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AN EVALUATION OF THE MINNESOTA SYSTEM

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# MINNESOTA'S NON-PARTY LEGISLATURE

The State of Minnesota has the unique distinction of electing its legislators without the designation of the candidates' political party affiliation on the ballot. Only Nebraska can share this claim and it is one of which we can be proud; especially since Minnesota adopted the non-party ballot for legislative candidates some 20 years before Nebraska.

The purpose of this writing is to display the unique advantages of the non-party system of electing legislators. First, Minnesota had a party elected legislature for some 55 years and found it wanting. Second, we have found that our non-partisan legislature has been extremely effective in its 51 year history. Third, we can demonstrate that the caliber of men in our legislature (and consequently in politics) is higher because of their independence from party control. Finally, we see that our present legislative system has strong support from our voters.

#### The Four Fallacies

Before we begin, perhaps it would be wise to examine the most common arguments presented to place Minnesota's legislature under party domination. They could better be called the four fallacies for that is what they are.

## FALLACY 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 to enjoy an orderly functioning of the state government and its lesser political subdivisions, 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.

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FALLACY 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. Certainly a more ideal attitude from the point of view of the constituency is that of Edmund Burke's famous declaration that "(a legistor's) unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to any man . . ."

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

"One must realize that Pennsylvania is a disciplined, partyorganization 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. However, the view of the independent voter is different — he does not want his legislator, judge, 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. The independent wants his public official, be he legislator, judge, or alderman, to be responsible to the voters, not to some party boss.

FALLACY 3. Election 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 everyone 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.

FALLACY 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, first, to grant concessions to every special-interest group the party leaders believe will be of significance in the voting; 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 Capitol 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.

### Political Parties Tried and Found Wanting

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. Indeed, President Washington warned of their institution, as did James Madison. However, parties did develop and soon became part of the American

scene. Nevertheless, by the early 1900's, for many Americans, the political parties had worn out their welcome, for it was frequently not the elected official who made the decision for his district, but a subservient public official under party dictation.

In the 1890's and by the early 1900's it was notorious that judgeships, postmasterships, seats in state legislatures 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.

Scandals permeated such political machines as Tammany Hall in New York and Boyse Penrose in Pennsylvania. Actually, there remains today much of the evil that came with 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 New York. However, in many states, particularly in the West, reform measures were successful. With the possible exception of Nebraska, nowhere were such reforms more successful than in Minnesota.

Minnesota's 1913 session of the state legislature was the most remarkable ever held. It enacted more laws of a forwardlooking, but fundamental nature than any other session during the more than one-hundred-year Minnesota legislative history. Included were a reapportionment bill that stood for approximately 50 years and our first Presidential Primary Law. No bill enacted by it, however, had greater political significance to Minnesotans than its Chapter 389 which 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: 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

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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.

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 was 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.

Actually, non-partisan elections are more widespread than is commonly believed. Nearly all school boards in the country, 2/3rds of the city councils of U.S. Cities over 5,000, and most judicial offices are non-partisan. Several states, including California, elect all of their county officials on a non-partisan ballot. Including our county, town, school district, city, village, district court judges and legislators, it has been estimated that Minnesota has over 43,200 officials elected without party designation—with only nine public officials elected with party designation. The nine are Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, State Auditor, and the three members of the Railroad and Warehouse Commission.

### Legislature Has Been Effective

Every citizen of our state can take pride in the laws enacted, the appropriations made, and the record of our non-party legislature over the past 51 years. Minnesota has been a leader in sound, progressive and liberal legislation. In the early 1930's the Minnesota Senate conceived, drafted and passed the first state mortgage moratorium law. It was used as a model for almost every state in the union. Minnesota's labor relations law, though patterned somewhat after Scandinavian laws, was an original act and it too has been copied by many other states.

In addition, our modern mental health program, as well as other forward-looking legislation, in the areas of water pollution and natural resources, reveal the progressive attitude of Minnesota's modern legislature.

Professor Ralph S. Fjelstad, associate professor of govern-

ment on the Edward C. Congdon Foundation at Carleton College, Northfield, Minnesota, who observed and studied the operations of the Minnesota legislature throughout its 1953 session under a fellowship grant of the Fund for the Advancement of Education, in an article entitled "How About Party Labels?" appearing in the July, 1955, issue of the National Municipal Review, while favoring party designation for legislators, stated,

"There is, of course, another side to this question. Would the legislature really do a better job of lawmaking if party labels were restored? The Minnesota lawmaking body seems to have done as well as many legislatures which do function under regular parties and may have done better than some. Would the legislature function more smoothly, more efficiently and more in the interests of the governed under formal party discipline? It would be difficult to establish that the extent or limits of the discipline within the Conservative and Liberal groups is any more or less rigid, any more or less responsible, any more or less desirable, than the discipline which might result if the legislature should give up its non-partisan character. The frustration of persons and groups who would like to influence a legislature more than they can or do is not a phenomenon unique to Minnesota. Whether this frustration would be eased under party designation, or whether such easing would necessarily make for better government are difficult questions to answer."

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#### (Emphasis added).

One reason that our legislature functions well is that its problems are divided, more by geographic, urban-rural, and economic interests than by party interests. Such problems as welfare, highway construction, recreational areas, daylight savings time, education, law enforcement, liquor control, conservation and elections invariably cut across party lines in all directions. There is no "Republican" or "Democratic-Farmer Labor" side to most of them. A senator or representative can best account to his constituents for the problems in his district —not to some party boss.

In other states, the lobbyist has only to influence the party leader (in whatever way possible) since it is he who will decide for all party members. However, in Minnesota, 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, is infinitely more in the interest of the public.

### Caliber of Men Unusually High

The non-party election of legislators 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 decide to "clean house" and change the political party in control of the administration. Scores of intelligent and hard-working men find a greater challenge in serving as legislators where their decisions are their own rather than the party's.

A similar situation exists in Nebraska's non-partisan legislature where, according to Professor F. E. Sorenson describing Nebraska's legislators:

"Such persons (Legislators) are *usually* leaders in the community who possess *superior* qualification of good citizenship."

The fact of the high caliber of candidates and office holders in Minnesota has been recognized in a recent article appearing in the July 6, 1964, *Wall Street Journal* in which the author observed:

"Some believe the path (to political success in Minnesota) has been made smoother for articulate, personable young men by the fact that state legislative candidates run without party designation on the ballot."

The same article goes on further to show how a Democrat in a Republican area (or vice versa) is not doomed by geography in his hopes of a political career:

"Thus Lieutenant Governor Keith, originally was elected to the state senate from a strong Republican area where his Democratic ties surely would have counted against him if it had been marked on the ballot."

The article also states that it is easier for a man to run without higher-up party sanction in Minnesota than in other states.

Our non-party election has certainly favored outstanding citizens, without regard to politics. Often successful candidates, particularly from rural areas, are men who have distinguished themselves in community service and are elected to the legislature by the people who know them best, entirely without political significance. These legislators are persons of proven character, ability, experience and judgment — and they make excellent lawmakers.

The high regard which the electorate holds for the members of our non-partisan legislature is reflected in the fact that six out of our eight United States Congressional Representatives, at current writing, are former Minnesota legislators. They are Odin Langen, John A. Blatnik, Allen H. Quie, Ancher Nelson, Joseph E. Karth, and Donald Fraser.

There can be no doubt that Minnesota has fostered many talented young politicians, and that our non-party legislature has been the start for many of them. In addition, the clean political climate which the non-party legislature has brought to Minnesota has developed national political leaders in far greater number than one would expect from a state of Minnesota's size and location. To suggest a few: Hubert Humphrey, Eugene McCarthy, Walter Judd, Luther Youngdahl, Ed Thye, Floyd B. Olson, Orville Freeman, Harold Stassen and Andrew J. Volstead all have commanded national attention.

#### Voters Support Non-Partisan Legislature

Minnesotans have never considered party lines sacred. "Splitting the ticket" has been, at least in modern times, the rule rather than the exception. The Minnesota voter supports men rather than parties. For example, in 1956, Republican Eisenhower received the majority of Minnesota's votes while Democratic Governor Freeman was elected. In 1960, Democrat John F. Kennedy was Minnesota's presidential choice along with Republican Elmer A. Anderson, the choice for governor, while Democrat Karl Rolvaag was elected Lieutenant Governor. Earlier, in 1904 and 1908, Republicans Roosevelt and Taft were selected with a Democratic Governor, John A. Johnson. In the 1940's Democrats Roosevelt and Truman carried the state while Republicans Stassen, Thye and Youngdahl were elected Governors.

Occasionally the long tenure of some officials like Stafford King, Val Bjornson and Joseph Donovan demonstrate the tendency of the Minnesota voters to keep in office certain men they like and trust regardless of what political winds are blowing.

This independent spirit of the Minnesota voter is a fact of

life in Minnesota politics and is demonstrated regularly by his approval of the "independent" legislature. The results of a number of public opinion surveys conducted in the "Minnesota Poll" confirm a long-standing opposition to a partisan legislature. This poll has been asking some form of the question, "Do you think legislators should or should not be elected under party labels?" The results are:

Date	Percentage for Party Designation	Date	Percentage for Party Designation
February, 1 March, 194 July, 1954	$5 \dots 14\%$ $946 \dots 46\%$ $7 \dots 39\%$ $\dots 53\%$ $955 \dots 38\%$	December, 1959 1961	$egin{array}{cccccccccccccccccccccccccccccccccccc$

It is interesting to note that whenever the "Minnesota Poll" asked for party identification, the difference between Democratic-Farmer Laborites and Republicans never exceeded 4 per cent. It might be added that the one occasion out of ten, in the years 1945 through 1962, that the poll showed a majority of partisan support has been taken out of context by partisan supporters and used to indicate partisanship when just the opposite has been true. If the poll is to be considered at all, it must be noticed that there has been an average of only 40 per cent of Minnesotans polled who favored a change.

This is true in spite of the strong campaigns which have been waged against a non-party legislature by some political leaders, and other organized pressure groups, who believe their special interest problems will be easier of solution in a partydominated legislature. Unfortunately, there has been no comparable campaign to keep the legislature non-partisan. Its only and singular defense has been the merits of its accomplishments.

Two fairly recent editorials are included to show the kind of thinking that prevails among the voters if not among many pressure groups.

#### PARTY DESIGNATION!

"There has been a lot of talk by both parties about party designation for the Minnesota legislature but we have our doubts that anything will come of this talk. The Minnesota legislature has been elected without partisan designation since 1913. Only one other state, Nebraska,

elects its legislature without party designation and Nebraska is also the only state that has a one-house legislature.

"We are of the opinion that Minnesota has fared particularly well without a partisan legislature over this past half century and can see no real good reason to going back to the old system. The voters have been able and have generally selected some pretty solid people to serve in the legislature and 1963 is no exception to the rule.

"Of course the legislature divides itself into Liberal and Conservative factions, but neither faction is responsible to a party organization. The members are responsible to the state as a whole and to the people in the districts they represent. Many of the Liberals are in the DFL camp while many of the Conservatives are aligned with the Republican party and we know many solid Democrats who are aligned and are leaders among the Conservative members in both houses because they believe in conservative policies.

"The party designation bill should never come out of committee. Let's keep our independent legislature as it is."

> WARREN SHEAF, March 6, 1963 (WARREN, MINNESOTA)

"Again as in most recent sessions of the legislature the issue of the present non-partisan election and designation of the members has arisen. The argument is that if the state senate and house were elected on a party basis, so that the members had to stand either as Republicans or Democrats, there would be greater 'responsibility.'

"The idea is that party platforms and other partisan promises and obligations would help pin guilt or distribute praise for things done or not done.

"That this assumption is not necessarily sound is vividly brought out by the present situation in congress. The members are elected on a partisan basis, but they do not divide that way on the merits of the issues that come before congress. They divide much more definitely on the questions that count for public policy on basis of conservatism or liberalism, just as in the Minnesota non-partisan legislature. This is so much the case that the Democratic administration, with strong Democratic majorities in both houses, is at its wits ends to find the votes to gets its major programs through, and often can count more on some Republicans than it can on some Democrats.

"This is also true frequently on the level of the state legislatures and it takes a great deal of romanticizing to see better discipline and responsibility in partisan legislative bodies across the land than in our own Minnesota legislature.

"In Minnesota, at least, legislators can approach state affairs frankly on the basis of their merits and without having to put up any camouflage, about partisan consistency and loyalty. 'In fact, this matter of loyalty to party label is one reason why the non-partisan designation of public officials on the local and to some extent the state level is desirable. Those labels apply to national politics and national issues. Rarely do state and local questions have any direct connection with those of a national character, except in the general philosophical approach of conservatism or liberalism. Why mingle the two kinds of public issue or try to decide the state and local on terms of national partisan loyalty?

"And if it is good to go back to party labels for the legislature, why not also for county boards and city councils?"

ST. PAUL DISPATCH, February 20, 1963

Minnesotans who have had no experience in the politics of other states 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 nonparty status of the legislature is focused on something other than a repetition of the four fallacies, then our people will come to understand that the real issue is whether we are determined to retain better government in Minnesota. When better government, as opposed to party control is the issue, then a spontaneous movement might well take form whereby other states will be encouraged to throw off the corrupting shackles of party bosses and adopt the Minnesota system.

Above all, Minnesota has had the purifying experience of working under a non-party system and we should be determined that we retain, for ourselves and our children, what we know to be in the highest interest of good government. We must resist all efforts, regardless of how well intentioned they may be, to turn our legislature over to political party control.