to act.

37 - Orville Freeman was the DFL Governor when the conservative Legislature tabled redistricting in 1959.

38 - There were to be 67 senators and 135 representatives. The gains were small, the 1950 census was used, and the date effective was 1962. In 1962 the landmark Baker vs. Carr case based on the Minnesota McGraw vs. Donovan proclaimed the one man-one vote principle. In 1964 Attorney General Robert Kennedy argued the Wesbury vs. Sanders case that required both houses of state legislatures to be apportioned on an equal population base.

39 - The freeways had allowed tremendous expansion of population into the suburbs, and now a court challenge came from these suburbs in 1964. This time the courts set a date for the Legislature to finish the job.

40 - The Legislature still met in St. Paul but failed to notice its growth.

41 - Governor Karl Rolvaag vetoed two legislative districting plans and finally accepted one in a special session in 1966.

42 - The 1965 census wasn't used.

43 - In 1971 the 1966 plan was challenged in Court. Governor Wendell Anderson vetoed the districting plan produced in the 86-day special session. The courts then produced a plan with 35 senatorial districts. The Senate went to the U.S. Supreme Court and successfully beat back a size reduction.

44 - The courts produced a new plan that you see before you on June 2, 1972.

45 - The Metropolitan Districts.

46 - It is now 1981, and the Legislature is taking a page from the session of 1935 -- the Minnesota Merry-go-round.

REAPPORTIONMENT UPDATE

To: Local League Presidents/Government Chairs
From: Erica Buffington, Government Chair, LWVMN
(612) 929-8168
Judy Duffy, Lobbyist, LWVMN
(612) 777-4234
Re: Reapportionment Update
Date: October 21, 1981

One of the big questions the Legislature has to answer this session (1981) is: where will the boundary lines be for legislative districts? At this point, no one has the answer.

LWVMN reached a consensus on reapportionment in 1965, and with the modification at the 1979 Convention by delegates to include support for a Commission to do redistricting, it has not changed.

Our position states:

> Support of regular and equitable reapportionment with definite procedures established to ensure prompt redistricting by the Legislature or by a reapportionment commission; support of procedures which provide for:
>
> - compact contiguous districts giving advantage to no particular person or group.
> - public accessibility to legislative or commission deliberations and action.
> - prompt judicial review.

After checking the files on reapportionment, two other points of the 1965 consensus are relevant. They are:

1) County lines should be honored where possible in statutory redistricting.
2) No consensus was reached on the issue of multi-member or single member districts or on respecting municipal boundaries.

At both the Action Committee and Board meetings, the consensus was that consideration should be given to a re-study of the reapportionment issue so that we would be ready for action during the 1990 reapportionment battle.

Monitoring and lobbying at legislative hearings will continue to be done by state League lobbyists, using our position as previously stated. Local Leagues are encouraged to monitor their local officials as they deal with local redistricting. Any and all concerns of local Leagues concerning legislative redistricting should be brought to the attention of: Judy Duffy, reapportionment lobbyist; Erica Buffington, Government Co-chair; or Jean Tews, Action chair.