



3 0307 00036 0241

I-616

... equal voice ...

"a government is republican in proportion as every member composing it has his equal voice in the direction of its concerns...by representatives chosen by himself."

writings of Thomas Jefferson

A Plan for Legislative Reapportionment

address by

GOVERNOR KARL F. ROLVAAG

April 25, 1966

Extra Session, 1966

J
87
.M62
1966
AP.
25

Mr. President, Mr. Speaker, Ladies and Gentlemen of the Minnesota State
Legislature:

I have called the Legislature into special session to resolve the critical
matter of legislative reapportionment in Minnesota.

You, as legislators, and I, as Governor, share the clear responsibility for
achieving a fair apportionment plan -- one which will give each voter in Minnesota
an equal voice in the Legislature. This is a duty we cannot shirk. If we do not
do the job, the courts will do it for us.

Let me make my position clear at the outset: as Governor of all of the
people of Minnesota, I have an obligation which transcends political and partisan
differences and extends beyond the boundaries of any legislative district. I will
fulfill this obligation to all Minnesotans by protecting the right of each
Minnesota voter to an equal vote.

I come before the Legislature to ask that we approach this difficult problem
of reapportionment in a spirit of cooperation and conciliation. Let us rise above
political differences; let us rise above sectional interests; let us rise above
personal ambitions. Let us concentrate instead on implementing the great
constitutional principle of "one man, one vote." This principle of equal
representation has always been contained in our Minnesota Constitution; we should
not need a federal court to tell us to apply it.

ASKS COOPERATION

If this Legislature approaches the subject in a cooperative, nonpartisan
spirit, you can successfully complete the job within a few days. You have before
you the Report of the Bipartisan Reapportionment Commission. The Commission has
proposed a plan which meets the requirements of our State and Federal Constitutions.

I am firmly convinced that the Commission plan will win quick acceptance in any court in which it might be challenged.

Minor adjustments in this plan may be desirable. But the Legislature would be making a disastrous mistake to abandon, or seriously alter, this plan for the sake of political advantage. Selfish political maneuvering will only prolong this session, increase the cost to taxpayers, and delay the solution of the reapportionment problem.

The eyes of history are upon us as we meet today in this chamber.

The people of Minnesota are watching and waiting.

They have played an important and many-sided role in the long train of events which have led to the present situation.

They have heard the momentous decisions of the federal courts and the Minnesota Supreme Court.

They have raised their voices -- through the courts, through their citizen organizations, through the press and public discussion -- demanding fair representation.

Throughout the land, we have seen people gain a new understanding of the meaning of democracy and a new determination to enjoy it in full measure.

The march of events has brought us inevitably forward to this moment of decision, this final opportunity to redistrict the state in a just and equitable manner which will meet the criteria established by the courts and the mandate set forth in our state constitution and in our federal constitution.

In December 1964 a federal district court declared the existing arrangement of legislative districts in Minnesota unconstitutional. Since that time we have been without a legislative districting law.

COMMISSION ESTABLISHED

Anticipating the possibility of the court decision, I had established the Bipartisan Reapportionment Commission in July 1964. This Commission was charged with giving careful study to the problems of reapportionment and drawing up a reapportionment plan for Minnesota.

I wish to state here my commendation and deep-felt gratitude to the citizens who served on this Commission. To Franklin Rogers of Mankato, who carried on as Chairman, judiciously and with level-headed competence, we owe very much. As we do indeed to the members of the Commission who served with him: Carl A. Auerbach, Archie Baumann, Frank S. Farrell, Mrs. Donald Guthrie, Mrs. Betty Kane, Leonard O. LaShomb, Mrs. Lawrence Murray, Norman L. Newhall, Jr., William Pearson, Peter S. Popovich, Robert Vanca. Also, Charles H. Backstrom, Chris Erickson, Judge J. H. Sylvestre, Richard F. Walsh, George Wangensteen.

These people met together and worked together and as you know, unanimously adopted a plan for reapportionment of the seats in both houses of the State Legislature and presented it to me on January 15, 1965.

Unfortunately, a radically different plan was proposed by the 1965 Legislature. I vetoed that bill because it did not provide fair and equal representation for the people of Minnesota. On November 26, 1965, the Supreme Court of Minnesota upheld the power of the Governor to exercise a veto over reapportionment legislation.

There were many significant statements contained in this opinion. I would call your attention to one that has particular pertinence. It read:

"The principle issue for decision is whether the Minnesota Legislature, consisting of the Senate and House of Representatives, has sole and exclusive power under the Minnesota Constitution to redistrict and reapportionment.

"The issue we are called upon to decide has significance which goes beyond the question of whether this particular veto to this particular enactment of the State Legislature was warranted. In a state where the population is both growing and mobile we know that the legislative

apportionment will be a recurring one. Our decision here will remain a binding interpretation of fundamental law unless changed or modified by the difficult process of constitutional amendment."

COMMISSION REACTIVATED

After the State Supreme Court decision, it became clear that further deliberations by the Bipartisan Reapportionment Commission were needed. I turned again to this outstanding group of citizens under the continuing chairmanship of Franklin Rogers. Eleven of the original group joined with Mr. Rogers to tackle the job.

I asked them specifically to recommend "the best possible districting plan," a plan which would then be submitted "for consideration by whatever body ultimately assumes responsibility for adopting a plan."

I put before them the following criteria:

- equality of population, deviating from the average by less than five percent wherever possible.
- compactness of districts.
- fairness to all political groups.
- conformity to the boundaries of political subdivisions where possible.
- and preservation of communities of interest within minimal population deviation limits.

The commission set to work.

After months of grueling statistical computation, intensive analysis of the practical realities of the political process, and always with their eyes on the target of equity and justice for all voters -- this Commission developed the reapportionment plan now before you.

A FAIR AND VALID PLAN

It is a plan which meets the requirements of the state and federal constitutions, is politically equitable, and disturbs existing legislative districts to the

minimum extent necessary to produce a fair and valid plan.

Let me review it with you.

The Commission itself modestly points out that it does not intend that this plan is the very best that can be devised. As a three-judge District Court recently stated, "it defies imagination to contrive a reapportionment scheme that would meet with everyone's satisfaction."

But taken on balance, it is clear to me as I am sure it will be to you, that the Commission plan represents the best possible choice for us and clearly would meet the court tests that may lie ahead.

EQUALITY OF POPULATION

First, the question of equality of population in each legislative district.

The Commission plan aims at election districts which would be as nearly equal in population as possible.

Obviously, it is impossible to have every district be exactly the same size, and we must then look at the permissible deviation.

We have the benefit of a large number of federal and state court decisions on this question. The federal courts have disapproved congressional districting plans which deviated more than 15 percent from the norm. They have approved plans which deviated less than 7 percent.

In federal district court actions reviewing state legislative apportionments, we find that in one state, North Dakota, the courts disapproved a plan with maximum percentage deviations of 16.7 percent. The federal courts in Wyoming and Utah have approved plans with greater deviation, although approval was given on a temporary basis.

Another guideline might be the degree of deviation permitted when the courts themselves devised the apportionment plan. In North Dakota, the federal court, after rejecting the legislature's action, imposed a plan with a maximum percentage

deviation of 11.14 percent. In Illinois, the plan imposed by the courts permitted maximum deviation of 7.4 percent.

Obviously, until the United States Supreme Court speaks again, it is not realistic to expect a uniform approach to the problem by all the federal and state courts. But I agree strongly with the Commission view that "it would not be wise to see how close to the edge of our constitutionality we can come, without falling off."

TEN PERCENT DEVIATION

While I had originally urged a maximum deviation of 5 percent, I accept the arguments of the Commission and endorse its decision to aim at total equality between districts but to allow for maximum deviation of 10 percent when unavoidable.

Besides limiting the degree of permissible deviation, the Commission also determined to measure the equity of its plan by whether or not a majority of the members of each house would be elected by the voters of districts containing at least 48 percent of the state's total 1960 population.

In support of these two decisions -- on deviation and on majority rule -- the Commission cites the fact that we must of necessity use the 1960 census figures even though it is now the year 1966. I can sympathize with those who ask that population growth since 1960 be taken into account by using special 1965 census figures for some communities. But this simply is not feasible. We have no choice but to take the 1960 census as the basis for the plan. We must have a uniform standard of measurement for use throughout the state, and the 1960 census figures are the only statewide official records in existence. We cannot, in fairness, add representation to some areas because of growth between 1960 and 1965, unless we also have figures to show where population losses have occurred.

The Commission members unanimously concluded, early in their deliberations, that there is no alternative to using the 1960 census figures. While disappointment

in the rapidly-growing suburban areas over this inevitable decision is understandable, it does not justify politically-motivated attempts to sabotage the Commission's plan.

Actually, the areas which suffer the greatest under-representation in the Commission plan are the cities of Minneapolis and St. Paul -- if we follow the 1960 census figures, as we must, and growing suburban areas are generally over-represented.

Well, how did it work out? According to the 1960 census, the average senatorial district in Minnesota should contain 50,953 people and the average house district should contain 25,288 people.

Permitting 10 percent deviation, a senatorial district could contain as many as 56,048 or as few as 45,858; a house district could contain as many as 27,817 or as few as 22,759.

THE 'ODD' MAN

Note that a particular problem arises because the size of the House is one more than twice the size of the Senate. This, coupled with the Minnesota constitutional requirement that "no representative district shall be divided in the formation of a Senate district," called for ingenuity in arriving at an equitable solution. The Commission recommends that in one area in the state we put three representative districts into one senatorial district, resulting in over-representation in the three House districts, balanced by under-representation in the Senate district.

The United States Supreme Court has indicated that a deviation of this kind is permissible, so long as rationally justifiable.

Aside from that one problem area, the populations of the senatorial districts as drawn in the Commission plan deviate no more than 10 percent from the population of the average district.

In the House (excluding that special three-man district) the plan proposes only two districts which deviate more than 10 percent from the average district.

That is coming very close to the target and is clear evidence of the validity of the work of the Commission and of its final recommendations.

RESULTS OF PLAN

Looking at this matter in a little greater detail, and you may do so by turning to page 4 of the plan for legislative reapportionment in Minnesota which I mailed to each legislator, you will note that of the districts proposed in the Commission plan, 43 in the Senate and 70 in the House deviate from the average population by only 5 percent.

Twenty-three Senate districts and 60 House districts deviate more than 5 percent but less than 10 percent.

The average percentage deviation of those Senate districts which exceed the norm is 3.95 percent.

The average deviation of those Senate districts which are less than the norm (again excluding the three-House member district) is 3.87 percent.

The average deviation in those House districts which exceed the norm is 5.36 percent. For those which are less than the norm, the deviation is 4.83 percent.

Coming to the Commission's other target: the percentage of the state's total 1960 population which could elect the majority of the legislature. In the Senate, we find that it is 48.68 percent. In the House, it is 47.87 percent.

From the standpoint of population equity, the plan before you comes as close as is reasonably possible to the concept of one man, one vote.

There are other critical questions which arise in drawing a reapportionment plan.

THE MULTI-MEMBER DISTRICTS

In certain areas we have the longstanding tradition of multi-member House districts. This, in spite of the fact that most political scientists believe in the single-member concept. They agree with a federal district court when it said that single-member districts "provide identifiable constituencies, assure voters of a

specific senator or representative, and minimize the dilution or cancellation of the voting strength of various ethnic, political, economic, or social elements of the population." Political scientists notwithstanding, the fact is that multi-member districts have been the accepted pattern in several areas of Minnesota for many years.

Therefore, the Commission decided, and I agree with that decision, that every new representative district must be a single-member district. The plan is drawn that way. It represents equity for the voters.

PRESERVING COUNTY LINES

Next, the difficult question of dividing counties or political subdivisions. I had urged on the Commission, and they themselves heartily endorsed, the concept of preserving county and municipal lines. Unfortunately, this could not be achieved in every case. Equality of population must, by law, take precedence.

However, when the lines of counties and other political subdivisions had to be crossed, every effort was made to form districts that would reflect communities of interest. Trade areas, social and economic factors, natural geographic considerations such as terrain and rivers, highways, all of these were borne in mind. And of course, the constitutional requirement that senatorial districts shall be formed "of convenient, contiguous territory" was a guiding determinant.

PRESERVING EXISTING DISTRICTS

History clearly shows that one of the main stumbling blocks to reapportionment has been the concern of each legislator for his own district and for his own incumbency. Confronted with this delicate but inevitable fact of life, the Commission sought to preserve existing districts wherever possible. When it was necessary to redraw district lines, every effort was made to avoid the necessity of putting two incumbents into one new district, although this could not possibly be avoided in every instance.

If you will look at page 5 of the reapportionment plan, you will note that in only three of the 67 Senate districts will incumbent senators face one another in election. In only 11 of the 135 House districts will incumbents face one another.

'I, TOO, HAVE A VOTE'

Let me make one point very clear. I extol this plan because I believe in its present form it will withstand the scrutiny of the courts and will provide justice to the voters. It is attractive for its open recognition of legislative practicalities. But it must be understood that it cannot undergo major alteration.

Minor adjustments may be necessary. But there is no room for greater deviation than it now encompasses. There is no room for tolerance of new multi-member districts. There is no room for political meandering -- like some of the unbelievable lines proposed in earlier efforts by this body -- creating districts which were monstrous monuments to political greed.

Remember that I, too, have a vote in the deliberations which will ensue during the next few days.

THE LARGER QUESTION

I cannot conclude this presentation without alluding to the larger question which today's issue implies.

My friends, the states of this United States are on trial. The viability and effectiveness of state government, of state legislatures, of governors' offices, are being tested as never before in the history of federalism.

We here in Minnesota are not only charged with running an efficient and sound state government. We have immense commitments to our federal system and to the sub-governments of our state -- to the burgeoning municipalities, the hard-pressed school districts, to the counties as they take on a new measure of administrative responsibility. These local governments and the services they perform are in desperate need of technical assistance, reorganization and

consolidation -- assistance which the state can and must provide in ever-increasing amounts. We cannot deliver this assistance, we cannot strengthen and streamline government organization unless we meet the primary commitment -- an equal voice for every citizen.

I did not call this Legislature together until I had reasonable assurances that a session could be fruitful, brief, inexpensive, and successful. I have confidence, based on my consultation with many of you here, that all of this is possible. It is my hope that you will conclude your business in less than two weeks. It is my hope that you will accomplish it with a minimum of strife. It is my hope that we all will compromise our differences in the interests of the larger need and that you will in the end present for my signature a reapportionment plan that will win approval -- approval of the Governor, approval of the courts, approval of the millions of Minnesotans whose interests are at stake.

We are part of a great system -- a republic built on the ideals of democracy and the strength of federalism, a republic built on mutual trust and faith. Trust in our fellowman. Faith in the competence of our institutions. Faith that we can live up to the concepts and heavy burdens of self-government.

Can we do this? Can we here, in this chamber, subordinate our personal -- sometimes petty -- anxieties to the larger needs of the democratic process? Can we face the facts of life -- that tremendous population shifts have occurred, that present inequities make a farce of the ideal -- one man, one vote -- that state government itself is being tested and found wanting because of our inability to change, to modernize, to reapportion, to bring ourselves fully into the space age and make use of the new business technology which could so sharpen our capability were we to utilize it?

Can we rise above the call of the gerrymander? The lure of the statusquo? The temptation of politics-as-usual?

It is a test for men of steel. Our generation is on trial.