

State of Minnesota

HOUSE OF REPRESENTATIVES

E16.18M



John P. Wingard v. Linn Slattengren (1964)

Slattengren was not seated on the first day of the 1965 Session.

Court records were referred to a Special Committee on February 8, 1965.

On February 25, 1965, the select committee reported to the House that they found Slattengren had violated the Corrupt Practices Act, and recommended that the seat be vacated and a Special Election held. The House adopted the recommendation on February 26, 1965.

Wingard defeated Slattengren in the Special Election on March 27, 1965, but the House had to appoint another Special Committee to consider charges against him (April 12, 1965).

The Special Committee found neither candidate guilty of violations of the law and, on April 19, 1965, recommended seating Wingard. The recommendation was approved by a voice vote.

Wingard was sworn in on April 20, 1965.

TWENTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 8, 1965

The House met at 4:00 o'clock p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll being called, the following members answered to their names:

Adams, J.L.	DuBois	Grussing	Mahowald	Sathre
Adams, S.	Dunn, Robt.	Gustafson, E.B.	Mann	Schafer
Albertson	Dunn, Roy E.	Gustafson, W.F.	McGowan	Schulz
Anderson, H. J.	Enebo	Hall	McLeod	Schumann, A.O.
Anderson, H. R.	Engelbrecht	Hartle	McMillan, Mrs.	Schumann, M.C.
Anderson, I. N.	Erdahl	Hegstrom	Mitchell	Schwarzkopf
Anderson, J. T.	Erickson	Henning	Morlock	Scott
Anderson, T.	Esau	House	Mueller	Searle
Ashbach	Everson	Howatt	Nelson, L.H.	Sillers
Bang	Falkenhagen	Humphrey	Nelson, R.N.	Skaar
Barr	Farmer	Jacobsen	Newcome	Skeate
Battles	Fena	Johnson, C.A.	Nordin	Smaby, Mrs.
Becklin	Fischer	Johnson, H.N.	Nurminen	Sommerdorf
Beedle	Fitzsimons	Johnson, R.W.	O'Brien	Stone
Berke	Flakne	Johnson, V.L.	O'Dea	Swanstrom
Blomquist	France	Jopp	Overgaard	Theis
Brinkman	French	Jude	Pavlak	Tomczyk
Burchett, Mrs.	Frenzel	Jungclaus	Peterson, H.	Volstad
Carlson	Frick	Kirchner	Peterson, J.H.	Warnke
Christensen, R.	Fudro	Klaus	Podgorski	White
Christianson, M.	Fugina	Krenik	Quirin	Wilder
Cina	Gearty	Kucera	Rappana	Wozniak
Crain	Gerling	Latz	Renner	Wright
De Groat	Gimpl	Lee	Richie	Yngve
Dickinson	Graw	Lindahl	Rutter	Mr. Speaker
Dirlam	Grussendorf	Long	Sabo	

A quorum was present.

Messrs. Halsted, Hinman, Iverson, Prifrel and Voxland were excused.

The Chief Clerk then proceeded to read the Journal of the preceding day, when on motion of Mr. Mitchell the further reading was dispensed with and the Journal approved as corrected.

REPORTS OF CHIEF CLERK PURSUANT TO HOUSE RULES

Printed copies of H. F. Nos. 304 and 414 and S. F. Nos. 11, 14, 31, 168, 307 and 313 have been placed in the binders.

23rd Day]

MONDAY, FEBRUARY 8, 1965

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S. F. No. 11 and H. F. No. 86, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mr. Schumann, A. O., moved that S. F. No. 11 be substituted for H. F. No. 86 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following reports were received, filed in the Chief Clerk's office, and placed on the members' desks: Report on Educational Television and on Consumer Protection from the Minnesota Legislative Research Committee, and a report of the Legislative Highway Interim Commission.

The following communication was received: A communication to the Speaker of the House from Philip C. Schmidt, Clerk of District Court, Hennepin County, Minnesota, consisting of the original court file in the election contest between John P. Wingard and Linn Slattengren for the House of Representatives from the 30th Legislative District.

Mr. Dirlam moved that the Speaker appoint a special committee consisting of 7 members of the House of Representatives to consider the election contest between John P. Wingard and Linn Slattengren for member of the House of Representatives from the 30th Legislative District which election contest together with all the records, transcripts, files, exhibits and proceedings therein have been duly referred to the House of Representatives by the District Court of Hennepin County, Minnesota, 4th Judicial District; that said election contest together with all of the records, transcripts, files, exhibits and proceedings therein is referred to said special committee; that said special committee is empowered to take evidence, subpoena witnesses and conduct hearings relative to said election contest; and that said special committee shall, with due dispatch, report to the House a state of facts and its recommendations thereon. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Special Committee of the House to consider the election contest between John P. Wingard and Linn Slattengren: Messrs. Renner, Chairman; Albertson; Beedle; Gustafson, E. B.; Kucera; Nelson, R. N.; and Wright.

REPORTS OF STANDING COMMITTEES

Mr. French from the Committee on Civil Administration to which was referred:

H. F. No. 299, A bill for an act relating to the authority of the civil service board in disciplinary actions and providing for pre-hearing conferences; amending Minnesota Statutes 1961, Section 43.24, Subdivision 2.

Mr. Swanstrom from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 335, A bill for an act relating to wild rice; providing for the harvesting thereof; providing penalties for violations; amending Minnesota Statutes 1961, Section 84.14, subdivisions 3 and 4; and Section 84.14, as amended, by adding a subdivision.

Reported the same back with the following amendments: In Section 1, line 7 of page 2, delete the word "notice" and insert in lieu thereof the word "information".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Mueller from the Committee on Highways to which was referred:

H. F. No. 90, A bill for an act relating to highway traffic regulation; permitting the use of certain tires with metal protrusions; amending Minnesota Statutes 1961, Section 169.72.

Reported the same back with the following amendments: On Page 1, fourth line from the bottom of the page, following the word "and" insert the following new language "in the years 1965 through 1967".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Falkenhagen from the Committee on Insurance to which was referred:

H. F. No. 627, A bill for an act relating to insurance; providing that automobile accident reports shall be made available to representatives of insurance companies insuring automobiles involved in an accident; amending Minnesota Statutes 1961, Section 169.09, Subdivision 13, as amended.

Reported the same back with the following amendments: On page 1, line 1 of the new language after the word "upon" and before the word "written" insert "filing a".

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 52, 678, 681, 752, 391, 335, 90 and 627 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 357 was read for the second time.

REPORT OF SELECT COMMITTEE

Report of the Special Committee on the Matter of the Election Contest of Linn Slattengren, Contestee, and John P. Wingard, Contestant

Mr. Renner, for the Special Committee on the Slattengren-Wingard election contest to which was referred the matter of the contest of the election of Linn Slattengren from the 30th Legislative District East Half, Hennepin County, Minnesota, for alleged violation of the Minnesota Corrupt Practices Act, makes the following report:

The matter of the Contest was heard by the Committee on February 19, 1965, after due notice to all interested parties. The Contestant, John P. Wingard, was represented by his counsel, Michael J. Bolen of Edina, Minnesota, and the Contestee, Linn Slattengren, was represented by his counsel, Richard J. Kantorowicz of Minneapolis, Minnesota.

The court file including the transcript of testimony, exhibits and the certificate of the reporter attesting to the accuracy of the proceedings before the Honorable Rolf Fosseen, Judge of the District Court, Fourth Judicial District, Hennepin County, Minnesota, was received by the Committee and accepted as the true Record of the proceedings in the District Court with reference to this contest.

The Contestant, John P. Wingard, and the Contestee, Linn Slattengren, proceeded on this basis before the Committee, at which time counsel for both parties argued at some length as to the facts and the law. The Committee heard and considered the matter concerning the office in question, and as neither party offered additional testimony, your Committee, with the approval of the parties and their counsel accepted the certified Record of testimony in the contest. Written briefs were submitted by both parties pursuant to prior notice from the Committee.

We find that in several instances, the Contestee, Linn Slattengren, violated the Minnesota Corrupt Practices Act in a deliberate, serious and material manner. After full consideration, the Committee finds these facts:

I.

Nominees for the office of Representative from the 30th District East Half, Hennepin County, Minnesota, were John P. Wingard and Linn Slattengren who were candidates at the general election on November 3, 1964.

II.

That at the said general election Linn Slattengren received 11,270 votes and John P. Wingard received 10,931 votes for the said Legislative office.

III.

That the Contestee, Linn Slattengren, is a lawyer and holds degrees in law and the physical sciences. He has legislative research experience and was familiar with the voting records of the Contestant, John P. Wingard. That he, prior to the campaign, had been hired to compile statistics and to research and author observations of voting records for use by candidates for campaign purposes in the election to be held in November of 1964.

IV.

The campaign conducted by the Contestee, Linn Slattengren, was a highly organized approach consisting of committees and subcommittees to which authority had been delegated to handle specific areas in order to give complete coverage and exposure to the viewpoints, positions and approaches of the candidate in his endeavor to become elected.

Some 70 to 100 press releases were issued by one Todd Lawson, who had been given the task of publicity and press release Chairman. In many instances, the information contained in the press releases was erroneous and damaging to the cause of the Contestant in that they deceived or tended to deceive the voting public.

V.

That as specific acts of deception which we find actionable and of material nature, tending to deceive the voters of the District, we find as follows:

A. Representations that Wingard refused to vote on the Kerr-Mills Bill.

B. Representations that Wingard was responsible for defeating a bill which would have increased Old Age Assistance payments.

C. Representations that Wingard killed a bill to give more aid to his school districts.

D. Representations that Wingard did not bother to vote on the Taconite Amendment.

VI.

That the actions of Slattengren's volunteer committee members in promulgating misleading information concerning the voting record of Wingard with regard to the Oleo Bill, the Building Bill, the Seat Belt Bill, and the Hennepin County Commissioner Redistricting Bill, are to be condemned; that while we don't determine that the Contestee knew in every instance the deception that was being practiced, we do find that he personally condoned, and acquiesced to, press releases, without retraction, containing such false information, and must therefore be held responsible for them.

VII.

That political advertisements and press releases pertaining to the number of missed roll call votes referring to "one-fourth of legislation. . .", "missed more roll call votes than anyone else except one member who had a heart attack . . ." were false and untrue but that this information was not known to the Contestee Slattengren.

That in fact 13 roll calls were not on items of legislation but were on procedural motions. That 4 were on amendments. That in fact, four other House members missed more roll call votes.

We find that before specific charges are made, the burden to determine the accuracy thereof is on the proponent. This the Contestee failed to do.

VIII.

That the deceptive statements were publicized to the voters of the 30th District in a variety of ways. Press releases and advertisements were circulated through the "North Hennepin Post", a newspaper which has a circulation of 14,000 within the District. Oral statements were made by the Contestee at numerous coffee parties and at public gatherings. Circulars were mailed to voters in the District. Press releases were submitted and published in the "Minneapolis Star", the "Labor Review", and the "Brooklyn Center Press". Political advertisements were published in the "Brooklyn Park Sentinel" and the "North Minneapolis and Suburban Shopping Guide".

IX.

That in fact, the publication and circulation of the untruths and misleading information were intended to deceive the voters and influence them to vote for the Contestee.

The Committee, based on the foregoing findings of fact, determines and finds that:

1. The Contestant has met the burden of establishing a violation of the corrupt practices act on the part of the Contestee and that in effect there was a general plan or design of deception conceived and promoted by the Contestee and the members of his volunteer committee, the responsibility for which we attribute to the Contestee. The Contestee has failed to establish that his actions and the actions of the individual members of his volunteer committee amounted to innocent fair comment.

2. We find that the violations were serious, deliberate and material and that as a result of such violations, Linn Slattengren was not legally elected and is not entitled to be seated as a Representative of the 30th Legislative District East, Hennepin County, Minnesota.

3. That the seat for Representative for the 30th Legislative District East, Hennepin County, Minnesota, is vacant and that this vacancy be certified to his Excellency, Karl F. Rolvaag,

Governor of the State of Minnesota, so that he may issue a writ of election, as provided for by law, to fill said seat.

ROBERT G. RENNER, Chairman of
the Special Committee to Consider
the Election Contest between John P.
Wingard and Linn Slattengren

*Supplementary Addendum in Concurrence With the Over-All
Report and Conclusion of the Special Elections Committee
of the House of Representatives*

In concurring generally with the conclusion of this special committee, I feel I should supplement the report so as to crystallize the substance and to further endeavor to bring fairness to the forefront under this strained set of circumstances. The full transcript was carefully reviewed, as were the exhibits appertaining thereto by the Committee.

The standard that the Minnesota Corrupt Practices Act imposes is a fair one and must be construed and applied to the full set of circumstances that may exist in any given situation. Since we are sitting as a special committee of the House of Representatives reviewing the evidence which has been offered in the proceedings in the lower court, it is important to remember that, when applying strict standards that would ordinarily apply to evidence that may be offered, by and large, the great weight of the evidence contained in these proceedings would not be allowed in evidence in an ordinary civil proceeding. The committee spent many hours deliberating over the legal theory that would be applied to the responsibility of a candidate running for office even though utterances or publicity might have been issued directly or indirectly by a well organized volunteer committee. Although it is in part reputed and in part controverted as to the direct responsibility of Linn Slattengren for certain claimed falsities and damaging statements, it is nevertheless, apparent that at least in one clear-cut instance, he was aware of an incorrect statement and reprimanded the man in charge of press releases for same, but did not officially retract the statement attributed to him when there was time and apparently opportunity to do so. This was in addition to the other evidence offered and stipulated to as essentially correct in substance as were other technically false statements that were issued in various press releases and in other forms.

The winner of this election was a man who is well educated and who held a law degree and who further had a background of familiarity with the legislative processes that perhaps the average layman does not have. Although the committee tended to place a higher degree of care upon the shoulders of such a candidate, I feel this should not be considered necessarily a determining factor as to when a certain standard of care should be applied to a candidate running for office. I emphatically believe that a candidate should be knowledgeable with material important facts that are uttered as direct quotes of himself when

they are contained in the public press on numerous and varied occasions. There was ample evidence that he was aware of these utterances which were being quoted, although in his testimony he indicated a wide degree of latitude was given to his voluntary committee and in turn delegated to the political intern assigned to press releases by the volunteer committee. There is no justification for condoning and acquiescing in statements which a candidate must have the responsibility for deeming correct, even though the statements were in part prepared by another, especially under the circumstances where the evidence was clear that the candidate himself, in person, delivered the press releases in question to the source which ultimately publicized them.

As mentioned previously, there is the question of also stipulating to the truth and the responsibility for such statements. Any candidate must be cognizant and aware of the truth of statements issued and made, especially when they do not relate to matters of political opinion or matters of pure political debate which are ordinary and necessary in the free political process that goes on prior to elections. This is not to say that there was a design to malign the personal character of his opponent, Representative Wingard, or that it was in any other respect an attempt at wholesale character assassination, for I do not believe that this is substantiated by the evidence and the transcript. It is to say, however, that even though wide latitude is needed in political campaigns, a line must be drawn concerning statements relative to a man's official record and which might directly or indirectly impugn his political character in any manner, and that although this area is difficult to define, it, nevertheless, must be done and the truth in its full context must be a cornerstone of political elections and the campaign that is involved. The standard should also be applied to the individuals making statements on behalf of the candidate which are slanderous and libelous in the same vein as mentioned herein when the candidate properly knows or should know or be aware of the circumstances. In the instant case, it is also apparent that Representative Wingard did miss a great number of roll-call votes, that he himself ran certain ads through his voluntary committee which he was aware of and which tended by association to leave the impression that he was endorsed and supported by the AFL-CIO as well as the GOP and the DFL, when in fact he was endorsed by the GOP only. Therefore, it is the essence of this matter that note be made that the party challenging the election results does not appear from the evidence and the transcript to come within the category known in the law as "clean hands" which connotes a condition necessary to prevail entirely in an action of this kind. It is perhaps important to note that throughout the transcript, evidence was available indicating that this was a hotly contested and zealous contest on the part of the participants and their supporters, and there is no question that this added to the confusion and in the conflicting reports in a number of instances.

The decision of the committee to declare a vacancy and not seat either one of the parties to this action is set out further in the findings of fact and conclusions in the main body of the

report hereto. Elaboration and exception is made to that report in the instances mentioned in this addendum as outlined herein, and it is my feeling that a vacancy was declared for all of the reasons contained herein, and should serve as notice to candidates and supporters alike that a high degree of care is necessary and will be expected in the future in elections in Minnesota in accordance with and along the lines outlined herein.

ERNEST A. BEEDLE

Addendum

As a member of the special Wingard-Slattengren election contest committee, I am in basic agreement with the findings and report of the full committee. In agreeing, however, I feel something further should be said.

The pleadings, record and nature of these proceedings made the alleged improper activities of the contestee, Slattengren, the only issue. This meant that the evidence and our deliberations were concerned with only a portion of this entire and wide-ranging campaign, and the activities of Wingard were not put in issue.

It was originally charged that Slattengren was responsible for 42 absolutely false statements and 6 statements, which due to omission of the full truth, amounted to false statements. Many of the allegations proved to be without substance. Others amounted to opinions and characterizations that are a necessary and proper part of a vigorous election campaign.

In reaching our decision that Slattengren should not be seated, we applied the following standard:

A statement uttered or printed by a candidate for the office of State Representative which is willful, and knowingly false, or calculatedly misleading, and which imports the lack on integrity of an opponent, or his disregard of the public welfare, or untruthfully describes any act or vote attributed to an opponent while holding public office, and which is made for the purpose of furthering the candidacy of the one making the statement, is sufficient ground for his disqualification as a Representative or for voiding his election. *

This standard of conduct may be a difficult one to maintain in the heat of a robust election campaign. In some past elections it undoubtedly has been violated and some might even question if the public does not generally expect a lower standard in political campaigns. Most of us are, therefore, painfully cognizant of the fact that Linn Slattengren may be paying an extremely high price for conduct some others have never had called into question.

Our decision could result in some abuse. The loser in future legislative elections might be encouraged to bring unfounded and harassing charges in the hope that he would replace the rightful winner. I personally doubt that this will happen, and

feel that this must be weighed against the more important consideration that we require of all candidates a high standard of honesty and responsibility in their campaign statements and advertising.

EARL B. GUSTAFSON

Concurring Opinion

I concur in the result. However, I would limit the findings to three violations of the election law.

The statement that contestant failed to vote on the so-called Kerr-Mills bill was not true. The fact that contestee had in mind the Latz amendment to that bill cannot change the effect of the allegation.

The statement that contestant refused to give the so-called Parish School Aid bill a hearing in his own committee was not true.

A statement made by one of contestee's supporters that contestant was responsible for killing the bill to increase old-age assistance was not true. Contestee knew it was not true and reprimanded his supporter, but made no retraction or withdrawal of the statement, although he had ample time and opportunity to do so.

Each of these statements was made for the purpose of furthering the candidacy of contestee.

Other allegations made by contestant are not sustained by the evidence but the above facts are sufficient to justify the House in refusing to seat contestee.

The tenor of the campaign on both sides left much to be desired. It is particularly important that candidates for the Legislature, the body that prescribes the rules of conduct for all candidates, should conduct their campaigns on a high level.

R. N. NELSON

Additional Addendum

The Corrupt Practices Act of Minnesota (Statutes of 1963, Chapter 210 and 211) are intended to protect candidates for public office and the voters who elect, to the end that deceptions be discouraged in all political campaigns. When willful violations occur through the conduct of a candidate, he must be held to forfeit any right to the office he seeks unfairly. On this basis, I feel the unanimous report of the Special Committee is entirely justified.

But that does not alone solve the problem. The public, and in particular the people of the 30th District, East, one of the largest Legislative Districts in the State, are entitled to their representation in the House through their elected representative during the current session. It would amount to a political decision to seat the loser.

There is some precedent in the analogous situation that occurred in 1957 in Cass County when the winner of the 1956 general election, George E. Erickson, incumbent, in what was then the 52nd District, was not seated; nor was his opponent Seth Phillips seated. Instead, the House of Representatives, then controlled by Liberals, recommended to Governor Freeman that a special election be held to fill the vacancy. This was done. Now, although the conservative controlled House of Representatives could lawfully seat the loser in the present contest, it is much more in the public interest that the voters of the 30th District, East, be given the right to choose their representative at a special election which Governor Rolvaag can call at once.

F. GORDON WRIGHT
ERNEST A. BEEDLE

Mr. Renner moved that the report of the Special Committee appointed by the Speaker on Monday, February 8, 1965, to consider the election contest between John P. Wingard and Linn Slattengren, together with all addenda and concurring opinions thereto, be printed in the Journal and lie over until Friday, February 26, 1965, on the order of business "Reports of Select Committees". The motion prevailed.

INTRODUCTION OF BILLS

Mr. House introduced:

H. F. No. 835, A bill for an act relating to the city of Two Harbors in Lake county; authorizing disability pay to volunteer firemen under certain conditions.

The bill was read for the first time and referred to the Committee on Civil Administration.

Messrs. House, Fugina, and Farmer introduced:

H. F. No. 836, A bill for an act relating to the teachers retirement association; providing reciprocal arrangements with other public retirement systems; amending Minnesota Statutes 1961, Section 135.09, by adding a subdivision thereto.

The bill was read for the first time and referred to the Committee on Civil Administration.

Messrs. Christianson, M.; Wilder; Anderson, I. N.; Engelbrecht; and Peterson, H., introduced:

H. F. No. 837, A bill for an act relating to the legislature; proposing an amendment to Article IV, Section 1 of the constitution of the state of Minnesota to provide for annual sessions of the legislature of not more than 90 days.

The bill was read for the first time and referred to the Committee on Civil Administration.

Messrs. O'Brien; Gerling; Renner; Nelson, R. N., and Becklin introduced:

H. F. No. 838, A bill for an act relating to organization of the state government, the management of the public domain, and revising the department of conservation as the Department of Natural Resources; amending Minnesota Statutes 1961, Section 84.025, Subdivisions 1, 2, 3, 4 and 5; Section 84.03; Section 84.081, Subdivisions 1 and 3; and Section 84.083; repealing Minnesota Statutes 1961, Sections 84.084, 84.088, Subdivision 2; 89.34; and 97.48, Subdivision 15.

The bill was read for the first time and referred to the Committee on Civil Administration.

Messrs. Anderson, T.; Blomquist; and France introduced:

H. F. No. 839, A bill for an act relating to the State Employees Retirement Association; amending Minnesota Statutes 1961, Section 352.01, Subdivision 2, as amended by Laws 1963, Chapter 383, Section 1; Section 352.01, Subdivision 11, as amended by Laws 1963, Chapter 383, Section 6; Section 352.115, Subdivision 8, as amended by Laws 1963, Chapter 383, Section 31; Section 352.115, Subdivision 10, as created by Laws 1963, Chapter 383, Section 32; Section 352.115, Subdivision 11, as created by Laws 1963, Chapter 383, Section 32; Section 352.115, as amended by Laws 1963, Chapter 383, Section 32, by adding a new subdivision thereto; Section 352.12, Subdivision 2, as amended by Laws 1963, Chapter 383, Section 37; Section 352.12, Subdivision 3, as amended by Laws 1963, Chapter 383, Section 38; Section 352.12, as amended by Laws 1963, Chapter 383, Section 45, by adding new subdivisions thereto; Section 352.22, Subdivision 1, as amended by Laws 1963, Chapter 383, Section 46; Section 352.22, Subdivision 3, as amended by Laws 1963, Chapter 383, Section 48; Section 352.22, Subdivision 8, as amended by Laws 1963, Chapter 383, Section 52; Section 352.22, as amended by Laws 1963, Chapter 383, Section 52, by adding a new subdivision thereto; Section 352.23; Section 352.27, as amended by Laws 1963, Chapter 383, Section 53; Section 352.28, Subdivision 2, as amended by Laws 1963, Chapter 383, Section 55; and Section 352.72, Subdivision 3; repealing Minnesota Statutes 1961, Section 352.115, Subdivision 6, as amended; Section 352.22, Subdivision 6, as amended; and Laws 1963, Chapters 427 and 741.

The bill was read for the first time and referred to the Committee on Civil Administration.

Mr. Hinman introduced:

H. F. No. 840, A bill for an act relating to the claim of John Bauer; arising from income lost as a result of personal injuries suffered while employed by the forestry division; appropriating money for the payment thereof.

The bill was read for the first time and referred to the Committee on Claims.

Mr. McLeod from the Committee on Temperance and Liquor Control to which was referred:

H. F. No. 592, A bill for an act relating to intoxicating and nonintoxicating malt beverages; permitting sales at retail by breweries to certain persons; amending Minnesota Statutes 1961, Sections 340.02, Subdivision 1 and 340.11, Subdivision 1.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Mr. Jopp from the Committee on Municipal Affairs to which was referred:

S. F. No. 547, A bill for an act authorizing the city of Fairmont to designate, regulate, maintain, and improve streets in the central business district as a mall for primarily pedestrian use and to levy special assessments and taxes and issue bonds for this purpose.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Mr. Jopp from the Committee on Municipal Affairs to which was referred:

S. F. No. 20, A bill for an act relating to the city of Moorhead; authorizing the levy of taxes and expenditure of funds for armory alterations and additions; validating certain levies.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 506, 709, 446, 522, 54, 237, 592 and 853 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 253, 346, 547 and 20 were read for the second time.

REPORT OF SELECT COMMITTEE

The report of the special committee on the matter of the election contest of Linn Slattengren, contestee, and John P. Wingard, contestant, as printed in the Journal of the House for the 36th day of the 64th session, was reported to the House.

The question was taken on the adoption of the report and the roll being called, there were yeas 92, and nays 31, as follows:

Those who voted in the affirmative were:

Adams,S.	Dunn,RoyE.	Gustafson,W.F	Mahowald	Schulz
Albertson	Erdahl	Hall	Mann	Schumann,A.O.
Anderson, H. J.	Erickson	Hartle	McLeod	Schumann,M.C
Anderson, H. R.	Esau	Hegstrom	Mitchell	Schwarzkopf
Anderson, J. T.	Everson	Henning	Morlock	Scott
Anderson, T.	Falkenhagen	Howatt	Mueller	Searle
Ashbach	Fischer	Humphrey	Nelson,L.H.	Sillers
Bang	Fitzsimons	Iverson	Nelson,R.N.	Skaar
Barr	Flakne	Jacobsen	Newcome	Stone
Battles	France	Johnson,C.A.	Nurminen	Swanstrom
Becklin	French	Johnson,H.N.	O'Brien	Voxland
Beedle	Frenzel	Johnson,V.L.	O'Dea	Warnke
Blomquist	Frick	Jopp	Overgaard	White
Christensen,R.	Gerling	Jungclaus	Peterson,H.	Wright
Crain	Gimpl	Kirchner	Peterson,J.H.	Yngve
De Groat	Graw	Klaus	Rappana	Mr. Speaker
Dickinson	Grussendorf	Krenik	Renner	
Dirlam	Grussing	Kucera	Sathre	
Dunn,Robt.	Gustafson,E.B.	Long	Schafer	

Those who voted in the negative were:

Adams,J.L.	Enebo	Latz	Quirin	Tomczyk
Anderson, I. N.	Engelbrecht	McGowan	Richie	Volstad
Berke	Farmer	McMillan,Mrs.	Sabo	Wozniak
Burchett,Mrs.	Fudro	Nordin	Skeate	
Carlson	Fugina	Pavlak	Smaby,Mrs.	
Christianson,M	Gearty	Podgorski	Sommerdorf	
Cina	Jude	Prifrel	Theis	

So the report was adopted.

INTRODUCTION OF BILLS

Messrs. Hartle; Prifrel; Anderson, H. J.; Cina; and Johnson, R. W., introduced:

H. F. No. 855, A bill for an act relating to the public employees retirement association; amending Minnesota Statutes 1961, Section 353.68, Subdivision 2.

The bill was read for the first time and referred to the Committee on Civil Administration.

Messrs. Hartle; Prifrel; Anderson, H. J.; Cina; and Johnson, R. W., introduced:

H. F. No. 856, A bill for an act relating to employees of certain public hospitals, members of the public employees retirement association, and providing for coverage under the old age, survivors, and disability insurance provisions of Title II of the federal social security act, and appropriating money therefor; amending Laws 1963, Chapter 793, by adding a new section.

The bill was read for the first time and referred to the Committee on Civil Administration.

WHEREAS, National League of United Latin American Citizens is being observed during the week of February 28 to March 6; now, therefore,

BE IT RESOLVED by the House of Representatives, that congratulations and best wishes of this body be extended to the members of the National League of United Latin American Citizens.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be instructed to send a copy of this resolution to Joseph Zamarrilla, Curtice and Kansas Streets, St. Paul, Minnesota, the State Director of the League of United Latin American Citizens.

Mr. Beedle moved that House Resolution No. 7 be adopted.

The question was taken on the adoption of the resolution, and House Resolution No. 7 was adopted.

CERTIFICATION BY THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MINNESOTA
TO HONORABLE KARL F. ROLVAAG, GOVERNOR

The House of Representatives, in legislative session assembled on Friday, February 26, 1965, adopted the report of the special committee to hear the election contest of Linn Slattengren, Contestee, and John P. Wingard, Contestant, appointed pursuant to proper motion therefor, made and adopted on the 8th day of February, 1965, wherein the said committee made a finding as follows:

"That the seat for Representative for the 30th Legislative District East, Hennepin county, Minnesota, is vacant and that this vacancy be certified to His Excellency Karl F. Rolvaag, Governor of the State of Minnesota, so that he may issue a writ of election as provided by law to fill said seat."

I herewith make such certification to you as the Speaker of the House of Representatives, for the 64th Legislative Session thereof.

L. L. DUXBURY, JR., Speaker

Dated this 26th day of February, 1965.

CORRECTIONS BY THE CHIEF CLERK

Pursuant to Rule 22 the Chief Clerk has made the following clerical corrections:

H. F. No. 12: On page 1, in line 3 of section 2, the spelling of "plaintiff" was corrected.

H. F. No. 76: On page 1, lines 5 and 6 of section 2, the citation was completed.

H. F. No. 222: On page 2, section 1, in line 3 of clause (2) the spelling of "of" was corrected.

H. F. No. 350: In the title "he is" was corrected to "they are" to agree with the antecedent plural subject.

H. F. No. 434: On page 1, in lines 1 and 2 of section 1, "Minnesota Statutes 1961" was restated correctly; and following section 1 "Section 2" was corrected to "Sec. 2."

Mr. Dirlam moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 1, 1965. The motion prevailed.

Mr. Dirlam moved that the House adjourn. The motion prevailed, and the Speaker declared the House adjourned until 2:00 p.m., Monday, March 1, 1965.

G. H. LEAHY, Chief Clerk, House of Representatives

REPORTS OF CHIEF CLERK PURSUANT TO HOUSE RULES

Printed copies of H. F. Nos. 14, 161, 720, 760, 1119, 1201, 1214, 1228, 1263, 1288, 1360, 1464 and 1485 and S. F. Nos. 197, 530, 580, 616, 618, 657, 676, 701, 801 and 980 have been placed in the binders.

PETITIONS AND COMMUNICATIONS

The following reports were received, filed in the Chief Clerk's office, and placed on the members' desks: Flood Situation Reports Nos. 13, 14, and 15 from the Minnesota department of civil defense.

A communication from the District Court of Minnesota, Fourth Judicial District, Minneapolis, in the matter of the election contest of John Wingard, together with the court order, a memorandum, a certificate of election issued to John Wingard of the 30th legislative district (east half), and a notice of contest of election were reported to the House.

Mr. Dirlam made the following motion:

WHEREAS, after a prolonged contest involving court and legislative proceedings, concerning the office of State Representative for the east half of the 30th Legislative District, Hennepin County, which resulted in that House seat being declared vacant and a new election being ordered therefor by the Honorable Karl F. Rolvaag, Governor of the State of Minnesota; and

WHEREAS, said special election was held on the 27th day of March, 1965; and

WHEREAS, the said John P. Wingard was the victor in that special election; and

WHEREAS, allegations of violations of law in connection with the conduct of the campaigns in said special election have been made against both candidates involved in said election; and

WHEREAS, a notice contesting the election of the said John P. Wingard has been served upon the Speaker of the House on behalf of one H. J. M. Fourre; and

WHEREAS, a proper and legally sufficient certificate of election has been delivered to the House of Representatives by the said John P. Wingard; and

WHEREAS, under the Constitution of this state, the House of Representatives is the sole judge of the qualifications of its members and must determine what it will do after receipt of a certificate as stated in the decision of the District Court, 4th Judicial District, Hennepin County, Minnesota, the Honorable William Gunn, District Judge presiding, as of April 9, 1965, and

WHEREAS, the House is vitally interested in the qualifications of its members and the conduct of campaigns; and

WHEREAS, it is in the interest of the state and of the people of the East half of the 30th District, Hennepin County, that the matter of alleged violations by either candidate be adjudicated with justice and dispatch to the end that the said District be afforded its rightful representation in the House of Representatives;

NOW, THEREFORE, it is moved that the Speaker appoint a special committee consisting of three members of the House of Representatives to consider all and any of the allegations against either candidate and that said special committee is directed and authorized immediately to conduct hearings relative to said matters and to the accomplishment of that end is empowered to take evidence from both parties relative to the violations by the other of the Corrupt Practices Act, subpoena witnesses and take such other action as may be necessary to determine the truth or falsity of such allegations, the existence or non-existence of any violations of the Corrupt Practices Act and the effects thereof, if any, upon the qualifications of the candidates and the legal right of either candidate to be seated as a member of this House of Representatives; and that said special committee shall by Monday, April 19th, report to the House the facts and its recommendations thereon; and that further, during the pendency of this matter before the special committee, the members thereof are specifically excused from any and all other legislative responsibilities, except to vote in case of a call of the House.

The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members to the special committee concerning the office of state representative for the 30th legislative district (east half): Messrs. Scott, chairman; Gustafson, W. F.; and Pavlak.

The Speaker referred the communication and accompanying materials from the District Court of Minnesota, Fourth Judicial District, Minneapolis, to the special committee.

REPORTS OF STANDING COMMITTEES

Mr. Hartle from the Committee on Education to which was referred:

H. F. No. 1139, A bill for an act relating to Independent School District No. 381, Lake county; enabling the school district to participate in the community mental health program; prescribing powers and duties of the district and its school board.

Reported the same back with the recommendation that the bill do pass and be placed on the Consent Calendar.

The report was adopted.

In Sec. 2, in lines 11 and 12 of page 6, strike the following after the word "contract;" "by survivorship under a joint tenancy or its equivalent;"

Sec. 2, on page 8 in line 1 of Subd. 6, after "Subd. 6." and before "Any" insert the following: "The right to disclaim otherwise conferred by this section shall be barred if the beneficiary is insolvent at the time of the event giving rise to the right to disclaim."

Sec. 2, on page 9, line 14 of Subd. 7. after "Disclaimant" and before "shall" insert ", if such spouse has consented to the disclaimer in writing,".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Dunn, Roy E., from the Committee on Taxes to which was referred:

H. F. No. 1236, A bill for an act relating to school districts and limitations upon tax levies thereof; amending Minnesota Statutes 1961, Section 275.12, Subdivision 1, as amended.

Reported the same back with the following amendments:

On page 1 of the typewritten bill, Section 1, line 23, after the word "than" restore the figure previously stricken, and before the word "plus" strike "\$150,000".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Dunn, Roy E., from the Committee on Taxes to which was referred:

H. F. No. 1337, A bill for an act relating to tax forfeited lands, providing for apportionment of proceeds from such lands; amending Minnesota Statutes 1961, Section 282.08, as amended.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Mr. Dunn, Roy E., from the Committee on Taxes to which was referred:

H. F. No. 1362, A bill for an act relating to taxation; providing for the classification of tax forfeited lands; amending Minnesota Statutes 1961, Section 282.01, Subdivision 1.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1468, 1606, 881, 1471, 719, 1251, 1259, 1616, 963, 1380, 1424, 1449, 1567, 1617, 380, 1236, 1337 and 1362 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 388, 755, 1260, 1281, 414, 447, 701, 1044, 423 and 744 were read for the second time.

REPORT OF SELECT COMMITTEE

Report of the Special Committee in the Matter of Alleged Violations of the Minnesota Corrupt Practices Act on the Part of John Wingard and Linn Slattengren in the Campaign Which Preceded the Special Election Held on March 27, 1965.

Mr. Scott for the Special Committee to which was referred the matter of alleged violations of the Minnesota Corrupt Practices Act on the part of John Wingard and Linn Slattengren in the campaign which preceded the Special Election held on March 27, 1965, to elect a State Representative from the 30th Legislative District, East Half, Hennepin County, Minnesota, makes the following report:

The matter was heard by your Committee after notice to all interested parties. John Wingard appeared personally and with his counsel, Michael J. Bolen, of Edina, Minnesota. Mr. H. J. M. Fourre, contestant, appeared in person and with his counsel, Mr. Bert M. Gross, of Minneapolis, Minnesota. Linn Slattengren appeared pro se.

The Committee heard the testimony of the candidates, Mr. Fourre, and other witnesses. Exhibits were received and examined by the Committee and arguments were made by counsel and Linn Slattengren.

The Committee, having considered the matter and being duly advised in the premises, makes the following findings:

I.

That on March 27, 1965, a Special Election was held to elect a State Representative for the 30th District, East Half, Hennepin County, Minnesota.

II.

That on March 29, 1965, the Hennepin County Canvassing Board declared John Wingard elected by a vote of 4,535 to a vote of 4,053 for Linn Slattengren.

III.

That a Certificate of Election was issued to John Wingard on April 6, 1965, by the Auditor of Hennepin County, Minnesota, and the said Certificate has been delivered to the Speaker of the House of Representatives.

IV.

That there were no serious, deliberate and material violations of the Minnesota Corrupt Practices Act on the part of either John Wingard or Linn Slattengren in the campaign which preceded the said Special Election.

And that pursuant to the foregoing findings, your Committee recommends that John Wingard should be seated as State Representative for the 30th Legislative District, East Half, Hennepin County, Minnesota.

KENNETH E. SCOTT

Chairman of the Special Committee

RAYMOND PAVLAK

Member of the Special Committee

WALLACE F. GUSTAFSON

Member of the Special Committee

Dated at St. Paul, Minnesota, this 19th day of April, 1965.

Concurring Opinion

I concur in the result but feel that at least one of the charges made in this contest deserves some comment.

In the campaign preceding the Special Election held March 27, 1965, campaign material was distributed characterizing the choice between the candidates as a choice between one with "a proven record of honesty and integrity" and one "convicted" of violating the Minnesota Corrupt Practices Act.

Since the Special Committee, in hearing the contest in the prior election, did not consider charges made against Mr. Wingard and since there was no adjudication reached in a trial in a court of law resulting in any conviction, such campaign material is a serious misstatement. However, it was not established before the present committee that Mr. Wingard had personal responsibility for this misstatement and consequently I did not consider it grounds for upsetting this election.

Although the House is the sole judge of the seating of its members (and this is as it should be), the House should be most hesitant in overruling the vote of the people in an election.

RAYMOND PAVLAK

Member of the Special Committee

Dated at St. Paul, Minnesota, this 19th day of April, 1965.

Concurring Opinion

Although I concur with the conclusion of the Special Committee, I feel it is necessary to comment on some of the statements made by Mr. Slattengren in the second campaign.

In a letter to the editor dated March 24, 1965, Mr. Slattengren stated: "The State Legislature, by a majority vote of those who oppose my political philosophy, refused to seat me." This is not a correct statement because 14 Liberals joined with the Conservatives in the House of Representatives in voting to declare the seat vacant.

At press conferences and in press releases in the second campaign, Mr. Slattengren repeatedly stated that his election was set aside because of certain trivial errors he made in his first campaign. The unanimous report of the first Select Committee, sustained by the House of Representatives, stated that Linn Slattengren in several instances violated the Minnesota Corrupt Practices Act in a deliberate, serious and material manner. For Mr. Slattengren to publicly characterize these charges as being trivial is not a correct statement and was obviously designed to influence the voters in the second election.

Dated at St. Paul, Minnesota, this 19th day of April, 1965.

WALLACE F. GUSTAFSON

Member of the Committee

Mr. Scott moved that the report of the Select Committee be adopted. The motion prevailed.

INTRODUCTION OF BILLS

Messrs. Schumann, A. O.; Mitchell; Mann; Wilder; and Schafer introduced:

H. F. No. 1768, A bill for an act establishing a meat industry division in the department of agriculture; creating a meat improvement board to advise the department; prescribing the powers and duties of the commissioner in relation thereto; amending Minnesota Statutes 1961, Chapter 31, as amended, by adding sections thereto.

The bill was read for the first time and referred to the Committee on Agriculture and Cooperatives.

Mr. Gimpl introduced:

H. F. No. 1769, A bill for an act appropriating money to the Minnesota Historical Society to reconstruct Thomas Connor's 1804 Northwest Company Fur Post, near Pine City.

The bill was read for the first time and referred to the Committee on Appropriations.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Mr. Gimpl from the Committee on Recreation and Water Resources to which was referred:

H. F. No. 1455, A bill for an act relating to boat and water safety; authorizing the commissioner of conservation to plan and inaugurate a comprehensive boat and water safety education program; authorizing and directing the commissioner to establish a course of instruction in boating safety for persons between the ages of 10 and 14, and to issue boating safety certificates upon completion thereof; prohibiting operation of a watercraft under motor power by persons aged 10 to 14 years unless having a boating safety certificate or unless accompanied by a person 15 years of age or older; providing penalties for violations.

Reported the same back with the recommendation that the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 679, 835, 975, 1476, 1657, 142, 1256, 1447 and 1453 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 896 and 980 were read for the second time.

INTRODUCTION OF BILLS

Upon the author's request, permission to introduce within bill hereby requested.

KARL F. ROLVAAG, Governor

Messrs. White, Mueller, and Lee introduced:

H. F. No. 2011, A bill for an act relating to motor vehicle drivers' licenses; amending Laws 1963, Chapter 382, Section 3.

The bill was read for the first time and referred to the Committee on Highways.

Upon the author's request, permission to introduce within bill hereby requested.

KARL F. ROLVAAG, Governor

Messrs. Latz, Sabo, Gearty, and Enebo introduced:

H. F. No. 2012, A bill for an act to require truth in lending; providing penalties.

The bill was read for the first time and referred to the Committee on Financial Institutions and Securities.

Upon the author's request, permission to introduce within bill hereby requested.

KARL F. ROLVAAG, Governor

Messrs. DeGroat; Renner; Lee; Henning; and Adams, S., introduced:

H. F. No. 2013, A bill for an act relating to control or destruction of harmful or undesirable aquatic vegetation or organisms in public waters; amending Minnesota Statutes 1961, Section 111.81, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Recreation and Water Resources.

MOTIONS AND RESOLUTIONS

Mr. Wilder moved that the name of Mr. Battles be added as an author on H. F. No. 1975. The motion prevailed.

Mr. Dirlam moved that Mr. John P. Wingard be seated as a member of the House of Representatives. The motion prevailed and the Speaker administered the oath of office to Mr. Wingard.

REPORT FROM THE COMMITTEE ON RULES

Mr. Dirlam, for the Committee on Rules, made the following report and moved its adoption:

Amend the Permanent Rules of the House as they appear in the Journal of the House for the fifth day, Tuesday, January 12, 1965, as follows: Page 2, Rule 3, line 9, by striking the figure and words "7. Motions and resolutions", and by renumbering the items in lines 10, 11, 12, 13, and 14, of said Rule, accordingly, and by inserting below the words "General Orders" in line 14 of said Rule, the following figure and words, "12. Motions and resolutions".

The question was taken on the adoption of the report, and the roll being called, there were yeas 134, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.L.	Carlson	Farmer	Gustafson, W.F.	Jungclaus
Adams, S.	Christensen, R.	Fena	Hall	Kirchner
Albertson	Christianson, M.	Fischer	Halsted	Klaus
Anderson, H. J.	Cina	Fitzsimons	Hartle	Krenik
Anderson, H. R.	Crain	Flakne	Hegstrom	Kucera
Anderson, I. N.	De Groat	France	Henning	Latz
Anderson, J. T.	Dickinson	French	Hinman	Lee
Anderson, T.	Dirlam	Frenzel	House	Lindahl
Ashbach	DuBois	Frick	Howatt	Long
Bang	Dunn, Robt.	Fudro	Humphrey	Mahowald
Barr	Dunn, Roy E.	Fugina	Iverson	Mann
Battles	Enebo	Gearty	Jacobsen	McGowan
Becklin	Engelbrecht	Gerling	Johnson, C.A.	McLeod
Beedle	Erdahl	Gimpl	Johnson, H.N.	McMillan, Mrs.
Berke	Erickson	Graw	Johnson, R.W.	Mitchell
Blomquist	Esau	Grussendorf	Johnson, V.L.	Morlock
Brinkman	Everson	Grussing	Jopp	Mueller
Burchett, Mrs.	Falkenhagen	Gustafson, E.B.	Jude	Nelson, L.H.