Veto

Statement by Governor Orville L. Freeman regarding Proposed Constitutional Amendment on Reapportionment. June 17, 1959

I did not sign the proposed constitutional amendment on reapportionment because it fails to guarantee to either the rural or urban voters the fair representation they deserve, because it fails to set up standards for reapportionment without which experience has shown we cannot hope to get a real improvement, and because it would continue, intensify, and entrench for the future those undemocratic and undesirable features that a constitutional amendment of this kind should seek to rectify.

I. It contains no effective principle of "area representation", which is one of the safeguards that the people of rural Minnesota feel that they need, and which was one of the basic reasons for proposing a constitutional amendment along with statutory reapportionment. In contrast, the amendment originally passed by the House of Representatives and modelled after the proposal made by the committee which studied reapportionment did propose representation in the House based on a combination of area and population and did contain such safeguards. The House proposal would have guaranteed some effective representation to every part of the state, and, in effect, to every county in the state.

There is no such area principle in the amendment now proposed. There is only the negative provision guaranteeing that the part of the state outside the five county Twin Cities metropolitan area shall have 65% of the senators. There is no guarantee that most of these 44 senate seats will not be apportioned to a particular portion of Minnesota, or to counties in which there are located cities of the second class, or that one senator in this out-state area shall not represent twice as many people as another such senator. There is no guarantee that a whole vast area of relatively sparse population might not be included in and dominated by one metropolitan area. Nor is there any provision that the 23 senate seats assigned to the five county Twin Cities metropolitan area will be apportioned according to population.

If area is to be considered as one of the factors in the apportionment of one house, then its role should be explicitly stated in such a way as to effectively insure some representation from each of the many different parts of the state. The present proposed amendment does not set up such standards. The Senate itself would apparently be the only judge of what would give "fair" representation to all parts of the state, and its tendency to preserve intact the districts of its leading members, without regard for any other element of fairness, could have free rein.

II. The proposed amendment fails to set up standards for equality of representation according to population, and would therefore leave this principle as open to abuse as it has been in the past. There is no guarantee that the provision for apportionment of the House "on the basis of equality according to population" will be carried out any more effectively than the existing constitutional provision for apportionment "equally throughout the different sections of the state in proportion to the population thereof."

All experience, in this state and other states, shows that unless the constitution establishes standards of maximum permissible variation from the average or ideal, and unless a court or some disinterested body can review the extent to which such standards are met, the principle of equality is not maintained. The amendment proposed by the House did set up such standards, but the presently proposed amendment sets up none. Without such standards the forces and pressures that defeat the principle of equality of representation will be unchecked.

III. One of the principal reasons for a constitutional amendment has been to insure that reapportionment would be carried out at regular intervals after each decennial census. In this respect, too, the proposed amendment falls short. True, the provision for an extraordinary session for the purpose of reapportionment, in case the legislature does not act in its first regular session after each decennial census, would probably insure the enactment of some kind of bill. But if the legislature were to follow this constitutional requirement no better than it has followed those now existing, it could pass a token reapportionment bill that would meet no real standards.

The proviso that legislators should be paid neither compensation nor expenses for such an extraordinary session would wreck such hardship on those legislators who lack wealth and/or continuing income or retainer fees that they would be extremely susceptible to pressure from those few who could afford to stay. In resolving any disagreement about reapportionment the representatives of the people would be at the mercy of special interest groups who could afford -- in one way or another -- to finance a longer delay during such an extraordinary session.

A constitutional amendment should provide that if reapportionment according to specifically prescribed standards cannot be achieved at the regular session the task should be turned over to some body other than the legislature, as has been done in all of the states that have made constitutional changes to insure reapportionment. The extraordinary session device incorporated in this proposal offers no assurance that

constructive reapportionment would be carried out each ten years. If anything, it offers added influence to special interests and the forces that would maintain the status quo.

IV. The proposed amendment would continue and intensify those features that now militate against effective responsibility to the electorate. It would repeal that part of the constitution that sets forth the principle of staggered elections for senators, so that half of them would come up for election at each general election. It is generally recognized that if this principle were to be implemented, as intended in our constitution, at least half of the senators would be more aware of the wishes of the people than they are today, and the Senate would be less likely to assume the current attitude expressed by one of its leaders when he said "not even the people should decide."

The Minnesota Senate has too long set itself up as "independent": -- independent of the Constitution; independent of political parties; independent of the people. This kind of independence is irresponsibility. Under the proposed amendment it could perpetuate its own ideas of apportionment and thus its independence from the will of the people. It could continue to avoid and evade the consequences of change and progress.

V. The people of Minnesota will vote on this proposed amendment in the general election next year. Yet the question that they will see on the ballot, as written into the bill itself, is not in my opinion a fair and adequate statement of the question on which the people will be asked to make a choice. In its original form before the conference committee, this question was phrased to include the phrase "according to population in the House and without regard to population in the Senate"; but this phrase was deleted in the final draft, so that now all the voter will read is "pertaining to the reapportionment of representation in the Senate and the House of Representatives, and providing for the calling of an extraordinary session for reapportionment upon failure to reapportion at any regular session, as provided by this constitution."

VI. The amendment of our basic law is a serious and important matter. An amendment regarding reapportionment may well set the pattern for a century ahead. Yet nothing in the proposed amendment would have any effect until the first session after the 1970 census. Before that time there will be five more regular sessions of the legislature, -- five more general elections after the one in 1960, -- five more opportunities to draft and submit to the people a constitutional amendment that is

better than the one presently proposed. The legislature and the people of Minnesota can adopt an amendment that much more nearly meets the standards we should have in our constitution regarding reapportionment.

In stating my reasons for refusing to sign this bill, I do not mean to question the sincerity or the judgment of those who voted for it in the legislature. I know that the Senate leadership insisted that there would be no reapportionment at all unless this amendment was passed. I know that reapportionment this session was a major goal, particularly sought by those who thereby secured more nearly equitable representation for their constituents.

I deeply regret that this proposed amendment so seriously fails to meet desired standards. Reapportionment has long been an urgent aim of those who sought to maintain the highest standards of representative democracy in Minnesota. The failure of the Legislature to achieve reapportionment for more than a generation has emphasized the need for constitutional change. I have consistently advocated a constitutional amendment that would insure effective and equitable reapportionment after each decennial census.

Because of my concern with this problem I appointed a committee representing both houses, both political parties, both urban and rural areas of Minnesota, and expert and citizen groups to study reapportionment. This committee worked long and hard, and made recommendations for both statutory reapportionment and a constitutional amendment that I accepted and that formed the basis for the constitutional amendment on reapportionment that was originally passed by the House. I believe this committee's work was well worth while.

The Minnesota legislature has just passed and I have signed a bill for statutory reapportionment, the first to be enacted into law since 1913. This new reapportionment act is far from perfect, but it provides for representation that is substantially more equitable than that which now prevails.

At the same time the Legislature proposed the constitutional amendment under discussion, to be submitted to the voters at the next general election. Such a proposal, it seems, does not require the signature of the governor. But because it has been the practice in Minnesota for the governor to sign bills proposing constitutional amendments, the bill was submitted to me for signature. I sincerely wish it could have been one I could have supported.

Since I cannot support it, I believe the legislators and the people of Minnesota are entitled to know my reasons, which I have summarized here.

The way we district, apportion, and elect the representatives of the people is fundamental to our democratic faith. An honest, equitable, and effective procedure is essential to the integrity of democratic government.