



Minnesota's Non-Party Legislature

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FORWARD

The states of Minnesota and Nebraska have the unique distinction of electing their legislators without a designation of party affiliation of the candidate on the ballot. The Minnesota Legislature became non-party by a law enacted in 1913 and Nebraska by a constitutional change in the late 1930's.

The purpose of this writing is to consider, in summary form,

- (1) the historical background of the Minnesota law,
- (2) the present system of electing public officials in Minnesota,
- (3) the validity of arguments against the non-party elective system,
- (4) the record of the Minnesota Legislature since 1913, and
- (5) to evaluate the personnel, functioning and legislative results of the Minnesota system in comparison with her sister states who elect legislators on a party basis.

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April, 1957

GEORGE WASHINGTON AND THE FIRST CONGRESS WERE ELECTED NON-PARTISAN

The federal constitution and the constitutions of the original thirteen states were drafted and adopted under the belief that these governments would function without political parties. George Washington and members of the first Congress were elected on a non-party basis, but by the close of Washington's second term as president, political parties were developing and thereafter for a period of about one hundred years the phenomenon of the American political scene was the strengthening of political party controls at all levels from the ward and township to the national capitol. By the early 1900's it was not the elected official who was making independent decisions in his representative capacity for the voters as had been intended by the founding fathers, but rather these decisions on public questions were frequently being made by subservient public officials under party dictation.

WITH POLITICAL PARTIES CAME POLITICAL SCANDALS

Political scandals followed the rise to power of the political party in much the same way that scandals followed the rise to power of the unscrupulous labor boss. Domineering, graft-corrupted political machines of both parties, of which Tammany Hall in New York and Boyse Penrose in Pennsylvania were perhaps the most notorious. The party boss became an accepted figure in the American political arena. The party boss selected judges, dictated judicial decisions, determined entire legislative programs, and it is common

knowledge that even presidents became subservient to party domination.

In the 1890's and by the early 1900's it was notorious that judgeships, postmasterships, seats in state legislature and even in Congress itself were being sold by political racketeers to the highest bidder. It was the heyday of the party boss and political racketeer.

POLITICAL BOSSISM TODAY

Despite the efforts of able men in many states opposing party bossism, we have seen much of it remain. Typical examples are Boss Crump of Tennessee, Boss Hague of New Jersey, Boss Pendergast of Missouri, Tammany Hall in New York, the Vare machine in Philadelphia and the Kelly-Nash machine in Illinois. Only in a state where party domination of candidates to the state legislature exists can party bosses gain control of political machines to the exclusion of the general public of a state.

REFORM LEADERS

By the early 1900's the great political reform movement of American History began to take shape. The reform leaders who today are best remembered are Senator Robert O. La-Follette of Wisconsin; President Theodore Roosevelt and somewhat later, William Allen White of Kansas.

There were two principal objectives to these reforms. The one was trust-busting, which doesn't concern this article, and the second was the breaking of the corrupting grip of party domination on government.

POLITICAL REFORMATION

Political reformation in other states has been most successful as it has attacked party domination over the judiciary and to a lesser extent at the municipal and county levels. Many states have placed the election of these officials on a non-party basis; however, many states have not.

THE HISTORIC 1913 LEGISLATIVE SESSION

With the possible exception of Nebraska, political reform in Minnesota was carried further than in any other state. Minnesota's 1913 session was the most historic ever held. It enacted more laws of a fundamental nature than any other session during our one hundred year history. Included were the last reapportionment bill and our first Presidential Primary Law. No bill enacted by it, however, had greater political significance to Minnesotans than its Chapter 389 that gave Minnesota the distinction of being the first state to elect its legislature on a non-party basis.

The background of Chapter 389 of the 1913 session is interesting. It was at a special session called in 1912 that the election of the following was changed from party to non-party. They were: The Chief Justice and Associate Justices of the Supreme Court, District Court Judges, Probate Court Judges, Municipal Court Judges, and most significantly all county officers of all counties, and all municipal officers in the cities of the first class.

It has been incorrectly said that during the 1913 session there was before the legislature a bill to place the judiciary on a non-party basis and that in an effort to defeat that bill, the election of legislators on a non-party basis was added by the Senate to a House bill, in the belief that the House

would never re-pass such a bill. The story goes that support for the judiciary bill as thus amended came from legislators who did not believe in the principle of a non-party legislature with the result that passage of this act was a kind of legislative mistake.

OUR NON-PARTY LEGISLATURE WAS NO MISTAKE

An examination of the record, however, clearly establishes that the judiciary had already been placed on a non-party basis by the special session of 1912 and that the 1913 act that gave Minnesota our non-party legislature must necessarily have been drafted, considered, voted on, and signed by the Governor on its merits completely independent of the question of whether the judiciary should or should not be elected on a party basis.

WHO ARE ELECTED ON A PARTY TICKET IN MINNESOTA?

To what extent is Minnesota now committed to the non-party system of electing its public officials? What officials and how many are elected on a party basis and what officials and how many are not?

The following are elected on a party designated basis. They are the Governor, Lieutenant Governor, Attorney General, Secretary of State and State Treasurer and State Auditor, together with the three members of the Railroad and Warehouse Commission. Thus, Minnesota elects exactly nine of its public officials on a political party basis.

WHO ARE ELECTED ON A NON-PARTY BASIS?

The number of elective officials in Minnesota is difficult to determine, but the following figures have been supplied by the Information Service of the League of Minnesota Municipalities:

Kind of Unit	Total Approximate Number of Elected Officials
Counties	1,400
Towns	20,295
School Districts	12,300
Cities	1,075
Villages	7,845
District Court Judges	57
Legislators	198
Total	43,170

Minnesota is presently committed to the non-party system of election as against the party system by the astonishing ratio of approximately 43,170 to 9.

THE MINNESOTAN IS PROUD OF HIS POLITICAL INDEPENDENCE

The average Minnesotan is proud of his political independence, proud of his independence to vote for the man irrespective of party. He is accustomed to vote independently and he wants to continue that independence.

Party leaders through the enactment of this bill will vest themselves with political power by gaining control of the legislature; yet, at the same time neither the Republican party nor the Democrat-Farm Labor party is the dominant

party in Minnesota today. The dominant political party in Minnesota is the independent. As the independent votes, so goes elections in Minnesota, and you may be certain that the independent is not in support of this bill to turn control of the legislature over to political parties.

Just why those who advocate placing the legislature on a party basis do not also support the election of all officials on a party designated ballot is difficult to understand, since their arguments, if valid, apply to all elective offices with the possible exception of the judiciary.

THE FOUR ARGUMENTS FOR PARTY DESIGNATION

Let us axamine the four reasons that are customarily advanced in favor of placing Minnesota's legislature under party domination. They are:

1. A PARTY DESIGNATED LEGISLATURE
WILL PROMOTE AND STRENGTHEN
POLITICAL PARTIES.
2. A LEGISLATOR SHOULD BE RESPON-
SIBLE TO A POLITICAL PARTY FOR HIS
PUBLIC ACTS.
3. ELECTIONS ON A NON-PARTY BASIS IS
ONLY A POPULARITY CONTEST.

4. CANDIDATES SHOULD BE PLEDGED TO
A PARTY PLATFORM AND SHOULD
STAND FOR ELECTION ON THAT PLAT-
FORM.

1. A PARTY DESIGNATED LEGISLATURE WILL
PROMOTE AND STRENGTHEN POLITICAL
PARTIES

The purpose of a legislature is not to build political parties. Reduced to simplicity, the function of a legislature is to enact such laws as will fairly and justly treat with state problems; that is, to enact such laws within the framework of the constitution as are necessary if we are to enjoy an orderly functioning of the state government and its lesser political sub-divisions, and also to levy such taxes and appropriate such amounts of money as are required to adequately perform the primary functions of the State. The legislature has no other purpose or duty. It follows that it is not and should not be the responsibility of any public official or group of public officials such as legislators to build or strengthen political parties.

2. A LEGISLATOR SHOULD BE RESPONSIBLE TO
A POLITICAL PARTY FOR HIS PUBLIC ACTS

It is argued that a person elected to political office should be accountable for his public acts to a political party, and that one of the beneficial results that will flow from a

party designated legislature will be what is called party discipline.

A writer in comparing politics in Minnesota with politics in Pennsylvania, a party dominated state, recently wrote as follows:

"One must realize that Pennsylvania is a disciplined, party organization state where politics operate on a basis startling to Minnesotans, used to fiercely independent political behavior.

Pennsylvania is ruled by county leaders . . . party chieftains who win power by political brains and who remain in power by an ingenious system of rewards and penalties for their supporters and opponents.

Under their control are disciplined party organizations which can produce votes in massive quantities, like turning a spigot on and off. For all practical purposes, they select party candidates, establish governmental policy, fix tax rates and reward or penalize their followers.

They're a tough, intensely practical crew.

It is understandable why party leaders desire to increase their power by gaining control of the Minnesota legislature, but the view of the independent voter is different, he does not want his legislator, alderman or school board member, to be subject to party responsibility. He does not want a political climate to develop where there might be brought back to Minnesota's scene the paid political hack, the ward healer or the ward boss. The independent wants Minnesota to remain as it is — the cleanest political state in the nation and the independent wants his public official, be he legislator or alderman, to be responsible to the voters not to some party boss.

3. ELECTIONS ON A NON-PARTY BASIS IS ONLY A POPULARITY CONTEST

If this argument is valid as applied to the election of legislators, then it is also valid as applied to election of every one of the 43,000 public officials elected on a non-party basis in Minnesota today. But how sound is this popularity contest argument? Why should not the voters have the right of voting for the man they want rather than a hand-picked candidate who has, through some means or another, honorable or otherwise, secured the favor of the party boss? Most candidates stand for re-election and when they do, it is not a popularity contest. The candidate for re-election puts his every public act in issue at each such election. If he has not been responsive to the will of the electorate, he is not returned to office.

4. CANDIDATES SHOULD BE PLEDGED TO A PARTY PLATFORM AND STAND FOR ELECTION ON THAT PLATFORM

An examination of the platforms of political parties leads to the conclusion that platforms are drafted not necessarily in the interest of the people but rather they are designed for the purpose of attracting votes. The two devices most frequently used in the writing of party platforms are to grant concessions to every special interest group the party leaders believe will be of significance in the voting and the second is to garnish it with platitudes and generalities such as being for the old people, the youth, the farmer, and the working man. What useful purpose would be served if legislators were to be pledged to such broad generalities or to the

sops offered the special interest groups? Better legislation will inevitably result if legislators arrive to take up their duties at the Capital unpledged to any person or any issue, except pledged to honestly, fairly, and to the best of their abilities represent their constituents and the people of the State. That they take up their duties with an inquiring mind determined to make no decision until they have had an opportunity of hearing in the committees and on the floor of the House and Senate all views on each controversial issue.

PARTY LEADERS IN MINNESOTA TODAY

No discussion of this subject would be complete without mention of political parties as they operate in Minnesota today. Present leadership of both the Republican and Democratic-Farmer-Labor parties is obviously drawn from our most able and public spirited citizens. They function in the manner you would expect from conscientious responsible leaders but without paid political hangers-on and all the rest of the tawdry, clap trap that has disgraced the name of politics in so many of the states that have party designated legislatures.

THE MINNESOTA LEGISLATURE HAS BEEN PROGRESSIVE AND LIBERAL

The laws enacted, the appropriations made and the record of our non-party legislature over the past forty-four years have been such that every citizen of our State can take pride in.

Scores of examples could be cited to establish the fact that during the forty odd years Minnesota has operated on a non-party basis, it has been a leader in progressive and liberal legislation. In the interest of brevity, I will cite only a few examples. It was the independent Minnesota senate that during the depths of the depression in the early 1930's

conceived the idea and then drafted and passed the first state mortgage moratorium law. Later almost every state in the union adopted some form of this humanitarian law which was first produced by our non-party legislature. Another example that can be cited is Minnesota's labor relations law which, although patterned to some extent after Scandinavian laws, actually was an original piece of legislation. This act also has proved itself in operation and has been copied by many states. Other examples of how excellently the non-party legislature functions might well include our mental health program, our fine schools, outstanding University, and our Presidential Primary Law that has had such a profound effect on the national political scene.

WHO IS ELECTED TO THE LEGISLATURE?

One of the unusual results of our non-party election is that it favors the election of the legislature of outstanding citizens without regard to politics. This has been particularly true of elections held in rural areas. Often these candidates from rural areas have distinguished themselves in community service and are elected to the legislature as a reward by the community they have served and there is little or no political significance in their election. They are apt to be persons of proven character, experience and judgment and they make excellent law makers.

EXPERIENCE IN A LEGISLATOR IS AN ASSET

The non-party election of legislators also has had the beneficial result of giving Minnesota a more experienced

legislature than her sister states. Non-party legislators are not as vulnerable to defeat on each occasion when voters change the political party in control of the state offices or the national administration. Those who work with legislatures will agree that experience is just as valuable as an asset to a legislator as it is to any other person who receives a responsible assignment in the professions, business or industry.

People who work with several legislatures including Minnesota have frequently said that the caliber of the Minnesota legislators, both in the House and Senate, and including members of the independent and liberal groups, is exceptionally high in comparison with party-dominated states. There is good reason for this. Scores of Minnesota legislators would find no challenge in serving as members of the legislature if their only function was to rubber stamp the decisions of a party boss. They stay with their work as legislators because the decisions they make are theirs alone and not those of some party politician whose only responsibility is to the party rather than to the people. The responsibility of the Minnesota legislator is to his constituents before whom he must stand for re-election.

LOBBYING EASIER IN PARTY LEGISLATURES

Legislative representatives, association executives and lobbyists who appear for their groups in Minnesota and also party-designated state legislatures say that in working in other legislatures, they have only to convince the majority party leader of their views since it is only he, and not the individual legislator, who makes the decision for all party members.

THE MINNESOTA SYSTEM IS NON-BOSS

This is not true of the Minnesota legislature where every measure is weighed by the individual legislator both in committee and on the floor of the House or Senate. Minnesota has the opposite of the party boss system; it has its own system — a non-boss system, in which every legislator is free to decide what is in the best interest for his constituents and what is in the best interest of the state on each issue. The Minnesota system, in my judgment, is infinitely more in the interest of the public.

POLITICS IN MINNESOTA IS CLEANER & BETTER

We who have taken an active part in Minnesota legislature have been taking for granted the benefits of the Minnesota non-party system; yet, at the same time we have also been somewhat remiss in failing to adequately explain to those not actively working with the legislature how superior the Minnesota system is in operation. Many persons do not realize that in Minnesota we enjoy cleaner and better politics and, at the same time, give to our people a more economical, effective and responsive government.

Once the consideration of the proposed repeal of the non-party status of the legislature is focused on something other than the repetitious conclusions which we have heard over the years from the proponents of this bill, such as "party responsibility" and the other well known arguments, and our people come to understand that the real issue is whether we are determined to retain better government in Minnesota, they not only will stand with us in demanding that we retain

our non-party system, but, in my judgment, a movement might well take form whereby other states will be encouraged to adopt the Minnesota system.

EXPERIENCE SHOWS THE MINNESOTA SYSTEM IS BEST

Above all, we who have the experience of actually working under the Minnesota non-party system should be determined that we retain what we know to be in the best interests of good government in Minnesota and determined to resist all efforts, regardless of how well intentioned they may be to turn our legislature over to political party control.