Michigan Constitutional Convention of 1961
Committee Proposal 80a
Const 1963, Art 4, § 2

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices . . . . . pp. 3436, 3450, 3460

First Reading . . . . . pp. 756, 939-940, 1026, 2034-2060, 2062-2074, 2076-2096, 2098-2130, 2154-2160, 2163-2179

Second Reading . . . . . pp. 2803-2822

Draft Constitution (Art 4, § 2) . . . . . pp. 3047-3075 (p. 3051)

Third Reading, Article-by-Article . . . . . pp. 3100-3101, 3113-3115

Draft Constitution (Art 4, § 2) . . . . . pp. 3215-3237 (p. 3218)

Third Reading, Full Constitution . . . . . pp. 3292, 3300-3301

Adopted Constitution (Art 4, § 2) . . . . . pp. 3319-3353 (pp. 3323-3324)

Address to the People . . . . . p. 3369

Overview of the Constitutional Convention Process

Provisions generally began as Committee Proposals and were then brought to the convention floor for first reading. The majority of debate on the substance of provisions occurred during the first and second readings. There were two third readings; the first on an article-by-article basis and the second reviewing the Constitution as a whole. Following the third readings the entire Constitution was voted on by the delegates. The delegates then created the Notice of Address to the People, summarizing the Constitution on a provision-by-provision basis, which was distributed so that the people could be informed when making their ratification votes.

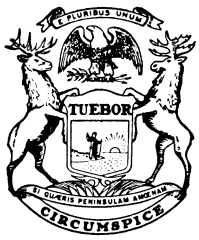
The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

State of Michigan

CONSTITUTIONAL CONVENTION

1961

OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor

LYNN M. NETHAWAY
Associate Editor

TABLE III—ARTICLES AND SECTIONS OF 1963 CONSTITUTION TO 1908 CONSTITUTION WITH COMMITTEE PROPOSAL REFERENCE

The Committee Proposal number and section are as re-referred to the committee on style and drafting.

* Created by the committee on style and drafting.

1963		1908		Committee Proposal
Preamble		Preamble		14
Art.	Sec.	Art.	Sec.	
I	1	II	1	15-1
I	2	none		26
I	3	II	2	15-2
I	4	II	3	15-3
I	5	II	4	15-4
I	6	II	5	15-5
I	7	II	6	15-6
I	8	II	7	15-7
I	9	II	8	15-8
I	10	II	9	15-9
I	11	II	10	15-10
I	12	II	11	15-11
I	13	II	12	15-12
I	14	II	13	15-13
I	15	II	14	15-14
I	16	II	15	15-15
I	17	II	16	15-16
I	18	II	17	15-17
I	19	II	18	15-18
I	20	II	19	15-19
I	21	II	20	15-20
I	22	II	21	15-21
I	23	none		15-1
II	1	III	1,2,3	58a
II	2	none		58b
II	3	none		58c
II	4	III	1,8	58d
II	5	V	12	58e
		VI	1	
		VII	2,9,14	
		VIII	3,18	
		XI	2,3,6, 7, 16	
II	6	III	4	58f
II	7	III	9	58h
II	8	III	8	58g
II	9(¶2*)	V	1	118b
III	1	I	2	10
III	2	IV	1,2	21
III	3	VI	11,12	18
III	4	XV	1,2,3	19
III	5	none		128
III	6	X	14	101
III	7	S	1	44a
III	8	none		96k
IV	1	V	1	118a
IV	2	V	2	80a
IV	3	V	3	80b
IV	4	none		80c
IV	5*	none		...
IV	6	V	4	79
IV	7	V	5	32
IV	8	V	6	112
IV	9	V	7	120
IV	10	V	7	115
		V	25	
IV	11	V	8	33
IV	12	V	9,10	28
IV	13	V	13	116
IV	14	V	14	34
IV	15	none		102c
IV	16	V	15	102a
IV	17	none		102b
IV	18	V	16	114
IV	19	V	17	117
IV	20	V	18	103
IV	21	V	18	103
IV	22	V	19	35
IV	23	V	20	29
IV	24	V	21	121
		V	22	105
IV	25	V	21	121
IV	26	V	22	105
		V	23	104
IV	27	V	21	121
IV	28	V	22	105
IV	29	V	30	119
IV	30	V	24	41
IV	31	none		46b
IV	32	X	6	53
IV	33	V	36	70
IV	34	V	38	113
IV	35	V	39	24
IV	36	V	40	108
IV	37	none		123
IV	38	XVI	5	122
IV	39	XVI	5	122
IV	40	XVI	11	27
IV	41	V	33	100
IV	42	VIII	30	87
IV	43	XII	9	5
IV	44	V	27	99
IV	45	V	28	106
IV	46	none		20
IV	47	V	26	111
IV	48	XVI	7	109
IV	49	V	29	110
IV	50	none		127
IV	51	none		126
IV	52	none		125
IV	53	VI	1	78
V	1	VI	2	2
V	2	none		71b
V	3	none		71b
V	4	none		71b
V	5	none		71b
V	6	none		71g
V	7	VI	10	71e
V	8	VI	3	71d
V	9	VI	1	71c
V	10	IX	7	71g
V	11	IX	5	71f
V	12	VI	4	3
V	13	VI	6	7
V	14	VI	9	16
V	15	VI	7	8
V	16	VI	8	9
V	17	VI	5	4
V	18	none		46a
V	19	V	37	46c
V	20	none		46d
V	21(¶3*)	VI	1	71a
V	22	VI	13	17
V	23	VI	21	75
V	24	none		77
V	25	VI	19	71b
V	26	VI	16,17	59,60
V	27	VI	18	72
V	28	none		71h
V	29	none		71i-71A
VI	1	VII	1	90
VI	2	VII	2,23	91a
VI	3	VII	2	91b
VI	4	VII	4	91c
VI	5	VII	5	91d
VI	6	VII	7	91e
VI	7	VII	6	91f
VI	8	none		92a
VI	9	none		92b
VI	10	none		92c
VI	11	VII	8	93a
VI	12	VII	9,23	93b
VI	13	VII	10	93c
VI	14	VII	11	93d
VI	15	VII	13	94a
VI	16	VII	14,23	94b
VI	17	none		96a[1]
VI	18	VII	12	96g
VI	19	VII	17	96a
VI	20	VII	19	96b
VI	21	VII	9	96c
VI	22	none		96l
VI	23	VII	20	96d
VI	24	VII	23	96e
VI	25	IX	6	96h
VI	26	VII	15,16, 21	96i
VI	27	VII	6,11	96n
VI	28	none		95
VI	29	VII	18	96o
VII	1	VIII	1	81a
VII	2	none		89
VII	3	VIII	2	81b
VII	4	VIII	3	81c
VII	5	VIII	4	81d
VII	6	VIII	5	81e
VII	7	VIII	7	81f
VII	8	VIII	8	81g
VII	9	VIII	9	81h
VII	10	VIII	13	81j
VII	11	VIII	12	81i
VII	12	VIII	14	81k
VII	13	none		81n
VII	14	VIII	15	81l
VII	15	none		85c
VII	16	VIII	26	86a
VII	17	VIII	16	82a
VII	18	VIII	17,18	82b,c
VII	19	VIII	19	82e
VII	20	none		82d
VII	21	VIII	20	83a
VII	22	VIII	21	83b
VII	23	VIII	22	83c
VII	24	VIII	23	83e
VII	25	VIII	25	83f
VII	26	VIII	25	83d
VII	27	VIII	31	88a
VII	28	VIII	31	88b
VII	29	VIII	28	85a
VII	30	VIII	29	85b
VII	31	VIII	27	86b
VII	32	none		57
VII	33	IX	8	42e
VII	34	none		84
VIII	1	XI	1	1
VIII	2	XI	9	30
VIII	3	XI	2,6	47
VIII	4	XI	10	98a
VIII	5	XI	3,4,5, 7,8,16	98b
VIII	6	none		98c
VIII	7	none		98d
VIII	8	XI	15	13
VIII	9	XI	14	31
IX	1	X	2	50
IX	2	X	9	54
IX	3	X	3,4,7,8	51
IX	4	none		51
IX	5	X	3,5	52
IX	6	X	21	56

Committee Proposal No. — Page

79. A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4.
For text as offered and reasons 2014
As referred to style and drafting 2029
As reported by style and drafting 2799
As rereferred to style and drafting 2799
Feb. 2, reported by legislative organization; referred to committee of the whole 756
Feb. 9, made a special order on general orders for Feb. 14 939-940
Feb. 13, returned to regular order on general orders 1026
Mar. 30, read first time; considered, amended, passed by committee of the whole 2014-2029
Mar. 30, reported by committee of the whole with 6 amendments; amendments concurred in; referred to style and drafting 2029
Apr. 23, reported by style and drafting (Report 81); placed on order of second reading 2670
Apr. 25, read second time; passed; rereferred to style and drafting 2799-2803

80. A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities. Replaces article V, sections 2 and 3.
For text as offered and reasons 2034
For minority report and reasons 2036
As referred to style and drafting 2178
As reported by style and drafting 2805
As rereferred to style and drafting 2821
Feb. 2, reported by legislative organization; referred to committee of the whole 756
Feb. 9, made a special order on general orders for Feb. 14 939-940
Feb. 13, returned to regular order on general orders 1026
Apr. 2, read first time; section a considered by committee of the whole 2034-2059
Apr. 3, section a considered, amended by committee of the whole 2062-2074, 2076-2096
Apr. 4, sections a, b, c considered; section a amended, sections b, c passed by committee of the whole 2098-2153
Apr. 5, section a considered, amended, passed; committee proposal as amended considered, passed by committee of the whole 2154-2177
Apr. 5, reported by committee of the whole with 7 amendments; referred, as amended, to style and drafting 2178
Apr. 23, reported by style and drafting (Report 82); placed on order of second reading 2670
Apr. 25, motion to postpone until Aug. 1 defeated 2803-2805
Apr. 25, read second time; amended, passed; rereferred to style and drafting 2805-2822

81. A proposal pertaining to county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15.
For text as offered and reasons 929
For minority reports and reasons 930
As referred to style and drafting 985
As reported by style and drafting 2505
As rereferred to style and drafting 2512
Feb. 1, reported by local government; referred to committee of the whole 738
Feb. 9, read first time; sections a, b, c, d, e, f considered, passed by committee of the whole 929-938, 940-952
Feb. 12, sections g, h, i, j, k, l, m considered; sections g, h, i, j, k, l passed; section m amended, passed; committee proposal as amended considered, passed by committee of the whole 957-980
Feb. 12, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting 982-985
Mar. 27, reported by style and drafting (Report 39); placed on order of second reading 1890
Apr. 17, read second time; amended, passed; rereferred to style and drafting 2505-2513

Committee Proposal No. — Page

82. A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19.
For text as offered and reasons 980
For minority report and reasons 981
As referred to style and drafting 1024
As reported by style and drafting 2513
As rereferred to style and drafting 2513
Feb. 1, reported by local government; referred to committee of the whole 738
Feb. 12, read first time; section a considered, passed by committee of the whole 980-982
Feb. 13, sections b, c, d, e considered; sections b, d amended, passed; sections c, e passed; committee proposal as amended considered, passed by committee of the whole 988-1005
Feb. 13, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting 1023-1024
Mar. 27, reported by style and drafting (Report 40); placed on order of second reading 1890
Apr. 17, read second time; passed; rereferred to style and drafting 2513-2516

83. A proposal pertaining to cities and villages. Amends article VIII, sections 20, 21, 22, 23 and 25.
For text as offered and reasons 1005
For minority reports and reasons 1007
As referred to style and drafting 1070
As reported by style and drafting 2516
As rereferred to style and drafting 2536
Feb. 1, reported by local government; referred to committee of the whole 738
Feb. 13, read first time; sections a, b considered; section a amended, passed; section b amended by committee of the whole 1005-1023
Feb. 14, sections b, c, d, e, f considered; sections b, d, f amended, passed; sections c, e passed; committee proposal as amended considered, passed by committee of the whole 1029-1048
Feb. 14, reported by committee of the whole with 6 amendments 1065-1066
Feb. 15, report considered; amendments concurred in; referred to style and drafting 1068-1070
Mar. 27, reported by style and drafting (Report 41); placed on order of second reading 1890
Apr. 17, read second time; amended, passed; rereferred to style and drafting 2516-2536

84. A proposal to provide for liberal construction of provisions concerning municipal corporations. Amends article VIII.
For text as offered and reasons 1048
As referred to style and drafting 1048
As reported by style and drafting 2536
As rereferred to style and drafting 2536
Feb. 1, reported by local government; referred to committee of the whole 738
Feb. 14, read first time; considered, passed by committee of the whole 1048-1055
Feb. 14, reported by committee of the whole without amendment; referred to style and drafting 1065
Mar. 27, reported by style and drafting (Report 42); placed on order of second reading 1890
Apr. 17, read second time; passed; rereferred to style and drafting 2536-2538

85. A proposal to provide that public utilities may use public property with consent of local authorities and a limitation on the length of franchise. Amends article VIII, sections 28 and 29.
For text as offered and reasons 1055
As referred to style and drafting 1107
As reported by style and drafting 2538
As rereferred to style and drafting 2538
Feb. 1, reported by local government; referred to committee of the whole 739
Feb. 14, read first time; sections a, b considered; section a amended, passed; section b passed; committee proposal as amended considered; passed until 2:00 p.m., Feb. 15, by committee of the whole 1055-1057

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Article III: Cont'd.
Section 8. Opinions on constitutionality by supreme court. (Committee Proposal 96k)
May 7, reported, placed on order of third reading .. 3045
May 7, read third time, passed 3098-3099
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading, considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3368

ARTICLE IV. Legislative Branch. (Committee Proposals 5, 20, 24, 27, 28, 29, 32, 33, 34, 35, 41, 46b, 53, 70, 78, 79, 80a, b, c, 87, 99, 100, 102a, b, c, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118a, 119, 120, 121, 122, 123, 125, 126, 127)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; sections 4, 6, 12 and 18 amended; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading; considered read third time; section 8 amended; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323-3330
For text, and comments in address to the people..3369-3378

Section 1. Legislative power. (Committee Proposal 118a)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3369

Section 2. Senators, number, term. Senatorial districts, apportionment factors. Apportionment rules. (Committee Proposal 80a)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3369

Section 3. Representatives, number, term; contiguity of districts. Representative areas, single and multiple county. Apportionment of representatives to areas. Districting of single county area entitled to 2 or more representatives. Districting of multiple county representative areas. (Committee Proposal 80b)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3324
For text, and comments in address to the people 3369

Section 4. Annexation or merger with a city. (Committee Proposal 80c)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; amended; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3325
For text, and comments in address to the people 3370

Section 5. Island areas, contiguity. (Created by style and drafting)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210

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Article IV, Section 5: Cont'd.
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3325
For text, and comments in address to the people 3371

Section 6. Commission on legislative apportionment. Eligibility to membership. Appointment, term, vacancies. Officers, rules of procedure, compensation, appropriation. Call to convene; apportionment; public hearings. Apportionment plan, publication; record of proceedings. Disagreement of commission; submission of plans to supreme court. Jurisdiction of supreme court on elector's application. (Committee Proposal 79)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; amended; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3325
For text, and comments in address to the people .. 3371

Section 7. Legislators; qualifications, removal from district. (Committee Proposal 32)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3326
For text, and comments in address to the people .. 3372

Section 8. Ineligibility of government officers and employees. (Committee Proposal 112)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; amended; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3326
For text, and comments in address to the people .. 3372

Section 9. Civil appointments, ineligibility of legislators. (Committee Proposal 120)
May 7, reported; placed on order of third reading 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3326
For text, and comments in address to the people .. 3372

Section 10. Legislators and state officers, government contracts, conflict of interest. (Committee Proposal 115)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3326
For text, and comments in address to the people 3372

Section 11. Legislators, privileges. (Committee Proposal 33)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3326
For text, and comments in address to the people .. 3372

Section 12. Compensation and expenses of legislators. (Committee Proposal 28)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; amended; passed 3099-3116
May 9, referred to committee on style and drafting 3210

Dehnke	Krolikowski	Sablich
DeVries	Kuhn	Sleder
Donnelly, Miss	Leibrand	Snyder
Doty, Donald	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Lundgren	Walker
Elliott, Mrs. Daisy	Madar	Wilkowski
Faxon	Mahinske	Wood
Follo	Marshall	Young
Ford	McAllister	Youngblood

Nays — 71

Allen	Gust	Richards, L. W.
Andrus, Miss	Hannah, J. A.	Romney
Anspach	Haskill	Rood
Batchelor	Hatch	Rush
Beaman	Hubbs	Seyferth
Bentley	Hutchinson	Shackleton
Boothby	Iverson	Shaffer
Brake	Judd, Mrs.	Shanahan
Conklin, Mrs.	Karn	Sharpe
Cudlip	Kirk, S.	Spitler
Cushman, Mrs.	Knirk, B.	Stafseth
Danhof	Koeze, Mrs.	Staiger
Davis	Leppien	Sterrett
Dell	Martin	Stevens
Durst	McCauley	Tubbs
Elliott, A. G.	McGowan, Miss	Turner
Erickson	McLogan	Tweedie
Everett	Millard	Upton
Farnsworth	Nisbet	Van Dusen
Figy	Page	Wanger
Finch	Pollock	White
Gadola	Powell	Woolfenden
Goebel	Prettie	Yeager
Gover	Richards, J. B.	

On the motion to reconsider, the yeas are 60; the nays are 71.

PRESIDENT NISBET: The motion does not prevail.

Reports of standing committees.

SECRETARY CHASE: The secretary would like to suggest that, without objection, all of the remaining committee reports will have been processed this afternoon, and if it is agreeable with the convention, could be included in the journal of today, so that they will be on the general orders calendar for Monday.

PRESIDENT NISBET: Without objection, they will be so included in the journal, considered read, referred to the committee of the whole and placed on general orders.

Following are the remaining committee proposals and exclusion reports introduced January 31, 1962, which were considered read, referred to the committee of the whole and placed on general orders:

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced
Committee Proposal 67, A proposal to amend article XIII, sections 1, 2, 3, 4 and 5, pertaining to eminent domain, of the present constitution;
with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 67 and the reasons submitted in support thereof, see below under date of April 18.

Mr. Martin, for the committee on executive branch, introduced
Committee Proposal 71, A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7; with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 71 and the reasons submitted in support thereof, see below under date of March 20.

[**Committee Proposal 73** withdrawn by committee.]

Mr. Martin, for the committee on executive branch, introduced
Committee Proposal 77, A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance. Amends article VI;
with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 77 and the reasons submitted in support thereof, see below under date of March 19.

Mr. John Hannah, for the committee on legislative organization, introduced
Committee Proposal 79, A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4; with the recommendation that it pass.

John A. Hannah, chairman.

For Committee Proposal 79 and the reasons submitted in support thereof, see below under date of March 30.

Mr. John Hannah, for the committee on legislative organization, introduced
Committee Proposal 80, A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities. Replaces article V, sections 2 and 3;
with the recommendation that it pass.

John A. Hannah, chairman.

For Committee Proposal 80 and the reasons submitted in support thereof, see below under date of April 2.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 86, A proposal pertaining to highways and their maintenance. Amends article VIII, sections 26 and 27; with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 86 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 87, A proposal relating to ports and port districts. Retains section 30 of article VIII unchanged;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 87 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 88, A proposal pertaining to metropolitan areas. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 88 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 89, A proposal pertaining to county home rule. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 89 and the reasons submitted in support thereof, see below under date of February 15.

The question now is: shall the previous question be put? All those in favor say aye. Opposed?

The previous question has been ordered. The vote now is on the amendment. Mr. Chase, will you read the amendment.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 938.]

PRESIDENT NISBET: Those in favor of that amendment will vote aye. Those opposed will vote nay. The machine will be locked, and the vote recorded.

The roll was called and the delegates voted as follows:

Yeas — 65

Allen	Garvin	Pollock
Andrus, Miss	Hanna, W. F.	Rajkovich
Austin	Hannah, J. A.	Romney
Baginski	Hart, Miss	Seyferth
Balcer	Hatcher, Mrs.	Snyder
Binkowski	Higgs	Spitler
Brown, T. S.	Hood	Staiger
Buback	Iverson	Sterrett
Conklin, Mrs.	Judd, Mrs.	Stevens
Cudlip	King	Stopczynski
Cushman, Mrs.	Krolikowski	Suzore
Dade	Lesinski	Tubbs
Danhof	Lundgren	Tweedie
DeVries	Madar	Upton
Douglas	Mahinske	Van Dusen
Downs	McCauley	Walker
Durst	McGowan, Miss	Wanger
Elliott, A. G.	McLogan	Woolfenden
Elliott, Mrs. Daisy	Millard	Yeager
Figy	Mosier	Young
Follo	Murphy	Youngblood
Ford	Nord	

Nays — 53

Batchelor	Greene	Powell
Bentley	Haskill	Prettie
Boothby	Hatch	Pugsley
Brake	Heideman	Richards, J. B.
Butler, Mrs.	Howes	Richards, L. W.
Davis	Hubbs	Rood
Dehnke	Hutchinson	Rush
Dell	Kelsey	Shackleton
Donnelly, Miss	Kirk, S.	Shaffer
Doty, Dean	Knirk, B.	Shanahan
Doty, Donald	Koeze, Mrs.	Sharpe
Erickson	Kuhn	Sleder
Everett	Leppien	Stafseth
Farnsworth	Martin	Thomson
Finch	McAllister	Turner
Gadola	Nisbet	White
Goebel	Page	Wood
Gover	Plank	

SECRETARY CHASE: On the adoption of the McCauley amendment, the yeas are 65, the nays are 53.

PRESIDENT NISBET: The amendment is adopted.

MR. A. G. ELLIOTT: Mr. President, a point of personal privilege.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: I would like to tell Mr. Davis that I completely agree with him, and my vote yea was an indication that when we get another chance, we're going to make this thing a flexible constitution. (applause)

PRESIDENT NISBET: The next amendment.

SECRETARY CHASE: Mr. Turner now offers the following amendment:

1. Amend page 1, after "Sec. a.", by striking out the balance of the committee proposal and inserting:

"The total amount of taxes assessed against property for all purposes in any one year shall not exceed 1½ per cent of the assessed valuation of said property, except taxes levied for the payment of interest and principal on obligations heretofore incurred, which sums shall be separately assessed in all cases: Provided, That this limitation may be increased for a period of not to exceed 20 years at any one time, to not more than a total of 5 per cent of the assessed valuation, by a majority vote of the electors of any assessing district, or when provided for by the charter of a municipal corporation: Provided further, That this limitation shall not apply to taxes levied in the year 1932.

In any school district which extends into 2 or more counties, there may be levied and collected for school purposes throughout the district property taxes at the highest rate available in the county which contains the greatest part of the area of the district.".

PRESIDENT NISBET: The question is on the Turner amendment. Those in favor say — Mr. Turner.

MR. TURNER: Mr. President, I think the sentiment has been shown here, and I would much rather withdraw my amendment and go back to work to find a much better way of constructing a better tax picture in this state. Thank you. (applause)

PRESIDENT NISBET: The amendment is withdrawn, and **Committee Proposal 56,** as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 56 as amended and referred to the committee on style and drafting:

The committee recommends that the following be included in the constitution:

Sec. a. The legislature shall by general law fix limits on the rates of ad valorem taxes which may be levied by counties, townships, school districts and other political subdivisions, except where such limits are provided by charter or other applicable home rule provisions.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 81,** has considered amendments thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: The Chair recognizes Mr. Higgs.

MR. HIGGS: Mr. President, I move that the convention now recess until 2:00 o'clock.

PRESIDENT NISBET: The question is on the motion of Mr. Higgs. Those in favor say aye. Those opposed.

The motion prevails. The convention is recessed until 2:00 o'clock.

[Whereupon, at 12:20 o'clock p.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened. Vice President Hutchinson assumed the Chair.]

VICE PRESIDENT HUTCHINSON: The convention will be in order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

Prior to the noon recess, Mr. Page filed a request with the secretary asking to be excused from the afternoon session.

VICE PRESIDENT HUTCHINSON: Without objection, Mr. Page will be excused. The Chair hears no objection, and it is so ordered.

The Chair recognizes the delegate from the fourteenth district, Dr. Hannah.

MR. J. A. HANNAH: Mr. President, I should like to move that Committee Proposals 79 and 80, the report of the committee on legislative organization, be made a special order on general orders for next Wednesday.

VICE PRESIDENT HUTCHINSON: You have heard the motion of the delegate that the reorganization proposals, Committee Proposals 79 and 80, be placed on the order of general orders for next Wednesday.

MR. STERRETT: Point of information, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Sterrett.

MR. STERRETT: There is a general calendar that lists 79 and 80, but we received the general calendar today, Friday, February 9. What numbers would they be on that general calendar?

VICE PRESIDENT HUTCHINSON: These are proposal numbers. What are the order numbers on the calendar? Can the secretary advise?

SECRETARY CHASE: They are not on the calendar for today. They are Committee Proposals 79 and 80, which were items 59 and 60 on the previous calendar.

VICE PRESIDENT HUTCHINSON: The question is upon the motion made by Mr. Hannah. All those in favor will say aye. Those opposed will say no.

The ayes have it, the motion prevails, and it is so ordered.

The Chair recognizes the delegate from Gratiot, Mr. Hoxie.

MR. HOXIE: Mr. President, I would like to make a statement under personal privilege.

VICE PRESIDENT HUTCHINSON: You may state it.

MR. HOXIE: At the time we had under consideration Committee Proposal 56 in the committee of the whole, I voted against the McCauley amendment. At the time the vote was taken on the amendment, after the committee rose, I had been called from the convention floor to the legislative powers committee room on official convention business. Had I been present, I would have voted against the amendment and for the retention of the 15 mill tax limitation on real and personal property.

VICE PRESIDENT HUTCHINSON: The statement will be entered in the journal.

The Chair recognizes the delegate from the fifteenth district, Mr. Bentley.

MR. BENTLEY: Mr. President, I move that the convention resolve itself into committee of the whole for further consideration of items on the **general orders** calendar.

VICE PRESIDENT HUTCHINSON: The question is on the motion of Mr. Bentley. All those in favor will say aye. Those opposed will say no.

The ayes have it, the motion prevails, and the gentleman from the fifteenth district, Mr. Bentley, will preside.

[Whereupon, Mr. Bentley assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN BENTLEY: The committee will be in order. When the committee rose this morning, the Chair was preparing to recognize the gentleman from Detroit, Mr. Madar, to speak on the amendment offered by Mr. Ford to his amendment. Does the gentleman desire recognition at this time?

MR. MADAR: Yes. I would just like to state that I would be willing to accept Mr. Ford's amendment.

CHAIRMAN BENTLEY: The question is on the amendment offered by the gentleman from Taylor, Mr. Ford, to the amendment offered by the gentleman from Detroit, Mr. Madar. As many as are in favor of the amendment to the amendment will respond by saying aye. Those opposed.

The Chair rules the ayes have it, and the amendment to the amendment is adopted.

A DELEGATE: Division.

CHAIRMAN BENTLEY: Division has been demanded. Is the demand supported?

SECRETARY CHASE: There is a sufficient number.

CHAIRMAN BENTLEY: The secretary will read the Ford amendment to the Madar amendment.

SECRETARY CHASE: Mr. Ford's amendment is:

[The amendment was again read by the secretary. For text, see above, page 937.]

CHAIRMAN BENTLEY: Those in favor —

MISS DONNELLY: Point of order.

CHAIRMAN BENTLEY: The lady will state it.

MISS DONNELLY: If Mr. Madar accepted Mr. Ford's amendment, which I gather he did, then are we now not voting on a joint amendment to the committee proposal?

CHAIRMAN BENTLEY: The question is on the amendment to the amendment. The amendment offered by Mr. Ford is the question before the committee.

MISS DONNELLY: Not on Madar's?

CHAIRMAN BENTLEY: No.

The gentleman from Taylor, Mr. Ford.

MR. FORD: Mr. Chairman, during the recess Mr. Wanger called my attention to the fact that in attempting to reinstate the language of the 1908 constitution, I overlooked a deletion in the minority report in line 5. The word "each" would be deleted by Mr. Madar's amendment, and it was my intention to reinstate the language in toto as presently exists in the constitution, except for the 500,000 figure.

CHAIRMAN BENTLEY: Without objection, the Ford amendment will be so corrected.

The gentleman from Detroit, Mr. Madar.

MR. MADAR: Mr. Chairman, with the correction I cannot accept the amendment. This is nothing more nor less than a veto.

CHAIRMAN BENTLEY: The question recurs on the amendment offered by Mr. Ford, and the secretary will again read the amendment as perfected by Mr. Ford.

SECRETARY CHASE: Mr. Ford's revised amendment is as follows:

1. Amend the amendment after "electors of" by reinserting "such city and the remainder of"; and after "question shall" by reinserting "each"; so that the language will read:

> When a city in any county has attained a population of 500,000 inhabitants, the legislature may organize it into a separate county without reference to geographical extent, if a majority of the electors of such city and the remainder of the county voting on the question shall each determine in favor of organizing said city into a separate county.

CHAIRMAN BENTLEY: Those in favor of the Ford amendment to the Madar amendment will vote aye. Those opposed will vote nay.

MR. MADAR: Is this on the Madar amendment, or on the Ford amendment?

CHAIRMAN BENTLEY: This is on the Ford amendment only. The question is on the amendment to the amendment.

MR. MADAR: Mr. Chairman, I don't believe that everybody understands this; that when they vote for Mr. Ford's amendment right now, all they are doing is killing the entire amendment. Because it doesn't do any good at all.

CHAIRMAN BENTLEY: The Chair will restate the question for the last time. The vote is on the Ford amendment only to the Madar amendment, not on the Madar amendment. The machine will be locked.

SECRETARY CHASE: On the adoption of the Ford amendment to the Madar amendment, the yeas are 75, the nays are 35.

CHAIRMAN BENTLEY: Then the amendment to the amendment is adopted. The question now occurs on the Madar amendment, as amended, and the Chair recognizes the lady from Detroit, Mrs. Hatcher.

MRS. HATCHER: Mr. Chairman and delegates, as a cosponsor of the Madar amendment, I rise in support of the amendment, for the same reasons that Mr. Madar pointed out. As a resident in the city of Detroit, I believe that for a number of years we have been faced with many problems, of which certainly Detroit as a city alone has not been able to solve, as a city, or one of the 16 cities in the county. I believe that this type of move would offer an opportunity for the citizens of Detroit to enjoy the services that they are presently paying for. For that reason, and for other reasons that I do not care to take the time of the committee at the moment to state, I fully support the amendment.

CHAIRMAN BENTLEY: The Chair recognizes the chairman of the committee, the gentleman from Pleasant Ridge, Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman and ladies and gentlemen, I would merely like to remind you of the discussion we had before we recessed, and the comments made by Mr. Allen, by Mrs. Judd and others of the committee, and to remind you that what you now have is exactly the language which our committee worked on for quite a long time and decided in its wisdom should be deleted from the constitution. I urge you to oppose the amendment.

CHAIRMAN BENTLEY: The question occurs on the amendment, as amended, offered by the gentleman from Detroit,

in your report, taken from the convention record, since we have a great number of minority reports in respect to the various issues, will both sides then be presented?

MR. DeVRIES: Mr. President and Mr. Binkowski, it is my understanding that the material that will be released by this commission, after we have adjourned, will only be taken from the official draft and the accompanying committee reports sustaining that section of the constitution.

MR. BINKOWSKI: In other words, the majority report.

MR. DeVRIES: The committee report, Mr. Binkowski.

MR. BINKOWSKI: As accepted by the majority of the members of this constitutional convention.

MR. DeVRIES: As accepted by the majority of the members of this constitutional convention.

VICE PRESIDENT ROMNEY: Delegate Hoxie.

MR. HOXIE: Mr. President and Mr. DeVries, I appreciate the work that your committee has done in trying to furnish to the delegates of this convention a breakdown of what you recommend should be done to preserve the records and to do all of the things that you have indicated. However, there is one thing that bothers me, Mr. DeVries, and that is the fact that it seems a little unfair that the delegates haven't had an opportunity to review it and to determine whether or not there are intelligent questions that we would like to ask the committee about this proposed budget. We are dealing with a considerable sum of money. At least, to me, a country boy from St. Louis, when we get to over ¼ of a million dollars, that is quite a lot of the people's money.

I am wondering if you would have any objection to laying this over for a day or so until we can make a study of it.

MR. DeVRIES: Mr. President and Mr. Hoxie, the only reason for some haste on this resolution is that the deadline for the introduction of bills in the legislature is February 21, and we would like to meet with the legislators sometime the end of this week, but we have no objection to laying this over until tomorrow morning. Would that be sufficient time, Mr. Hoxie?

MR. HOXIE: Well, Mr. DeVries, I would suggest tomorrow afternoon and give us a little opportunity. It is nearly 6:00 o'clock now, and we aren't going to be back here until 9:30 in the morning. I don't think it is such a rush that it couldn't wait until the afternoon session.

MR. DeVRIES: Mr. President, I move that the committee on administration's report be laid over until tomorrow afternoon at 2:00 p.m.

VICE PRESIDENT ROMNEY: You have heard the motion. Those in favor say aye. Opposed.

The motion prevails.

Delegate Van Dusen.

MR. VAN DUSEN: Mr. President, yesterday Dr. Pollock made a parliamentary inquiry asking the order in which the committee proposals remaining on our calendar would be considered, and after consultation with President Nisbet, the committee on rules and resolution reports to the convention that the secretary is now in the process of preparing the calendar, and showing the committee proposals by subject matter as follows:

First, local government, in which we are now engaged; then, education; then the judicial branch; then the executive branch; then the legislative organization; and then rights, suffrage and elections; then legislative powers; and finally miscellaneous provisions.

Hopefully, the secretary will have the calendar showing the proposals of these committees in detail in your hands tomorrow morning.

VICE PRESIDENT ROMNEY: Mr. Van Dusen, do you have any motion in connection with special orders for tomorrow?

MR. VAN DUSEN: I think, Mr. President, it probably would be in order, at this time, to move that the matter of legislative organization, Committee Proposals 79 and 80, which had been made a special order for tomorrow, be returned to its regular place in the calendar, as I have just outlined.

VICE PRESIDENT ROMNEY: The question is on the motion. Those in favor of the motion say aye. Opposed?

The motion prevails.

Delegate Downs.

MR. DOWNS: I ask through the Chair, Mr. Van Dusen, was the idea that all of these would be on general orders and each one would be completed before going on to the next?

MR. VAN DUSEN: Mr. President and Mr. Downs, that is certainly the intention of the committee on rules and resolutions, and I trust it meets with the approval of the convention.

VICE PRESIDENT ROMNEY: Delegate Hannah.

MR. J. A. HANNAH: Mr. President, I would like to ask if there isn't some device that we could use to speed up the rate with which we move when we are in the committee of the whole. I recognize all the reasons for unlimited debate, why no one should be hurried or denied the right to have his views heard, and I don't know as I am speaking for anyone but myself, but today has been a very discouraging day. We have moved very slowly. There have been many such days, but we don't seem to be improving ourselves. I thought we might get tired after awhile and people wouldn't talk quite so often and so long. I have raised the question as to whether the management of this convention couldn't do something about it; I have been assured that they couldn't, and I am going to make a motion—it may be out of order; you can rule it out of order if you want to. It may not work, but I would like to see it tried.

So I move that the management of this convention instigate, beginning tomorrow, compiling for each meeting of the committee of the whole, and including in the daily journal a list of the number of speeches and the total number of minutes used in speaking by each delegate during each day's sessions.

VICE PRESIDENT ROMNEY: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the rules be suspended for the purpose of immediate consideration of Dr. Hannah's motion.

VICE PRESIDENT ROMNEY: Is there objection?

MR. FARNSWORTH: Point of information.

VICE PRESIDENT ROMNEY: Delegate Farnsworth.

MR. FARNSWORTH: Directed to Mr. Van Dusen, on our desks today was placed a proposed—I don't know whether it is proposed or not—but an instrument that might possibly limit debate on casual amendments. My point of information is, what do you expect to do about that?

MR. VAN DUSEN: Mr. President and Mr. Farnsworth, while this is not precisely on the point of Dr. Hannah's motion, nevertheless, it may be worthwhile to explain briefly the attention which the committee on rules and resolutions has been giving to attempting to solve the problem raised by Dr. Hannah.

Each delegate has today received a suggestion, which the committee on rules and resolution has under consideration, which we give you in a very gingerly fashion because of the concern which all of us feel about arbitrary limitations on debate, but I believe that many of the members of the rules committee believe that the principal problem with which the committee of the whole has been confronted has been what we have defined as the casual amendment, the amendment which is thrown in in the heat of debate, which is not on the desks of the delegates, to which no prior thought, apparently, has been given, and to which no prior thought could have been given by the delegates other than those offering the amendment. We then spend extended time in consideration of these amendments thrown in in the heat of debate.

If you will examine the suggestion carefully, you will note that what we have done is to suggest a device by which any delegate may obtain unlimited debate in the committee of the whole if he can obtain the support of 2 other delegates for his proposed amendment, and if he is sufficiently considerate to have his amendment duplicated and placed on the desks of the members in advance of the session at which his amendment is to be offered. If he will do these things, then his amendment is not subject to limitation of debate. If, however, the amendment is simply thrown in in the course of debate, then

PRESIDENT NISBET: Mr. Walker, a rule change is not in order at the present time by amendment. You will submit it, the Chair understands it, as a rule change through the proper procedure.

The question is on the amendment.

SECRETARY CHASE: The question before the convention is the amendment to Resolution 85 as recommended by the committee on rules and resolutions.

PRESIDENT NISBET: Those in favor of the amendment will please say aye. Opposed, no.

The amendment is adopted. The question is on the resolution, as amended. Those in favor please say aye. Opposed, no.

Resolution 85, as amended, is adopted.

Following is Resolution 85 as amended and adopted:

A resolution to hasten the work of the convention and to enable the convention to meet the fiscal deadline of May 15.

Resolved, That the rules of this convention be forthwith amended so as to incorporate the following change:

That when the committee of the whole reports to the convention, the actions of the committee of the whole be accepted. The yeas and nays may be ordered in the committee of the whole.

Mr. Van Dusen.

MR. VAN DUSEN: Excuse me, Mr. President. I was listening to Mr. Radka. Did you have a question?

PRESIDENT NISBET: Mr. Chase.

SECRETARY CHASE: The secretary now understands that, Resolution 85 having been adopted, as amended, you propose to —

MR. VAN DUSEN: Mr. Secretary, I am grateful for your reminder. I would now move, Mr. President, that rule 41 be amended, as shown to the delegates in the printed forms on their desks, to conform with Resolution 85 which we have just adopted.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. Those in favor will say aye. Opposed, no.

The motion prevails.

Following is rule 41 as amended:

Rule 41. The rules of the convention shall be observed in the committee of the whole, so far as they may be applicable, except that it cannot adjourn the convention, the previous question shall not be ordered, the vote of a majority of the committee shall govern its action, it cannot refer matters to any other committee, and a motion to postpone indefinitely or for a call of the convention shall not be in order. A delegate may speak more than once in the committee of the whole. A journal of the proceedings in committee of the whole shall be kept as in convention. When the committee of the whole reports to the convention, the actions of the committee of the whole shall be accepted.

Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move the convention resolve itself into committee of the whole for the consideration of proposals on **general orders.**

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor will say aye. Opposed, no.

The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN HUTCHINSON: The committee will be in order. The committee has under consideration the proposal having to do with reapportionment, which the secretary will read.

SECRETARY CHASE: Item 2 on the calendar, from the committee on legislative organization, by Mr. J. A. Hannah, chairman, **Committee Proposal 80,** A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities. Replaces article V, sections 2 and 3.

Following is Committee Proposal 80 as read by the secretary, and the reasons submitted in support thereof:

The committee recommends that the following be included in the constitution:

Sec. a. THE SENATE SHALL CONSIST OF NOT LESS THAN 36 NOR MORE THAN 40 MEMBERS, ELECTED FROM SINGLE MEMBER DISTRICTS FOR 4 YEAR TERMS CONCURRENT WITH THE TERM OF OFFICE OF THE GOVERNOR.

FOR THE PURPOSE OF ELECTING SENATORS AFTER THE OFFICIAL PUBLICATION OF THE RESULTS OF THE FEDERAL DECENNIAL CENSUS IN 1970 AND EVERY 10 YEARS THEREAFTER, EACH COUNTY SHALL BE ASSIGNED AN APPORTIONMENT FACTOR ACCORDING TO THE FOLLOWING FORMULA: THE PERCENTAGE OF THE STATE'S POPULATION AS SHOWN BY THE LAST REGULAR FEDERAL DECENNIAL CENSUS COMPUTED TO THE NEAREST 1/100 OF 1 PER CENT SHALL BE MULTIPLIED BY 4 AND THERE SHALL BE ADDED THERETO THE PERCENTAGE OF THE STATE'S AREA COMPUTED TO THE NEAREST 1/100 OF 1 PER CENT.

IN ARRANGING THE STATE INTO SENATORIAL DISTRICTS, THE APPORTIONMENT COMMISSION SHALL BE GOVERNED BY THE FOLLOWING RULES:

(1) FIRST: COUNTIES WITH 13 OR MORE APPORTIONMENT FACTORS SHALL BE ENTITLED TO ONE SENATORIAL DISTRICT FOR EACH 13 APPORTIONMENT FACTORS EXCEPT THAT ANY COUNTY WITH 19.5 OR MORE APPORTIONMENT FACTORS SHALL BE ENTITLED TO NOT LESS THAN 2 SENATE DISTRICTS.

(2) SECOND: THE REMAINING COUNTIES OF THE STATE SHALL BE ARRANGED INTO SENATORIAL DISTRICTS THAT ARE COMPACT, CONTIGUOUS BY LAND AND AS RECTANGULAR IN SHAPE AS POSSIBLE, HAVING AS NEARLY AS POSSIBLE 13 APPORTIONMENT FACTORS, BUT IN NO EVENT LESS THAN 10 OR MORE THAN 16. INSOFAR AS POSSIBLE EXISTING SENATORIAL DISTRICTS AT THE TIME OF EACH REAPPORTIONMENT SHALL NOT BE CHANGED UNLESS THERE SHALL BE A FAILURE TO COMPLY WITH THE ABOVE STANDARDS.

(3) THIRD: COUNTIES ENTITLED TO 2 OR MORE SENATE DISTRICTS SHALL BE FURTHER SUBDIVIDED INTO SINGLE MEMBER DISTRICTS SO THAT THE POPULATION OF ANY DISTRICT SHALL BE NOT LESS THAN 75 PER CENT NOR MORE THAN 125 PER CENT OF THE RATIO OF REPRESENTATION DETERMINED BY DIVIDING THE POPULATION OF THE COUNTY BY THE NUMBER OF SENATORS TO WHICH IT IS ENTITLED AND EACH DISTRICT SHALL FOLLOW INCORPORATED CITY OR TOWNSHIP BOUNDARY LINES TO THE EXTENT POSSIBLE AND SHALL BE COMPACT, CONTIGUOUS, AND AS NEARLY RECTANGULAR AS POSSIBLE.

UNTIL THE REAPPORTIONMENT OF THE SENATE FOLLOWING THE 1970 CENSUS, THE SENATORIAL DISTRICTS UNDER THE 1908 CONSTITUTION, AS AMENDED, SHALL REMAIN INTACT EXCEPT THAT EACH OF THE COUNTIES OF GENESEE, MACOMB AND OAKLAND SHALL BE DIVIDED INTO 2 SENATORIAL DISTRICTS AND WAYNE COUNTY INTO 8 SENATORIAL DISTRICTS. IN ALL COUNTIES HAVING MORE THAN ONE SENATORIAL DISTRICT, THE APPORTIONING COMMISSION SHALL REDISTRICT THE SAME.

Sec. b. THE HOUSE OF REPRESENTATIVES SHALL CONSIST OF 110 MEMBERS ELECTED FOR A 2 YEAR TERM FROM SINGLE MEMBER DISTRICTS APPOR-

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Explanation—Matter within [ ] is stricken, matter in capitals is new.

TIONED ON A BASIS OF POPULATION AS HEREINAFTER PROVIDED. THE DISTRICTS SHALL CONSIST OF COMPACT AND CONVENIENT TERRITORY CONTIGUOUS BY LAND.

EACH COUNTY WHICH HAS A POPULATION OF NOT LESS THAN 7/10 OF 1 PER CENT OF THE POPULATION OF THE STATE SHALL BE A SEPARATE REPRESENTATIVE AREA. EACH COUNTY HAVING LESS THAN 7/10 OF 1 PER CENT OF THE POPULATION OF THE STATE SHALL BE COMBINED WITH ANOTHER COUNTY OR COUNTIES TO FORM A REPRESENTATIVE AREA OF NOT LESS THAN 7/10 OF 1 PER CENT OF THE POPULATION OF THE STATE. ANY COUNTY WHICH SHALL BE ISOLATED UNDER THE INITIAL ALLOCATION AS HEREIN PROVIDED SHALL BE JOINED WITH THAT CONTIGUOUS REPRESENTATIVE AREA HAVING THE SMALLEST PERCENTAGE OF THE STATE'S POPULATION. EACH SUCH REPRESENTATIVE AREA SHALL BE ENTITLED INITIALLY TO ONE SEAT.

AFTER THE ASSIGNMENT OF ONE REPRESENTATIVE TO EACH OF THE REPRESENTATIVE AREAS, THE REMAINING HOUSE SEATS SHALL BE APPORTIONED AMONG THE REPRESENTATIVE AREAS ON THE BASIS OF POPULATION BY THE METHOD OF EQUAL PROPORTIONS.

ANY COUNTY COMPRISING A REPRESENTATIVE AREA ENTITLED TO 2 OR MORE REPRESENTATIVES SHALL BE DIVIDED INTO SINGLE MEMBER REPRESENTATIVE DISTRICTS AS FOLLOWS:

(1) THE RATIO OF REPRESENTATION FOR EACH REPRESENTATIVE DISTRICT SHALL BE DETERMINED BY DIVIDING THE POPULATION OF THE REPRESENTATIVE AREA BY THE NUMBER OF SEATS TO WHICH IT IS ENTITLED. EACH DISTRICT WITHIN EACH AREA SHALL CONTAIN NOT LESS THAN 75 PER CENT NOR MORE THAN 125 PER CENT OF THAT AREA'S RATIO OF REPRESENTATION.

(2) SUCH SINGLE MEMBER DISTRICTS SHALL FOLLOW CITY AND TOWNSHIP BOUNDARIES WHERE APPLICABLE AND SHALL BE COMPOSED OF COMPACT AND CONTIGUOUS TERRITORY AS NEARLY SQUARE IN SHAPE AS POSSIBLE.

ANY REPRESENTATIVE AREA CONSISTING OF MORE THAN ONE COUNTY, ENTITLED TO MORE THAN ONE REPRESENTATIVE, SHALL BE DIVIDED INTO SINGLE MEMBER DISTRICTS AS EQUAL AS POSSIBLE IN POPULATION ADHERING TO COUNTY LINES.

Sec. c. IN COUNTIES HAVING MORE THAN ONE REPRESENTATIVE OR SENATORIAL DISTRICT, THE TERRITORY ANNEXED OR MERGED TO A MUNICIPALITY SHALL BECOME A PART OF THE CONTIGUOUS REPRESENTATIVE OR SENATORIAL DISTRICT OF THE MUNICIPALITY WITH WHICH IT IS COMBINED, UPON THE EFFECTIVE DATE OF THE ANNEXATION OR MERGER: PROVIDED HOWEVER, THE FOREGOING SHALL NOT APPLY TO ANY ANNEXATION OR MERGER ACROSS COUNTY LINES.

NO LEGISLATOR SHALL BE DEEMED TO HAVE VACATED HIS OFFICE BY VIRTUE OF THE ABOVE SECTION.

Mr. John Hannah, chairman of the committee on legislative organization, submits the following reasons in support of Committee Proposal 80:

Few problems of state government recur so persistently or are so critical as legislative apportionment and redistricting. As most delegates recognize, this subject conditions the whole matter of constitutional change.

The substantial population shifts which have occurred in Michigan in recent decades pose serious problems for representative government.

At the present time a number of different bases of representation are used for the apportionment of state legislatures. In the early history of the American states emphasis was placed upon population as a basis of representation.

As new states were formed throughout the nineteenth century with large territory and few inhabitants, the people in framing their constitutions recognized territory as a base in addition to population.

Today 6 bases are used in the apportionment of state legislatures. One student of apportionment (Gordon Baker) has categorized the methods used in the 50 states as follows:

	Senates	Houses	Unicameral	Total
(1) Population	19	12	1	32
(2) Population, but with weighted ratios	1	7	—	8
(3) Combination of population and area	17	28	—	45
(4) Equal apportionment for each unit	7	1	—	8
(5) Fixed constitutional apportionment	4	1	—	5
(6) Apportionment by taxation	1	0	—	1
Total	49	49	1	99

One-third of the total legislative houses are based on population alone. Almost half of the legislative houses are based on a combination of population and area. The present Michigan constitution bases house representation mainly on population and the senate on a combination of area and population. The committee is convinced that most Michigan citizens would agree with former President Eisenhower that the major basis for representation should be population, but that most also believe that in a state with large and diverse geographic areas, some consideration should be given to the area factor in determining representative districts in at least one house of the legislature. However, as shifts in Michigan population continue, the senate will move increasingly toward area as the principal basis for representation unless some change is made to maintain the intended balance between the area and population factors. Thus, in its 3½ months of deliberation, it was the intent of the committee on legislative organization to preserve for Michigan an apportionment plan which would be fair, equitable, and as valid 30 or 40 years from now as it is today. It is our belief that this intent is fully realized in the proposal now placed before the convention by the committee. This plan will encourage and foster interest and participation in the affairs of our state by citizens in every part of our state.

Sec. a. The senate: senate districts in the present constitution were established by a majority vote of the people of Michigan in 1952.

The committee, however, recognizes that there has been a population expansion in certain areas of southeastern Michigan since 1952.

The majority of the committee concluded after extended hearings that the representation in the senate should be based on a blend of population and area factors. The committee agreed with former President Eisenhower who, in addressing the convention, stated that population should be given major consideration, but that some consideration should also be given to equitable representation for all areas of the state.

The committee examined over 40 different proposals for apportionment of the senate. All proposals, including those submitted by citizens, were carefully considered.

The majority members of the committee concluded that a formula was needed that would combine area and population factors in a way that would accomplish precisely the balance intended. The committee was impressed by testimony offered at public hearings in Lansing, Detroit, Kalamazoo and Berrien Springs urging that the senate apportionment should reflect area as well as population.

Explanation—Matter within [ ] is stricken, matter in capitals is new.

In the formula adopted, a plan which evolved from many earlier proposals, the majority of the committee feels it has achieved the most effective method of providing the balance that the voters desire.

The majority members of the committee feel that in the interest of an orderly and sound transition, change should be made gradually. The committee proposes that upon the adoption of this constitution, the senate membership shall be increased from 34 to 38, adding one senate seat each to Wayne, Oakland, Genesee and Macomb counties. This proposal recognizes the continued shift of population to southeastern Michigan.

The plan which will go into effect after the 1970 census bases representation 80 per cent on population and 20 per cent on area. This is achieved by calculating the percentage of the state's population living in each county, multiplying this number by 4, and adding the percentage of the total area in the county to that figure. The resulting figure is the county's apportionment factor, and the county unit becomes the major building block in creating senate districts. From 36 to 40 single member districts will be established by the apportionment commission in such a way that districts will have approximately 13 apportionment factors per district.

Established districts that fit the new apportionment specifications will remain unchanged. Multidistrict counties will be districted by the apportionment commission so that each district will not vary more than 25 per cent from the county district population ratio.

The majority of the committee feels this plan offers many advantages. It is responsive to population shifts so that the precise balance of population and area can be maintained. It limits considerably the discretion of the apportioning commission because it is based on a clearly stated formula rather than vague guides. Most important, the plan achieves precisely what it is designed to accomplish, a blend of population and area factors in a logical and effective way.

Sec. b. The house of representatives: under the committee proposal, the membership of the house of representatives will be fixed at 110. The size of Michigan's house thus will continue to stand twenty-first among the states in a ranking from largest to smallest, and the house will be approximately 2.7 times larger than the senate, about average among the states.

On the basis of much testimony emphasizing that larger legislative bodies tend to grow unwieldy and become less effective, the committee recommends maintaining the house at its present size rather than increasing the membership.

All house districts will follow county boundary lines. This is recommended in order to assure citizens clearly identifiable and traditionally recognized voting districts, and to conform to the long established county organization patterns of many groups, including the political parties. Many states follow county lines in districting, and the weight of testimony heard by the committee overwhelmingly favored continuing this practice in Michigan.

Single member districts are recommended in the house. The committee is convinced that single member districts increase the opportunity for meaningful citizen participation and for effective, responsible representation.

By providing one representative to a county or to a group of counties which has not less than 7/10 of 1 per cent of the population of the state, the plan recommended comes as close as possible to basing the house on population without breaking county lines and without combining great numbers of counties into districts of unwieldy and unreasonable size.

After first awarding one seat to each of the single county and multicounty representative areas meeting the 7/10 ratio required, the remaining seats will be apportioned among the districts using the method of "equal proportions," the formula used by the federal government in distributing congressional seats among the states.

Under equal proportions, each remaining representative seat is distributed on an exact population basis, with the first seat being awarded to the district with the highest population ratio, and so on down the list. This formula is included in the constitutions of Alaska and Hawaii. The use of equal proportions assures the allocation of seats upon the basis of population, and precisely determines the priority of various districts in receiving additional representation. This procedure limits the discretion of the apportioning commission.

The plan recommended by the committee thus increases the population ratio required to qualify for representation from the present 5/10 to 7/10 of 1 per cent of the state's total population per district. After one representative is awarded to each district so established, the plan uses a mathematical formula (equal proportions) based wholly on population to distribute the remaining number of seats.

The committee observed that the modern constitutions of Alaska and Hawaii retained the half ratio moiety provisions in their legislative apportionment.

Under the present plan of apportionment, the committee found in its studies that Michigan stands seventh among the states in terms of using population as a base for providing representation in the house. The plan recommended by the committee will give Michigan an even higher ranking among the states. The committee feels that it is equitable and fair now and will be equally valid in the future.

Sec. c. Districting of annexed territories: in some senatorial and representative districts, after extensive annexations have been made from townships or the merger of 2 cities has occurred, election procedures have been complicated by the fact that city residents in the same city wards vote in different legislative districts. Where these combinations of territory do not cross county lines, it is proposed that the annexed territory immediately become a part of the municipality's legislative district. Such change would not, however, unseat a member of the legislature living in the annexed area for the remainder of the term to which he was elected.

Following is the minority report to Committee Proposal 80 as offered and the reasons submitted in support thereof:

Messrs. Nord, Marshall, T. S. Brown, Greene, Hodges, Liberato and Sablich, a minority of the committee on legislative organization, submit the following minority report to Committee Proposal 80:

A minority of the committee recommends that the following be included in the constitution:

Sec. a. THE SENATE: SENATORS SHALL BE ELECTED AT GENERAL ELECTIONS FOR 2 YEAR TERMS AND BY SINGLE DISTRICTS. SUCH DISTRICTS SHALL BE NUMBERED FROM 1 TO 19, INCLUSIVE, AND SHALL BE COMPRISED AS FOLLOWS: THE STATE SHALL BE DIVIDED INTO THE FOLLOWING 4 ZONES OF APPROXIMATELY EQUAL AREA: (1) THE UPPER PENINSULA; (2) THE NORTHERN PART OF THE LOWER PENINSULA, NORTH OF A LINE DRAWN ALONG THE NORTHERN BOUNDARIES OF THE COUNTIES OF BAY, MIDLAND, ISABELLA, MECOSTA, NEWAYGO AND OCEANA; (3) SOUTHWESTERN MICHIGAN, COMPRISING THOSE COUNTIES WEST OF A LINE DRAWN ALONG THE WESTERN BOUNDARIES OF THE COUNTIES OF BAY, SAGINAW, SHIAWASSEE, INGHAM, JACKSON AND HILLSDALE; AND (4) SOUTHEASTERN MICHIGAN, COMPRISING THE REMAINING COUNTIES OF THE STATE LOCATED EAST OF THE LINE DESCRIBED ABOVE. EACH SUCH ZONE SHALL FIRST BE ALLOCATED ONE DISTRICT, AND THERE SHALL THEREAFTER ALSO BE ALLOCATED 15 ADDITIONAL DISTRICTS TO BE DISTRIBUTED AMONG SAID 4 ZONES ON THE BASIS OF THEIR RESPECTIVE POPULATIONS ON AS NEARLY EQUAL

Explanation—Matter within [ ] is stricken, matter in capitals is new.

A BASIS AS POSSIBLE. EACH SUCH ZONE SHALL THEN BE DIVIDED INTO THE TOTAL NUMBER OF DISTRICTS THUS ALLOCATED THERETO, ON THE BASIS OF POPULATIONS WHICH ARE AS NEARLY EQUAL AS MAY BE WITHIN SAID ZONE, EACH SUCH DISTRICT BEING COMPACT AND CONTIGUOUS AND RESPECTING COUNTY LINES. IN DETER MINING THE APPROACH TO EQUALITY OF POPULATION IN SAID DISTRICTS, THE TEST TO BE APPLIED SHALL BE THE MINIMIZATION OF THE SUM OF THE ABSOLUTE VALUES OF THE DEVIATIONS OF THE POPULATIONS OF EACH OF SAID DISTRICTS FROM THE MEAN. THERE SHALL BE ELECTED FROM EACH SUCH DISTRICT 2 OR MORE MEMBERS ON THE FOLLOWING BASIS: EACH POLITICAL PARTY APPEARING ON THE BALLOT MAY NOMINATE NOT MORE THAN ONE PERSON AS CANDIDATE FOR SENATOR FROM EACH SUCH DISTRICT. EACH VOTER IN EACH SUCH DISTRICT SHALL VOTE FOR NOT MORE THAN ONE SUCH CANDIDATE FOR SENATOR. THE 2 CANDIDATES IN EACH SUCH DISTRICT RECEIVING THE LARGEST NUMBER OF VOTES SHALL BE ELECTED, AND ANY OTHER CANDIDATE RECEIVING AT LEAST 25 PER CENT OF THE TOTAL VOTES CAST FOR SENATOR IN SAID DISTRICT SHALL ALSO BE ELECTED. IN THE ORGANIZATION OF THE SENATE THEREAFTER AS A PARLIAMENTARY BODY, IN THE SELECTION OF COMMITTEES THEREIN, AND IN THE ENACTMENT OF LEGISLATION, EACH SENATOR SHALL HAVE A VOTE EQUAL TO THE NUMBER OF VOTES RECEIVED BY HIM IN HIS ELECTION, EXCEPT THAT THIS PROVISION MAY BE WAIVED BY FAILURE TO MAKE EFFECTIVE DEMAND FOR THE YEAS AND NAYS. EACH SENATOR SHALL HAVE AN EQUAL VOTE IN EACH COMMITTEE OTHER THAN THE COMMITTEE OF THE WHOLE. IN THE EVENT OF A VACANCY OCCURRING IN THE MEMBERSHIP OF THE SENATE, SAID VACANCY SHALL BE FILLED BY A RESIDENT OF THE DISTRICT IN QUESTION SELECTED BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY OF THE MEMBER WHO FORMERLY HELD SUCH OFFICE; SAID RESIDENT SO SELECTED SHALL SERVE FOR THE REMAINDER OF THE TERM AND SHALL HAVE THE SAME VOTING RIGHTS AND PRIVILEGES AS THOSE OF THE MEMBER WHOM HE REPLACES.

Sec. b. THE HOUSE: THE HOUSE OF REPRESENTATIVES SHALL CONSIST OF 115 MEMBERS ELECTED FOR 2 YEAR TERMS FROM SINGLE MEMBER DISTRICTS APPORTIONED ON THE BASIS OF DISTRICTS WHICH SHALL BE COMPACT, CONTIGUOUS BY LAND, ADHERING TO COUNTY LINES, AND AS NEARLY EQUAL IN POPULATION AS MAY BE. IN DETERMINING THE APPROACH TO EQUALITY OF POPULATION IN SUCH DISTRICTS, THE TEST TO BE APPLIED SHALL BE THE MINIMIZATION OF THE SUM OF THE ABSOLUTE VALUES OF THE DEVIATIONS OF THE POPULATIONS OF EACH OF SAID DISTRICTS FROM THE MEAN.

Messrs. Nord, Marshall, T. S. Brown, Greene, Hodges, Liberato and Sablich, a minority of the committee on legislative organization, submit the following reasons in support of the foregoing minority report which accompanied Committee Proposal 80:

I. Introduction

A. Apportionment of the legislature. We dissent from the apportionment systems proposed by the majority of the committee for both the house of representatives and the senate, on the grounds that they are wrong in principle and in practice.

B. Annexation. We also dissent from that portion of the majority report dealing with annexation, on the ground that this matter was not thoroughly discussed in committee, was a last minute decision, is not supported by any reasons, and arbitrarily singles out one particular problem resulting from changes between reapportionments.

II. The need for a new apportionment of the legislature

A. Burden of proof. We believe no changes ought to be made in the constitution unless the proponents are willing and able to carry the burden of proof of showing (1) a need for a change from the present system, and (2) that the proposed system meets such need. In our opinion, the majority report fails to carry these burdens and, for this reason alone, the majority proposal ought to be rejected by the committee of the whole.

We believe a change in the apportionment of the senate is indispensable to effective and representative government in Michigan, and that a change in the apportionment of the house is warranted, though not indispensable. We believe the majority proposal, however, fails to make changes commensurate with the needs.

B. Reasons for a change in the apportionment of the legislature. We believe that a change in the apportionment of the legislature is indispensable for the following reasons:

(1) The majority does not prevail in the legislature. On the contrary, important legislation is enacted by legislators representing a minority of the people. The existence of a gubernatorial veto has been no solution for this, since a veto cannot per se enact any legislation, and excessive use of the veto would paralyze all government in the state.

(2) Some persons' votes have arbitrarily been magnified, while other persons' votes have been arbitrarily diluted. Thus, the basic principle of morality and democracy — that each person shall be entitled to equality before the law — has been grossly violated. This weakens the whole substructure of representative government in Michigan.

(3) In the past 10 years, 10 legislative bodies have been elected in Michigan. On the basis of the popular vote for legislators, 5 of these bodies should have been Republican and 5 Democratic. In fact, all 10 were Republican. Thus, (a) the legislature is not responsive to public opinion, and (b) it is biased against Democratic voters and in favor of Republican voters.

(4) Further, a minority consisting largely of rural Republican legislators has the substantially perpetual power to block any legislation with which it does not concur, while no other minority has such power. As a result, we have a legislature which is (a) biased towards rural Republicans, (b) is subject to perpetual blockage by the same group, and (c) is not subject to the will of the people.

(5) The effect of under representation of the metropolitan voters has been that the state government has failed to provide adequately for the needs of urban residents, and this function is being undertaken more and more by the federal government.

(6) Over 40 proposals have been received from delegates urging one change or another in the legislature. This clearly indicates that the problem is recognized by the delegates to the convention as of paramount importance.

(7) Finally, the overall result of the present apportionment system has been: (a) a failure of popular sovereignty, and (b) a failure of effective state government.

We believe that a solution to the problem of apportionment of the legislature is thus absolutely indispensable to effective representative government in Michigan and that it is the duty of this convention to find such a solution.

C. Reasons for a change in the apportionment of the senate. The problem is especially acute in the senate. In the past 4 elections, the popular vote for Republican senators has ranged from 46.7 to 50.2 per cent. Yet in each case, Republicans controlled the senate by nearly 2:1 majorities.

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Furthermore, the present senatorial districts are "frozen" into the constitution. Thus, the deviation from equality of representation in the senate has gone from an allowable maximum of 2:1 under all previous Michigan constitutions, to 6.5:1 in 1952, to 12:1 at present, and to a predicted 28:1 in 1975 if no change in senate apportionment is made.

Further, the present senatorial districts are more or less "frozen" politically, i.e., only 1 of the 34 districts has "swung" from one party to the other since they were set up in 1952.

Thus, while the senate was always the house based on population until recently, it now has lost all contact with the principle of popular sovereignty and is tending towards a condition having no resemblance whatever to popular sovereignty or representative government.

To add to the seriousness of the matter, "advice and consent" by the senate operates as a check on executive appointments. Thus, this one part of the legislature, which is the least representative part of state government, not only can and does blockade legislative action, but also can and does blockade executive action.

It therefore follows that we must return to popular sovereignty and equal representation in the senate if we are to have effective representative government in Michigan.

D. Reasons for a change in the apportionment of the house of representatives. We agree with the majority that the house in Michigan has always been basically on population. The deviation from population at present is 10 area (rural) seats out of 110, or about 9 per cent area, 91 per cent population. This deviation may be small, but it has been enough to maintain Republican control of the house.

In the past 10 years, the popular vote for representatives in the Michigan house favored the Democrats twice and the Republicans 2 times; yet, in each case the Republicans maintained control of the house. Thus, the house has also been unresponsive to the public will, albeit only by a small margin. The point is, however, that this small margin was provided not by the votes of the people, but by the small degree of rural bias in the apportionment of the legislature.

There is therefore ample ground for removing any such bias in favor of one group or another, and placing the house on a straight population basis, with 0 per cent area and 100 per cent population.

III. Reasons for dissent from the majority proposal as to the house

We dissent from the majority proposal for apportionment of the house for this reason: if it is correct that there is a reason for placing the house on a straight population basis in order to make it responsive to the public will, it certainly makes no sense to make half such a change.

The majority proposal reduces the "moiety" (or major fraction) effect from about 10 seats to about 5. (This can be seen if one compares a map based on the majority proposal with one based on a 105 seat house based on population. The difference is substantially only in the addition of 5 more rural seats to the 105 based on population).

It should be emphasized that what is at stake here is not absolute perfection in equality of representation, but rather the more practical question of whether or not one desires to add extra seats in the rural region in order to keep control by a small margin despite the public will.

We have never insisted on perfection or near perfection in equality of representation. Our position is simply that it should be as nearly equal as practical, but that in no event should a bias in favor of any group be thrown onto the scales of justice.

We note further that though the "bias" would now be reduced from 10 to perhaps 5 under the majority proposal, this will also in all likelihood be just enough for the Republicans to maintain control of the house. The reasons it can now be done with fewer "area" seats are: (1) the Wayne county Democratic stronghold has lost population percentagewise, and (2) the proposed provision for single member districts (with which we concur) will, in effect, approach proportional representation in the highly populated areas (thus winning some Republican seats in Democratic strongholds), while in the rural areas there will be no such change (hence the Republicans will continue to win 100 per cent of the seats in their strongholds).

We therefore oppose any half hearted effort to reduce the "area" effect in the house. We believe the house ought to be on a straight population basis. If this is not to be done, the house ought to be left alone altogether. Either make the change or don't. We regard the majority report as deceptive insofar as it leads one to believe that the apportionment proposed by the majority for the house "comes as close as possible to basing the house on population without breaking county lines. . . ."

The record on this point should be perfectly clear: the majority propose a house with 5 per cent area, instead of the present 9 per cent area. The minority on the other hand, propose a house with 0 per cent area seats. There is no difficulty in doing this if you wish to do so. You simply specify a definite number of seats and provide that they shall be apportioned by population "as nearly equal as may be," together with a statistical test for the deviation from equality. In this way, while every district will not be exactly equal in population, there will be no seats added as an arbitrary bonus to any one group. That is, in fact, precisely what the minority proposal provides for the house.

IV. Reasons for our dissent from the majority proposal as to the senate

We dissent from the majority proposal for the senate for 2 reasons:

(1) It is too little; and

(2) It is too late.

If we are correct in believing, as we do, that the senate apportionment is wrong — both in basic principle and in practical operation — we fail to understand what good it does to provide for half a solution, as the majority now propose.

The addition of 4 senate seats to the most populous counties poses the riddle: why? If the reason is that these counties are under represented, the solution is to reapportion the senate so as to eliminate the under representation. This would require the addition of at least 8 more metropolitan seats beyond that proposed if it were to be done in this manner. Thus, it is clear that this type of approach simply cannot cope with the problem. Indeed, it has not been seriously presented by the majority as a solution to the problem, but simply as an excuse for delaying the solution of the problem.

One would think, however, that if one needed such an 8 year delay before making the ultimate senate reapportionment, that at least the ultimate solution really would solve the problem at long last. However, when one finds that the ultimate solution attempts merely to freeze the amount of malapportionment then existing in the senate, one realizes that what the majority intends to do is not to right the wrong, but rather to rationalize the wrong.

It is no answer to argue that half a loaf is better than none. A rope which fails to reach a drowning swimmer by 1 foot is no better than one which misses by 2 feet. In either case, the man drowns. Similarly here, there will be no improvement whatever in principle or in practice if the proposed change is made as compared with the situation if no change is made at all. All the problems which lead us to conclude that a change in the apportionment of the senate is required will continue to remain. The only differences are that they will have been perpetuated, and that what is known to be wrong will be made to look right.

We feel that the ultimate formula provided by the

majority for senate apportionment is extremely objectionable from the point of view of principle, and not merely as a matter of practice. For the first time, the bias against the metropolitan voter is made the basis of a monstrous formula which equates people with square miles. What better form could be found for the expression of contempt for people than to equate one person with a specific amount of dirt? We have always thought that only God could make a man from dirt, but now we see that some delegates have arrogated that function for themselves. Where there are people, the formula acts as though many of them weren't there; it conceptually destroys them. And where there are wide open spaces, the formula creates fictitious people — not in the image of God, but in the image of the Republican party — such fictitious people are thus abominations in the eyes of the Lord — in other words, monsters. This is going a long way to find a way to tilt the scales so as to come out with the result you wish.

According to this formula, it is not even people which are represented in the legislature, but 80 per cent people plus 20 per cent area. These "pseudo people" (which have been specially created for the occasion) are what are henceforth to be represented in the legislature on an equal basis. We submit that this fails to meet the test of democratic or even republican form of government, since it is not people which are to be represented, but pseudo people.

Personally, we find pseudo people preposterous. We recognize them for what they are: figments of the imagination, invented specially for the occasion in order to rationalize a wrong by making it look as though at least something is equal, when in fact all that is really provided is that some people shall be more than equal and others less than equal.

V. Reasons for our dissent from the annexation provision

As indicated above, we believe the burden of proof of a showing of need in this area has not been met. Accordingly, we cannot concur in the change recommended by the majority.

VI. The apportionment we propose for the house

In the house, we propose apportionment by population "as nearly equal . . . as may be". We believe this basic principle, which was guaranteed the people of the state of Michigan in the ordinance of 1787, ought to be supported with no qualifications.

For the sake of practical convenience, particularly with respect to partisan elections for the legislature, we have however concurred with the majority in permitting adherence to county lines.

We have also concurred with the majority in the establishment of single member districts, despite the fact that we believe objections in principle can be made with respect to large metropolitan areas, because such "splinter size" districts do not permit effective representation, and despite the further fact that we realize that it is politically disadvantageous for Democrats. We have made these concessions in committee in the hope of reaching agreement with the majority, and we continue to do so now for the same reason, because we do not regard this as a matter of conscience.

We have provided for 115 members, in order to minimize the loss of representation which any region would experience under the new apportionment system.

We have also provided a very simple objective test for determining which of several plans more nearly approaches equality of population in each district. One simply adds up for all the districts the difference between actual population and the norm (ignoring plus and minus signs). Whichever plan gives the smaller total deviation is "more nearly equal." Thus, the amount of discretion which will be available to the apportionment commission will be very small.

VII. The apportionment we propose in the senate

In the senate, we have provided a bipartisan representation system which contains a substantial area factor (21 per cent, as compared with the 20 per cent proposed in the house). The number of seats is the same as that proposed by the majority — 38. The distribution of seats is based upon the concept originally suggested by Dr. Hannah, chairman of our committee, i.e., 2 "area" senators in each of 4 quarters of the state and the rest by population. The overall distribution of seats among the 4 zones is also substantially the same as that proposed by the majority, insofar as this is compatible with the bipartisan representation system (which employs half as many districts, with 2 senators from each district, 1 from each major party). The distribution of seats between the metropolitan and nonmetropolitan areas is also substantially the same in our proposal as in the majority proposal, insofar as is compatible with the bipartisan representation system.

The essential difference, then, between our senate apportionment plan and that of the majority is simply this: we provide 2 senators (1 from each major party) and give them each a vote (in the enactment of legislation) equal to the number of votes they received in their election (in committees, each senator has an equal vote). Provision is also made for third parties, in the event they should ever poll a large vote.

The basic objectives of our plan are to provide: (1) bipartisan representation for every district of the state, (2) a senate which responds precisely to the popular will, (3) equality of representation for all voters, regardless of where they live, even if they live in areas which are strongholds of the opposition political party, and (4) effective representation for all areas, whether sparsely or densely populated. Thus, we believe we have accomplished everything which the majority proposal seeks to do, except one thing — and that is to guarantee perpetual inequality of representation with a perpetual bias in favor of rural and Republican voters. This, of course, we could never agree to do.

We submit that if this convention is to achieve a bipartisan product, it can do so only by providing a bipartisan representation plan for the senate. This is the only way to make sure that no group gets a special advantage.

In support of this view, we suggest that all the members of the legislative organization committee in essence reached this conclusion after long deliberation when they set up a bipartisan apportionment commission, in an attempt at solving what appears to be the insoluble problem. We suggest that there is a remarkable parallel between the apportionment commission proposed by the entire committee and the senate apportionment plan offered by the minority. These are the principal points of similarity:

(1) Dr. Hannah's 4 quarter zones are used in both cases;

(2) In each zone (or district) 2 members of opposite party are selected;

(3) In case a third party polls 25 per cent of the vote, it too is represented; and

(4) There is an equal number of members of each party, i.e., it is bipartisan (assuming no third party problem).

The principal difference, of course, is that the commission members have equal votes, so that no decision can be reached without bipartisan support. Thus, provision must be made for an outside body (the court) to break deadlocks. This, of course, cannot be done in the case of the legislature. Hence, the weighted vote system is needed in the senate.

Other features of our senate apportionment plan, to which we should like to call attention, are the following:

(1) The provision for third parties to participate at the 25 per cent level helps to prevent cheating by a party having great predominance in a district (i.e., by splitting into 2 ostensible parties); since it means that there is some chance of losing votes by this technique, but very little to gain in case of success (an extra senator, but no more votes).

(2) The provisions for limiting elections for the senate to general elections only, and for filling vacancies, prevent cheating at the primaries. A candidate would not be able to run on the opposite ticket in the primary (in order to wipe out the vote of a small minority party) because in such case the real election for other offices is the primary, and persons voting for him on the wrong ticket would not be able to vote in the primary for the other offices because they would be on the opposite ticket.

(3) The same principle of equality of population "as near as may be" within any one zone (but not between zones) is provided, along with the same objective statistical test for equality as provided by us for the house. In any event, under our plan, gerrymandering ceases to be a political problem.

(4) Provision is made for equality of senators in committees.

VIII. Conclusions

We urge the adoption of the minority proposal, because:

(1) It changes the practice to conform to the basic traditional principle of equality of representation, rather than modifying the practice and inventing a new principle to rationalize the result;

(2) To the extent that any weighting of votes is done, it is the votes of senators which are weighted, not the votes of the citizen voters;

(3) The plan gives highly effective representation to each part of the state, because (a) there is provided substantial representation, and (b) representation by members of both parties is provided; and it does this without sacrificing basic principles;

(4) It solves the problem, instead of fumbling with it, and it solves it now;

(5) The solution provided is fair to every voter, each party, every interest, and every region; it is not biased in anyone's favor;

(6) The solutions provided for each house are easier to understand, and more obviously sound in principle, than the majority proposal;

(7) It provides a sound basis of representation for a bicameral legislature — each house having an entirely different type of representation without introducing inequalities among the voters; and

(8) By providing for a bold, new, imaginative plan, which adheres to basic traditional principle and yet provides a modern structure — and which is a truly bipartisan representation plan — we feel that the convention could take the first big step toward producing a bipartisan constitution and ending the partisan "cold war" in Michigan.

We therefore respectfully urge the convention's and the committee of the whole's consideration of the aforesaid minority proposal.

CHAIRMAN HUTCHINSON: The Chair recognizes the chairman of the committee, Mr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, on Friday morning, in introducing this whole subject of reapportionment and Committee Proposals 79 and 80, we went into a discussion of the provisions of the present constitution, the objective that the committee had in mind and the work of the committee. We also presented each delegate with an individual book with your name on it with certain information in it. First of all, I should like to call to your attention an error in those books. It is not necessary for you to make the corrections because we will have the corrections in your boxes in the morning. But you will recall in the section that has to do with the committee recommendations on senate reapportionment there is an outline map chart of the state of Michigan that gives the estimated percentage of the population of each county in 1970, using figures that the committee took from the Consumers Power company. In checking this information on Saturday, it was found that there was an error not in the population figures used but in the percentage figures, and this error was in the material that was furnished to us by the Consumers Power company and they now have called it to our attention with regret, and in your box in the morning will be the letter from Mr. Jefferson with the corrected figures that you can use at that time. It affects only 3 counties: Wayne, Macomb and Oakland, the error being that the Wayne percentage is high and the Macomb and Oakland county figures are low. You will have those figures so that you can correct them.

Now, if we were to follow the procedure that we have been following in this convention, at this point we would next present committee amendments, and the committee has some amendments to this section, but they are to various sections of the proposal, so it has been agreed with Mr. Nord, the vice chairman and minority leader, and your speaker — with the approval of Mr. Chase and the Chair — that we will vary from that procedure and we will not at this time present the committee amendments, but we will rather first go to a consideration of the minority report, and then after that minority report is disposed of, unless it is approved in total, we will then follow the procedure of considering the committee's recommendations by sections. And those sections, as I indicated on Friday, will be presented thusly: that section having to do with senatorial apportionment, by Mr. Knirk; apportionment in the house of representatives, by Mr. Donald Doty; an explanation of the system of equal proportions, by Garry Brown; and the annexation proposal, by Mr. Blandford. I don't think it is necessary to review for you the information we went over on Friday reminding you of the provisions of the present constitution. And the secretary has read Committee Proposal 80 in its entirety and, Mr. Chairman, I would now suggest that you call upon Mr. Nord to present the minority report. He has indicated that he would like to do it at some length.

CHAIRMAN HUTCHINSON: Without objection, the minority report will be next taken up. Mr. Yeager.

MR. YEAGER: Mr. Chairman, I would like to ask a question of Dr. Hannah. I wonder if it is possible for us to consider, regardless of whether it is the majority or the minority report, the senate first and then the house of representatives, or will the minority report present the whole thing in one package?

MR. J. A. HANNAH: It is my understanding that Mr. Nord prefers to present the whole minority report, and I have agreed that so far as I am concerned — and I thought we had discussed it in the committee — that is agreeable, unless the committee of the whole wishes otherwise. I think it is Mr. Nord's desire that he present the whole report, and it would be my recommendation that we have the whole report presented, and then, of course, I shall recommend that it not be concurred in, and then I hope if the committee goes along with me, we will then turn to the committee proposal and consider it by section.

MR. YEAGER: Mr. Chairman, if I may inject one thing here, it seems to me that these 2 bodies are somewhat differently constituted and the reports are different in each case, and it would seem to me for the delegates who are not as familiar with this material, that it would be a great deal simpler for everybody and I should think it would be some help to the minority presentation if we could take the senate up separate from the house. I simply raise that as a suggestion at this time.

CHAIRMAN HUTCHINSON: The Chair will recognize the delegate from Wayne, the minority vice chairman of the committee, Mr. Nord, for whatever statement he would care to make either upon Mr. Yeager's statements, or do you desire to have the secretary read the minority report amendment first, Mr. Nord?

MR. NORD: Mr. Chairman, I would like to adhere to the plan suggested by the chairman of the committee, Dr. Hannah, that the minority present our complete report, that it be read first by the secretary and then we go over our complete report, and then when it is passed — adopted, that is to say — (laughter) if you still intend to insert any other amendments, that you may do so. (laughter)

CHAIRMAN HUTCHINSON: All right. The secretary will read the minority report amendment.

SECRETARY CHASE: Pursuant to the minority report of Messrs. Nord, Marshall, T. S. Brown, Greene, Hodges, Liberato and Sablich,

Mr. Nord offers the following amendment:

1. Amend page 1, line 9, after "Sec. a.", by striking out the balance of the proposal and inserting "Senators shall be elected at general elections for 2 year terms and by single districts. Such districts shall be numbered from 1 to 19, inclusive, and shall be comprised as follows: the state shall be divided into the following 4 zones of approximately equal area: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, comprising those counties west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; and (4) southeastern Michigan, comprising the remaining counties of the state located east of the line described above. Each such zone shall first be allocated one district, and there shall thereafter also be allocated 15 additional districts to be distributed among said 4 zones on the basis of their respective populations on as nearly equal a basis as possible. Each such zone shall then be divided into the total number of districts thus allocated thereto, on the basis of populations which are as nearly equal as may be within said zone, each such district being compact and contiguous and respecting county lines. In determining the approach to equality of population in said districts, the test to be applied shall be the minimization of the sum of the absolute values of the deviations of the populations of each of said districts from the mean. There shall be elected from each such district 2 or more members on the following basis: each political party appearing on the ballot may nominate not more than one person as candidate for senator from each such district. Each voter in each such district shall vote for not more than one such candidate for senator. The 2 candidates in each such district receiving the largest number of votes shall be elected, and any other candidate receiving at least 25 per cent of the total votes cast for senator in said district shall also be elected. In the organization of the senate thereafter as a parliamentary body, in the selection of committees therein, and in the enactment of legislation, each senator shall have a vote equal to the number of votes received by him in his election, except that this provision may be waived by failure to make effective demand for the yeas and nays. Each senator shall have an equal vote in each committee other than the committee of the whole. In the event of a vacancy occurring in the membership of the senate, said vacancy shall be filled by a resident of the district in question selected by the state central committee of the political party of the member who formerly held such office; said resident so selected shall serve for the remainder of the term and shall have the same voting rights and privileges as those of the member whom he replaces.

Sec. b. The house of representatives shall consist of 115 members elected for 2 year terms from single member districts apportioned on the basis of districts which shall be compact, contiguous by land, adhering to county lines, and as nearly equal in population as may be. In determining the approach to equality of population in such districts, the test to be applied shall be the minimization of the sum of the absolute values of the deviations of the populations of each of said districts from the mean.".

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Nord.

MR. NORD: Mr. Chairman, fellow delegates, I call to your attention first a collection of certain tables and maps which has been put on your desk today. And these maps and tables will be referred to from time to time during the debate. They will not be referred to at the beginning of the debate, but they will be referred to in the second half, and a few of them earlier in the debate. Those tables will refer to the majority proposal and minority proposal for both the senate and the house and comparisons with them and certain other background material.

In general, the plan that we intend to follow for presenting our position is to open with an opening statement which explains as well as we can the underlying basic principles behind our position and the reasons for them and the reasons for our dissent from the majority proposal. Following that we will have a number of delegates explaining various more specific aspects of the problem, and then we will conclude with a careful analysis of the exact differences between the 2 proposals, the majority and minority, and the reasons why we believe you should support ours. I will begin, Mr. Chairman and fellow delegates, with a prepared statement and will deviate from time to time from the prepared statement for other materials, some of which will be found on these notes.

Mr. Chairman and fellow delegates, I speak to you today concerning a problem which I conceive of as the most important we as individuals have faced or shall ever face in our entire lives — the problem of how to provide in our basic law for a legislature which shall truly represent the people and reflect their will. I hope that each of us, in grappling with this problem, will be able to lift ourselves mentally out of our present setting here and now, and see ourselves in a perspective of time and space.

It is a common human failure to picture ourselves as if we were static like a still picture, and to overlook the fact that we are really constantly changing. The "still picture" which represents our concept of ourselves is, however, in reality just one frame of a moving picture. When the 1907 Michigan constitutional convention met, many of us were not yet born. By the time the next convention meets, many of us will be dead. We are not static; we are moving irresistibly into the future, into history. What will history finally say of each of us? Will it say that we added something in the eternal struggle for the improvement of the lot of mankind, that we left the world a little better than when we entered it? Will it place us in its book of minor heroes, as footnotes to the story of the great men of this country who fought a revolution to secure the right of men to govern themselves? Or will it list us with the tories who could see only what had been, but not what was to be? It is up to us first to decide what role we wish to play in history and then, having decided, to play this role with persistence and courage.

Similarly, we must place this problem in a perspective of space. We are not alone in this problem. The problem of how to represent the people in the legislature is one which we share with almost every state of the union. The greater problem of whether the many new nations of the world will be able to build democratic systems is also a part of the perspective which we must perceive. And on an even greater scale, there is the entire question of whether democracy will endure in a world which is half slave and half free. This question is of such paramount importance that it actually threatens to bring all of humanity to the brink of extermination. If we take the narrow view, we add a nail to the coffin of democracy which totalitarians have been building for it ever since it was born. If we think only of the advantage of the moment, only of today's so called "political realities," we fail to see the problem as it really is. If we conceive of our task here as simply requiring us to represent our local constituents, we make a fatal error. If we think only of the desires of the people now living in the districts from which we have been elected, we miss the entire point of why we are here. We are not here merely to record the will of the people of our districts, or even of the entire people of the state.

The reasons for this are obvious if we are willing to stand back and look at our task. In the first place, we do not know where our constituents will live in the next 50 years; they are just as likely to move from rural to urban areas or vice versa, or even to move out of the state, as to remain where they are for the rest of their lives. In 50 years, who can predict where the descendants of the present residents will live? But, aside from that, it must be obvious that we have the duty to provide for people not yet born, who will be born during the next 50 years. These people cannot be represented on the basis of the districts which we supposedly represent; we must all speak for them or no one will. It is not even accurate to regard our duty as requiring us to represent the

entire populace of the state, present and future. Our duty really is not to represent at all; it is to deliberate, to think, to plan, to try to provide a plan broad enough and flexible enough and sound enough in basic principle to survive and to deserve to survive for 50 years.

If we each simply register the sentiment of the voters who sent us here, it is obvious that we are useless. The voters could do that for themselves. Our task is not simply to inquire of the public what they want, but rather to try to devise the best possible plan, and then urge the public to ratify it. That is the only possible justification for our being here. We have not been sent here to be followers, but to be leaders of the public. Unless we perceive this fully, everything we do here is a waste of time. If we look to our localities for leadership, instead of providing it ourselves, we fail them and ourselves. If we fail to search our minds and hearts for answers which are sound in principle and fair and flexible in application, if we fail to find the wisdom in ourselves to solve crucial problems, and instead turn to our constituents or our caucuses for that wisdom, we confess our inability to meet our responsibilities. We shall be judged, when we throw the switch on this issue, as individuals. In the vital task of writing a constitution which is to govern the majority as well as the minorities, the present as well as the future, the only sound rule for a man is: let your conscience, not your caucus, be your guide.

Fellow delegates, my general approach to the problem of apportionment is this: let us examine what we have. Let us decide whether it is satisfactory. If we find it satisfactory, let us leave it alone. If, on the other hand, we find it unsatisfactory, let us determine precisely what is wrong, and then let us find and apply the cure. Let us not prejudge whether the present apportionment system ought to be left alone, patched up, or replaced with a new model. There is no virtue in asserting, without proof, that anyone who favors leaving things alone, or of making the changes needed, is irresponsible or an extremist. It is easy enough to take a so called middle course, but it is premature to do so before examining the question of whether a patch job is required in the first place, or whether it will do any good in the second place. I disagree with those who maintain that a middle position is automatically the correct position. Such maxims are no substitute for thinking about the particular problem at hand. Perhaps you are all familiar with the story of the hungry man who was given 2 loaves of bread and told that one was poisoned sufficiently to kill a dozen men, and that the other was perfectly safe to eat. Not knowing which was which, he decided to play it safe, and he therefore ate half of each. The moral of the story is said to be that sometimes half a loaf is better than none, and sometimes it is worse, and that you can't always have it both ways.

I maintain that he who seeks to change the present practice has the burden of proof that the present practice is unsatisfactory. If he fails to make out his case, our deliberations are ended; we leave things alone. If he succeeds we make the indicated changes. Essentially, my position on this matter is that the present practice is unsatisfactory, and that we ought to return to and adhere to the basic and traditional principle of representation under which this state was organized and under which it has operated until recent times.

I have not the slightest intention of inventing any new principles of representation. What I propose is firm adherence to our basic, traditional principle of representation, coupled with whatever machinery or apparatus we need to invent in order to maintain the basic principle intact and at the same time give effect to such other subsidiary factors as we conclude are also significant. Thus, the position I take is as conservative as it is possible to get insofar as principle is concerned, and as inventive and imaginative as necessary insofar as the practice, or apparatus for carrying out the principle, is concerned. This is, and has always been, the basic American spirit.

The American people are among the most stubborn people in the world when it comes to adhering to principle. This country was populated by people who adhered so tenaciously to their convictions that they gave up their homes and possessions to voyage across uncharted seas to a new and unknown world. Principle was all that mattered to them; they gave up every vestige of their practical life in order to adhere to principle. Later they were the patriots of the American revolution, who risked their lives and their sacred honor, who actually became traitors to their country, because they could never surrender the principle of "no taxation without representation." They did not "stand pat" with the practices of their time; they insisted on adherence to principle, even at the price of a bloody revolution. We are diehards on principle in this country. At the same time we are, as a nation, the greatest inventors and innovators of equipment and apparatus that the world has ever seen. We have so little respect for tradition insofar as equipment or apparatus or practice is concerned that we actually have to bring out new automobile models every year, even if there's no change except in the chrome. If we compare life today with life 50 years ago, we can readily see what an insatiable demand for change in apparatus and equipment there is in the United States. We are probably the least conservative people in the world when it comes to discarding old practices, but we are among the most conservative people when it comes to adhering to traditional basic principles.

This is precisely my attitude in connection with the apportionment issue. I believe there has grown up, in this state, an apportionment practice which has seriously eroded the basic principle. New and novel substitute principles are being invented now, and rationalizations are being provided to justify departure from the basic traditional principle of representation. We therefore are faced with a choice. Shall we adhere to the present practice, or shall we adhere to the basic traditional principle? I cannot follow those who would discard both, without proof that either ought to be altered. That is not a conservative attitude. Neither is it a liberal attitude. It is an arbitrary and irrational attitude, and I hope I may be pardoned if I appear to be stubborn in resisting it. I believe, with all my mind and heart and soul, that when we find a serious wrong, we must move heaven and earth —and delegates to this convention—to right that wrong, and not to rationalize it.

When the idea of government by the people was first conceived, the question arose as to how the will of the people was to be determined. In the selection of any public official, or in the decision of any matter, it was immediately obvious that only one rule could possibly work — majority rule. The reason is clear. If you were to provide, for example, that a 40 per cent vote would win, there would be a stalemate, since the side that has 60 per cent inherently has at least 40 per cent, too. Thus, unless the majority prevailed, no one could prevail. It is thus either majority rule, or no rule. This is inherently the basic rule in any voting system. It would no doubt be possible to invent a system in which different classes of citizens were entitled to be counted unequally in voting. For example, first class citizens' votes would count 2 each, and second class citizens' votes would count 1 each. This could be done if the "first class citizens" ever had sufficient power to lay down such a law. Our system of government differs from all forms of totalitarian systems precisely in that point, that a person either is a citizen or he isn't; there is no in between position, no class system. Each voter is the equal of every other voter, as provided in the declaration of independence, and in the federal and state constitutions. There never has been a time in this country when the vote of one voter was worth more than that of another in the selection of any public official.

As Justice William O. Douglas said in the United States supreme court case of South v. Peters:

> There is more to the right to vote than the right to mark a piece of paper and drop it in a box or the right to pull a lever in a voting booth. The right to vote includes the right to have the ballot counted. . . . It also includes the right to have the vote counted at full value without dilution or discount.

And Rousseau, in The Social Contract, said:

> The citizen gives his consent to all the laws, including

those which are passed in spite of his opposition. . . . This presupposes, indeed, that all the qualities of the general will still reside in the majority: when they cease to do so, whatever side a man may take, liberty is no longer possible.

Sovereignty lies essentially in the general will. It is either the same or other; there is no intermediate possibility.

And in the case of Giddings v. Secretary of State, the Michigan supreme court, in holding a senate apportionment statute to be unconstitutional said:

There is no higher privilege granted to the citizen of a free country than the right of equal suffrage, and thereby to an equal representation in the making and administration of the laws of the land.

Fellow delegates, in the same connection I also wish to read a few brief selections on the same point from statements by Thomas Jefferson, the author of our declaration of independence. The first quotation reads as follows:

Every man and every body of men on earth possess the right of self government. They receive it with their being from the hand of nature. Individuals exercise it by their single will; collections of men by that of their majority, for the law of the majority is the natural law of every society of men.

In another quotation Mr. Jefferson said this:

Our legislators are not sufficiently apprised of the rightful limits of their power that their true office is to declare and enforce only natural rights and duties and to take none of them from us. No man has a natural right to commit aggression on the equal rights of another.

In his first inaugural speech in 1801, Mr. Jefferson said this:

. . . it is proper that you should understand what I deem the essential principles of our government. . . .

And then he listed a number of them, one of them being the following:

. . . absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force. . . .

And in another quotation from Mr. Jefferson, he said this:

Hume, the great apostle of toryism says: "It is belied by all history and experience that the people are the origin of all just power."

And Mr. Jefferson comments on this:

And where else will this degenerate son of science, this traitor to his fellow man, find the origin of just powers if not in the majority of the society? Will it be in the minority? Or in an individual of that minority?

In another selection, Mr. Jefferson said this:

The first principle of the republic is that the law of the majority is the fundamental law of every society of individuals of equal rights. To consider the will of the society announced by the majority of a single vote as sacred as if unanimous is the first of all lessons in importance, yet the last which is thoroughly learned. This law once disregarded, no other remains but that of force, which ends necessarily in military despotism.

And again, and finally, Mr. Jefferson stated this:

Only lay down 2 principles and adhere to them inflexibly. Do not be frightened into their surrender by the alarms of the timid or the croakings of wealth against the ascendancy of the people. The true foundation of republican government is the equal right of every citizen in his person and property and in their management. Try by this, as a tally, every provision of our constitution and see if it hangs directly on the will of the people. Reduce your legislature to convenient number for full but orderly discussion. Let every man who fights or pays exercise his just and equal right in their election.

Fellow delegates, we therefore know that the fundamental principles of our system are these: (1) that all voters have equal voting rights; and (2) that a majority prevails. Whenever the people directly make any choice, whether it is the election of a public official or the use of initiative or referendum, these 2 principles are applied. However, when we come to the question of enacting laws by means of representatives in the legislature, the question which arises is this: how are we going to get the same result as if the people voted individually? Clearly, the purpose of using representatives is not to arrive at a different result than if the voters had directly decided the issue. The answer to this problem has always been some sort of a proxy system, under which, for example, 1,000 citizens in effect give their proxies or authorization to one agent or representative, another 1,000 citizens select their representative, and so on. If equal numbers of voters select representatives in this manner, it is clear that the result will theoretically be the same as if each voter individually voted on the enactment of legislation himself.

In theory, this would be the perfect way of applying the fundamental principles I have just referred to. However, it has never been possible to do so exactly, because we can never know in advance how many voters would vote for a specific candidate. In order to approach this result as closely as possible, we were forced to make the assumption that if the representatives are elected from districts having equal population, they will each represent equal numbers of voters. This assumption is generally correct to within a few per cent, and hence the basic principle of representation has generally been applied in this form, normally being called "proportionate representation."

Thus, the basic principle of apportionment of a representative legislature is equality of representation, or, as it is also called, proportionate representation. This principle is basic, because without it both the principles of democracy I have referred to tend to be subverted. The principle that all voters have equal voting rights is destroyed, and the principle that the majority prevails is jeopardized. Thus, the principle of equality of representation is basic, in the sense that it is basic to democracy. I don't think anyone denies this. It certainly is not denied by the United States commission on civil rights, of which Dr. Hannah is the chairman. On the contrary, in the book, Voting, his civil rights commission says:

There are many places throughout the country where, though citizens may vote freely, their votes are seriously diluted by unequal electoral districting, or malapportionment.

It also states in the same book:

In a democratic country nothing is worse than disfranchisement. And there is no such thing as being just a little bit disfranchised. A free man's vote is a full right to vote or it is no right to vote. In most states, voting districts for federal and state legislators are so far from equal in population as to cause gross disproportion in representation. This dilution of the votes of some citizens as compared to others is not commonly defended on the merits. Rather, the controversy has centered upon the feasibility and appropriateness of particular methods of rectifying a condition that is admittedly contrary to democratic ideals.

The principle of equal representation is also basic in other ways as well. The general principle of equality of men — whether in the selection of representatives or otherwise — is basic not only to democracy, but to the systems of religion and morals to which the American people have always adhered. Jefferson reduced to one sentence centuries of thinking in terms of those values when he wrote in our declaration of independence the following:

. . . that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

Man has some rights, Jefferson said, that derive from God. These are rights which no government can rightfully withhold nor, having recognized, withdraw. These rights honor the spark that is in every human being.

The government of the United States is based on a unique principle. The declaration of independence, endorsed and enforced by the constitution, states that governments are not laws unto themselves, that they are accountable to a Higher Power. It asserts that governments exist "to secure these rights" — the inalienable rights with which these men are endowed by their Creator. It recognizes "the laws of nature

and nature's God" as a higher law binding on all governments. The declaration of independence thus affirms the duty of the government to uphold the right and rights as ordained by Divine Law. And it declares that the citizen is obligated in obedience first to the Divine Law, and that he should defend it against the encroachment of even his government. That is precisely what the American revolutionists did.

At the bottom there is one principle that divides a republic from a monarchy or an aristocracy, and that is the natural equality of men, which is as fully recognized in the laws of the Bible as in the declaration of independence. We are all made in the image of our Creator, and thus we are equal. Where some of us tend to go astray from our religious and moral principles is in perceiving our own supposed superiorities over other men. What we fail to realize when we discover to our great satisfaction that we are better educated, more intelligent, wealthier, or more fortunate, as the case may be, than someone else, is that with these assets go equal liabilities. If any of us is "better" than our fellow man in some way, we are worse in some other way. We are worse, for example, simply because instead of realizing our duty to rectify the difference, we take pride in it. Instead of loving our neighbors, we love ourselves. And thus, if we are superior in a material way, we are likely to be inferior in a spiritual way. The books balance. No one can be "more equal" than any other human being. The essence of humanity is equality.

We are, in America, a religious people. Our forefathers came here because of their religious principles, and these were applied in daily life. As such, the basic religious principle of equality of man became a part of our moral system, and also a part of our political system, including our declaration of independence, our constitution, and the bill of rights. Thus, the principles of equality are basic, not merely in political theory, and in democratic principles and law, but in an even more fundamental sense; they are basic in the religious and moral sense. It is not enough for us to declare, as we do in this constitution, that religion and morality are necessary to good government; it is vital that our conduct in writing this constitution be in accordance with the basic moral principles on which both religion and representative government are predicated — the sacredness, dignity, and equality of every human being. We must never match fine words with shabby deeds. Let us recognize that what is at stake here is a matter of conscience, not a matter of political expediency. Let us look to our consciences. Let us search for the soul that is in us, and when we find it we will know and respect and love our fellow man, because his soul is our soul, and ours is his.

Fellow delegates, I would like now to trace with you briefly the history of apportionment in Michigan to see where we have come from and where we are heading. I start with this proposition: that not only is the principle of equality of representation basic, but it is also traditional in this country. In Michigan, in particular, the tradition has been especially strong. The Michigan history of the subject begins with the northwest ordinance of 1787, which was adopted by the Congress of the United States prior to the adopting of the United States constitution — in the same year in fact, as the holding of the federal constitutional convention. This was the first legally effective document prepared by a deliberative body for the government of the people of Michigan. This instrument provided for a house of representatives based on population, and a legislative council indirectly selected by the people, through their popularly elected house of representatives. The ordinance also contained certain "articles of compact," which provided in a bill of rights the following, which I will now quote: "The following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever" — and I will emphasize that word again — "and forever remain unalterable; unless by the common consent. . . ." And then it lists in the bill of rights the following: "The inhabitants of said territory shall always be entitled to the benefits" — and it names several of them, and one of them is, "apportionate representation of the people in the legislature."

That was where we started. We started with a guarantee of a permanent perpetual inalienable right to proportionate representation in the legislature. This provision was intended to secure permanently to the territory what was provided in its temporary organization. It was so worded as to constitute an inalienable right to equality of representation, in accordance with the concepts of the declaration of independence.

The legal effectiveness of the northwest ordinance was not impaired by the subsequent adoption of the United States constitution. For example, in 1805, congress reaffirmed the ordinance, in an act separating Michigan from the Indiana territory. When Michigan was admitted to the union under the 1835 constitution, it was understood that the articles of compact of the northwest ordinance of 1787 were still legally in effect, except insofar as they had been changed by common consent; that is, except to the extent that the new state constitution of Michigan conflicted with the articles of compact.

As to proportionate representation, as to that particular provision, there was in fact no substantial change. While the bill of rights of the 1835 Constitution of Michigan did not expressly contain the language of the northwest ordinance relative to proportionate representation, the legislature was in fact organized under the 1835 constitution under a population method, with a slight variation in the house — slighter than was the case later. Apportionment of representatives and senators under the 1835 constitution was provided according to population, with reapportionment following each census. A slight departure from absolute proportionate representation was provided in the house; namely, each existing county was to have at least one representative, but all counties to be organized subsequently were required to attain the normal population ratio in order to be entitled to a representative. This was not a substantial variation, since there were only 15 counties at that time, and their boundaries were continually being revised as they reached the population ratio. Thus, the principle of proportionate representation was retained in the 1835 Michigan constitution; there was no common consent to change this principle. It would therefore appear that the articles of compact of the northwest ordinance of 1787 would still legally bind the state of Michigan to proportionate representation; that is, as in 1835.

As a matter of fact, it was originally held by the courts that the articles of compact of the northwest ordinance were legally binding on the states formed from them, except to the extent that they were contradicted by the state constitution. And I recall to your attention that they were not contradicted insofar as proportionate representation was concerned. That was the original legal rule. However, the effect of these decisions was later overruled by the United States supreme court — and that just goes to show you that they have overruled themselves from time to time — primarily on the basis that each state was admitted on a basis of equality with every other state and hence could not have been subject to additional limitations. State courts, in construing the proportionate representation provision of the northwest ordinance, have therefore held that it is no longer legally binding on the states, except insofar as their own constitutions provide. However, the provision has been held to furnish a historical guide to the meaning of subsequent state constitutions. It has also been referred to by a court of a neighboring state as an inalienable birthright of the people.

Therefore, to recapitulate the history, in the beginning, in 1787, we had a guarantee of perpetual proportionate representation, and that was provided in fact, or substantially so, in the 1835 constitution. Later the rule was changed so that it was not eternally binding on the states and they could change their constitutions.

That brings us to the 1850 Michigan constitution, just shortly before the civil war. This constitution also provided for a senate and house of representatives, each based essentially on population, except that a moiety provision was introduced in the house, and the upper peninsula was allotted at least 1 senator and 3 representatives. And I call that point to your attention. The upper peninsula was given a special provision

so that it would have at least 1 senator in 1850 and at least 3 representatives. The original object of moiety in 1850 was not to introduce an area factor into the apportionment of the house. At that time, a large part of Michigan was not organized into counties. New counties were, however, being formed as the population increased, and it was felt that the new counties should get their representation when formed, instead of waiting until their populations reached the full quota for representation. Thus, to recapitulate again, in 1787, in 1835 and in 1850, we had the same rule: substantially equal representation or proportionate representation, with only slight deviations, the biggest one being moiety.

Now, the 1908 Michigan constitution continued the provisions of the 1850 constitution, without substantial change, except for the elimination of special provisions for the upper peninsula. In other words, in 1908 it was no longer considered necessary to say 1 senator and 3 representatives in the U.P. At this time, the reason for the moiety provision was gone, as the state was fully organized into counties. Nevertheless, the moiety provision was retained.

Thus, until 1952, the basic traditional principle of representation in the senate was always, according to the constitution, proportionate representation; and in the house, it was always proportionate representation, with the moiety provision as a minor modification based on historical reasons which no longer retained validity. Certainly this principle was never repudiated at any time prior to 1952; nor was any other basic principle ever enunciated. Minor exceptions existed, as pointed out, basically as historical incidents. However, the remarkable shift of population to urban centers in the years 1910 to 1950 was not accompanied by comparable reapportionments of the Michigan legislature, particularly in the senate. The great departure from the traditional principle in the senate was thus not based on a new principle, but was an accident of history, compounded by a repudiation of the constitution by those sworn to uphold it.

In 1952, the people adopted an amendment to the constitution which, with slight exceptions, retained the then existing senatorial districts. The language of the proposal on the ballot contained no language indicating any "area representation" principle, or any other new principle. It was basically a freezing of the status quo, an acceptance of districts which were initially based on population. In a sense, it was a freezing of time, and of population, a freezing of the status quo, as of 1920. It was, in other words, still based on population — on previous population — instead of present population, as if there were some hope that these extra people in the highly urban areas would eventually go away and leave things as they used to be. They have not done so, but the majority proposal for the senate recalculates the populations as if these people had in fact disappeared from the urban areas — and that point I will document in detail later.

Thus, we can see this: (1) no deliberative body ever meeting to provide basic rules for legislative apportionment for Michigan has ever provided any basic principle of representation except proportionate representation. And I would like to repeat that and challenge anyone to prove differently. It seems to me this is the crucial point on this issue, or a crucial point. We must not forget it: no deliberative body ever meeting to provide basic rules for legislative apportionment for Michigan has ever provided any basic principle of representation except proportionate representation; (2) the constitutionally provided departures from this principle have, until 1952, always been slight and always based on historical conditions, usually intended as temporary exceptions; (3) no other principle of representation has ever been enunciated in Michigan; and (4) even the recent departure provided in the 1952 amendment provided no new principle, but was basically nothing but a freezing of districts based on earlier population levels. Thus, I conclude on this point of the history that the principle of proportionate representation is the one and only basic traditional principle of representation in this state. Such a principle is not lightly abandoned. As pointed out by Michigan supreme court Justice Kavanagh:

> During the course of our history a bloody civil war was fought in the name of equality. Within the past 50 years 2 world wars have been participated in by this nation in the interests of freedom and justice. Free elections and equal representation during the last several years have dominated our foreign policy. . . Would it not be ludicrous were we, in our interest in establishing justice and equality under law in other nations of the world, to find ourselves losing it at home?

It is imperative that the delegates to this convention realize full well what they do if they allow this basic traditional principle of equal representation to be subverted. No deliberative body in Michigan has ever done so before. It ill behooves a supposedly conservative group, such as the majority of delegates to this convention, to pulverize principle, to tread on tradition, and to damn democracy.

Fellow delegates, in continuing with the history of apportionment in Michigan, of course it seems to me appropriate at this time to say a few words about the very recent history on the subject and really the future history on the subject. Developments in this field are going fast. They really came to a point, or nearly to a point, perhaps, last week when the United States supreme court handed down its decision in the case of Baker versus Carr, which has to do, of course, specifically with the question of legislative reapportionment in the states. I first want to make it clear that I do not claim that that case holds that equality of representation is indispensable in every state, because that question has not been decided; it has not yet been before the supreme court and may not be for quite a long, long time. But it does say at least this: it says, first of all, that there are some limits to what the legislature can do — or indeed I believe that it says further that what the people can do — either directly or indirectly in the way of diluting or debasing the right to vote. It says that this shall be a justiciable question and the question may be determined on the principle of law in the federal constitution called the equal protection of the laws. Now, this decision seems to be or can be analyzed as being a very minor holding — that all it says is the courts are not powerless to consider such a question. If you consider that case as being such a minor holding, then you disagree, in my opinion, with all of the justices of the supreme court who acted on that case, both majority and minority. The majority did not think it was a minor point. It took them 2 years to make up their minds. They had to have hearings twice. The minority did not think it was a minor matter, because there was, I believe, a 69 page dissent by Justice Frankfurter which pointed out and hammered home the revolutionary effect of that decision.

People may take different views of that decision. The view that I take is that it is a revolution of a new type. It is a revolution similar to the type that happens in England from time to time, such as when they abolished the house of lords. It is that kind of a thing. It is not just a holding in one case. And it seems to me that we have to extrapolate into the future. We know that what has been going on has been found to raise a question of equal protection of the laws, and I leave it to every delegate to determine for himself whether we can continue in the way we have been going, or whether we can take a half measure, or whether in fact it may not be held ultimately in Michigan, as demanded by the plaintiff in a Michigan case, that the 1952 amendment is unconstitutional. That is future history, I can't answer it for you, and I will therefore depart from that subject and go on to the next.

The subject I wish to deal with next is more specific. It has to do with the extent of the departure from the principle. Prior to 1952, as I pointed out, gross violations of the principle of equal or proportionate representation occurred in Michigan, in both the senate and house, because of the failure of the legislature to reapportion itself as required by the state constitution, in order to meet the tremendous shift of population to urban areas. There never was, during that time, any change in the constitution, or any new principle of representation announced. The change occurred not on the

basis of any theory or rationale, but rather because of a refusal of those who make the law to do what the law required of them. It amounted simply to usurpation of power by the legislature, without shadow of right or justification. In 1952 the state constitution was amended to provide in part for an automatic reapportionment of the house, using the mandamusable board of canvassers to make sure that the reapportionment was accomplished. The next reapportionment of the house is scheduled for 1963, based on the 1960 census. There is thus no reason to doubt that there will be reapportionment of the house in 1963 even if the constitutional convention makes no change in the organization of the house. It is true that the moiety system would persist, unless we remove it, but it would be possible to continue to live with it, provided we fully corrected the extreme malapportionment of the senate.

The senate was grossly malapportioned in 1952, because of the historical accident I referred to. The 1952 constitutional amendment froze the existing 32 senatorial districts and added 2 more senatorial districts in populous areas; at the same time the districts were frozen forever, regardless of any future population shifts. At that time, every one of the "metropolitan region" counties was under represented by factors varying between 3 to 1 and 6.5 to 1, as compared with the least populous district. That was the situation in 1952 under the constitutional amendment. The maximum deviation or the maximum ratio in the senate was 6.5 to 1. Of course, under the 1960 census figures, the situation has become much worse. The 2 worst cases are represented now by Wayne county's twenty-first senatorial district, and Oakland county, each having about 12 times as many people as the smallest senatorial district. Now, what the majority proposal proposes to do is to return to a ratio of about 7 to 1; in other words, to perpetuate the malapportionment as it existed in 1952. This also is documented in the papers I presented to you, and I will show it in a little while. As a matter of fact, at this point I would refer — and I hope that you will refer — to the first table in these papers that I have given you. This table shows what I have called the total representation of each county in both the house and the senate, counting each senate seat as worth approximately 3 house seats, for the reason that, of course, there are only 1/3 as many senators, roughly speaking, and this is compared with the 1950 population. This, of course, does not take into account the 1960 changes. But this is the situation. This is the basic apportionment in 1952, and this is substantially — not exactly, but substantially — what is to be continued, or this amount of deviation is to be continued under the majority proposal.

You will note that I have grouped the counties, on the basis of the 1950 population, into 5 different groups depending on whether they are substantially under represented, substantially properly represented, and so on. And I have stated the total representation for each group. And 3, of course, is the total representation which was theoretically correct for 1950, so that those that had less than 3 were under represented; those with more than 3, slightly more, are considered to be just properly represented; and substantially more are over represented. I might add that this method of calculating representation appears now in the United States supreme court decision. In the decision by Justice Clark and also the decision by Justice Harlan, they have a debate going on about whether this is the right way to figure total representation. In any event, the method used is explained in the footnote and is, as I said, in each county it is determined how many representatives they have and how many senators, and we multiply the number of senators by 3 for the reason I mentioned. On that basis you get the amount of representation of each county. And then in the next to the last column, you have the representation per 100,000 population, and then you can see whether it is too little or too much.

In the righthand column I have listed the comment as to whether this is an urban or rural county, and the decision as to whether it is urban or rural is on the basis of note 1 that follows at the end of the table. In other words, the definition of urban and rural was taken to be the same as that offered by Delegate Arthur Elliott in a paper he presented to the legislative organization committee, with the exception that it was required that no county would be counted as urban if it has less than 10,000 people. There are only 2 counties of that type. Aside from that, it is identical with Mr. Elliott's analysis of urban versus rural. And you will note that there are 10 urban and no rural counties which are under represented. Ten urban are under represented; no rural are under represented. And when we come to the next group, group II, there are 7 urban counties that are properly represented and 5 rural. Continuing down the line to substantially over represented counties, it turns out there are 7 urban counties that were substantially over represented as of 1950, and 4 rural. And going down further, you see the urbans disappear. Then you have 15 rural and no urban in each of the last 2 categories. What you can see, then, is that there is over representation of rural counties, under representation of urban counties, and there is a general trend from one to the other depending largely on the population of each county. Now, this was the position of the senate and the house together — most of the malapportionment being in the senate — as of 1950 and as of 1952 and, roughly speaking, this is what is sought to be perpetuated. The last group, group V, has representation of 8.01, and up, as compared to 3, but it goes all the way up to 42, and the overall deviation is large at that point.

This table, as I say, is presented to show you the extent of the departure from the principle. It will therefore be noted that the departure from principle has grown by leaps and bounds, until it can be aptly described as a cancer in the body politic. Palliatives will not suffice; the need is for deep rooted surgery. What is at stake is the survival of effective democratic government in Michigan; the alternative is the collapse of state government and the corresponding growth of federal power. In that connection I simply would like to make 2 comments about the collapse of state government relative to the growth of federal power. One of them is indicated by President Kennedy's recent move, which of course did not succeed, to establish a department of urban affairs. Presumably, at some time or other, that will come to be. If it does, it will be an example of this. Another example which already has come to exist is the recent United States supreme court decision, which unquestionably — without any doubt, anyway, in my opinion — is a blow to those who believe in the rights of states to govern themselves without the federal government interfering. That has already occurred. It had not occurred when this page was typed.

The next question that I would like to deal with, fellow delegates, is the question of the consequences of the departure from the principle. The first effect of the malapportionment built into the 1952 constitutional amendment I have already mentioned in table 1, where we have seen that urban areas are subject to extreme discrimination in favor of rural areas. This is further brought out in the record table to which I now refer, and ask you to refer, table 2, which shows that, in fact, it is only urban counties which are substantially under represented and only rural counties which are substantially over represented, and that substantially half the people of the state were substantially under represented as of 1952 under the 1952 constitutional amendment. And, I repeat, this is approximately what is intended to be continued in the future under the majority proposal.

I suggest that this cannot be explained as a compromise between an area principle and a population principle; it was nothing more nor less than an invitation for democracy in this state to commit suicide. And I call to your attention that it was such a strong and difficult problem and it occurred in so many states that the United States supreme court felt impelled to venture into new and difficult waters.

Collateral to the discrimination against urban areas, insofar as representation is concerned, is the parallel discrimination as to the allocation of state funds. And in table 2, there is presented data representing the average ratio of state aid — you will find that in the second line of each group — to

taxes levied locally for counties. These figures were based on the 1956 data and are taken from an article which is referred to at the bottom of the table. Those are the figures relating the state aid to the local communities as compared to the money that the local communities had to raise themselves. You will notice that there is a great discrimination against urban and highly populated areas in this respect. For example, in group I you will notice that the ratio of state aid to local taxes is only 0.61, a little more than half — that is to say, only about half as much state aid goes to the local communities of this type, the under represented type, as compared to locally raised taxes. In group II, where you have proper representation, it is almost twice as much. The average ratio is 1.02; and so on down the line. In general, when you average up the figures for each of the counties within these groups, you find a trend. You find that, for example, in group IV — the table isn't complete as to group V — but as to the first 4 groups which are in there, you will find a ratio of 3 to 1; relatively 3 times as much state aid goes to the over represented counties as to the under represented counties.

Therefore, we find 2 things from tables 1 and 2: 1, that the urban counties on the whole are under represented and the rural are over represented; and 2, that, just about what you might expect, the ratio of state aid to local taxes varies in the same manner. There is discrimination in connection with the taxes whether it is accidentally or on purpose.

This data is also plotted in a graph which is found near the back of the materials. After the tables, you will find a graph which is called Figure 1, and this graph plots the population of a county along the lefthand axis, the 1955 population. This is estimated by the author of the article I referred to from the 1950 population. It plots the population of a county against the state aid per capita and against the total of state aid plus local taxes per capita. It plots those 2 graphs against the population as of that date. If you will look at, let's say, the graph on the left, the state aid per capita, you find that at the top of the graph, where you have large populations, you have a relatively lower amount of state aid. And when you go down to the bottom of that graph, near the bottom of the page, that curve moves to the right, and that means that you are getting more state aid per capita. You will notice where the vertical dotted line shows the average, and you will see therefore that the counties that have high populations are getting less state aid than average, and the counties that have low population are getting more state aid per capita than the average, and it gets to be much more in the smaller and smaller counties. These circles on the graph are averages for relatively narrow groups of counties. The righthand graph shows the total of state aid plus local taxes per capita, and that is used more or less as an index of the total needs for revenue of each county. This, of course, doesn't count the needs that are supplied by the federal government in addition to this, but these are an index of the needs of counties, and you will notice something which never occurred to me before I saw this, before I plotted this graph. That graph does not follow the other graph. It does not run parallel to it except in the beginning, except at the bottom.

When you have counties small in population, the 2 graphs do run nearly parallel, which means that there is not much variation, let's say, between the amount of state aid and the need in the county. They are proportional to each other, roughly, for small counties. That is the way you would think it ought to be, presumably. But you notice something peculiar when you get to populations of rather large amounts. The line that is marked 100 represents 100,000 population, which is a rather large county, and at about that point and higher you find the graph on the right turning around and going in the wrong direction, which means the needs, instead of continuing to decrease, begin to increase. The needs per capita are higher, let us say, for heavily populated counties than they are for medium populated counties and also for low populated counties. This could, no doubt, be explained in many, many different ways, and I think it is probably not worth while to attempt to figure out why that is so, but anyway, it is so. And if you compare the horizontal distance between these 2 from graphs, that is the amount of local taxes per capita that must be raised by these counties. At the bottom of the graph, these distances are small. The local taxes per capita raised by counties small in population are small amounts. When you get near the top of the graph, you can see that it begins to spread and spread, and it becomes, say, 4 times as large for highly populated counties as for sparsely populated counties. The conclusion, then, that you can draw from these graphs which summarize the article I referred to is that state aid decreases when you get to high population counties, but that the needs increase and that the amount of money that must be raised locally increase even more so. It is the total of the 2; and it runs in a direction not to be anticipated.

Now, fellow delegates, I would next like to refer you to other information about taxes, the first of which occurs in table 3 near the beginning of these notes. And you will find at the bottom of this small table the citation of authority from which it is derived. This was information distributed to all the delegates, I believe probably about a month ago or maybe a little less, from the Michigan AFL-CIO research department, and these are numbers I derived from looking at that data. These are not numbers in the material but they are derivable from it. What we have here are the figures for 2 parts of the state for comparison: Wayne county, the relative tax collections in Wayne county, and in the southeast metropolitan area, which consists of the 4 counties in the southeast metropolitan region: Wayne, Oakland, Macomb and Genesee. The per cent of population in those 2 locations are 34 per cent in Wayne and 53 per cent in the metropolitan region.

Now, the percentage of collections of tax other than the business activities and corporation franchise tax — it was not easy to be certain whether they are to be allocated to one county or another, so they were originally excluded from that report. They are 36 and 53. Therefore, those taxes are about what you would expect. Collections of taxes other than business activities and corporation franchise parallel the population. But the other 2 figures, business activities and corporation franchise taxes, are much higher in these 2 areas than population would indicate.

The other table that follows is a more detailed analysis taken directly from the same data, table 4, which shows the net flow of tax revenue or an indication of the net flow of tax revenue from certain specific counties which were included in this report, and I have organized them into groups based on population, and compared the per capita collections and the per capita distributions. There are some reservations in connection with those, but anyway, they are indications of what happens in each of these counties, and also the difference between the 2 per capita, and without going over any of the specific numbers — you have them before you — you will find that these counties do break up into 2 groups. The first group is a group where these numbers are positive. All of them are positive. That is to say there is a net per capita collection. And in the second group of counties having less population, there is a net per capita distribution. So that the conclusion from this chart is that there is a net flow of tax revenue from the highly populated counties to the less populated counties, a net flow.

Taking the 2 tables together, what we can find is this: the highly populated counties raise taxes equal to or in excess of what would be expected by their population. They receive back less than would be expected. That is what we got from the first chart in this connection. And the last 2 show that the result is what would be anticipated: a net flow of revenue from the populated counties to the less populated counties. Now, this is the reverse of what I — and I believe many people — had originally believed. I think that many people believe that the large counties are receiving more money than they pay in taxes and vice versa, but this is the fact, and we have it from 2 different sources not connected at all with each other.

We can conclude this from these data: that if the state government is of and by some of the people, it is also for some of the people. This discrimination against urban dwellers is so serious as to give the highly urban areas no choice but to look to the federal government instead of the state government for assistance in meeting their pressing problems. Thus, the entire state-federal structure of government is imperiled, and this is a result of the impairment of the basic principles of democracy in the states. Nor can we ignore the further fact that the malapportioned legislature in Michigan has contributed to very serious discrimination against members of the negro communities of the metropolitan region of Michigan. In the name of protection for the minority, negroes and other foreign born residents are being grossly discriminated against.

The figures I quote now were submitted in the Michigan case of Scholle versus Hare and submitted to the United States supreme court by the plaintiff in this case. These are the figures they gave: in 1950, 95 per cent of the negroes and 81 per cent of the foreign born residents of Michigan lived in the urban counties of Michigan, according to the U. S. census. On this basis, it is clear that discrimination against urban voters is discrimination against real, honest to goodness minority groups, who are in most urgent need of protection and fair play. What we have in Michigan now, insofar as negroes are concerned is this: (1) a situation in which they are under represented in the senate to a fantastic extent; (2) they are unemployed in alarmingly high percentages; and (3) the cities in which they live are virtually helpless to help them. If they have moved from the south in order to obtain justice, equality, education, and freedom from poverty, they are met here with the plaintiff defense that that is not very important as compared with the noble concept of protecting some other homemade minority. To their astonishment they learn that the reason they are being discriminated against here is because they are the majority.

The discrimination against urban voters, and against the negro and foreign born residents of urban areas is further compounded by a corresponding discrimination against Democratic voters. And in support of this statement, I present the following facts: (1) during the last 5 elections of the legislature, a total of 10 houses of the legislature were selected by the people of Michigan, 5 senates and 5 houses of representatives. In 5 of these cases, the total popular vote of the people favored the Democratic party, and in the other 5 cases, it favored the Republican party; nevertheless, all 10 houses were controlled by the Republican party. Thus, the legislature completely failed to respond to the recurring swing of public opinion as to political preference. You will find, fellow delegates, the statistics supporting that in table 5, and you will find the statement of the number of votes in thousands in each of those elections for Democrats and Republicans. These were added up — and there was no over adding, as has, I understand, occurred at some previous experiments in the same type of calculation. These are the cumulative popular votes for Democrats and Republicans, and they state which party had the majority popular vote. Five of them were Democrats; 5 Republican. The righthand column shows that in each case, in fact, the majority party in the legislature was Republican.

From this table we can conclude the following: the Democratic voters have been systematically discriminated against, too. The next thing we can learn is this: that the discrimination against Democratic voters is especially flagrant in the Michigan senate. Not only did the Democrats gain a majority of the popular vote for 3 of the last 4 senates under the present apportionment provisions and yet fail ever to gain control of the senate, but the margin of Republican control was, in each case, fantastically out of proportion to popular opinion. These statistics, my fellow delegates, you will find in table 6. And in this table you will find for the last 4 elections for the senate — and these are the only ones for which we have had the present districts, 1954 through 1960 — you find which party had the majority popular vote and then you will find the number of Democratic senators elected, the number of Republicans and the percentage of Republicans elected compared to the percentage of the popular vote for Republicans; you will find whereas the Democrats have the majority of the votes in 3 cases out of 4, they are outnumbered approximately or nearly, in some cases, more than 2 to 1. That is the extent of the discrimination in the senate against Democratic voters. The third point that we can discover by analyzing the results in the Michigan legislature is this: that not only is the present Michigan senate apportionment seriously discriminatory against Democratic voters, but it is basically frozen in that manner at the present time, since the size and composition of the senatorial districts are such that they practically never swing in preference from one political party to the other. And this is supported by the figures in table 7. In table 7 we have a list of each of the 34 senatorial districts which now exist and which have existed since the 1952 amendment, and what happened in each of the elections is listed as to whether they went Democratic or Republican, and you will find the only one that ever swung at all in this entire time was district 32, which is the smallest in population of the entire state.

We can conclude from this that if we start out with a senate that unduly favors Republican voters, as we now have, and also as is proposed by the majority to be continued, it has a tremendous tendency to remain that way in perpetuity. I therefore conclude on this point that it must be obvious to any realistic person that it is expecting more than a miracle to assume that Democrats at this convention could ever agree to sacrifice the basic traditional principle of equal representation and, on top of that, do it by introducing nonpopulation factors in such a way as, in effect, to rig the elections for one or both houses of the legislature to guarantee perpetual Republican control therein. This would not be agreement; it would be unconditional surrender. Let no one deceive himself into thinking that that is within the realm of the possible. It is sheer fantasy. Anyone who persists in such an attitude clearly wishes to make of this convention not a bipartisan effort to write a constitution, but rather a Republican caucus to which Democratic observers are invited to accede. Obviously, the only recourse for Democrats under those circumstances would be to refuse to be party to such subversion of the people's mandate for a bipartisan convention.

Whenever I have attempted to discuss this matter with Republicans, I have been met with the same fantastic answer: let's not mix politics into this; it has nothing to do with politics. This matter is, however, much too grave to be shrugged off with any such glib answer. What is at stake is not mere partisan advantage; it is infinitely more vital than that. I have made a study on the subject of the rule of law — that is to say, the conditions under which it is possible to conclude that in the last analysis the choice is always between the rule of law on the one hand, and the reign of terror on the other. When the people consent to the government which rules them, we have the rule of law; when the people do not consent to the government which rules them, but are governed under it because they are coerced into doing so without their consent, you have a naked battle of power against power. The rule of might replaces the rule of right. The people are pitted against each other in a battle for power. The rule of law degenerates into the reign of terror or coercion. And I call to your attention, fellow delegates, that this is the same conclusion as was stated by Thomas Jefferson — and I read that to you in 2 or 3 different selections — that either a majority rules or you can't have a state. It can't be stable. Some sort of a revolution must burst out. And I call to your attention that in other countries, the revolutions that have burst out killed people. In this country the revolutions that have burst out in the past killed people. But, by good luck, the revolution which is solving this problem is a mere legal battle among lawyers in courts.

The lesson of history teaches that no government is stable which is governed contrary to the people's will. Throughout history, only 2 methods have ever been invented to replace

a government of which the people do not approve. The most common method has been by revolution. But in a democracy, there is another, and infinitely superior way. The people simply dismiss the government, by telling them to go. They do this by voting one political party out and the other in. The 2 party political system is the crux of the system; it is all that makes it possible to solve our problems peacefully. It is what has made our government the best government ever conceived by the mind of man. But it is absolutely indispensable to this system that when the majority of voters tells a political party to go, they go.

Just imagine what would happen, for example, if Mr. Kennedy were defeated in the next election and he refused to leave, saying, "I've got control of thousands of hydrogen bombs, and I'm not about to leave just because you wish me to." Thankfully that cannot happen here, but we know full well that that is precisely what does happen in communist countries and in other totalitarian states. A system which allows no parties, or only one political party, or which system actually freezes the control by one party over any part of the government regardless of the fact that the majority of voters in a given election vote to dismiss them, is brittle and cannot endure. Sooner or later the people are forced to find some way of emerging from such a system. This is what the cold war is all about. But there is no room for a cold war within a democracy.

Basically, then, what the apportionment issue boils down to is this: the question of whether or not the majority of voters can dismiss the "in party" from any part of the government whenever it chooses to do so. If the legislature is organized in such a way as to militate against this — as it is at present in Michigan — the people will always find a way to liquidate the power of the legislature. In Michigan, fortunately, we have the safety valve of turning to Washington. It may not be the best way out, but it is a way out. This is our way of effecting a bloodless revolution instead of a bloody one.

The words of ex President Eisenhower to this convention eloquently show that such a revolution is under way, and that the only way to reverse it is by making the state government as responsive to the public will as is the Congress of the United States. And here is what President Eisenhower said on the point:

> The tendency of bureaucracy to grow in size and power does not bear the whole of the blame for the march of political power toward Washington. Never under our constitutional system could the national government have siphoned away so much state responsibility and authority without the neglect, acquiescence, or unthinking cooperation of the states themselves. Every state failure to meet a pressing public need has created the opportunity, developed the excuse and fed the temptation for the national government to poach on the state's preserve. Year by year, responding to transient popular demands and localities seeking special advantage, the congress has increased federal functions. The pendulum of power has swung far from our states toward the federal government.

Continuing to quote, President Eisenhower said this:

> Eight years ago, I publicly expressed the conviction that unless we preserve the traditional power and responsibilities of state government, with revenues necessary to assure exercise of that power and discharge those responsibilities, there will not forever be preserved the kind of America we have known. Eventually, we shall have, instead, another form of government, and therefore quite another form and kind of America. That conviction I hold just as firmly today.

And President Eisenhower continued:

> I believe that the preservation of our states as vigorous, powerful governmental entities is essential to permanent individual freedom and to national growth. But it is idle to champion states' rights without upholding states' responsibilities as well. So I hope that the rewritten draft of Michigan's constitution will define carefully the responsibilities that its people believe should belong to Michigan, and that they will forthrightly assume and exercise the authority essential to the carrying out of those responsibilities.
>
> So acting, they will do something positive and effective about problems that directly concern their fortunes, their welfare and their lives.
>
> The responsibilities, best exercised by the people of a state, can be returned to them in all 50 states. And Michigan can lead the way.

Fellow delegates, let us hope we can meet the challenge of these inspiring words, by expressing our faith in democracy by returning to the crucial concept that the majority puts into office and the majority puts out of office. Legislators and political parties subject to such a check never fail to perform in a responsible way, because they are responsive to the public. There is nothing magic about voting, but there is something very like magic in a system in which the government knows it must meet the needs of the people or else be booted out of office. Such legislators are forced to behave responsibly, if they are to survive. And they do survive. As pointed out by Dr. William Anderson, professor of political science, emeritus, of the University of Minnesota:

> The effects upon the minds of young persons resulting from unethical and unconstitutional practices in high places are also worthy of mention. Anyone who has believed in and tried to convey and explain to young people the principles of popular government and constitutionalism knows what can happen in young minds when practice departs so far from principles and pretensions. Here we come to what may be the most crucial issue of all, that of constitutional morality. In state after state, the equal protection principles of the fourteenth amendment are being flouted or ignored. There are some state constitutions that contain rules of legislative apportionment that do not conform fully to the equal protection principle of treating every man as equal to every other one in legal and governmental affairs. This issue of constitutionalism or constitutional morality, of abiding by the constitution, cannot be brushed aside as mere idealism. It lies close to the base of all systems of popular government. These systems rest upon such basic ideas as those of mutual respect and confidence among men, and upon keeping faith with all men in all things. When this basis is seriously undermined, and no way can be found for a peaceful and lawful correction of wrongs and the restoration of mutual confidence, the resort to force and violence is not unthinkable.

Those are the words of a professor, and you will note the similarity to the words of Thomas Jefferson.

To summarize the position of the minority on this general problem of what is our basic principle and why do we adhere to it and why will we not be shaken from it, I have one further group of comments to make before we go into the details of our plan and of the majority plan. These factors that I wish to discuss with you now, fellow delegates, have to do with the suggested justification for departure from the principle, and it seems to me that we must grapple with these problems. I have stated what is the basic principle, what has always been adhered to in Michigan until a few years ago, and no doubt the majority, who wish to depart from this principle, have justification which they will present to us. All I can do at this point is to state to you those which have been stated to me and try to find out whether they are valid or not.

The first one of these has to do with difficulty of representation. It has been argued that if population alone is considered, some legislative districts will be so large that effective representation will not be possible, and that therefore such sparsely populated areas are entitled to additional representation. I would like to answer this question which, after all, is one of the basic problems before us.

There are a number of answers that are available. The first one I offer is this: first of all, there is nothing to show that there really is such unusual difficulty in the areas in question; that is, in the sparsely settled areas. It is a mere assertion. No evidence has ever been offered to show that it

really is so in fact. We know that there have been approximately 32 senators in Michigan for over 100 years, distributed most of that time on a population basis. No general complaint was made on that score until after the great population shift had occurred in this state. We also know that congressional districts, in general based on population, cause no tremendous concern even though they are larger than our senatorial districts. During the early days it was obviously much more difficult for the representatives and their constituents to keep in contact with each other than it is now. There were fewer or no railroads, highways, buses, automobiles, airplanes, telephones, telegraph, radio or television during much of that time. If under those conditions a population basis was feasible, how can it have become unfeasible only now, when the conditions of transportation and communication have been so tremendously improved? If under the conditions of travel prevailing when the 1850 constitution was adopted, it was thought necessary to guarantee the upper peninsula only one senator, how can the situation have become worse today? Further, as indicated to us by testimony from the senator from Nebraska who testified before our committee, representation is not less, but more effective in sparsely settled areas for this reason according to the senator. He says the reason is because the people know each other.

An examination of the realities of the situation shows that the real difficulty in obtaining effective representation is actually in the large metropolitan areas, where the legislative districts are much smaller than the city within which they lie. The principal reason for this is that there is no adequate way for news concerning small fragments of a city to be transmitted to its residents. Once you carve a living organism such as a city into atomized segments, you find that most of the pieces are not viable. When you create such fictional communities, you cut off the arteries of communication between the legislators and their constituents. There is no newspaper for a senatorial district, let's say, within a city. Thus, if one were to be concerned about difficulties of effective representation, one would not be especially concerned about sparsely populated areas. There is just as much, or more difficulty in congested areas, and they are not seeking any special consideration on that score.

The second answer to the question about why we don't need extra senators, let us say, in sparsely settled areas is this: even if there is such difficulty of representation, the cure does not require unequal representation. In the first place, we should face the fact that this problem exists only because we make it exist. The obvious cure for districts which are too large is to use districts which are smaller. All you need to do in order to accomplish that is to refrain from using a legislative body which is small, such as the present senate. The obvious cure is to use a larger senate. If we refuse to do this, it is obvious that we insist on bringing the alleged problems on ourselves, so that we can "solve" them by distorting the proportionality of representation. But even if you use a small senate, there is still no need to impair or destroy the proportionality of representation merely in order to bring the senator and his constituency closer together. You can, for example, provide for senators with fractional votes, or with votes weighted by population, or you can use the bipartisan representation system we have proposed in this minority report amendment. Any of these will give extra senators where desired, without any distortion of the basic traditional principle.

Fellow delegates, another excuse or justification given or suggested for the departure from the basic principle is the desire to disperse power all around about the state rather than concentrating it in a small region of the state. I submit, however, that this simply begs the question. The underlying assumption in it is that the amount of area occupied by political power is of some significance, but what that significance is, no one knows. Is there some principle that the amount of power per square foot shall not exceed a certain maximum value? If so, I don't know anyone who knows what that principle is. No one suggests that the political power should be distributed to parts of the state in which no one lives, except, perhaps, the majority in their senate proposal for the future. And, as pointed out by the Republican members of the committee, they do provide for 2 senators in the upper peninsula and the northern part of the lower peninsula, when nobody lives there.

All that can be demanded of a representative scheme is that the voting power follow each person wherever he may go, so that it is distributed in the same way as the people are distributed; in other words, that a voter living in any part of the state, no matter whether it is a city, a farm, a mining area, a lumber area, an industrial area, a recreational area, or whatever, is not deprived of his vote or shortchanged in his voting power. A system in which the value of a man's vote changes greatly as he moves from place to place within a single state is clearly an irrational and arbitrary system. The fallacy in the dispersion of power concept is that you tend to be sucked into it automatically when you start to look at a map, preparatory to inventing an apportionment scheme. To your horror, you see that half the voting power or more is being condensed into a mere flyspeck of area. But the answer is: what of it? It's only because you are looking at a map instead of at people that you are worried. If you think of apportionment as a means of representing people, and not as a means of drawing lines on a map, you will not be led into such error. If, for example, you were to provide 15 senatorial seats for Wayne county on a population basis, you would not provide the county as a whole with those senators. They would not run at large within the county. Instead, they would be divided among single member districts within the county. Each one of those districts would contain just as many people as any other district anywhere in the state. If you refuse to permit that, simply because of the smallness of the area occupied by these people, you are taking an extremely irrational position. What difference does it make that the people in such a district live close together, instead of far apart? Does that entitle them to less right to enact laws than other people? If so, why? If all you are worried about is that there is not enough empty space between the people in Wayne county, the solution is not to decrease the representation of these people, but rather to increase their area. We have plenty of such area bordering on Wayne county which can be added onto it, if you feel it necessary to do so. All we need to do is add on some of the area of the great lakes which border on Wayne county. It's true that such "watered areas" are uninhabited, but they are not more so than the inland lakes and federal forest lands in other counties.

In reality, there is no more inherent virtue in demanding that political power be distributed by geography than that it be distributed by occupation, by number of college degrees, or by race, creed or color. There is nothing sacrosanct about geography. Let us not get hypnotized by maps. Let us keep our mind on each person who is to be represented, without worrying about whether he lives north, south, east or west, or how many people live near him. The only proper distribution of power is that it goes with people wherever they go. Otherwise, what is represented is something other than people, and we then fail to have even a republican form of government.

Another suggested justification I would like to call to your attention is the analogy of the founding fathers' setting up of the United States senate. This is one of the most common arguments; that what we would be doing here is similar to what the founding fathers did in setting up the senate. And I would like to suggest certain answers to this. In the first place, I call to your attention this: the founding fathers did not set up a senate based on area. That is, of course, the most common error. There was no connection whatever between the amount of area of a state and its representation in the senate; in fact the concept of area representation was not even mentioned in the federal constitutional convention. I might add that if anyone thinks differently, I have a nice, big, fat book in front of me and they are at liberty to show me where I am wrong. It was the smallest states, such as New Jersey, which insisted on protection, not the ones which were large in area. It is just the reverse of what you might have thought.

Neither did sparsity of population have anything whatever to do with it; it was never mentioned either. Actually, the small states were not in general sparsely populated — they simply were small in size. Thus, any analogy between the U.S. senate and the idea of extra legislators for large or sparsely populated districts is entirely imaginary. It is not founded on fact, but on fancy.

In the second place, the founding fathers did not set up any senate election system by which the votes of one voter counted unequally with that of another. This is another error that is just about as common as the first one. I might add the reason for that is, at the present time that is the result, but that is not what the founding fathers set up. In the federal constitution, as it was originally drawn up and adopted, the people did not elect the senators at all; they were simply selected by the state legislators. No one suggested to the federal constitutional convention that one person's vote should count more than that of another. It was simply not a question of election of senators at all. What it was, in fact, was this: there was equality of representation of constituents. In the house the constituents were people; in the senate they were states.

The third answer to this analogy about following the founding fathers is this: the founding fathers did not set up any senatorial districts at all. Quite the contrary; the senatorial districts — that is, the states — set them up — set up the union. It was exactly the reverse of what we have to face.

In the fourth place, the direction which the founding fathers took was that of adding a new house based entirely on population to an existing unicameral body in which the representation was by states; whereas in our case, we are urged to go in the exact opposite direction, that is, moving away from a consistent pattern of proportionate representation by introducing an antipopulation element. This kind of difference of direction, of course, is of tremendous importance. Such a change in direction is always based on observation of the features of an imperfect system, seizing on the part which is the necessary evil, and asserting that it is good. That is the precise reason why we must always be vigilant against the introduction or extension of imperfections and irrational factors. I might say that, for an example, in the United States constitution there was another imperfection which could not be avoided, and that was that slavery was not prohibited, but I presume nobody at this date says we should copy that imperfection. Of course, at one time they did state that very vigorously, and we had to kill them to stop them.

In the fifth place, the founding fathers had no choice as to the boundaries of their senate districts. They had no power to change the boundaries of the states. The situation, of course, in Michigan is exactly the reverse. We are not bound by senate districts. Obviously we are going to change the boundaries. I might say there are more answers to this argument than to any other argument. It is the least good one but the most quoted.

In the sixth place, the founding fathers did not select this system finally adopted as a good system. That is another mistake. It was referred to, for example, by Madison in the Federalist Papers as the lesser evil. The history of the way the senate provision was adopted shows fully that the majority of the founding fathers — especially the more prominent ones — were strongly opposed to a senate giving equal voting rights to each state, on the ground that it was a violation of the basic principle of proportionate representation. In fact, they originally won their position in the committee of the whole at the federal constitutional convention, but eventually were forced to surrender to the small states, who in fact threatened to refuse to enter the proposed union and to form alliances with foreign powers. I have before me, in fact, quite a few quotations from the founding fathers exactly on point, in which they admitted over and over again, those who wanted the present senate system, that it was wrong in principle and that they were simply insisting on it because they had the power to insist upon it. I will not read those except privately to people who are not certain that the facts are as I just stated. Nevertheless, the assumption that the founding fathers regarded a senate not based on proportionate representation as a good thing is entirely unjustified. It was a bitter pill for them to swallow. It was not a champagne cocktail; it was a poison daquiri.

Finally, the analogy between the United States senate and the state senate fails because of the sovereignty of the states. This is the point that President Eisenhower called to the attention of the delegates. We have seen that this was the decisive factor in the claim of the states for equal voting rights. They simply said, "We will not join the union. Because of our sovereignty, we can stay out." On the other hand, state senatorial districts are devoid of sovereignty. We must remember, for example, that on account of the sovereignty of the states, unanimity of the states was required in order to form the union; obviously no such problem exists with regard to senatorial districts.

I will also call to the attention of the delegates illustrations of differences between the federal-state system as applied to the state senate and the system within a state. I will not read this table, but I simply call to your attention table 11 which sets forth a few of the differences which occurred to me one morning before I testified before our committee. I jotted down as many things as I could think of at the moment, and I have reproduced it here. These are differences between the federal-state system and the system within a state which show why, when we say that there is sovereignty, we are not just using a word. The state has obligations. The state has rights against the United States; the state has rights against other states. The state has power over its people. None of those things and none of the individual things listed there apply to senatorial districts. For all of these reasons, we can certainly conclude that the analogy between area factors in the state and the founding fathers is entirely fanciful and has no basis in logic, just as was stated by all political scientists of whom I am aware, as well as ex President Eisenhower.

Another argument that has been urged upon us is what might be called the consensus theory. This has been urged as a reason for adding nonpopulation or antipopulation factors. The basis of this theory is this: that it is necessary in order to avoid the tyranny of the majority; that is, to act legislatively only if there is a consensus of the major points of view within the state, rather than a bare majority. Of course, one quick answer to this which has frequently been given is that if the tyranny of the majority is bad, the tyranny of the minority is worse, and that is precisely what we now have in the Michigan legislature, and that is what we will continue to have under the majority proposal in each house.

Of course, if one house were truly responsive to the will of the people — that is, would "swing" as the popular vote swings from one party to the other — it is true that minority rule of a second house would not enable that minority to rule affirmatively, but merely to block action by the majority in the other house. But even in that case the question still remains whether the minority should be able to block action by the majority. Analysis of what is actually involved in a bicameral legislature in which one house is based on proportionate representation and the minority has built in control over the other house leads to the conclusion that what it amounts to is that it takes more than a majority to enact a law. It takes, in essence, a majority in one house plus a majority of the minority in the other house. Of course it is not quite as bad as requiring a unanimous vote, but it tends in that direction. Actually, it amounts in effect to requiring roughly a ¾ vote of the legislature in order to enact certain legislation. The result is thus to make it extremely difficult to pass any laws at all wherever there is a difference of opinion between the majority and the minority, that is if the minority is supporting it. Experience shows that such a system is not feasible for any deliberative body, regardless of whether it is a legislature, a corporation, or any other type of body. Such a system has a tremendous tendency to lead to frustration and to destruction of the effectiveness of the institution concerned. This is the result of compounding fear, lack of faith in democracy, and sheer laziness in analysis.

It, of course, is by no means uncommon to place restrictions

on the legislature making it difficult for them to enact certain laws, in order to protect the minority. That is, in fact, the entire basis of constitutional democracy as we know it in this country. Thus, it is common to provide in constitutions that the legislature cannot change certain laws by an ordinary majority, but that a more difficult procedure is required; for example 2/3 or 3/4, as in the amending of the federal constitution. Such a system makes it possible to pass ordinary laws essentially by an ordinary majority, but makes an extraordinary majority, or consensus, necessary in order to make extraordinary changes in the law. Such a system is extremely effective in both respects, that is, it makes it possible for effective actions of ordinary types to be taken, but it strongly inhibits changes of the fundamental law.

On the other hand, the way the consensus theory is applied in states like Michigan is exactly the reverse. It is, and under the majority proposal would continue to be, easier to amend the Michigan constitution than to enact a law which is favored by Democratic voters but opposed by Republican voters, even when the Democratic voters outnumber the Republican voters. The reason is that, aside from procedural problems in getting a constitutional amendment on the ballot, all that is required to change the basic or constitutional law in Michigan is a majority, but in order to enact an ordinary law over the opposition of minority control in a second house, the consensus of about ¾ is required. This is the way the so called consensus theory works in Michigan; it works upside down. However, our consensus system in Michigan does not work even that well. The reason is that most of the time — up to the present, all the time, in fact — the minority controls both houses, not just one, and this would continue under the majority proposal. Under these conditions, it is substantially impossible, not just very difficult, for the majority to enact any law over the opposition of the minority. Thus, in practice, we do not have a consensus system; we have a "nonsensus" system in Michigan. It is strictly a one way street, in the rural Republican direction.

Obviously, therefore, Michigan law must be and is a crazy quilt pattern of constitutional amendment, coupled with a continual failure to meet the general needs of the public. This is what it has been, and this is what it will continue to be under the majority proposal.

Another excuse or justification which has been offered and which I would like to comment on is what might be called the minority protection theory. It is asserted in this argument that the minority must be able to prevent the majority from enacting laws which are beneficial to itself and harmful to the minority. This is usually stated in the form of a fear that the majority, or the metropolitan dwellers, would use state funds for its own benefit, even though these funds are raised from all parts of the state. This must, in my opinion, be recognized as a baseless, exaggerated, inverted, superstitious fear. The fear is baseless, because there is no evidence to show that it has ever in fact occurred, nothing to show that it is likely to occur, and nothing even to show that it could occur. There is, in fact, no way by which the legislature could grossly discriminate, in the use of funds or otherwise, against one portion of the state, because this would violate the "equal protection of the laws" clause of the United States constitution, as well as the uniformity clause of the Michigan constitution, and the "equal protection of the laws" clause which we have adopted for the proposed new Michigan constitution. Thus, the fear is imaginary.

It is true that there could be some substantial inequities in the distribution of state funds, short of violation of the equal protection clause, but there is nothing to show that the metropolitan or urban voters have any such intentions. The fear, in any event, is certainly purely prospective. On the other hand, there is everything to show that that is precisely what the Republicans in control of both houses of the legislature have in fact been doing to the metropolitan areas, as I have already pointed out. Evidently their fear of the metropolitan voters is nothing but a reflection of their own conduct, transferred mentally into the imagined future misconduct of others. In any event, it is shocking to find that anyone could be so afraid of possible inequities of this magnitude that he would be willing, eager, and in fact insistent on destroying democracy in this state over such fears. It is incredible, in the first place, that anyone would place such an extreme value on money that he would destroy democracy in order to protect his pocketbook. In effect, he is willing to sell the equality of man for filthy lucre.

But how much money is really at stake here in any event? The tax collections in Michigan average about 80 per cent for federal, 10 per cent for state, and 10 per cent for local taxes. Thus, what is at stake overall — the full amount — is 10 per cent of the taxes a person pays. It is obvious that he could not be deprived of any major portion of this without violation of the equal protection clause; therefore, let us assume that, at the absolute imaginable worst 3 per cent of the taxes he pays could conceivably be diverted by misconduct of the type feared. This comes to about $30 per capita, as compared to an income per capita of roughly $1500, or about 2 per cent of income. Two per cent of income, in other words, is what is feared. It is feared that 2 per cent of somebody's income might be diverted to somebody else. Once this is observed, it should be obvious that the most that could be at stake could never be sufficient to justify any impairment of democratic principles or ethical concepts of the equality of men.

If anyone feels that such an economic problem is worth worrying about, what shall we say about people in the upper peninsula and in the city of Detroit who have been unemployed for long periods of time and have no real prospects of obtaining employment in the foreseeable future? They have lost 100 per cent of their income through forces beyond their control. If the imagined prospect of a 2 per cent loss of income can so unnerve people as to make them wish to subvert democracy on account of it, can anyone imagine the tremendous emotional charge which is stored in communities in which there exists the fact — not the imagined fact, but the fact of a 100 per cent loss of income for large numbers of persons? If, on top of this, they are convinced that some of the blame lies in the failure of their local government to help them, and that part of this is in turn due to the fact that the state government is so rigged as to make such help impossible, any sensible person will realize that here there is real danger and not just imaginary fears. Further, when we pile on top of this the fact that the great majority of unemployed persons in this state are urban dwellers who are systematically discriminated against in their representation in the state legislature and that, still further, the urban negro community bears by far the greatest amount of this grave burden, the selfish, unworthy nature of the fears of such rural dwellers becomes readily apparent.

If anyone really wishes to indulge his fears, I suggest he tackle a problem worthy of such concern. We are trembling on the brink of annihilation of all mankind, in the struggle of democracy to preserve itself from the depredations of totalitarian governments. This is a problem over which sane people could really be concerned, and even worried. But, in the face of this, is it within the realm of sanity to dump democracy over an imaginary fear of a possible 2 per cent loss of income? Placed in this light, we must conclude that such fears do not really exist in healthy minds. They are simply excuses — pretenses — offered to justify what they know full well is wrong.

How consistent, in any event, have Republicans in Michigan actually been in their contention that the minority should be protected from tyranny of the majority? If we examine the debates of the 1907 Michigan constitutional convention, we find our answer. The committee of the whole accepted, 40-38, a proposal for proportional representation in 3 seat districts — only 2 persons being nominated by any one party — on the theory that this would give the minority party, which was Democratic, some significant representation in the house of representatives but this was later amended to death on the floor of the convention. The arguments of the 2 leading Democrats in favor of the proposal, and of 1 leading Republican at that time, show how the parties faced the issue of protection of the minority from tyranny of the majority at that time.

I quote first from Delegate Snow, a Democrat, in the 1907 convention. He said this:

> When you find the house of representatives, as you find the present one, with only 5 out of 100 who are Democrats, you do not find that they act as very much of a check upon the majority.

That was one of the arguments. Another one by Fall, a Democrat, said this:

> In the fact that we can bring to this hall a house of representatives wholly or almost wholly of the same party lies the danger to that party, in their self satisfaction leading them to do some things that are not altogether creditable to them. It is the nearly equal composition of the 2 parties in which we find the correction of evils that otherwise will creep in. . . . I submit to you that when a party by its ballots deposited one by one in a legal way speak 220,000 times requesting that they have a representation in the house of representatives, that notice is a petition to the people of the state, and it ought to have recognition.

Now, those were the arguments of the Democrats. Here is the answer, which I wish to call to your attention, of Delegate Townsend, a Republican at that convention:

> The only way and the only safe way that we can rely upon a representative government, is by a majority rule; and I am ready to stand by that now. If the Democratic party gets a majority in this state, I am willing to abide by majority rule under the Democratic party.

The words and deeds of the Republican party in Michigan, from that time to this, however, show that: (1) when the Republicans were consistently in the majority, they favored rule by the majority, even to the extent of a house containing 95 per cent Republicans, and rejected any effective representation for the minority; (2) when the Republicans have come to occupy a position of alternating majority and minority, tending towards the minority — as now — they favor giving the minority, in effect, Republicans, built in control for themselves in the legislature; and (3) the Democrats fought for fair representation for both the majority and the minority at that time, when they were the perpetual minority, and they still fight for the same thing now, when they are in a position of alternating majority and minority tending presumably towards the majority.

On this basis, the answer is clear. There is one real motive behind the position of Republicans in Michigan, who talk about minority protection — that of seizing and retaining control of the legislature regardless of how the people vote. This is not based on fear; it is based on greed, lack of faith in democracy, and the lust for power. It is nothing short of a conspiracy to subvert democracy in Michigan, by persons who love words such as religion and morality but who love power over other people even more.

Those of us who sincerely wish to preserve the rights of minorities — and have a practical record to prove it — seek to do so by fighting for the basic principles of the bill of rights which we inherited from the northwest ordinance. We seek to maintain these rights in inalienable form. Basic to all of these is that the people should have a right to make their own laws by a simple majority vote based on proportionate representation, and that this right and other basic bill of rights provisions shall never be taken from the people by amendment of the constitution or otherwise. On both of these accounts we have been betrayed by the Republican conspiracy in Michigan. They have destroyed the right of the majority to make the laws, and they have impaired the right of the minorities by removing from them the inalienable right of a proportionate representation — and I might add, while I am at it, that when we attempt to explain this to them, they are not here. You can tell them when they come back. (laughter)

Finally, in answer to those who would glorify the minority, let me point out that the entire concept of the minority is very intricate. It cannot be approached in the naive manner in which Republicans generally try to do. If we start out with any individual voter, we know that he is always, as an individual, a minority of one. He can never have his own way in a democracy. It is only by joining hands with other individuals to form groups that he can ever hope to do so. The people of a county, or of a senatorial district, may be regarded, for example, as such groups, but they are always in the minority too.

Who, then, is not in the minority? The answer is this: only a group which together adds up to more than 50 per cent of the voters. But which voters do we add up? Do we add up the negroes? If so, they are the minority. Do we add up the Jews or the catholics? If so, they are the minority. Do we add them up by geographical areas? If so, which areas, and why? I suggest that, in reality, the standard way of adding voters is by their label as Democratic or Republican, since that is the way the votes are cast. Thus, the minority, in a political sense, is the party which gets the smaller popular vote. The way this minority is protected is by rules of law which make it possible for it to become the majority in the next election, and thereby change places with the existing majority party. Unless this can be done, there is no protection for the minority in the political sense. This, however, is precisely what the Republicans insist on — and in the name of protection of the minority. In the last analysis, there never can be real protection of the minority, unless the constitution provides (1) only the majority party shall ever be in office, and it shall have the responsibility of governing for the time being; (2) the minority party shall not be impeded from becoming the majority party in the next election, if it can persuade the voters to vote for it; thus the "in party" which becomes the minority party by popular vote must go; and (3) the rights of those who are not able to muster a majority must be protected by constitutional limitations on the legislature, such as the bill of rights, which cannot be amended by vote of the majority. Finally, there can be no protection of minority rights, unless each individual is regarded as a minority of one, and is guaranteed equal treatment in the making and in the enforcement of the laws. This is the kind of government which we are trying to foster throughout the world, but we are strangely persistent in refusing to operate under it in our own home state. We are glad to preach it, but are horrified at the thought that we ought to practice what we preach.

Another argument which I could not afford to ignore is this: it is often asserted that the people of Wayne county would control the legislature if fair play in representation were allowed, that is, that they in turn would be dominated by Wayne county Democrats, and that they in turn would be dominated by the AFL-CIO union, and that they in turn would be dominated by one man, namely August Scholle. Most of the answers to this have been given previously, with regard to the consensus argument. It may be added that nearly every state has apportionment problems similar to ours, despite the fact that in some states there aren't any voters except Democrats, practically, or in some, practically, Republicans, and that neither August Scholle, nor the AFL-CIO, nor any other individual or group has any power there at all. In other words, this is an excuse for failing to do what is right, and not a reason.

But what about the actual position the minority is urging for the senate? What we are proposing is a plan which guarantees, first, that Wayne county Republican votes will offset half of the Wayne county Democratic votes instead of zero per cent, as now, and second, that outstate Democratic votes will also match Wayne county Democratic votes. Thus, there is no way for Wayne county Democrats to dominate. To repeat, the 2 points that we provide in the minority proposal on this exact argument is, one, Wayne county Republican votes will offset half of the Wayne county Democratic votes, instead of being completely discarded as at present. And, secondly, outstate Democratic votes will also match Wayne county Democratic votes. In other words, on this basis, there isn't any way that Wayne county Democrats could possibly dominate.

Unfortunately, there are more arguments or excuses as to why we should not do what is right than enthusiasm for doing what is right. Another one of these arguments or justifications

might be classed or categorized as "the better class of people" type theory. I have heard this in the halls frequently. I consider this one to be desperation argument number 1. I have observed that when all else fails, those who are opposed to equality of representation let slip the logical remark that they are opposed to it simply because some people really aren't equal. How they reconcile this view with democracy, with religion, with morality, with law, or with ordinary decency, I leave for them to say. I reject as uncivilized the superiority complex of those who agree with the attitude of Stephen Douglas, expressed in the Lincoln-Douglas debates. This is Mr. Douglas in the Lincoln-Douglas debate:

"In his Chicago speech he says in so many words" — meaning Mr. Lincoln —

> that it includes the negroes, that they were endowed by the Almighty with the right of equality with the white man, and therefore that that right is divine — a right under the higher law; that the law of God makes them equal to the white man, and therefore that the law of the white man cannot deprive them of that right. That is Mr. Lincoln's argument. He is conscientious in his belief. I do not question his sincerity, I do not doubt that he, in his conscience, believes that the Almighty made the negro equal to the white man. He thinks the negro is his brother. [laughter] I do not think that the negro is any kin of mine at all. [laughter and cheers] And here is the difference between us. I believe that the declaration of independence, in the words "all men are created equal," was intended to allude only to the people of the United States, to men of European birth or descent, being white men, that they were created equal, and hence that Great Britain had no right to deprive them of their political and religious privileges; but the signers of that paper did not intend to include the indian or the negro in that declaration, for if they had would they not have been bound to abolish slavery in every state and colony from that day? Remember, too, that at the time the declaration was put forth every one of the 13 colonies were slaveholding colonies; every man who signed the declaration represented slaveholding constituents. Did they mean to say that the indian, on this continent, was created equal to the white man, and that he was endowed by the Almighty with inalienable rights — rights so sacred that they could not be taken away by any constitution or law that man could pass? Why, their whole action towards the indian showed that they never dreamed that they were bound to put him on an equality. I am not only opposed to negro equality, but I am opposed to indian equality.

On the other hand, this is Lincoln's view:

> Our republican robe is soiled, and trailed in the dust. Let us repurify it. Let us turn and wash it white, in the spirit, if not the blood, of the revolution. . . . Let us readopt the declaration of independence, and with it, the practices, and policy, which harmonize with it. Let all lovers of liberty join in the great and good work. If we do this, we shall not only have saved the union, but we shall have so saved it as to make and keep it, forever worthy of the saving. We shall have so saved it, that the succeeding millions of free happy people, the world over, shall rise up and call us blessed, to the latest generations.

History has judged between these 2 views and has decided in favor of Lincoln — that all men are equal — just as they did in Jefferson's time, nearly 100 hundred years before. Let us not join in the fight 100 years and 200 years after it is over, and on the wrong side, at that. But suppose you insist on taking the view that some people are superior and some inferior. It still would not follow that you have selected the right ones to be stamped as inferior. Who is the judge of his fellow man who decides who is superior and who is inferior? And how does he do it? If he does it by selecting people on the basis of the geographic lines artificially drawn around them — in a package, instead of individually — he obviously does a gross injustice to some people within the group. In short, he is guilty of the grossest type of group discrimination. Not everyone in Wayne county could be inferior.

If there is any validity to such a point of view, it would require singling out those who are inferior so as to be denied the right of suffrage, rather than allowing inferiors, unequals, and equals all to vote and diluting the vote of all of them. Therefore, if anyone says that some people are inferior, let him prescribe limiting conditions on the right of suffrage, if he can. But everyone who does vote must have an equal vote.

One of the most common arguments that we have heard around the convention is that other people are doing it too. The proponent of this argument is prone to point out all the defects in every state government, as well as in the federal government, thinking that in this way he proves that what he knows is wrong is somewhat right after all. This is the most common plea of every wrongdoer, "I'm not the only one who's doing it." On this basis, these people probably would not oppose totalitarianism, provided a lot of countries could be shown to be doing it too. Can't they decide what's right and wrong by use of their own consciences? Or have they developed a lowest common denominator type group conscience? If we emulate the wrongs committed by others, we shall be no less wrong; we shall know it, and others will know it too. If we emulate the defective systems of other state governments, ours will be just as defective. It will be no comfort to know that the federal government is taking control away from other states too.

We in Michigan have the opportunity to lead other states in erecting a firm foundation for effective state government. We cannot do so by following in their futile, feeble, foolish footsteps. We in this convention have the opportunity to lead the people of this state out of political bankruptcy. We cannot do so by timidly falling in line with the statistics of other states. We must meet the problem with courage and fortitude. We must not be distracted by those persons who are governed by fear or by the desire to discriminate against their neighbors. We must not let the shallow bleating of unthinking interest groups dominate us. It is up to us — to each one of us as individuals — to come to grips with this basic problem once and for all, to refuse to temporize or compromise with what we know is right, to place this problem where our forefathers left it — on the basis of sound principle. Let us heed the advice of Thomas Jefferson, "Only lay down true principles, and adhere to them inflexibly. Do not be frightened into their surrender by the alarms of the timid." This should be our motto, not "let's copy the foibles of others." Let us resolve to adhere firmly to the one principle that makes government by the people possible in perpetuity — equality of representation.

Mr. Chairman and fellow delegates, that concludes the statement as to the reasons why we differ from the majority, the reasons why we support the minority proposal.

What I propose to do next, Mr. Chairman and fellow delegates, is to analyze the specific differences between the majority plan for the house and the senate, and the minority plan. And at this point, Mr. Chairman, I would like to ask whether it is in order to have the committee stand at ease for 15 minutes.

CHAIRMAN HUTCHINSON: It would not be in order, Mr. Nord. You may move that the committee rise, if you desire.

MR. NORD: I do not so desire, unless the chairman does. I will continue then, Mr. Chairman. I refer you, Mr. Chairman and fellow delegates, to table 8.

MR. FARNSWORTH: Mr. Chairman.

CHAIRMAN HUTCHINSON: For what purpose does the gentleman rise?

MR. FARNSWORTH: Would Dr. Nord care to answer 2 or 3 questions while he is resting? (laughter)

CHAIRMAN HUTCHINSON: That would be entirely up to Mr. Nord, if he desires to be interrupted at this point in his presentation.

MR. NORD: Well, if I were resting, I probably would not be answering questions. Mr. Chairman, I believe it is preferable to complete the presentation if possible before we adjourn. I would, however, of course, be willing to answer questions when we do that.

I think that by going through the tables that follow, or at least some of them, we can see the specific differences between the proposals. Now, let us turn, if you will, delegates, to table 8, which is an analysis of the presently existing plan for the house, with moiety. This is compared — the righthand column presents the districts for the presently existing plan — that is, if no change is made — according to the 1960 census if the house were reapportioned according to the present plan with no change. The staff of the legislative organization committee has shown the following figures which I have in the righthand column taken from a map which they have prepared. It shows, for example, Wayne county with 34 seats; Oakland, 9; in a house of this type with 108 seats total. And I have compared that with a straight population house of 100 seats just for comparison. You will see, Mr. Chairman and fellow delegates, that every one of the numbers is identical except the last one, which is a collection of all the other districts. These other districts are the smallest — on the whole, they are the smallest districts. The largest ones have been included in here. If you will compare the 2 columns, then, you will see there is only one difference between the existing moiety type house and the one that would be proposed, let us say, if we had a straight population. The difference is 8 seats. There are 8 more seats in the rural areas on account of moiety. That is what would be anticipated if we were to use the existing plan without any change in the house.

The first conclusion then — and this is mentioned in the summary at the bottom of the table — is this: the presently existing moiety provision provides 8 bonus seats for the rural areas on the basis of the 1960 census; in other words, about 7 per cent based on area. And, 2, by comparison, on the basis of the 1950 census, 10 bonus seats were and are presently provided, which is about 9 per cent based on area. Therefore, Mr. Chairman and fellow delegates, the first thing we know is this: the present house, with the moiety provision, contains roughly 8 to 10 bonus seats, extra seats, in other words, in the rural areas. That is the extent of the deviation. That deviation is about 8 per cent. So that is the effect of moiety.

Now, Mr. Chairman and fellow delegates, I suggest that you refer to table 9. Table 9 presents an analysis of the majority plan, in the righthand column, for a house of 110 seats distributed in the way that is shown among these various counties, the counties at the bottom being basically the rural counties. And that is compared with another column to the left of that which I have prepared, based upon maps prepared by the staff of the legislative organization committee, for 107 seats based on straight population. Comparing the 2, you will find that the first 2 numbers are switched, 37 and 9 against 36 and 10. Aside from that, however, the only difference is in the bottom of the table where the straight population would give 18 seats to these rural districts and the majority plan gives 21. Therefore, the summary which appears at the bottom of this table shows this: that the majority plan provides, according to this estimate, 3 bonus seats for the rural area, or about 3 per cent based on area. There is one other difference which I have already mentioned.

I will present further statistics tomorrow morning, Mr. Chairman, to show some other examples which will show the maximum deviation will be up as high as 14 per cent, whereas the deviation is dissipated —

MR. MARSHALL: May I make a point of order, Mr. Chairman?

CHAIRMAN HUTCHINSON: What is the point, Mr. Marshall?

MR. MARSHALL: I apologize to Dr. Nord for interrupting. I don't know whether it is a point of order or a parliamentary inquiry. On Thursday night of last week a motion was made that the committee stand at ease for 5 or 15 minutes, and this was permitted. We did stand at ease for that long. And here tonight it is not in order now. In consideration of the ruling of the Chair, Senator Hutchinson, I agree possibly with the Chair that under strict parliamentary procedure I question whether it is permissible, and therefore I would not argue too strongly with your ruling. But it has been permitted in the house of representatives — I am aware of that — and it was done here on the floor of this convention last Thursday night in order that the majority party could caucus for a few minutes, and we did stand at ease for 15 minutes. And I wonder if the rule was good last Thursday night, in all fairness why isn't it good tonight? I would ask at this time if we could not stand at ease for 10 or 15 minutes.

CHAIRMAN HUTCHINSON: The Chair will rule that such a motion is out of order; that a committee of the whole can only rise; that it is the function of a committee of the whole to work and not to stand in recess, and there is no such thing in parliamentary law as standing at ease. This Chair will not entertain any motion to stand at ease. This Chair will entertain a motion to rise at any time any member —

MR. MARSHALL: Senator Hutchinson, in order to clear my point with you, I agree with you insofar as your parliamentary ruling, you are absolutely right. And understanding and knowing your feeling toward parliamentary procedure, I am not going to quarrel with the Chair. I only point out it was done last Thursday night.

But I would like to move at this time that the committee rise.

CHAIRMAN HUTCHINSON: Mr. Marshall moves that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion does not prevail.

DELEGATES: Division.

CHAIRMAN HUTCHINSON: A division is called for. Is the demand seconded? A sufficient number up. All those in favor of the motion that the committee do now rise will vote aye. Those opposed will vote no.

MR. VAN DUSEN: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: A point of information which I should like to direct to Mr. Marshall, if I might. Is it his intention that the committee rise permanently for the evening or is it his intention that the committee rise for the purpose of a short recess?

MR. MARSHALL: Did you direct the question to me?

MR. VAN DUSEN: I did.

MR. MARSHALL: My intentions were to have the committee rise, and then move that we recess for 15 minutes.

MR. LESINSKI: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Lesinski.

MR. LESINSKI: I suggest to the delegates who will vote against the rising that they remain in their seats, because they were not available here when Mr. Nord was speaking.

CHAIRMAN HUTCHINSON: The motion is not debatable that the committee do now rise. Have you all voted? If so, the secretary will lock the machine and record the totals.

SECRETARY CHASE: On the motion that the committee rise, the yeas are 55; the nays are 50.

CHAIRMAN HUTCHINSON: The motion prevails.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a certain proposal of which the secretary will make a report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President, I move that we stand in recess until 10 minutes to 10:00.

PRESIDENT NISBET: The question is on the motion of Mr. Marshall. Those in favor say aye. Opposed, no.

We are recessed until 9:50.

[Whereupon, at 9:35 o'clock p.m., the convention recessed; and, at 9:50 o'clock p.m., reconvened.]

The convention will please come to order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move that the convention resolve itself into committee of the whole for the consideration of proposals on **general orders.**

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor will say aye. Those opposed, no.

The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN HUTCHINSON: The committee will be in order. The Chair recognizes the delegate from Wayne, Mr. Nord on the minority report amendment to **Committee Proposal 80.**

MR. NORD: Mr. Chairman and fellow delegates, before continuing, I would like to point out where we are now in the presentation and what we plan to do in the time remaining this evening and tomorrow. First of all I would like to point this out: the arguments we are presenting, of course, have been at some length. I believe they have been about 2 hours or thereabouts, or an hour and a half. (laughter) I believe they have been an hour and a quarter, as I said, (laughter) or thereabouts. And the reason for it, I think, is quite clear. We are taking a position that has been described as extreme on a crucial issue, and we simply wanted to set the record absolutely crystal clear that we do take a position that some people call inflexible, and that we take it for a reason. We stated the reasons as well as we could.

What we have in mind, to continue, at this point is to analyze the specific differences between the majority plan and the minority plan and explain why we reject the majority plan and urge you to do the same. The first point that I made in this connection was with respect to tables 8 and 9. Table 8 shows that the moiety provision of the present house, if no change is made, runs about 8 to 10 seats, depending upon the population of the various counties, or about 7 to 9 per cent, so on an average we might say 8 per cent. There are about 8 per cent extra seats in the rural areas at the present time under the moiety provision, and the question that I was addressing myself to a few moments ago with respect to table 9 has to do with what the effect would be under the majority proposal for the house. And table 9 shows an estimate which I have prepared. It may not be identical with what actually would happen, because we have no map that is official; but anyway, these are 2 different sets of figures based upon estimates of what would happen under the majority plan with 110 seats in 1960 population compared to 107 seats by straight population based on a staff map. This showed a difference of 3 seats, and I call to your attention that the moiety provision would be 8 seats at this time. It is 10 seats as of the present. It would become 8 seats as of the 1960 population. It depends on the population distribution. Similarly, if it is 3 per cent according to the majority plan with the 1960 figures, most likely it would be 2 more than that — at least it is possible it would be 2 more than that based on the 1950 figures. If so, that would range 3 to 5, whereas the present moiety ranges 8 to 10 seats. So, on this basis we can make a rough estimate that the majority proposal apparently would cut down the effect of the moiety by a little more than ½. That appears to be about the result. And the effect of the moiety provision is at present to add about 8 to 10 extra seats in the rural areas, strictly bonus seats. The effect of the formula proposed by the majority will provide bonus seats again — not as many; according to predictions, a little less than ½.

Now I would like to call to your attention some additional figures which I asked the pages to distribute to your desks, 2 separate sheets which were prepared today. Both of them have to do with hypothetical illustrations of the way the house formula proposed by the majority works. Unfortunately, one of these, which was typed during the debate, has one word wrong, and that is in the table that is headed, Hypothetical Illustrations of the Majority Formula for the House. In that table the righthand column should say "deviation" rather than "duration." It is a deviation in the 2 illustrations.

What I would like to do at this point is to make this comment about the house as proposed by the majority: there are 2 elements involved in the majority proposal for the house. One of them is the equal proportions provision. The other one is the 0.7 per cent of population. Now, the 0.7 per cent of population tends to cause extra seats, as we have seen, similar to moiety, but not quite as severe, and the reason for that is that 0.7 is the wrong percentage. Seven-tenths is an abitrary percentage. When you say that 0.7 per cent is sufficient to constitute the minimum size of a district, what you are in effect saying is that .91 per cent or thereabouts is the average which ought to be on a population basis prescribed and that 0.7 for the minimum will probably come out fairly close to .91 per cent average. However, the evidence shows that 0.7 is too low to come out with a .91 per cent average, and there has been no evidence presented, as far as I know, to the committee or to any other person which explained why 0.7 per cent, as the minimum size of a district, would be expected to come out right on a population basis. It would be expected to come out .91 per cent average. So the 0.7 per cent is an arbitrary figure and it is evidently lower than it should be, and that means that it tends to create additional districts, more districts than otherwise would be the case in rural areas.

Now, the equal proportions part of the formula tends in the exact reverse direction. There are 2 compensating factors in the majority proposal for the house. The 0.7 per cent figure tends to give extra seats to the rural areas, but the equal proportions formula, which will be explained by the majority proponents later, deviates, so to speak, in the opposite direction. It tends to give, normally, extra seats to the heavily populated area. And the expectation or the hope is that these 2 opposing factors, each of which is wrong in itself to some degree, will cancel each other out. What I wish to show is whether or not we can predict that these things will balance or won't balance, or whether they depend on factors beyond our control.

I have already mentioned the 0.7 per cent. Now one of the charts I have just referred to is headed, Hypothetical Illustrations of the Equal Proportions Method. This one is just a few examples of how the equal proportions method would work with arbitrarily selected populations of the type that would occur in a state having some areas of high population and some medium and some very small. There is nothing specifically magic about these figures. But anyway, with these figures I have tried to find out what you would get by equal proportions, distributing 14 seats, 23 seats, 29 seats as examples, and I have compared the number of seats which would be distributed by equal proportions with the number of seats that would be distributed by a straight population basis, and the third column in each one of these groups represents the deviation. For example, if you were to distribute 14 seats among these various different districts, assuming that that was to be done, the equal proportions method would give 13 to the 1 million population county and 1 to the 100,000 and none to any of the others.

What you would get if you had straight population is in the next column: 10 for the first line, 1 for the next 4 lines and zero for the others. The deviations are shown in the righthand column. The million population county, let us say, would get 3 seats more than it is entitled to by straight population, and the other 3 would be short 1 each. That is not very untypical of the equal proportions method. You might say that it cheats slightly in favor of, let us say, the heavily populated area. It does that particularly when you don't have very many seats involved, such as 14 seats.

Now, if you had 23 seats to distribute with the same population, you see in the next group of columns what would happen. By equal proportions you would have 22 to the first

county and 1 to the second and none to any of the others, whereas by population you should have 17, 2, 1, 1, 1 and 1, and you see the deviations. In this case you could have a deviation of plus 5, for example, and minus 1 for the next 5 counties. Similarly, with 29 seats you might have plus 6.

These are examples, and I believe they are not really outlandish examples, because I recall that when one of the members of the committee and I were going over the equal proportions method prior to the time when we determined what proposals would be submitted, we found that that is the case, that the equal proportions method so to speak cheats slightly — or to some degree anyway — in favor of the highly populated areas. Apparently it always does that to some extent, particularly when there is a big disparity between the highest population and the next to the highest population, and particularly when there are not very many seats involved such as 30 or 40 or 50 or less than that. Apparently, when you have 400 seats to distribute, as in congress, the discrepancy is much smaller. And also when the population doesn't vary as much as this, again it is smaller.

In any event, all I assert from these illustrations is what I believe is recognized, and that is that the equal proportions method cheats, so to speak, in favor of high population areas, and the 0.7 per cent figure in a certain sense cheats in the opposite direction.

Now, the second sheet that I have given you is an attempt to find out whether there are any extreme conditions in which this balance between the two won't really work out or won't even nearly work out. The first illustration, as far as I know, is the biggest deviation that is possible. At least I deduce that by algebra. When I figured out what it was, I cheated the most I could. In other words, as far as I know, I don't believe you can get a bigger discrepancy than I have in illustration 1. But anyway, that is to show you how much unbalance is possible when you add equal proportions to the 0.7 per cent factor and follow the formula of the majority. With this extreme case — and of course it is a hypothetical and extreme case — 1 county with 3 million people, 82 counties each with 50,000 people, you get 1 seat for each of the districts, so you get 1 for the 1 county and 82 for the other counties. Then the equal proportions distributes all the rest of them to the large counties, so you end up with 28 seats in the large county and 82 seats in the 82 smaller counties. The next column shows what you should get by straight population. You should get 42 and 68. So in this case you have a deviation of 14 seats out of 110, whereas we saw that, according to the population as of the 1960 census, we expect it to be about 3 seats off. Here we see that with a very extreme type of population, you might have as much as 14 seats off. And illustration 2, without going into details, shows another group of populations which are not quite as extreme, but anyway they are somewhat extreme, and in this case you will find a deviation of 11 seats.

The 2 results indicate that with some kinds of population distribution you might get as much as 14 extra rural seats; with some other population distribution you might get 11 seats, all extras for the rural areas, whereas with the actual expected 1960 populations, you could expect about 3. The point of this argument is simply this: you have 2 factors, each of which is inaccurate, in the opposite direction. The hope is that they will approximately compensate — at least that they will be off by no more than, say, 3 seats in favor of the rural areas. But you can't guarantee that.

The objections that we have to the house: first of all, it does bias toward the rural areas. We see no reason why it should bias, but it does. Secondly, you can't predict how much it will bias with any degree of certainty, because it depends on the population distribution. We can't predict what that will be forever. It could be something like what we have here — that is, this amount of discrepancy. It certainly would be fallacious, then, to assume that the majority proposal for the house is bound to come close all the time. If it comes close the first time, the reason is because the 0.7 per cent figure which is used in the majority formula was selected in order to have that result; in other words, based on the 1960 population. But if you have different populations in 1970, 1980, 1990 and the year 2000, you have no guarantee that you will still come close to a straight population plan.

What the minority propose is something that isn't just close to population, but is population. It is population as nearly equal as may be, adhering to county lines.

I will skip table 10 because that is merely a summary of the argument I gave as to what various different justifications have sometimes been offered for departing from principle. Table 11 I have also referred to without describing it in detail. What follows in the next few sheets are some examples of senate proposals.

There is one other table, however, which I believe I would rather give before that, and that is table 18. I wish you would turn now to table 18. Table 18 gives an illustration of the way in which the minority plan would work in the house. Under the formula given in the minority plan, we simply say, let the state be apportioned in the house of representatives according to population as nearly equal as may be, and the test of how nearly equal you have gotten, as compared to, let us say, the other team in the apportionment commission, is a statistical test which operates according to the illustration shown here. The object is to minimize the amount of deviation of population from what it should be if you had a perfect scheme. So item 1 in table 18, the 1960 population ratio mean — that is what you should have, the average. What you should have for 115 seats — that is the number which the minority propose — you would get 7,823,194 divided by 115 — the population divided by the number of districts — or about 68,000 people per district. If you had perfect equality of population under the 1960 census, you would have about 68,000 people per district.

Now, to illustrate how this statistical test that we have suggested would work, we have examples here of 3 districts, district 1, 2 and 3, under 2 different plans. In other words, somebody attempts to get at equality of population, and he comes up with districting. Among the districts in plan A, district 1 would have 79,000 people; district 2, 69,000; district 3, 58,000. And he claims that that is a good plan, that that is nearly equal, as nearly equal as he can make it. Plan B, the opponent — let's say the Democrat is one and the Republican is the other — comes up with district 1, 60,000 population; district 2, 71,000; district 3, 75,000. Now, the question is which one of these shall be adjudged to be more nearly equal in population than the other. The test that we propose, a simple statistical test quite commonly used, simply says, find out what the deviation of each of those numbers is from what it ought to be; that is, from the mean. How much discrepancy is there from 68,000? And those numbers are listed in item 3. You will note that district 1 under plan A has a discrepancy or deviation of 11,000, because that is the difference between the actual population of that district, 79,000, and what it ought to be if it was perfect, 68,000. There is a discrepancy or deviation of 11,000. And similarly the numbers are figured for each one without regard to whether it is plus or minus, because it is the amount of the deviation, not which direction it is that matters. Then you add up the total deviation. You add up those 3 columns for plan A and add them up for plan B. Whichever has the smaller total deviation statistically can be said to be the one that is more nearly equal. It has less deviation. That is all there is to the test that we propose.

Therefore, if we had 2 plans submitted to the apportionment commission, and the dispute was all about districts 1, 2 and 3 and everything else was agreed to, then plan B is the winner. Plan B is more nearly equal in population than plan A. I simply give this illustration to show that there is no difficulty in using a formula or, let's say, a proviso in the constitution that the districts shall be as nearly equal as may be, provided you set up some way to determine how you judge what is more nearly equal, and the simplest way to do it is to say that the deviation shall be as small as possible. That is exactly what is stated here. Therefore, the plan suggested by the minority for the house is based exactly on population, with the limitations which we have acceded to which are found in the majority report.

We have made the following concessions in the house: we

have gone along with the majority plan as far as we could. To this extent we have gone along: we have said we would adhere to county lines even though this causes a certain amount of anguish among some of our more purist friends, because if you go by county lines you automatically know that there will be deviations of populations of about 2 to 1, and you will find those on the maps that I have prepared. There is a map somewhere in here of the house that we have suggested, and I believe the deviation is marked on it. It is a little over 2 to 1. You can't avoid that with adhering to county lines. In the committee, at first none of us wished to do that — none of us, as far as I know. But it was agreed to, and therefore in our minority proposal we adhere to that too, even though we realize we cannot get perfection; we can expect 2 to 1 ratios. Incidentally, 2 to 1 ratios are the standard ratios that existed in the past under population plans. When it departed substantially from that, they were held to be unconstitutional, as being unnecessarily large. But 2 to 1 is almost unavoidable if you adhere to county lines. Therefore, we are not being purist with no ifs, ands, or buts on that. The word "population" is in our proposal. No other provisions that approximately may come out that way or may not come out that way are used. No bonus seats are given to anybody. And there you have the difference between the 2 plans for the house.

We suggest to you that if you want a house based on population, you can have it. It isn't difficult. I would also suggest this to you too: in the committee I think we all agreed that we wished to have a house with a definite number. Whatever the number should be, it should not be a variable number, because the more variable the number is — let's say if it is to be a range of 110 to 120 — then there is more discretion left to the apportionment commission. But if you tie down the number, you eliminate most of the discretion in the commission and there are not very many possible answers. Therefore, we selected a certain number, 115. The majority selected a different number, 110. We agreed previously, however, to take any number between 99 and 115, and we are still willing to do so. We selected the number 115 simply because — and absolutely frankly we admit it — this would minimize the amount of reduction of seats in the upper peninsula. The least number of seats you could provide would be 115 to keep the number of seats in the upper peninsula at 5, whereas it is now 7, and our thought was that if we wanted to keep a certain number of seats up there, which is the same number as the majority wishes to keep, we can do that without wrecking the principle at all, simply by increasing the number of seats a few seats. I assume that when we complete our presentation there may be questions about that. But that is what we have to say, basically, about the house.

Now I would like to make a few remarks about the senate, after which we will be in a position, I believe, to adjourn for the evening and come back tomorrow and you can ask me all the questions that you can think of, and we will have a few other speakers to present other factors. But now I would like to make a few remarks about the senate, at least briefly, beginning with table 12. Table 12 is an analysis of the majority proposal for the senate. I believe this lists every senatorial district which would appear on the ultimate proposal of the majority for the senate; that is, after 1970. The actual number of people according to the 1970 estimates is listed in the first column. Now, the next column is what I call the pseudo people, and the pseudo people, of course, are not the real number of people. They are the number of people that the Republicans count, you might say. (laughter) And the way that is calculated, there is nothing guessworky about the pseudo people.

I might ask the Chair to turn off the steam in the back of the room. I heard some steamy sound back there.

Now, the way this pseudo people is calculated is as follows: first we use the number of representation factors which have been calculated by the majority in their maps, which we found at the end of this set. We took the number and we made a proportion with the actual population. In other words, we converted those figures to population on a straight proportional basis so that these numbers should add up to the same population as the actual population. The reason for doing this is that the representation ratios which are found in the majority proposal in each district are used as the numbers for setting up the districts; that is, those numbers are put in the various counties originally, and then the county lines are organized into districts just the same way as I would do if I were doing it on a population basis, only there are different numbers in those counties, numbers other than population. So what I did was to calculate what those numbers would be if they were people, and then distribute them according to a straight pseudo people basis, so the distribution that you have here is the same thing as if you had a population basis with these numbers of people. That is the ultimate conclusion. If this number of pseudo people were the number of people and you distributed on a straight population basis, you would end up with the same districts as the majority ends up with. So that is the reason for calling these pseudo people.

And then the third column explains how many people you have either created or destroyed depending on where you are in this particular group. For example, in Wayne county, I calculate you have destroyed 443,000 people; in Oakland county, 250,000 people, and so on. And you can see that you have created people down at the bottom of the list, 163,000 in Iron district and so on. This is one of those nonbloody type slaughters (laughter) and also is giving birth to a new nation, in a certain sense, or a new state. It is a pseudo state. What you are doing, in effect, when you adopt the majority proposal for the senate — that is, the provision that goes in effect after 1970 — is to destroy about a million Democrats and give birth to a million Republicans. That is about what it amounts to. (laughter) I resent the destruction of the million Democrats, and I think that the million Republicans that are born are not created in the image of the Lord, but in the image of the Republican party, and it seems to me they are monsters on that basis. (laughter)

Well, anyway, this is an analysis of how the majority proposal for the senate works. It changes the number of people to make it come out a senate chock full of Republican pseudo people. (laughter) This is summarized in groups in various different areas in table 13. Rather than taking every district, I have taken them in groups. These groups are basically groups that have been suggested by various delegates to the convention. The first group is the southeast metropolitan area which is arbitrarily defined as Wayne, Oakland, Macomb and Genesee connties, making about 53 per cent, roughly, of the people of the state. The actual population is given, and the pseudo people. The seats that they would get by population and the seats that are proposed are given, and you can see that 4 seats are removed by the majority proposal from the southeast metropolitan area. And in the southeast nonmetropolitan area there is no change substantially from population. Then you can see elsewhere: in the southwest they gain slightly, possibly one seat; the northern part of the lower peninsula gains 1.4, and you can say whether that is 1 or 2; and the same with the U.P. They gain a little bit too. The result then is this: every part of the state gets slightly more, or maybe a little more than slightly more, than they would on a population basis except one part of the state — that is the southeast metropolitan part. And all these extra seats come from the same place, from the southeast metropolitan area.

Now, the reason for pointing this out is simply to point out that you really can't create or destroy anything when you have to do with the shifting of seats. If you add seats to certain parts of the state, they don't come from noplace; they come from someplace. They come from the southeast metropolitan area. They are removed from there in order to put them back in these other places. Then you will notice that, to a large extent, there isn't any big increase in the number of seats throughout the state, but there is a substantial decrease all in one small area, the metropolitan area. Therefore, in effect, while we keep talking about wanting to give greater representation to the sparsely settled areas of the state, in effect we can just as well state it the other way around: we want to deprive the densely populated area of representation. This is the effect of the majority proposal. It is a double barreled effect: more representation in sparsely settled — less rep-

resentation in densely settled. Why one group should get a benefit and the other a demerit is not particularly clear, but no doubt that will be made quite clear when the majority gets up to defend its position.

I am nearing the close of my remarks for the evening, in any event. I say I will not be completely at the end of my presentation, but I will be at the end, anyway, of an analysis of the senate.

In tables 14 and 15, what I have done is dream up a couple of more examples of "population plus area" senates, and the reason I did this is I have heard from many people around the state, such as the league of women voters and so on, that we must have population plus area in one house. It is, of course, my object to show you that those words "population plus area" don't have any distinct meaning unless you have some reserve meaning in your mind. Every population plus area scheme, substantially, that I remember ever seeing always works out similar to the one we just looked at. That is, it takes seats away from the metropolitan areas and it distributes them here, there, with kind regard to other parts of the state. But the point I make is this: you could do practically anything you wish to if you are sneaky enough with the population plus area senate, and I propose to show how sneaky it is possible to be.

In table 14 we have a population plus area senate, and let us see what kind of effects we have here. Number 1. In this one, I used the present senatorial districts with no changes in boundaries. I distributed 21 population seats among these districts using the equal proportions priority list proposed by the majority in connection with the house of representatives. I used their list. And I distributed one area seat to each of the present senatorial districts, or 27 area seats.

Now, you can see what a conservative approach this is; the identical districts that you have now, just changing the number of senators on the basis of equal proportions. And here is a list of the results for Wayne, Oakland, Macomb, Genesee, Kent, and all of the single seat districts added together. The area seats are listed. The population seats, based upon equal proportions, are listed. They are added up, and you get your figures, and you will note there that there is really no departure from a population basis — that is in the righthand column — in Wayne county or in Oakland county, and practically substantially none in Macomb and Genesee. In other words, they just sneak a little bit here, 2/10 of a seat from this place, 3/10 from that, and they add up to 1½ extra seats for the single seat districts.

The moral of this story is that if you wish to, you can have population plus area which does not discriminate against the metropolitan area or the heavily populated area at all. Not only that; you will see at the bottom that this is a senate of 44 per cent population and 56 per cent area, and you will see that it works no substantial prejudice to any region of the state, and it doesn't decrease, really, the representation of any district. You can do that if you want — 44 per cent population, 56 per cent area. I considered at one time that we should put this forth with the motto "44-56 or fight." (laughter) This shows you that when you want population plus area, you don't really want population plus area; you want extra seats for rural Republicans. I don't believe I surprised anyone by saying that, but I think it is interesting to know anyway. You can cheat with these things in either direction. It depends on who has the most votes.

Now, take a look at table 15. Table 15 gives a second example of a population plus area senate. This one provides a bonus for Wayne county. I just want to show you that I can cheat too. This time I distributed 22 population seats among the present senatorial districts by means of the equal proportions priority list. Then I redistributed 16 area seats among all the counties which failed to get any of these seats, any of the population. Using that method, you see the results that have been achieved. Wayne county gets 2 seats more than it is entitled to, and those seats are just sneaked here and there from various different places in an inconspicuous manner. And this is 58 per cent population, 42 per cent area. Now, of course, if I were to put this one in seriously, I would certainly be in plenty of trouble. I don't propose anything like this. I simply show you to illustrate that population plus area is an absolutely meaningless phrase. It reminds me of that book, Animal Farm, in which the people were taught to say, "Four legs good, 2 legs bad, 4 legs good, 2 legs bad." That means that animals are good; people are bad. We could probably change it to, "area is good; people are bad," and we come out the same as we have here. It is not a meaningful expression. I hate to say that leagues of women voters could go around saying meaningless expressions, but there it is. They are saying that. And when you adopt their proposal, you are doing a meaningless thing, but I believe that you have the sense to make it meaningful, and that is to use the population plus area method, the one that works to your benefit.

Now, finally, what does the minority proposal for the senate propose to do? What we propose to do is to get as close to absolute accuracy — equality of representation — as we can, and at the same time to beat you by area by 1 per cent. In your method you have 20 per cent area and 80 per cent population. In ours we want to go a little bit better. We have 21 per cent area and 79 per cent population. I don't believe it is feasible to go into the details at this point, but anyway, with that method, which is a bipartisan method — and which I believe I will have to explain further in detail tomorrow morning — you will get a bipartisan representation in which the number of Democrats and the number of Republicans is exactly equal, but the voting strength is not exactly equal. The voting strength of the 2 parties will be exactly equal to the popular support behind them. And the method of doing that is to provide for 2 senators from each of 19 districts, normally 1 Democrat and 1 Republican. The details I will leave for tomorrow night.

Table 16 merely shows approximately what kind of voting powers each senator can be expected to have in each of the 19 districts that we have used as illustrations. Of course these senators will have unequal voting powers. Otherwise this scheme will not work. This shows you the extent of that voting power discrepancy just so that you will know; that is, I don't want you to be fooled into thinking there is no discrepancy or it is just a few per cent. There is this much: the maximum is about 5 to 1. Most of them are within about 1½ or 2 to 1, but some senators will have less power than that; some senators have more power than that, because they represent more people. This scheme will have a number of advantages, including the fact that there will be bipartisan representation from every part of the state, and that every person's vote for either of the 2 major parties, which at the present time represents 99.9 per cent of the vote, will be exactly equal.

Mr. Chairman, at this point I believe I have reached the time which Dr. Hannah suggested that we should rise, and I would simply like to close with this remark: we are nearly completed with our basic presentation, and I believe we can complete in probably ½ hour tomorrow morning. Then we will have other proponents making some additional remarks. I would now yield to Dr. Hannah if he wishes to make a motion.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, I move that the committee now rise.

CHAIRMAN HUTCHINSON: All those in favor of the motion will say aye. Opposed will say no.

The motion prevails and the committee has risen.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a certain proposal. The secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** pertaining to the reapportionment of the legislature; and has

come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: We have the following announcements of committee meetings for tomorrow:

The committee on judicial branch will meet in room B Tuesday morning, immediately after the morning session. A very short meeting. Robert J. Danhof, chairman.

The committee on emerging problems will meet Tuesday, April 3, in committee room H on the third floor at 11:30 or immediately after the morning session. Frank G. Millard, chairman. Bring your lunch to committee room H.

I have the following announcement: Delegate Joe Snyder won reelection to the St. Clair Shores city council. He had the high vote in the field of 6. He is very elated about it. (applause)

The following requests for leave of absence: Father Dade requests leave from tomorrow morning's session; and Mr. Hubbs requests leave from the early part of tomorrow morning's session.

PRESIDENT NISBET: Without objection, those requests are granted. The Chair recognizes Mr. Thomson.

MR. THOMSON: Mr. President, after listening to this rather lengthy dissertation, I am compelled to believe that there is some foundation for the statement I have heard made on this floor that the speaker was the best educated man who was a delegate. Now, there must be an extreme from that, and I want to claim that privilege of being the most ignorant and, after listening to that talk, the most confused delegate here.

I move we adjourn.

PRESIDENT NISBET: The question is on adjournment. Those in favor will say aye. Those opposed, no.

We are adjourned until 9:00 o'clock tomorrow morning.

[Whereupon, at 10:30 o'clock p.m., the convention adjourned until 9:00 o'clock a.m., Tuesday, April 3, 1962.]

ONE HUNDRED THIRTEENTH DAY

Tuesday, April 3, 1962, 9:00 o'clock a.m.

PROCEEDINGS

PRESIDENT NISBET: The convention will please **come to order.**

Our **invocation** this morning comes to us through the courtesy of Delegate Walker, the Reverend Lonnie C. Cash of the New Mt. Vernon Baptist Church of Ferndale. Reverend Cash.

REVEREND CASH: Let us pray. Our God and our Father, that mercy that came from Heaven and walked with us in human flesh, we thank Thee for a people who were satisfied to become orphans centuries ago, in order to freely serve Thee as sons and daughters. Too, we thank Thee, our God, for noble and august people who can sit in high places, such as these delegates assembled in Michigan's capital city, and yet realize that they art but dust minus Thee. Therefore, we beseech Thee, our God, to draw nigh unto us, for in Thy presence we discover our dignity and our destiny.

Motivate the minds of the members of this convention in such a fashion, as they come today for the great and gigantic purpose of continuing to form an instrument which has much to do with the molding of the lives of men. May they be ever mindful of the cries of their fellow men back home. Stimulate these assembled minds that they may formulate this twentieth century document in the style of the Holy Writ. Let the words be acceptable in Thy sight, O Lord. Let our prime concern be for people and then property.

Gracious God, we are pleased that Thou hast made us inhabitants of a land which allows us to perform these illuminating functions. Speak daily to our faith that it might assert itself. Make us to remember that Thou art still our refuge and strength, a very present help in the time of trouble.

Grant us the mercy of beholding Thee in the common rounds and ordinary labors of our days in order that these poor lives of ours might know the splendor and strength which Thou, and Thou alone, canst give. Now and again our own resources are spent and exhausted and we are tempted to despair. We ask, for times like these, a sense that we are not alone. Save us from craven cowardice and give us courage to stand fast midst the perils which surround us.

Send forth evidences of Thy care to those who today sit in the shadow of great sorrow or who are bound in the slavery of spiritual or political oppression, that we may serve well our day and generation. Lift us, lead us toward the high places where Thou wouldst have us stand. We pray because Jesus taught men to pray and we accept His teachings. Amen.

PRESIDENT NISBET: The **roll call** will be taken by the secretary. Those present please vote aye. Have you all recorded your presence? If so, the secretary will record the attendance.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

Prior to today's session, the secretary received the following requests for leave: Mr. Hoxie, temporarily; Mr. Habermehl, from today's session; and Mrs. Conklin, indefinitely, due to illness.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Mrs. Conklin, Messrs. Dade, Habermehl, Hoxie, Hubbs, Mosier and L. W. Richards.

Absent without leave: Messrs. DeVries and Figy.

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings, the following delegates entered the chamber and took their seats: Messrs. DeVries, Dade, Habermehl, Hubbs, Figy and Hoxie.]

The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. President, with your permission I should like to make a few remarks which I think are relevant to the future work of the convention. First of all, I do not want March 31 to pass without appropriate obsequies and appropriate recognition of its deleterious influence on the work of this convention. Also, I think it is necessary now to look forward to the conclusion of our labors in a more orderly fashion and to avoid in our final days the tension and pressure which an arbitrarily set deadline has had upon our work thus far. Mr. President, I see this matter in some perspective as another milestone in the long march toward effective popular government. We are here as direct representatives of the people in the preparation of a document which, subject to their approval, will become the supreme law of this great commonwealth.

Our labors—and I use the word advisedly—should in no way be hampered, restrained, or influenced by any agency, branch, or institution of the people in this state. Our mandate and authority is clear and it is in the spirit of our popular mandate that everything necessary to complete "the business of the

And now in closing, I must say, "Happy Birthday, Ted McLogan."

(laughter and applause)

PRESIDENT NISBET: Judge Leibrand, did you care for the floor?

MR. LEIBRAND: Mr. President, may I inquire as to what order of business we are working under at the present time. (laughter)

PRESIDENT NISBET: Are you asking for the regular order of business today?

MR. LEIBRAND: I just want to know where we are. I have something to state and I don't want to be out of order.

PRESIDENT NISBET: We are just ahead of reports of standing committees.

MR. LEIBRAND: Well, Mr. President, may I at this time make an inquiry of Delegate Nord. The reason I make it now rather than in committee of the whole is that I have learned that the powers of the convention are considerably greater than the powers of the committee of the whole. May I inquire for a moment of Delegate Nord?

PRESIDENT NISBET: If you care to.

MR. LEIBRAND: Mr. President, Delegate Nord, I would like to inquire of Delegate Nord if he has completed his remarks on apportionment which occupied this convention for about 3½ hours last night, or whether there will be supplemental remarks in committee of the whole this morning by Delegate Nord.

PRESIDENT NISBET: Would you care to answer, Mr. Nord?

MR. NORD: Mr. President and Judge Leibrand, first I would like to call to your attention that in the federal constitutional convention the debate on apportionment lasted 2 months. Secondly, I would like to call to your attention that in this convention, we expect it to last about 3 or 4 days, and that our side will be through in about 1½ days, which means that sometime this morning we hope that our side will be in. I expect to give about half an hour of final remarks. There will be at least 2 other speakers that will follow. Does that answer your question, Judge Leibrand?

MR. LEIBRAND: Half an hour. Yes, that answers my question. (laughter)

PRESIDENT NISBET: The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. President and members of the convention, I would just like to give notice that this afternoon when we convene, I expect to make a motion that we change the action that was taken last Friday when it was decided to defer final consideration of the committee of the whole report on Committee Proposal 71 until this afternoon, and I propose to make the motion that we defer this action until we have finished action on apportionment. I think it would be most unfortunate to interpose this issue in the middle of the apportionment discussion. I am not making the motion now. It is just for the information of everyone that this afternoon when we convene, I expect to make that a formal motion.

PRESIDENT NISBET: Reports of standing committees.

SECRETARY CHASE: No committee reports, Mr. President.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: **Motions and resolutions.**

SECRETARY CHASE: Mr. Walker offers **Resolution 87,** A resolution to amend rule 41 regarding application of convention rules.

Following is Resolution 87 as offered:

Resolved, That rule 41 be amended in the first sentence, after "indefinitely" by striking out "or for a call of the convention" so that the rule will read as follows:

The rules of the convention shall be observed in the committee of the whole, so far as they may be applicable, except that it cannot adjourn the convention, the previous question shall not be ordered, the vote of a majority of the committee shall govern its action, it cannot refer matters to any other committee, and a motion to postpone indefinitely shall not be in order. A delegate may speak more than once in the committee of the whole. A journal of the proceedings in committee of the whole shall be kept as in convention. When the committee of the whole reports to the convention, the actions of the committee of the whole shall be accepted.

PRESIDENT NISBET: It is referred to the committee on rules and resolutions.

Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders..** Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move the convention resolve itself into committee of the whole for the consideration of proposals on general orders.

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor of the motion will say aye. Opposed, no.

The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN HUTCHINSON: The committee will be in order. The committee has under consideration **Committee Proposal 80.** The Chair recognizes the delegate from Wayne, Mr. Nord.

MR. NORD: Mr. Chairman and fellow delegates, last night when we adjourned we were considering the 2 senate proposals, and I propose now to complete analyzing the differences between the senate majority proposal and the senate minority proposal. I would ask you to refer, for that reason, to figure 3 of the materials that I gave to you. Figure 3 is a map illustrating the way the minority proposal would set up the senate. I believe by referring to that, perhaps we can make it reasonably clear what is proposed.

The first thing I would like to call to your attention in connection with figure 3 is that the state is divided into 4 quarters or 4 zones, constituting the upper peninsula as zone 1; the northern part of the lower peninsula as zone 2; the southwest part of the state as zone 3; and the southeast as zone 4. These zones, Mr. Chairman and fellow delegates, are identical with the ones we adopted on Friday for the apportionment commission. They are also identical with zones—I think they are exactly identical—which were originally suggested by Dr. Hannah in a proposal for the senate before the legislative organization committee. In addition, they also happen, more or less by accident, to be incorporated within the map shown by the majority for the senate reapportionment as of 1970. Figure 2, which is the majority proposal, is not a prerequisite, but it happens to come out that way in any event. So these 4 zones are common to a number of different plans, and we have already adopted them in connection with the apportionment commission. Each one of these zones represents roughly 25 per cent of the area, and that was the basis on which they were originally designed.

As you will notice in the table at the left of figure 3, the per cent area of each of the zones is listed, and you will note that the upper peninsula is 29 per cent, roughly, and the others are 25, 23 and 23 per cent. These zones were selected originally by Dr. Hannah and suggested to our committee on the theory that one thing is certain not to change with time, and that is the amount of area which any part of the state occupies. And if you divide the state into some definite number of zones such as 4, you can be sure that they will remain the same as to per cent of area. So there are the 4 zones. And in the minority plan for the senate, we begin in the same way as Dr. Hannah suggested in his proposal to the legislative organization committee for the senate; that is, by providing 2 senators on an area basis for each of the 4 quarters. Now, in the bipartisan representation plan which the minority proposes, the senators come in pairs. That is to say each district will contain a Democratic senator and a Republican senator, with certain

exceptions which I will mention later. So, as a result the table at the left of the map shows area districts, one area district for each of the 4 zones, which means 2 area senators for each of the 4 zones. And, as I say, the basis for this original distribution is simply an attempt to, you might say, duplicate. It is an exact duplication, in fact, at this point of the original senate proposal of Dr. Hannah. You will also note this: up to this point, we have a Democrat and Republican from each of the 4 quarters of the state. This is exactly the same as the apportionment commission which we adopted on Friday. There will be a Democrat, there will be a Republican, from the same 4 quarters of the state. In other words, there will be a bipartisan representation in the apportionment commission from these zones and there would also be the same thing in the senate according to the minority proposal.

In addition to the area senators, 8 senators of 4 districts, additional senators are proposed in the minority senate plan. Fifteen more districts, or a total of 30 more senators, are to be distributed on a population basis. You will see the population districts in the table next to the area seats. Then you will find the total number of districts. For the upper peninsula there would be 2, and they are illustrated on the map, divided according to population as nearly equal as may be. And you will notice in the upper peninsula one zone which can be drawn would have 153,000 people, and the second zone would have in this case the same number of people. Similarly in zone 2; they would be entitled, according to this system, to 2 districts, each again containing 2 senators, one Democrat and one Republican, and they would be divided according to population as nearly equal as may be, and a suggested division is shown on the map. District 3 would have 165,000, and district 4 would have 164,000, and so on. Continuing the same way throughout the state, each of the zones would be districted on a population basis; that is to say, as nearly equal as may be according to population, but the number of districts in each of the quarters depends on 2 things. It depends, first, on the area distribution of districts, then on the population distribution as well. On this basis you can see from the table on this chart that there will be 4 area districts out of 19 total districts or 8 area senators out of 38 total senators, so 8 out of 38 is 21 per cent. Therefore, this proposal is based on 21 per cent area, 79 per cent population.

But, as I pointed out last night, each senator will have a weighted vote in the enactment of legislation, and I referred last night to table 16. I won't refer again to it; but there I gave some examples of what the amount of vote might be for a Democrat from one area and a Republican from the same area. Each senator will have a vote according to this plan which is exactly identical with the number of votes he received in his election. It will not be smoothed out a bit. It will be the exact number of votes he received. In the table I smoothed it out for simplicity, but in the actual proposal the vote of the senator in enacting any law would be exactly identical with the number of votes he receives.

Now, the underlying reason for that is to make the people, the voters realize that every single vote that is cast counts, and counts every time a law is enacted—every single vote and not statistical groups of votes. Every time a senator would vote under such a scheme, he would cast in effect a number of ballots, a number of proxies, if you wish, equal to the number of people he represents or equal to the number of people, in any event, who voted for him. On this basis, assuming there were a certain issue, which is exactly, perfectly a partisan issue, had no other factor involved—let us assume there is such an issue—then assuming that each Democrat voted on that issue as a Democrat and each Republican as a Republican, or assume that over a long period of time it statistically averaged out that way, the result would be that if the popular vote for this particular senate in a certain year were Republican, then the Republicans would control the senate by the exact margin of the popular vote. And vice versa, the next year it might be that the Democrats would control by another margin. Statistics from the past indicate that the margin would always be up or down, let's say, 3 or 4 per cent maximum. In other words, the margin would always be quite close because the popular votes are always quite close, and the number of senators who are Democrats would be exactly equal to the number of senators who are Republicans, and the number of senators from any one portion of the state, the number of Democrats would be exactly equal to the number of Republicans.

So, therefore, if we take any part of the state, let us say Oakland county, for example, which on this map is district 13, that county, of course, has a very big population and its senators would have a big vote, bigger than any other senators' because of that fact. There would be one Democrat and one Republican. The actual number of votes based on the 1960 votes are in table 16. I won't refer to them again. The point, however, is this: that any area of the state, any district, would have bipartisan representation, and would have bipartisan representation exactly corresponding to the votes cast by the voters for the 2 parties in that district, so that not only would the entire senate be bipartisan, but so would every district of the state. It would be bipartisan. It would be bipartisan equal in number of senators but unequal in voting strength, but equal to the voting support. That is the basic idea behind the minority plan for the senate.

The only other feature that I think is necessary to mention is the fact, which we also used in the apportionment commission, that if any third party gets 25 per cent of the vote, it too shall participate. In this case if any third party gets 25 per cent of the vote in a certain district—let's say Oakland county or let's say Genesee, Lapeer, for example, whatever the district might be—if a third party in that district gets 25 per cent of the vote for senate, then it too would send a senator. In that case there would be 3 senators from the district instead of 2. That is not to be anticipated as far as we can tell, but the provision is here similar to the provision in the apportionment commission, and therefore we have in this proposal, let's say, a pretty fair analogue of the apportionment commission. The apportionment commission, which after all must deal with strongly political matters, is to be bipartisan. It is to have an area representation exactly the same as this, and it is to have participation by third parties on a method which is identical with this method, and it is suggested in the minority proposal—and in the reasons for it—that there is just as much need for a bipartisan approach to representation in the senate as in the body that will be apportioning the legislature. There is need in the state for a coming together of parties, for working together and for following closely the demands of the people and the number of votes of the people. This is the plan.

The only other thing I want to say will be found in one of the tables which compares this plan with the majority plan. That is table 17, which will be the final thing to which I will refer. I will simply call to the attention of the delegates what the majority plan is without going into detail, because that will be done, of course, later by the majority.

Basically, the majority plan for the senate is in 2 parts. The first part would continue, I believe, until after the 1970 census the present districts, with the addition of 4 new ones, 1 in Wayne, 1 in Oakland, 1 in Macomb and 1 in Genesee. And then after that time there would be a new apportionment scheme based upon 80 per cent population, 20 per cent area, in each county. That is to be contrasted then with the proposal which the minority is presenting, and the comparison is given in table 17. I simply would like to run through this with you to point up the differences and why we oppose the majority senate plan and why we urge the minority plan.

First I have listed under category A the similarities between the 2, and then will be the differences. The first similarity I suggest is the number of senators. And you will note it is the same or substantially the same. Under the majority plan it is 38 now — that is immediately — and later it is to be 36 to 40. Under the minority plan it is also 38. There we are the same. Another similarity is the population plus area representation. That is also substantially the same. The majority plan would have 20 per cent area. The minority plan would have 21 per cent area. I perhaps should point out at this point, since it looks as though the 2 plans are practically identical, so to speak, at this point, that the 2 differences are,

of course, that in the majority plan there is 1 senator from each district, and it is a winner take all proposition and there is no balancing taking into account the number of votes for any individual senator.

Secondly, in the minority plan, although there is weighted voting for the enactment of law, there is no such weighted voting in committees, and that is the reason that this 21 per cent area factor which we propose is not a meaningless gesture. It is not meaningless because you will have additional senators from sparsely settled areas and they will have an equal vote in committees; in fact, they will have an equal vote on everything except enactment of legislation. When it comes to enactment of legislation, the vote will be equal to the vote cast for them. So there is the relationship between areas in the 2 plans.

Now, the third is the regional zones. I have already pointed out that the majority plan in fact suggests for the next reapportionment the same 4 regional zones, and that that was taken from 2 other sources: Dr. Hannah's original proposal to the committee and also the bipartisan apportionment commission which we adopted. The minority plan has the exact same 4 zones.

The fourth similarity is the distribution of area seats. Now, this is not similar to the majority plan. It is identical, rather, as I pointed out a minute ago, with Dr. Hannah's plan, 2 senators for each of the 4 area zones.

Fifth, the next similarity has to do with distribution of total seats among the zones, and this is approximately or substantially the same, taking into account the fact that there is bipartisan districting in the Democratic plan, which means that there have to be even numbers of senators in each district. On that basis you can see that in the upper peninsula, the majority plan, based on the 1960 census, would be 3 senators. The bipartisan minority plan would give 2 districts or, in the next column, 4 senators. And in the final column the minority plan, based on the 1960 census, then is 4 as compared to 3 according to the majority plan. Similarly, you can see that for each of the 4 zones there is quite a close correlation: 3, 3 plus, 8 plus and 21 plus for the majority; 4, 4, 8 and 22, which are substantially identical—of course, they are not exactly identical. Therefore, the distribution of seats throughout the state is very close in both plans.

Finally, as to the similarities, 6, the relative distribution of seats to the metropolitan areas as compared to the rest of the state—that is, Wayne, Oakland, Macomb and Genesee, or the southeast metropolitan area. These are also approximately the same in the 2 plans. The majority plan would give 14 seats to this area. The minority plan gives 12 plus, or because of the way the districts are set up, it isn't an exact number, but that turns out to be approximately 14 as well.

Now, as to the basic differences between the 2 plans: of course, the most important difference is the basic principle. Number one is the basic principle. And the minority plan is an exact effort to achieve the basic principle of democracy; namely, rule of the people, by the people, and for the people or, as we have called it, equal representation of people. The majority plan for the 1970 era and in the future I call, rather than a democracy, "areastocracy." It is the rule of the area plus people, by the area plus people, and for the area plus people, or as I pointed out yesterday, it amounts to equal representation of pseudo people. There is the big difference between the 2 plans, and this difference makes all the difference in the world.

The second basic difference is in the principal result. The minority plan, first of all, recognizes that there is a wrong and rights it. It rights the wrong. It takes out all malapportionment in the senate. The majority plan, so far as I can determine, admits that there is something wrong, because it attempts to make a change. It admits there is something wrong, but it rationalizes the wrong. And when I say that it rationalizes the wrong, I mean this: the amount of malapportionment in the 1952 census was 6½ to 1; that was the maximum ratio—or 7 to 1. It will be the same in the next period under the majority plan, still about 6 or 7 to 1, and in the future it is also calculated, again, to be about 6½ or 7 to 1. And those figures you will find in maps in this group. And they were stated point blank to be for that purpose. The 20 per cent area of the majority proposal was indicated to be for the purpose of keeping the situation in the status quo. Therefore, what is suggested is that the majority has recognized something is wrong and insists on keeping it, but insists on rationalizing it and making it seem right.

The third difference which is called to your attention is the principal technique of the 2 plans. The minority plan, of course, weights the votes of senators. The majority plan in effect weights the votes of the people. You have to recognize that you really don't have any choice; you must do one or the other. If you make the votes of the senators equal and they represent unequal numbers of people, you will weight the votes of the people. The alternative is the one that I have suggested in the minority plan: weight the vote of the senators and do not weight the vote of the people. Therefore, there is always weighted voting in either of these plans and probably in every plan that can be conceived. The only question is whose votes are to be weighted, the voters or the senators? We suggest the vote of the senators should be weighted because they represent people. The majority plan in effect does the reverse—weights the votes of people.

As to the type of representation, the fourth difference, this is pointed out as follows: in the minority plan there is bipartisan representation in each district and in the state; and in the majority plan there is one party domination in each district and also in the state. One party domination means winner takes all in each district, and one party domination in the state means that the Republican party will continue to have about 2/3 or maybe a little less of the votes in the senate even when they have slightly less or when they have slightly more than half of the votes of the people.

The next comparison—and the final comparison—has to do with the overall objective. What are the 2 plans trying to do? As to equality of representation, the minority plan, we suggest, is 99 per cent perfect. That is to say it does give equal representation for all voters who vote for the parties which elect anybody at all, and that at the present time means 2 parties. About 1/10 of 1 per cent of the voters in Michigan vote for a splinter party. Assuming that that should continue, then the minority plan would be, as it is suggested, 99.9 per cent perfect; that is, only 1/10 of a per cent of the people who vote will not have their votes directly effectuated.

In the majority plan, of course, equality of representation is abandoned, and I wish to emphasize the word "abandoned." As I pointed out last night, the Democrats certainly did not invent at this convention the idea of equality of representation. It has always been the basic principle, and in fact really the only substantial principle ever enunciated by any deliberative body trying to work out an organic law for the state of Michigan. The majority plan will, for the first time, abandon that basic principle. The minority plan will still be able to give area representation and dispersion of powers without any abandonment, and in fact with a greater achievement of equality of representation than has been possible before.

The second overall objective that is called to your attention has to do with majority rule, whether or not that is achieved. In the minority plan, that is guaranteed and, as has been pointed out numerous times by various delegates to the convention making public speeches—and I don't mean Democrats; I mean Republicans—whenever we think of a system, and we try to find out can we guarantee that it will always respond to the majority, never to the minority, it is always tentatively assumed that that is impossible even with a population district plan. But then there is the exception. The exception is some sort of proportional representation which is highly accurate, or the equivalent, which is what we have here—a bipartisan representation scheme. Such a scheme as this does swing exactly in accordance with the vote of the people and therefore guarantees majority rule.

Under the plan proposed by the majority, you have the exact reverse. Neither the house nor the senate, in fact, can be expected to comply with the majority wishes. And I would like to make one further point at this stage: when you have population districts such as the minority has proposed in the

house, you do not guarantee majority rule, because some votes are wasted in one section of the state, opposite votes are wasted in another part of the state and they may not cancel. Evidence, which is not difficult to find on the basis of past voting records, indicates, for example, that in a house or in a senate based on population, there would still be rule by perhaps 48 per cent of the voters, and in addition the fact that the Democrats would be behind, say, 2 to 4 seats in the house, and probably the same number, 2 seats or thereabouts, in the senate. You do not get majority rule guaranteed even in the population districts. You get it almost guaranteed.

But under the proposal that we have for the senate, you get an absolute guarantee so long as you have a bipartisan public. Of course, if you had a one party public, you only need one party, a one party system. If you have a 2 party public, you need a bipartisan system. If you had a 3 party public, you would need a tripartisan system to make this true.

As to the third point, effective representation, whether or not we get that under one plan or the other, the minority plan which we are proposing provides effective representation in every district by virtue of the area effect and of the bipartisan effect. I would like to emphasize these 2 things: every area of the state will have representation and will have its voice in the councils of the senate—that is to say in the committees—on an equal basis, more so than it would have on a population basis. But beyond that, not only is there participation by every area in the senate and on an equal basis in the committees, but further it is my opinion that the bipartisan representation in each part of the state itself would be extremely valuable to any section. For example, I believe the upper peninsula, as an example, and also Wayne county, as another example, would benefit greatly in the legislature if they were represented by both parties, or to the extent that they are represented by both parties, they are better represented than if they are represented either entirely or nearly entirely by one party. Those effects would be achieved by the minority plan, and therefore it is believed that you would have the most effective representation by this scheme. Now, under the majority plan for the senate, you would have one party over representing in some districts and one party under representing in other districts. In other words, you will not have as effective a representation under the majority plan as you would have under the minority plan.

The fourth overall objective which I have listed is the treatment of group interests. This has to do with whether the minority is protected and so on. As to the minority plan, group interests follow the rule that is suggested here. The plan is absolutely impartial as to all interests, as it does not give any extra benefit to rural voters, to metropolitan voters, to Democratic voters, to Republican voters. But, on the other hand, the majority plan, we can see, is not neutral. It is not absolutely impartial to interest. It favors some; it disfavors others. As it is pointed out here, it favors rural and Republican voters. Both the house and the senate under the majority plan favor rural or Republican voters. Perhaps stating it the other way, the majority plan discriminates against metropolitan and Democratic voters. I call to your attention that this point is quite crucial. The plan that we are proposing does not favor Democrats. It does not disfavor Republicans. It doesn't favor or disfavor rural or urban voters. It treats them all in as impartial a way as we have been able to figure out. The majority plan does not treat the voters in an impartial way. It favors the voters who favor them.

As to point 5, responsiveness — that is, swinging according to the preference of the voters — the minority plan is guaranteed to swing as the political preference of the public swings; that is to say if it votes Democratic for the senate, the senate will be Democratic. If it votes Republican for the senate, the senate will be Republican. The majority plan is guaranteed not to swing but to remain Republican for the foreseeable future despite popular vote swings; that is to say, based on past voting records since these districts which we now have were organized—that is as far back as I have gone—there will continue to be nearly a 2 to 1 majority of Republicans, and therefore it is safe to predict that under the majority plan, the senate would continue to be Republican and would pay no attention to whether the voters are Democratic or Republican.

The sixth overall objective to which I call your attention is the minority treatment. The minority plan, the plan that we are proposing for the senate, prevents control by large localized minority groups. It prevents virtual disenfranchisement of minority groups in areas which do not swing. I would like to emphasize both of these points. They are quite crucial and they do not exist in any other plan with which I am familiar. Any other plan misses both of those. The first one of those points is that it prevents control by large localized minority groups, and I think we have to recognize—I do recognize in any event—that many of the Republican delegates to the convention in discussing this issue with me have stated that one of the reasons they are afraid to give Wayne county a vote which is proportional to its population is that the voters in Wayne county are in a position—that is to say the Democratic voters—to win the entire vote of that county, and thereby to have an effect bigger than their numbers. In other words, if there are 34 per cent voters in Wayne county, they are not all Democrats, but they come out all Democrats when the Democrats win the elections in nearly all of the districts. And therefore, there is, so to speak, a bloc voting.

Now, the proposal that we are offering does not do that. As a matter of fact, it is the only proposal which makes that impossible, and I tried to point that out last night. It does so in 2 ways. The first thing it does, it does not provide for winner take all. In an area such as Wayne county, the Democrats could not take all. If they get 2/3 of the vote, which is about what they have been getting, they would only get 2/3 of the vote in enacting legislation. The Republicans, assuming the votes would remain as they are now, would get 1/3. That 1/3 of the Republicans cancels out, so to speak, 1/3 of the Democrats or half, actually, of the Democrats, so that by using this bipartisan representation scheme, half of the strength of the Democrats, let's say, in Wayne county is neutralized just by that fact alone. And secondly, there will be Democrats going to the senate and participating in politics from all parts of the state, and they will have a voice in the councils of the Democratic party. The exact same thing could be said in the reverse manner for the Republican party. The political power will be distributed throughout the state. It cannot ever accumulate in any one part of the state. When I make that statement, I suppose I have to reckon with the fact that that is probably not what some people wish, but I believe that is what the people wish; the people wish the power to be where the people are and not where some of the people are, or where there are clumps of people or sparsely settled areas of people.

This plan has this effect then: it prevents any group from dominating, and in that respect it is unique. Similarly, it does the other thing which is correlated to that: it prevents disenfranchisement of minority groups in areas which are perpetually one way or the other. As an example, in Wayne county, a Republican vote for senate is nearly worthless, because there is not much chance of winning. That is based on past voting records. Voters who vote that way don't get any real representation. In fact, they are represented by the person against whom they voted. And similarly in the middle of the state, let us say, a Democrat who votes for a senator sees his candidate lose, and a Republican always goes, and again a Democratic voter is represented by somebody who is exactly the person he voted against. Therefore, voters all through the state are, in effect, disenfranchised, and really not only are they disenfranchised, they really are misrepresented, because they are represented by the person whom they voted should not represent them. This could not happen under the minority plan. Under the minority plan, the person who represents a voter is the person for whom that voter voted, and therefore in, let's say, Wayne county, a Republican vote is absolutely just as useful and valid as if it were not in Wayne county or as if it was a Democratic vote, and a Democratic vote in the middle of the state is never lost either. It counts one vote in the enactment of legislation. So that groups of voters who at

present really cannot participate at all in the deliberations of the legislature, or at least of the senate, let us say, will be able to deliberate. Their vote will count. It will count the same regardless of where they live and regardless of for whom they vote.

The seventh point among the overall objectives of the 2 plans is the effect on gerrymandering. The minority plan eliminates gerrymandering insofar as political significance is concerned. That is to say when the lines are to be drawn by the apportionment commission for a senate under a proposal such as the minority plan, it doesn't make much difference where the lines are drawn as far as the political effects are concerned. It has no difference whatever insofar as the political balance of power is concerned. It makes no difference at all, really, where the lines are drawn insofar as the political balance of power is concerned. It makes differences, possibly, to individual candidates, but since they would not be on the apportionment commission, that is pretty nearly ruled out too. So that in effect you would eliminate with a plan of this type any real problem of gerrymandering. But under the majority plan, as pointed out in these notes, the majority plan continues the political problems of gerrymandering. It is true that we have now set up an apportionment commission, but the point is the drawing of those lines will still be a political dispute between Democrats and Republicans, and possibly if there is a third party, they will be involved as well. It will be a political problem. The place where you draw that line determines who wins the senate, Democrats or Republicans. Under the minority report, the place where you draw that line makes no difference whatever as to who controls the senate, Democrats or Republicans.

Number 8—and the next to the last point which I will make —has to do with the legality. The minority plan, it seems to me, no one would question. It is unquestionably legal. That is to say it is based on a rational system and one which provides equality of represention. There is no discrimination of any sort whatever in favor of or against anyone at all. Now, as to the majority plan, I point out here—and this, of course, was prepared quite a long time ago, a month or so ago—that it unquestionably invites attack on the grounds of violation of equal protection of the laws, and even on the ground of republican form of government. I would like to emphasize what I mean by those 2 things. As to the violation of equal protection of the laws and that this unquestionably invites attack, first of all I would like to break the majority plan into 2 parts.

As to the first part, up until the 1970 census, the constitutionality of that particular portion of the majority plan would be the same as the constitutionality of the present senate, because all that would be done would be to add 4 senators. Therefore, if the present senate is being attacked, as it is, as you know—it is being attacked on the grounds of a violation of equal protection of the laws, as not being rational, even, to say nothing of not being fair, not even being rational; then the interim period provided by the majority would still not be rational—again, regardless of whether it is fair, it would not even be rational, and therefore whatever attack is leveled and has been leveled against the present senate would apply equally well to the proposed senate for the first period, for about 9 years.

As to the second portion of the majority proposal for the senate, there is no question in my mind that 2 of the stumbling blocks have been removed, but in my opinion the third one lasts and that, of course, will be a matter of dispute probably with no limitation until the court determines the dispute. But I can see that 2 things have been done: one, the plan is rational in the sense that it has a rhyme or reason. This is the 80-20 system; and 2, it is not frozen in districts as the present senate is. My opinion is—and of course, as I say, this will be a matter for each lawyer to estimate for himself, and for the supreme court, no doubt, in the end to determine—but that plan is extremely vicious in every respect and could not be supported as an example of equal protection of the laws. It unquestionably and intentionally discriminates against one group of voters after another, and the only rationale behind it is that square miles should have something to do with representation. I call to your attention that when delegates from the other party, the Republican party, such as, for example, Mr. Romney and others, testified before our committee, they were vehement in saying—and I believe they still are—that representation must be of people; it can never be of anything but people. We might not agree on how the people will be represented, but I believe we have all previously agreed that it cannot be representation of something else. It cannot be representation of square miles. It can be only of people.

I therefore suggest to you that, as to the majority proposal, there is good ground for believing that the first portion of it is unconstitutional and that the second portion no doubt would be attacked as unconstitutional. I believe the attack would succeed. But that, of course, remains to be seen. I point out further that not only do we have a question of violation of equal protection of the laws with the majority senate—that is, the 80-20 provision—but it even raises a question of whether you have a republican form of government. And the reason for that is this: of course, the word "republican" has the word "public" in it, and that is the same word as people. A republican form of government means that people are represented. But under the majority senate proposal, it is not people, and it is distinctly spelled out that people are not represented. Pseudo people or 80 per cent people plus 20 per cent area are represented. That is not the representation of people. It does not even claim to be the representation of people, and therefore is not a republican form of government. You have to invent a new name for it, and I suggest that the name is "areastocracy."

Of course, lawyers will argue that the republican form of government can never be raised as a legal issue, and there are many cases which say that. I suggest, however, that many cases previously said that equal protection could not be raised either, and I can suggest to you further how the question of the republican form of government will be raised at the appropriate time if necessary. The Supreme Court of the United States has now held that if there is a substantial charge of violation of equal protection of the laws, the court will say that that is a justiciable question. That means the court will hear the case. And when the court hears the case, they will hear every claim of unconstitutionality and not just the one that made the case justiciable. They will hear then, in the end, the question of whether the republican form of government even, has been satisfied, and even if they don't do that, ostensibly they will do that in some other manner. I therefore suggest—and I think it is a matter for concern of every lawyer and of every delegate to the convention—not to adopt something which is certainly of questionable legality, and in addition to that, most likely unconstitutional as well as unfair.

Finally, the last point I make is as to the general philosophy. The minority plan, the one we are proposing, as to principle it adheres—that is the main word, it adheres. It doesn't invent, but adheres to the basic, traditional principle of equal representation of people. And as to practice, it is in keeping with the modern age and its needs and possibilities. It solves the problem. And what is meant by that is this: as to practice, it is new. It suggests new things. It suggests a method of counting which is different from the method of counting used in any legislature at the present time. The method of counting that is suggested is derived from the method of counting used in corporations when stockholders vote by means of proxies. This was the suggestion of a political scientist who prepared an article in the Western Political Quarterly, portions of which were circulated to all the delegates when we first arrived, with the national municipal league bulletin on apportionment.

Therefore, to summarize the minority plan, as to principle, we have not invented anything. Quite the reverse; we refuse to let you invent anything. We insist on sticking, adhering to the principle. But as to practice, we take the reverse view. We take the view that whatever practice is necessary in order to adhere to the principle, that practice should be adopted. And when I say that this is in keeping with the modern age and its needs and possibilites, what I refer to is this: the plan that we propose—and this is pointed out by Professor Engell in

his original presentation of the subject—would not have been practical at all in any legislature until possibly 3 or 4 years ago. It would be impossible in practice for this reason: if there were a vote in the legislature, and let's say one senator votes 156,422 votes and another one votes 72,568 votes, you have to add up all of those votes, each one of them having 5 or 6 digits in them, on each side before you know who wins.

Experience has taught me in doing my arithmetic lessons on this plan that you don't always get the right answer the first time when you add up that many numbers. If you add up 34 or 38 numbers on the Democratic column and the same number on the Republican column with 5 or 6 digits, you will have to have an umpire for arithmetic. It wouldn't be feasible. It is not impossible, but it certainly is a very undesirable thing to do. It would certainly take a long time and there would be disputes as to who won a certain vote. That, however, at the present time is no longer a problem. We know now that we have voting machines, with adding machines included within them, right on our desks in this hall and in the legislature. When you throw your switch to the right or left one vote is registered. It is no more difficult to register for each switch 165,422 votes instead of one vote. This is not a problem. The adding machine is there. All you need is a different adding machine instead of the one you have. But this, of course, was not possible until adding machines of the modern type were in existence.

Finally, as to the majority plan and as to its general philosophy, I suggest first as to its principle—and this is probably the most crucial feature—for the first time in any deliberative constitutional body—that is, in this state—the basic principle of equality of representation is to be extinguished and a new principle of inequality of people and of equality of pseudo people is to be created. I resist this with all the force that I have within me, and as you all know, I have used up my voice in trying to oppose it. I think it is a desperately wrong thing and it is the first time it has been sought to be done in this state. It is not a good principle; it is a bad one.

Finally, as to the majority plan, as to its practice, it fails to solve a problem which is admitted to exist. And not only that, it makes sure that it can't get better in the future. Both phases of the senate plan will keep the situation substantially frozen in the amount of malapportionment, even though not in the details of malapportionment.

Mr. Chairman and fellow delegates, for these reasons the minority opposes both the house and the senate plan as well as the annexation feature. That feature is mentioned in our report. I won't go into it at this point. We oppose all phases of the majority proposal, and we urge upon the delegates full consideration of the consequences of adopting a plan of that type, and we urge the adoption of the minority report amendment.

Before closing and yielding the floor to some other proponents, and before, following that, answering questions which might be asked, I simply want again to call to your attention that every delegate on this issue will have to be voted individually. When he throws the switch, it will be his decision and not just his party's decision. And if he takes a step in the direction which is indefensible, he will have to defend it for his life. Mr. Chairman and fellow delegates, at this point I would like to yield to one of the other proponents of the minority report amendment, Mr. Theodore Brown.

CHAIRMAN HUTCHINSON: Mr. Nord yields to Mr. Theodore Brown.

MR. T. S. BROWN: Mr. Chairman, in view of the fact that we have a full gallery and a half empty chamber and the magnitude of the discussion in hand, could you possibly ring the bell, sir?

CHAIRMAN HUTCHINSON: Are you ready to proceed, Mr. Brown?

MR. T. S. BROWN: Yes, sir, I am.

CHAIRMAN HUTCHINSON: The committee will be in order, please.

MR. T. S. BROWN: I want to apologize to the delegates who just entered the hall for ringing the bell. I think the gravity of the topic warrants that and not necessarily the personality of the present speaker.

In view of the antipathy which the length of Dr. Nord's remarks met with on the part of a lot of delegates, I threw away my long prepared speech which would have lasted an hour and a half, approximately—I think some of you will be very happy with that—and instead have a few brief generalized notes of a survey type in reference to and in support of the minority amendment. I should also like at this time to tell a very unfunny story in point, on which I think we as a convention failed this morning, concerning the very famous French couple who were having a discussion at home, and a very heated discussion. The husband said, "I disagree with what you say, my dear, but I will defend to the death your right to say it." And Mrs. Rousseau said, "Aw, shut up." I think that that particular attitude of Mrs. Rousseau was expressed this morning in reference to some attempt at curtailment of Dr. Nord's remarks, and I don't think it is befitting our convention that this should have occurred.

What I am going to discuss this morning very briefly is an eternal dilemma that we face as men, as individuals, as people, as classes, as representatives of all humanity, and it concerns what is actually a very simple topic: adjustment to reality. And the theme will be that in all of history, in all of our individual lives, in all of the stories of nations, when progress or change or retrogression, if you want to call it that, faced a people, they had a choice: they could either build an ark or build a dam. And this is the essential choice that we face today. The Freudians call it life adjustment. We call it survival of democracy in the face of world communism, et cetera. You build an ark or you build a dam. And I submit that in all of recorded history, in the face of change, those people who built dams were damned and died, and those people who built arks had their ideas, their ideologies, their kind survive and live in a new and different world.

So this morning I will be speaking briefly on actually what is the dialectics of practicability. When I was in the marine corps I learned very early from one of my instructors that the way you teach something, even if you have a very short course, is to first tell them what you are going to tell them, and then you tell them what you wanted to tell them, and then you tell them what you told them. So, 1, we are going to be working with the aspects of reality; and 2, a very basic—and I think the most basic—undercurrent of feeling in this convention, and that is the feelings of fear and superiority in regard to the problem of apportionment—fear and superiority as motivating forces. And, 3, if you will pardon me, those of you who are on the conservative side of the fence, I will attempt to discuss the true nature of conservatism and how it relates to this specific problem.

Again about practicality in reality and about adjustment to what is as opposed to what you would like things to be, we all adjust necessarily every day in our own individual lives to the vicissitudes of practicality. The 2 physical forces of attrition and gravity change our bodies from the bloom of youth and the heavy musculature to the picture that is presented in most of us when we get to advanced years of lack of musculature and worn out internal organisms by 2 very simple processes that are inexorable in their operation. Gravity pulls the muscles down and attrition wears out the parts that are rubbing against each other. Now, these changes occur outside of our individual will to prevent them, and everyone knows that, and everyone accepts that. But when we transform the same forces into societal action we think—and man has always thought, from what is actually an anthropocentric point of view, but that is a quick word and I am trying to stay away from that—we think that we do have some control over what is happening in our society. We do feel that we can control the nature of the democratic process as it is reflected in the state of Michigan, and we are therefore collectively guilty of what is called now wishthink rather than thought. It is a dream, it is an apparition, it is not material. Another gentleman of who I am very fond refers to this particular attitude as the journalistic reflex that passes for thinking in today's American culture.

I say—and if I had a longer speech, of course, I feel I could prove—that change is irrevocable, irrefutable and iridescent. And when I say it is iridescent, I mean that it shows to us, if we are aware of it, what is going on. It shows to us the nature of change and what is going to happen. And if we use the right tools, if we are empirical in viewing society instead of indulging in wishthink, then we know what is going to happen, what changes will occur, and we will know, then, how to adapt ourselves to those changes. There are certain statics in life that have always remained unchanged. I refer to man's universal folly, man's inhumanity to man—things of this nature are universal and unchanging and immutable. But what we often confuse in this juncture is form with substance. Those certain immutable things remain with us all the time, but the form of this substance changes all the time, and we shouldn't confuse the eternal verities of nature with the methods of our society.

Now changes have occurred since 1908 in the state of Michigan that the founders of our 1908 constitution never dreamed of, of course: the automobile, the Democratic party, the megopolis cities, the immigration of negroes, the labor unions, and the laws which result from the operation of all of these factors. These things have occurred. These changes have occurred outside of our individual or collective will that they should not occur, and these things will occur in greater magnitude again in the future outside of our individual or collective will that they should not occur. And we should attempt to preserve the idea of democracy, the idea of free government, rather than the particular structure in which that idea is presently contained. In the face of change, when you have to decide whether or not you are going to build an ark or build a dam, religion knows that you build the ark; science knows that you build the ark; poets and artists know that you build the ark; and nature knows that you build the ark; because the mere trickle in the western part of this country cut through hundreds of feet of mountains and is now the Colorado river and the grand canyon, and nature knows that you build the ark, that these changes are irrefutable even if they occur through eons of time. The only one who doesn't know it, is man collectively, and I submit at this juncture that the thing that we want to survive in the state of Michigan is the idea of popular government and not necessarily the precise and definitive form in which this popular government exists today.

The second thing I am going to discuss is superiority and fear as motivating factors in this convention, and this is a most grave matter. It is a matter that is not verbalized on the floor because we simply can't get into it. It is bad form to talk about these things. But I suggest that it is at the heart, really, of the problem that we face in all of the matters in this convention.

Now, as a member of the apportionment committee, I was fortunate to travel to Berrien Springs to talk to the people of Berrien Springs, as a result of mutual feeling on our committee that we should attempt to gauge the feeling of people in various parts of the state if at all possible. And I say this: before and after the visit, I have the utmost regard for the people of Berrien Springs and Berrien county, but I was—and I hate to use the word "shocked" because apparently that gives rise to nervous or Freudian laughter here, but I was shocked at what happened when we visited Berrien Springs, because I came there simply wanting to know the real feelings of the people there in regard to this apportionment problem, and my attitude was no more difficult or complex than that. And I found as a result with all other speakers, with 1 exception, that they feared me because I was a Democrat, because I lived in Wayne county and because I was prounion. And I couldn't get over that—I really couldn't get over that. And I think it is a very important point. Now, these were good people. These were generally farmers. These were God fearing people. These were people probably, I assume—if you look into the statistics—with a low crime rate. These were people that represent a lot of the good that has built this country, and yet they hated us and feared us because of the above mentioned factors. And I find this a little inexplicable in the face of today's world. Why should this exist?

Is this feeling of fear or hatred or this feeling of superiority nurtured in the very political structure which we are attempting to maintain and preserve in the state of Michigan today? I think it is. And I think this is a very poor basis upon which to build a modern society, and a very poor basis upon which, if you will, to conduct the business of the state of Michigan for the next 50 years. After all, we are genetically the same. I don't feel that there is a different blood stream in the people of Wayne county as opposed to the people of Berrien Springs. If you take a man from Wayne county—you take an arbitrary man—and you make him a union man, and you make him an active worker in the Democratic party, and you give him a Jewish nose, and you put melanin in his blood stream so his skin will be dark, and you add "ski" on the end of his name and, in the words of one of the proponents of the present plan when it was before our apportionment committee, "you even make him a third generation recipient of welfare in Taylor township," and you take that man and you say, "Is this man as good as anyone else in the state of Michigan?" and if you say "no," then I think you are guilty of prejudgment—prejudgment which ill befits the nature of the work that we are doing.

As long as we are talking about this particular matter of motivation and fear, I want to talk about an old gentleman who lives in the Roosevelt hotel who many delegates here fear as the one hundred forty-fifth delegate to this constitutional convention. I know this gentleman, and I know him to be a grandfather who is sincerely motivated in representing his particular organization. And there is no element of power grab; there is only a feeling for the good of all mankind in his total makeup. Now, in regard to this feeling of superiority or differences—or, we are a certain kind of people and you are a certain kind of people—I suggest that the only real differences in men are those differences which are measured by variances from those eternal verities that I spoke of, man's inhumanity to man, man's universal folly, and so on, and those are the only measurable differences. There is no difference between Democrats and Republicans and city dwellers and farmers except in those terms, in terms of the eternal verities. And I submit also that the difference or the lack or the difficulty of communication between men is not a problem of miles. It is not a problem of 600 miles between one part of the state of Michigan and another. It is a problem of the difference in men's hearts, and the lack of communication is directly a problem of heart and not miles.

Now, lastly, about what I consider—and I apologize to those of you who are philosophically attuned to conservatism—the true nature of conservatism as espoused by a liberal: I think that conservatism in its best sense has always meant to save what is good in the face of inexorable change and to go slow in the changing process so that you will avoid some of the excesses and the catastrophies that inevitably occur in quick change. I have read Locke and Hume and Spencer. A long time ago Plato was a favorite of mine. I was even once a devotee of Nietzsche. I understand Barry Goldwater—I don't condone him but I understand him, I think. And I should like to say this: in the traditionalist or conservative approach we often lose sight of the real essence of what should be saved, and we cling to the form rather than the substance. And there is nothing sacrosanct about the written word except as that particular written word expresses an idea. The idea is sacrosanct—the idea of freedom, of humanity, of democracy, of the republican form of government. These are the things that are sacrosanct. These are the things that should be saved, and not the very base structure in which these things are presently contained. Otherwise you get into the aspects of sheer, raw, naked and culpable acquisition and maintenance of power, and then we are all indefensible.

Caesar said, "All Gaul is divided into 3 parts." Now this is a classic statement. But all Gaul isn't divided into 3 parts and wasn't then. Are we saying now the state of Michigan shall have 38 senators and then proceed from that point? And are we to say, if we are conservative and traditionalist in ap-

proach, that because it is written in that document, that the state of Michigan then shall always have 38 senators, and this receives the imprimatur of God as such because it is written in a document that we consider sacrosanct? I think not.

I remember studying in military history the Napoleonic campaign in Russia where the armies of the Czar were faced with a very tactical problem. They obviously could not beat the French armies, so they simply harassed and withdrew and absorbed and tickled while Napoleon marched through the long winter to Moscow, and he got to Moscow and there was nothing there. There was no wood to burn and no food to eat, and ultimately this led to his demise and the disastrous retreat back to France. The Russians, I think, recognized that certain things could not be met head on, that certain things had to be attacked tangentially and had to be modified if they were to preserve themselves. They were not interested in preserving the Czarist armies; they were interested in preserving the country.

When the Redcoats in our early history marched against the savages, they were concerned with form—so many abreast, so many fifers, so many drummers, so much instilling of fear into the hearts of the massed ranks on the other side. But there weren't the massed ranks on the other side; they were savages—and the Redcoats were beaten.

Another aspect of the same problem: if we had not had 2 federal constitutional amendments concerning prohibition, today a prohibition of speech would receive, I think, some degree of attention.

A girl who is afraid of the vicissitudes of kiss and tell may possibly end up an old maid.

This particular problem, I think, pervades our life to such a degree that it is omniscient, really.

Now, what we are doing, I think, if we follow the majority proposal instead of the minority proposal in this convention is to just do a touchup job on our present document, and we are, therefore, I think, violating these eternal verities and the rights of the majority of the people of the state of Michigan. And I suggest to the conservatives that there may come a day very soon when you will want the rights that you are now about to deprive the majority of.

In conclusion, there is a flow that occurs through all life in its mundane and its grandiose aspects that I think is irrefutable. In the automobile industry, you know, if they run a series of models for 3 years, the first year the design is classic and simple and devoid of doodads. In the second year it is modified somewhat, with a little more chrome. In the third year, because of constant change, public demand for change, it becomes overloaded and gawky, and you lose the simplicity of the lines. In architecture, of course, you have the classical example: the doric, ionian and corinthian. In art and in every other area of activity you have the final stage of a given mode of society which becomes baroque where the document or the mode becomes so encumbered by the doodads and the tricks and the flimflams and the thousands of adjustments that you must go through, through years of making a document work, until finally its basic form is unrecognizable and becomes ugly and hideous and you get into the monster element of expression.

I suggest the same thing has happened in the history of our constitutions in the state of Michigan. Where our original documents—1835, 1850—were pure and simple, they were doric; our document of 1908 was ionic. The document we are writing today is corinthian and baroque. The system which we have tortured and twisted and changed only to preserve its basic element, I think, is a dying system, because we have sought to preserve the wrong things. We have sought to preserve the form and the power rather than preserve the substance and the ideas of freedom. So we are at this time about to place a dying hand on the document that the people of the state of Michigan may use for the next 50 years.

In the laws of physics there is no immovable object; there is only an irresistible force. And the brittle bones, I think, are the ones that will crack eventually instead of giving and molding itself and adapting itself to new situations. For those reasons, fellow delegates, I support the minority report amendment.

CHAIRMAN HUTCHINSON: Mr. Nord, to whom do you yield now?

MR. NORD: Mr. Chairman, I yield now to Mr. Greene.

CHAIRMAN HUTCHINSON: The Chair recognizes the delegate from Wayne, Mr. Greene.

MR. GREENE: Mr. Chairman, delegates, I shall speak to you for approximately 7 minutes. And I should like to steal from Ted Brown, for the want of a better title for the remarks I shall attempt to make, another aspect of reality, because I have listened with avid interest to the considerations and debates on this issue of apportionment for several months. I have read many articles prepared by political scientists and others. In all of these instances I have been very impressed—impressed to the extent that I have become very confused—very confused at the use of one word: minority. Having borne this cross of minority designation, in a social context, with all of the reprehensible connotations it has meant to me, with the terrific malapportioned benefits it has heaped upon me, now by virtue of an apprehension, the concern for protecting the welfare of a minority of another description, not the one with which I am usually identified, I feel that I am no longer a minority entity, for I most certainly have not received the legislative protection through apportionment now emphasized as necessary for a minority, and I feel—if you will excuse the word—that I am a "minutian."

In listening to what has seemed like millions of words of explanation used by both proponents and opponents of theories, et cetera, advancing reasons why apportionment of the state should be this way or that way, there seems to be one aspect of the matter that has been carefully avoided. And while I honestly believe the aspect I shall refer to has always been filed away somewhere in the minds of the apportionment study group and others, I repeat, it appears to me this matter has been carefully avoided in discussion. And this is the most serious effect apportionment has on certain segments of our population, primarily the negro.

A population, if you please, is made up of all minority groups, nationally or ethnically speaking. But, here is a situation where we find the majority group of these many minorities, who for expediency, control and purposes of exploitation has constantly been pitted against the lumped together group of other minorities by a standard of color that places it into a category where skin pigmentation seems to be the criteria for division.

I, like so many of you delegated representatives of the people, feel that I, too, am or should be considering the writing of this important document, the constitution, without fear or favor, without political, partisan or ethnic group special priority interest. But, unfortunately, just like so many of you have expressed fears for your district, your people and protection, I, too, because of the malapportioned attitudes prevailing in our society find myself concerned and almost psychotically adopting a protective representational approach in my interest and meager contribution to this great effort. An apprehensive protective demeanor, worried that I, and those with whom by accident of birth I am identified, the negro, will lose some of the small gains we have had doled to us by a malapportioned paternalistic political and social permit. It may be—in fact, I am sure it is now—being felt by some and it will be capriciously projected by others that my remarks are an injection of a component, the race element into the whole of this matter. And as so many tritely say in instances of this sort, such injections are out of place. But I submit to you that many articles written on this subject—apportionment—by most authorities in pure evaluation of this problem, seldom omit pointing out with abysmal clarity that there is a most important factor of race involvement in most problems of apportionment.

By example, may I refer here to excerpts from 2 statements appearing in the United States commission on civil rights reports? Chapter 7, captioned, Gerrymandering and Malapportionment. And I read:

> This chapter will examine the controversy and 2 separate but related problems which give rise to it: "mal-

apportionment," which is political districting in which one group of voters has disproportionate strength as against other groups of voters in the same election; and "gerrymandering," which is political districting in which, although voting strength may be proportionate, district lines are drawn in such a way as to put particular groups of voters into, or out of, particular districts for the purpose of limiting the effectiveness of their votes. Each of these problems has ramifications in terms of racial discrimination, and each may be a denial of equal protection of the laws.

The second quote:

The significance of the racial aspects of malapportionment has been stressed by V. O. Key, professor of government at Harvard University, who observed in 1950, "by the over representation of the rural communities, state legislatures gain an extremely disproportionate strength in state lawmaking." This gives excessive weight "to those areas in general the most conservative and in particular the most irreconcilable on the negro issue."

In addition to these 2 statements of findings and fact, I should like to add another that cites the problem in Michigan by one of our own delegates, who says:

Nor can we ignore the fact that the so called "balanced legislature" in Michigan—as exemplified by the senate—has contributed further to a feeling of quiet desperation among members of the negro communities of the metropolitan region of Michigan. In the name of "protection for the minority," negroes and other foreign born residents are grossly and scandalously discriminated against in Michigan. On this basis, it is clear that discrimination against urban voters is discrimination against real, honest to goodness minority groups, who are in most urgent need of protection and fair play.

And I shall finalize my attempts to sustain my contention and quiet the abhorrence of those whose sensibilities may be offended by my injection, as they maybe want to say, of the race element into this issue. Those of you who may believe that it is me who is injecting this issue—you are in error because we are dealing with, as attorneys say, a de facto situation. It so happens that the minority of the negroes in the state of Michigan reside in those districts which suffer most from the inequities of representation. I am reminded of the quote of a southern judge who said very recently:

I can see no difference between partially disfranchising negroes and partially disfranchising Republicans, Democrats, Italians, Poles, Mexican-Americans, catholics, blue stocking voters, industrial workers, urban citizens, or other groups who are euchred out of their full suffrage because their bloc voting is predictable and their propensity for propinquity or their residence in certain areas, as a result of social and economic pressures, suggests.

And I add these words to the quote: suggests the dire necessity to use the undemocratic techniques of partial disfranchisement by gerrymandering and malapportionment. These items noted, comprising but a brief summary of the many citations of race involvement by authoritatively interested persons in this apportionment matter, gives me, I feel, license to inject this damnable regressive thing called the race question into the deliberations at this time. And if blame is to be placed, then place it on our state of society, on our state legislature which has failed to reapportion properly and has ill considered the science of demography, all of which now forces the injection of this issue. And what do I aim to do by doing this? Merely hoping and praying that you in your deliberation, in your consideration will nôt inadvertently overlook this human equation as you study maps, consider ratios, weighted votes and other mechanical factors pertinent in apportionment.

One of the major social ramifications involved, which we shall prove is greatly affected by our apportionment problem, is the problem of delinquent behavior, both adult and juvenile. And there is no doubt in my mind that certain justifications for concern about antisocial behavior patterns noted among large groups of disadvantaged people is good cause for concern; except the justifications that usually lead to broad and unmitigated conclusions do not usually consider the base of the causes. Without full and complete understanding of the causatives, any conclusion reached must be suspect. The one social incidence relative to the previous comment, an incidence too often used statistically as positive criteria to justify negated conclusions, is the question of juvenile delinquency among negro youth.

Therefore, I should like to call your attention to an editorial I have placed upon the desk of each delegate. And while I shall not fracture the courtesy you have shown to this point, manifested by your quiet attention, by reading the full text, there are certain excerpts I think most important to note:

Whether delinquency in Detroit schools is "overwhelming," as a University of Michigan educator found it, or "no worse than in other large cities," as a city official claims, is certainly not worth debating. The only interesting question is what to do about it.

The delinquents are mostly negro. The problem is first economic, second cultural. Too many negro families who moved here to work in the automobile plants are now unemployed. For most, there are no prospects of jobs. Many are unemployable and either illiterate or nearly so.

We are under no delusion that answers will be found easily. We are perfectly certain that none can ever come from isolated observations of one or another aspect of the problem accompanied by bursts of indignation exhorting this or that agency to do something.

I, too, am of the impression that, as the last paragraph of the editorial says, I am under no delusion that answers will be found easily; but I am positive that if proper apportionment is effected and representatives of the people exposed to this and other urban problems are given equal legislative representation and responsibility, a most important primary beginning will be made to solve this and other tax draining dollar problems.

To further spell out my contention, I refer you to a recent matter that was introduced in our legislature. The attitudes of certain legislators seemingly in control of the present legislature, negative, pretexted by a supposedly great concern, using an old shibboleth; the encroachment of federal government on our—excuse the term—states' rights, shows me and most of the more than 3/4 of a million negroes in our state the result of the ravages of the inequity that exists in the malapportioned legislature of our state.

The example I offer, the debilitating effects of apportionment, an old Parkinson type of disease, and the side effects of the virus of disregard for human suffering that results from this illness is best denoted by the action and subsequent action of our legislature, when it refused to take advantage of a $25 million relief grant from the federal government to give assistance to the children of unemployed fathers in Michigan. The chronology of events was as follows: at the regular session of the legislature, 1961, the bill proposed to accept the grant was defeated. In a special session called to reconsider the matter, a statement of rejection is reputed to have been prepared before the deliberations began. In another effort, it failed to get out of the ways and means committee of the house. It is pertinent to note here the areas from which the majority of this committee hail. Eleven of the 13 members came from areas where urban problems are not prevalent. This year, it was reintroduced. This time, the questionable distinction of being the grant's executioner was conferred upon the committee on health and welfare of the senate. It is important to note, too, that a predominance of this group's membership comes from similar areas noted, and 5 out of 6 members of this committee have had no experience or exposure to urban problems.

During a hearing before the executive branch committee, I asked state representative Arnell Engstrom of Traverse City why had the legislature been, seemingly, so adamant and reactionary on this ADCU matter. His answer, given later by letter, said in part:

Let me first say I introduced the first bill to take advantage of the ADCU program. However, after the bill was introduced we found many objections, paramount being the federal participation in the control of relief

given. There was considerable objection to the formula of payment and the cash payments to be substituted for relief orders. The new act provided that if any ADCU person did not want to work, he could not be compelled to be a part of work relief shifts, et cetera.

I would like to discuss the matter further with you, Mr. Greene, but you might be interested in the editorial about it over WILS which is attached. . . .

which you have on your desks. Mr. Engstrom's answer with its overtones of concern for federal encroachment and his rationalizations of harm by virtue of the mechanics which he felt posed question on the distribution of the funds if accepted, shows very clearly the thinking of a man, and indicative of other lawmakers who by fortune have not had to come face to face with the realities of urban life and therefore do not or cannot give impartial representative consideration to such matters competently. His reference to the editorial enclosure, in the main repeating the attitude of Mr. Engstrom, does in the final analysis draw the obnoxious smell of an aged herring over the basic problem involved in the grant matter. And its Newburgh, New York, type illustration, very false in fact and premise, would only be dignified by answer here, and I shall not accord it such dignity.

But in answer to the Engstrom letter, I observed as follows:

I fully appreciate the problems involved in the administration of relief programs. On the other hand we cannot afford to get lost in the technical detail and overlook the humanitarian considerations involved. The deplorable situation among certain groups of our people, especially among certain groups of negroes, is the result of a whole series of continuing social evils. While it is easy to censure these people, the basic causes are not their responsibility. In connection with this I am enclosing a booklet which I hope you will read, a booklet titled, Causes Behind High Negro Crime Rate.

Much to my surprise, in a recent letter from Legislator Engstrom he did, in a most apologetic manner, confess he had not considered the human element of the equation, the effects of refusing this grant to the succor of defenseless deprived children of the disadvantaged to a great measure by circumstances over which they have little or no control; the unemployed fathers of Michigan. Here, I repeat, I claim is ample proof that the apportionment of the Michigan legislature, relegating dominant control to men far removed from the major areas of tremendously large social welfare problems, is obviously unbalanced and indefensibly bad. Social welfare is a comparatively new appellation given to an old but increasing problem, a problem whose growth is unfortunately nurtured by population explosion, migration, increase in longevity of life, automation, et cetera, under the aegis of so called progress. And this demands a more equally distributed type of legislative representation for all of the people, especially additional representatives of those in close proximity to the urban problems of Michigan.

When we proclaim so loudly that the present apportionment has inbuilt safeguards for the minorities, we are evidently speaking of a minority entity of expedient class creation. For even the most unobserving person can easily discern that the safeguards provided to protect those with true racial minority designation are inadequate, insufficient and the checks and balances so glibly referred to as instruments provided for real minority group protection, even if mechanically or legislatively effective, are in reality seldom used in their behalf. I know of no better example of the capriciousness of this now stereotyped cliche that falliciously presents a so called honest basis for the present system than to quote from the words of Creighton Coleman, who with affected urbane sincerity, when opposing equality at the ballot box for all citizens in 1952, said:

It merely treats people as cattle going through a gate; you count them, whether they are black or white. It simply treats people statistically not as human beings with knowhow.

Meaning to me that, by some imaginary standard created in the Coleman mind as proper prerequisite for the right to franchise, that if certain people did not meet Coleman's standard, then the checks would be applied that would imbalance in favor of those Mr. Coleman would classify as the more qualified, determined by his standards of qualification. This attitude, of course, emasculates the precepts couched in the preamble to our federal constitution, and the amplification of those revered principles as enunciated by the fourteenth amendment to our federal constitution.

And, my friends, whether you are conversant with or willing to accept this fact or not, there is a new strong wind blowing throughout this old world of ours, a wind increasing to hurricane velocity the demands of gerrymandered, malapportioned people of color for relief. And whether they yell for this relief on the steps of a university in Istanbul, whether they fight for and die or are killed like dogs on the streets in South Africa, whether at a lunch counter, in a library in the south, or in a subtly gerrymandered housing or school district in Michigan, the protest, the demand, is the same. Those who cry for relief will not have their voices stilled by gerrymandered or malapportioned devices, whether political boundaries, legislative imbalances, or social restrictions. And any attempt to maintain the status quo of under representation, whether in Mississippi or Michigan, will not only damage the image of America's greatness, and further enhance the arguments of those who seek to control the minds of men with an ideology contrary to that of our vaunted way of life, but will cause vindictive reaction at the first opportune moment that will create a monster of disregard for the interest and welfare of the so called political minority who now so foolishly or thoughtlessly refuse to consider the potential reaction as described, in the inevitable future.

If those of you who so dogmatically adhere to the format of maintaining the imperceptible change from the status quo are not interested in the effects this will have on your posterity, then I suggest you continue to cling to your present principle. But to those of you who can read into the signs of times the potentiality described, the harm that can be imposed upon your posterity, but who are torn between immediate need for self protection and the welfare of those born of the seed of your body and worthy of your interest for the future, then to you I suggest that you make reparatory adjustment now and provide ample protection to those who shall come after you. And so I say to you, we too must face up to this dilemma with firm humanitarian constitutional policy to equalize legislative representation according to the requirements of people.

It is evident that the prospect of our legislature ever recognizing these full and growing problems, will ever meet them without partisan or provincial reservations, is amplified by the many arguments advanced on the floor of this convention. So therefore, I submit, as I conclude, that the only sure way to resolve this and all of our problems, where this peculiar matter of race involves problems so dependent on responsive, properly apportioned representation in our legislature, is that we must—I repeat, we must—write into our constitution an honest formula, for as one delegate said some months ago:

I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it. . . .

And I translate the word "it" in this instance to mean not to take away the sovereign weight of each individual's vote, but to inform them of their discretion by education. I implore you to consider this human equation as you deliberate on the matter of apportionment. (applause)

CHAIRMAN HUTCHINSON: To whom do you now yield, Mr. Nord?

MR. NORD: Mr. Chairman, I now yield to Mr. Norris.

CHAIRMAN HUTCHINSON: Mr. Norris.

MR. NORRIS: Mr. Chairman, ladies and gentlemen of this committee, I think we would be remiss in our responsibility to ourselves in this deliberation if we did not take more than judicial cognizance of the fact that a recent decision of the United States supreme court came down which has, in my judgment, an intimate bearing upon our thinking. I am somewhat disturbed by certain observations made by some of the

delegates with regard to the time in relation to the matter we are now discussing. I had hoped that we would, with regard to this matter as well as with other matters, come to it with a spirit of "come, let us reason together" as a deliberative body should, and not with preordained clearcut formulations which decide the issue in advance. And it may be that some observations regarding the Supreme Court of the United States might have some view and relevance regarding the preordained conceptions in relation to the subject matter.

I know, too, that this matter has been given a great deal of thought by each delegate and, on behalf of myself and others, in 2 capacities I have filed Friend of the Court briefs with the United States supreme court, which briefs are matters of record in some of the cases dealing with the issues to which we are addressing ourselves here this afternoon.

And I note with great interest as part of my preparation for this and other matters before the convention that the constitutional convention which founded this nation dealt with the question of reapportionment as no other question was at that convention. The United States government printing office puts out a volume in which are reproduced the complete notes of President Madison as he chronicled what transpired at that convention. There are some 600 pages, 300 pages of which deal with reapportionment. So I am, as I say, somewhat disturbed when one or more delegates indicates, with regard to the excellent presentation made by Dr. Nord here, that 2 hours and some minutes are irrelevant to our proceedings. We have before us Baker versus Carr, a case that went up from the state of Tennessee to the United States supreme court which was the product of some deliberation and concern for over 2 years and which was the subject of at least one rehearing as well as the original hearing. That case decided, in essence: 1, that the federal court has jurisdiction over the question of apportionment and will review the matter; and 2, that the federal court will exercise its jurisdiction principally on the test of whether or not the plan of apportionment comports with the standard of equal protection of the laws. And I regard this decision, in the framework in which it comes to us in history, as the most important constitutional and civil liberties case since the civil war. There is no question that it is intended to and will alter the balance of relationship between state power and federal power. State rights have been states' wrongs, and the government of the United States, through the agency of the United States supreme court, is now about to rectify the wrong. It does so in a spirit of implementation of the intent of the civil war and the aftermath of the civil war.

The 2 propositions that emerged from that war in history, in politics and in constitutional jurisprudence, were, first, that majority shall rule; that no state and no segment of the people has a right to secede; that the majority shall govern in a republican form of government, and the union will only be preserved by majority rule; and second, there shall be no discrimination—no discrimination on the basis of irrelevant criteria. And if there is such discrimination, it will be a denial of equal protection of the laws or a denial of life, liberty and property without due process of law, 2 of the cardinal postulates incorporated in the fourteenth amendment. In other words, the reasons for my observation that this case is so significant, if not in its direct holding, certainly in its momentum and thrust, reach and potentiality, is that it is an implementation of the great purposes of the civil war.

This proposition which we are addressing ourselves to here today is also, in quintessence, an implementation of those great purposes. The issue here before us boils down to 2 main ideas: 1, whether or not the majority and the minority plans are constitutional; and 2, if constitutional, whether they are wise. The question is, which plan will meet the constitutional standards or tests to be anticipated to be formulated by the United States supreme court — which plan will most likely accord to the people of this state the equal protection of the laws.

There is no question that certain observations can be made with regard to how far the decision goes, and perhaps at this point I am reminded of a little symbol that my son gave to me a little while back, a little turtle and on which was inscribed, "Behold the lowly turtle. He only makes progress when his neck is out." And perhaps at this particular preliminary and illconsidered stage in the whole debate regarding the significance of this decision, I am moving my neck in that direction, but I hope by doing so perhaps to encourage a more intimate appreciation of this case, and perhaps also to influence the way in which the case is interpreted. First, it seems to me that a failure to reapportion at all would be a denial of equal protection. Second, it seems to me under these decisions — and I say "these decisions" because, after all, Baker versus Carr was a decision which was a consummation of previous decisions, particularly the Gommillion case, the gerrymandering case in Tuskegee, Alabama — the second proposition is that a failure to reapportion at all would be especially a denial of equal protection if there was no initiative or referendum or no way by which the people could effect the change that was contemplated by reapportionment. I think those 2 propositions would be pretty clear. Then there emerges from the deliberations not only of the majority in the Brennan decision, but in the Douglas and Clark decisions, the proposition that perhaps to follow the test with regard to apportionment as the constitution of that state proclaims the test to be would, in itself, also be a denial of equal protection; that is, if it sets up a standard, and the state by practice refuses to follow the standard, I think that too would be a denial of equal protection.

When we get into the more tender areas, I think we can make these observations: there would be a denial of equal protection if the ratio between the value of the vote in different geographical districts would be 10 to 1 or 11 to 1 or 9 to 1. We would be getting into an area of the denial of equal protection. As a matter of fact, Justice Douglas puts the question:

> The extent to which a state may weight one person's vote more heavily than the weight of another person's vote is a matter germane to deciding whether or not the test of equal protection applies.

So that the question here with some relevance to us is whether there is equal protection of the laws in plans which dilute the vote by factors other than population. By this I don't mean to suggest that there is concurrence in any sense in these opinions that population alone would be the only standard that would comport with equal protection of the laws. But there seems to be a pretty strong intimation that there must be a rational, reasonable, nonarbitrary standard for apportionment for the relationship of people to representatives in order to comport with the standard of equal protection of the laws. The court refers in some of the opinion to incommensurables of magnitude and frequency, and I suggest that that language merely means the question of what is the standard and whether that standard is a reasonable, nonarbitrary standard of apportionment.

Now, we have before us several plans; 80-20 is a percentage distribution which is a basis used in the majority report, and I suppose it could be rational in one sense — in the sense that it could be explained, but there is a sincere question that could be raised as to whether it is or is not arbitrary in terms of the considerations that move for the development of an 80-20 relationship; whether or not the 20 per cent accorded to area or 25 per cent accorded to area or 30 or 19 becomes any kind of consideration that could be classified as nonarbitrary. And I suggest that that kind of question is pregnant with potentiality for constitutional litigation and adjudication in the future.

We have before us the proposition of 0.7 of 1 per cent for a given stage and then a formula of equal proportions put on top of that, all of this bottomed upon an 80-20 relationship. And I think that you can make this point: that while there is very little question that the minority report would comport with the standards of equal protection of the laws, there is some question as to whether or not the majority report might comport with the standards of equal protection of the laws, and I raise that question. I don't mean by that to suggest or to predict which way the court would move under the Michigan plan adopted in the majority report, but I suggest that it is certainly a basis for the invocation of a standard set forth by the supreme court here that might challenge it, that might

upset it, and I think that more thought could be given to appraising the intimate details of the majority proposal than has been given thus far. And I know we have received an opinion by one of the research people with regard to it, but I think it requires more time for analysis than that which has thus far been accorded to it.

So I come to the conclusion with regard to the question of constitutionality that there is very little question in my mind regarding whether or not the minority report would comport with what we can anticipate to be the standard or the test of the supreme court, but there is some question as to whether or not there would be this same finding with regard to the majority report.

We have, as you see in the supreme court decision, the proposition that the test is whether it meets the standard of equal protection of the laws. This concept of equal protection means several things. In a general sense it means no unreasonable, arbitrary or irrational classification. But I submit that it has a larger context in terms of the purpose of this decision, its purpose in history, its function in history as an implementation of the concept of majority rule and eliminating discrimination on the basis of irrelevant criteria, and that is this: that there can be little protection of the law for all without a right to an equal value to the vote. In other words, there can be little equality of right without equality of power. There cannot be equality of right without equality of representation in the legislature. There cannot be equal protection of the laws without people being represented in the legislature to see that they are protected equally.

The first sentence which we have been thinking about for our constitution here and in the 1908 document as amended reads as follows, "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection." The question, I submit, is: can you have a government instituted for the equal benefit, security and protection when there is unequal representation? And whether or not there can be equal protection of the laws when you have an unrepresentative legislature. In other words, when you have less than equal representation produced by a diluted vote, in my judgment there is a question of having a corresponding will in the legislature to meet the needs of people. To the degree that you have dilution of the vote, you have a decrease in the will of the legislature to meet the needs of people, to bring about the necessary changes, to respond to the needs and to the desires of all of the people of the state of Michigan.

This is brought to focus in our history in some of the other states of the union. I don't mean to suggest that the same situation that prevails in Michigan prevails in other states, or that which prevails in other states prevails in Michigan in all senses, but just to make this point clear that power is related to right. Unless there is equal distribution of power, there isn't equal recognition of right. And unless there is equal recognition of right, there isn't equal recognition of need. In Mississippi, for example, the right to vote is abridged. There is no gainsaying that proposition. That also means—and we have the state to confirm it—that the needs of people to education, employment, housing, public accommodations are also substantially unmatched. There is a direct relationship between the absence or infringement or abridgement of the right to vote and whether or not the needs of people are met.

Similarly, unless people have the right to vote, there is a question of whether they have the bill of rights at all. The right to vote is a key to freedom of speech, press and assembly, the right to fair trial, to fairly selected jurors, to counsel, and it seems to me that we have to understand that there is a relationship between the abridgement of the right to vote, in the sense that it is not given its full value, to whether or not some of these other rights also are impaired. In fact, the whole problem appears to be in the south, as I understand it, how can a people without a bill of rights get the bill of rights? And that is why, I think, we have the recent evidences of what was known as passive resistance and the sit ins and so forth. The avenues of change are restricted and limited. The bill of rights is not there in order that there might be stable and responsible change, so the people have to move in these directions in order to get there.

Now, in Michigan the proposition emerges from this context, the one proposition that was stated by the highest court of this state in the Giddings case, that the right to equal suffrage is the right to equality in the making of laws. In other words, there cannot be the equal protection in the making of laws unless there is the right to equal suffrage, and to the degree that there is a variance from equal representation to something less than equal representation, to that degree do you have an inequality in the power to make laws that meet the needs of all the people. To the degree that area is induced, to that degree that kind of consideration becomes the main consideration or one of the considerations in the making of laws, and the needs of people are proportionately less the factor to be taken into account. I think that from this emerges a fundamental idea, and that is some of those who say: well, when you boil these plans down, it just means a couple of people more or less. There isn't the plotting of a trajectory of what this might mean in the future. There is also a feeling: well, perhaps the arithmetic is as close as you can get to the principle. There isn't such a substantial variance in some particulars. What is the shouting all about?

The main idea here, it seems to me, is simply this: that this convention was principally called because there has been government by deadlock in Michigan. There has been a built in veto power in the state senate over the way in which government operates. There is a sense of frustration in the state with regard to the manner in which the government operates and the fact that the needs of people in industry are not being met in the way that they ought to be. So that there is a clearcut challenge to this convention to meet this problem, and I dare say that unless we overcome, to some appreciable degree, this government by deadlock, we will not be acquitting ourselves of our constitutional duty, and I think that there would be then a continued sense of frustration on the part of our people, a frustration which has led, in my judgment, to a relatively dangerous state of affairs where people feel they don't count, where there is a sense of apathy and inertness, where as a matter of fact so much of this feeling has penetrated that we 144 delegates represent only 25 per cent of the registered voters of this state, because only 25 per cent of them turned out to select us to draw up this constitution.

This prodigious gap between what is and what ought to be with regard to representative democracy in our state constitutes certainly a challenge and maybe an indictment, and I think we have a long way to go in our state and we have to rise to the occasion particularly on the issue which is before us. And I do hope that in the spirit of "come, let us reason together" we can discharge this responsibility in a better fashion than what appears to be the case.

This is not only significant for us in Michigan; it is significant for us as a nation in the councils of the world. If there is one thing that this nation stands for to most of the world, its morality and its politics and its power, it is that in this country the ordinary fellow has a chance. He has more chance than in any other nation in the world. And what we are debating is whether or not he can have a chance to make the necessary change in problems of local and national government by a system of reapportionment which recognizes people equally.

I do hope with this kind of perspective that we can think in terms of some kind of formula. I submit that the minority formula does that better than the majority formula, but perhaps we may come up with some formula here which comports with the equal protection of the laws which carries out the main ideas about which this country has devoted 250 years so that we can acquit ourselves of our responsibility to overcome the sense of frustration of the people of the state of Michigan, to overcome their apathy, inertness and sense of lack of confidence. And if we do that, in my judgment, Mr. Chairman and members of this committee, we will acquit ourselves of our historic responsibility. Thank you.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman and fellow delegates, I would

like now to close the presentation with a few remarks, after which I am going to ask Dr. Hannah whether he wishes the committee to rise. Following that, when we come back I presume that we will be ready then for yielding to delegates who may have questions upon the minority proposal.

The only remarks I would like to make in closing first have to do with remarks made by Professor Norris about the fourteenth amendment and the case of Baker versus Carr. I simply wish to recall the words of the fourteenth amendment to you and to ask your judgment as to what they will ultimately be construed to mean. And the words are these, "No person shall be deprived of equal protection of the laws." And I wish to call to your attention 2 words in particular: the first is "person" and the second is "equal." "No person shall be deprived of equal protection of the laws."

I pose those questions for every delegate to reflect upon: what can this mean? Can this expression, which was wrought out of a civil war, be reconciled with equal protection not for persons, but for persons plus square miles, or pseudo people? I ask you to consider whether it is persons who are to get equal protection or whether it is fictional entities which do not exist. If you can satisfy yourself that something other than persons shall be in the category of the fourteenth amendment, then you are safe in adopting the majority report. But I say to you that in my opinion it is not persons that you are protecting but something that does not exist.

And the second question I ask you to reflect upon in connection with the language of the fourteenth amendment: can the fourteenth amendment language be reconciled with unequal protection of persons? That is also what you are providing, as I pointed out in great detail last night.

You have 2 propositions to consider and reflect upon. It is not just a question of what the court has said so far. If you consider only what the court had said just before that, you would think that the court has nothing to say on the subject. Now they have something to say. And what they will ultimately say, I believe you can determine for yourself by reading the words, "No person shall be denied the equal protection of the laws." I assert to you that the majority proposal fails because it does not guarantee persons equal protection. Or, looking at it the other way, persons are given unequal protection.

Finally, I suggest to you, fellow delegates, that the ultimate decision on the whole matter of apportionment does not rest solely with you. It seems to me that is a stupendous error that the delegates have been making on all subjects since we arrived here. We are not in the position of the legislature. We do not make law. All we do is deliberate and put something on the ballot. We do not have any decisions ultimately to make on our own. The ultimate decisions will be given by the people at the polls and by the judges of the courts. And there are delegates amongst us who have been already appealing to the judges of the courts and who, if necessary, will be appealing to the people at the polls. All you can do is to decide to take your place in history along with those who have fought and continued to fight for justice and equality, or else to take your place in history along with those who have fought and continue to fight to destroy the basic principles of democracy. This issue is a worldwide, continuing issue. You have a place in it. You can select your individual place. You cannot decide the issue, but you can select your place in the issue. You can only decide where you stand as an individual. Then the people and the courts will decide whether you are correct.

Mr. Chairman, I now yield to Dr. Hannah in the event he wishes to make a motion.

CHAIRMAN HUTCHINSON: The Chair understands now that the presentation of the minority is completed upon their report; is that right?

MR. NORD: Mr. Chairman, I would prefer to retain the floor only for one limited purpose when we return, and that is to answer questions in the event there are any. But aside from that, we are through.

CHAIRMAN HUTCHINSON: The Chair will, of course, follow the wishes of the committee of the whole in this matter. The Chair understands the procedure in the committee of the while as it has evolved in this convention is that the proponents of a minority report amendment make their presentation, after which they yield the floor and the question is then upon debate upon the question. The Chair would assume, unless the committee of the whole otherwise directs in this case, that if you have completed your presentation, Dr. Nord, you would no longer retain the floor. You would, of course, subject yourself to whatever questions any delegate desires to ask you in debate, but the floor would be his and not yours.

MR. NORD: All right. In that event, Mr. Chairman, we are perfectly satisfied. We are through with the presentation of our case, and we will yield the floor at this time.

CHAIRMAN HUTCHINSON: Thank you. The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, we have now reached a good time to close our deliberations for the morning, and in a moment I shall move that we rise. But before doing so, I should like to indicate how we propose to proceed this afternoon. As the Chair has indicated, the matter before us will be the consideration of the minority report amendment that has been presented to us at length. This was worked out some weeks ago when Dr. Nord, on behalf of the minority, requested an opportunity to have as much as 6 hours uninterrupted to present the minority proposal, which they have now had and presented well. There will be a brief statement this afternoon as we reconvene or move back into committee of the whole, and then, instead of following the procedure that I had indicated, in view of the emphasis that has been placed on the supreme court decision, I shall ask the vice chairman of our committee, Mr. Dehnke, to make some comments on that subject. Then I hope we will dispose of the minority report amendment, and then we will follow the procedure that we had indicated previously. Mr. Chairman, I move now that this committee rise.

CHAIRMAN HUTCHINSON: The question is upon the motion of Dr. Hannah that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion prevails. The committee has risen.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a certain proposal of which the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** pertaining to the reapportionment of the legislature, has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Are there any announcements?

SECRETARY CHASE: The committee on rules and resolutions will meet briefly in room F today immediately following the afternoon session. R. C. Van Dusen, chairman.

The committee on judicial branch will meet immediately for a very short meeting in room B this noon. Robert J. Danhof, chairman.

The committee on emerging problems will meet at 11:30, or immediately after the session this morning, in room H on the third floor. Frank G. Millard, chairman. Notice to the committee members: please bring your lunch to committee room H.

We have the following requests for leave: Mr. DeVries requests to be excused from the balance of today's session; and Mr. Allen wishes to be excused from tomorrow afternoon's session to attend the funeral of his father in law in Grand Rapids.

PRESIDENT NISBET: Without objection, the excuses are granted.

SECRETARY CHASE: The apples today were furnished by Delegate Rush. (applause)

PRESIDENT NISBET: The Chair recognizes Mr. Turner.

MR. TURNER: Whereas, I have sat so long that I am tired of haunch,

71 be postponed until the completion of legislative organization. Mr. Brown is recognized.

MR. T. S. BROWN: Mr. President, is a motion to divide the question now in order?

PRESIDENT NISBET: What can you divide, Mr. Brown?

MR. T. S. BROWN: I would like to move that that portion of the report on 71 concerning the civil rights commission be separated and voted on separately.

PRESIDENT NISBET: That is not in order, Mr. Brown. Mr. Marshall.

MR. MARSHALL: Mr. President, I wish to announce my intention to abstain from voting on this question, and I would like at this time to have the privilege of explaining my abstention.

PRESIDENT NISBET: You may.

MR. MARSHALL: As vice chairman of the committee on executive branch, the rules have been changed on several occasions postponing, tabling, delaying proposals that were before the convention without consulting with the minority vice chairman on the committee.

I think that the display here a moment ago of Mr. Iverson's is evidence of the contempt with which the majority holds the opinions of the minority, the obvious attempt to move the previous question in order to avoid hearing the position or the opinions of the minority. This was tabled. Another reason that I am abstaining is that to my knowledge, this is the only committee—and I am talking about the committee on executive branch—that had proceeded throughout all of its debate and deliberations in the committee of the whole and was ready to rise and to proceed in the convention to dispose of the committee on executive branch; because of some obvious problems within the majority, this was tabled until today. Now we are going to have a further postponement of the discussion.

I am the one that argued in the beginning that we should have taken apportionment up early in the convention and disposed of it, as so many of the other issues were directly related to that of apportionment. I do resent—and I cannot vote on this—the move that was made a moment ago on the part of the leader of the Republican caucus to not hear the minority viewpoint. Of course, this has been evident throughout the convention that this has been the case, and I could not in good conscience vote on this issue because I am not in accord with it. I do not think that the majority has been fair. On occasions here the rules have been changed from time to time as it suits the fancy of the leaders of the Republican caucus. I am not so sure that it wouldn't be wise if we might recess for 2 weeks, let the Republican caucus decide what the constitution is going to be, and call us back to vote on it.

PRESIDENT NISBET: The question is on the motion of Dr. Hannah to postpone consideration of the report of the committee of the whole regarding Committee Proposal 71. Those in favor will vote aye. Those opposed, no.

The motion prevails. The report of the committee of the whole on **Committee Proposal 71** is postponed until after the report on Committee Proposal 80 and Exclusion Report 2046 by the committee of the whole.

The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move the convention resolve itself into committee of the whole for the further consideration of proposals on **general orders.**

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor will vote aye. Opposed, no.

The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the committee of the whole.]

CHAIRMAN HUTCHINSON: The committee will be in order. The Chair recognizes the chairman of the committee on legislative organizaiton. Dr. Hannah, on **Committee Proposal 80.**

MR. J. A. HANNAH: Mr. Chairman, it is my understanding that we now have before us for consideration the minority plan that has been presented at some length, and before I urge the committee not approve the minority report amendment, I should like the privilege of calling upon the vice chairman of the committee on legislative organization, Judge Dehnke, to make some comments with reference to the supreme court decision of last week that has already been referred to several times as we were considering this matter.

MR. PELLOW: Parliamentary inquiry, Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Pellow.

MR. PELLOW: The question that I have to ask is this: is it not proper now to ask questions of the minority rather than yield to the vice chairman?

CHAIRMAN HUTCHINSON: The parliamentary situation as the Chair understands it is that the question is upon the minority report amendment. Dr. Hannah, the Chair understands, has completed his statement and he has suggested that Judge Dehnke be next recognized, and the Chair is prepared to recognize Judge Dehnke. After Judge Dehnke completes his debate—and this is the debate upon the minority report amendment—the Chair will then recognize Mr. Blandford. The Chair will then recognize Mr. Yeager, and then anyone else who desires recognition. But that is the list as it now stands. It is not the Chair's understanding that Dr. Hannah is assuming to control the floor. Is that correct, Dr. Hannah?

MR. J. A. HANNAH: That is correct. I would like the opportunity at some stage, and I do not care whether it is before the gentlemen you have mentioned; it may be desirable to put me on the list next. I have some comments to make with reference to the minority report amendment, but it makes no particular difference when I do it.

MR. DOWNS: Parliamentary inquiry, Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Downs.

MR. DOWNS: I certainly look forward to hearing Judge Dehnke's comments on the case that is before us. I take it from your ruling then that any of us who wish to make comments on his comments would get in the order and it might mean there had been several speakers intervening, and it is not the intent then to have the discussion confined to the subject matter of Judge Dehnke's comments? I am just asking for information.

CHAIRMAN HUTCHINSON: You are correct, Mr. Downs. There is no intent to confine the discussion to one phase. The question before the committee is the adoption of the minority report amendment, so anything having to do with the minority report amendment would be in order. The Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. Chairman and fellow delegates, if anyone is apprehensive that I intend to use the entire afternoon reviewing some 150 pages of judicial opinion, I would like to disabuse him now. This is one of those opinions which I think can be summarized for our present purposes in very short order. The question that we are all interested in is: what did the court hold and what did it not hold?

I refer first to page 11 of the controlling opinion written by Justice Brennan, in which he makes this summary of what he holds:

> In light of the district court's treatment of the case, we hold today only (a) that the court possessed jurisdiction of the subject matter; (b) that a justiciable cause of action is stated upon which appellants would be entitled to appropriate relief; and (c) because appellees raise the issue before this court, that the appellants have standing to challenge the Tennessee apportionment statutes.

The rest of his 50 pages of opinion are devoted to a discussion of earlier cases and to explain that they do not stand in the way of this finding that the court makes.

I proceed next to the opinion of Mr. Justice Douglas, who on page 4 of his opinion uses this language:

> There is a third barrier to a state's freedom in prescribing qualifications of voters and that is the equal protection clause of the fourteenth amendment, the provision invoked here. And so the question is, may a state weight the vote of one county or one district more heavily than it weights the vote in another?
>
> The traditional test under the equal protection clause has been whether a state has made "an invidious dis-

crimination," as it does when it selects "a particular race or nationality for oppressive treatment." . . . As we stated in Williamson v. Lee Optical Company, 348 U.S. 483,489, "The prohibition of the equal protection clause goes no further than the invidious discrimination."

Mr. Justice Clark, on page 2 of his opinion, says:

I take the law of the case from MacDougall v. Green . . . "It would be strange indeed, and doctrinaire, for this court, applying such broad constitutional concepts as due process and equal protection of the laws, to deny a state the power to assure a proper diffusion of political initiative as between its thinly populated counties and those having concentrated masses, in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former."

The word "proper" is italicized and the last sentence is italicized. On page 4—beginning at the bottom of page 3—he again refers to the fact that not every discrimination is subject to constitutional condemnation. It must be an invidious discrimination. And a statutory discrimination will not be set aside if any state of fact reasonably may be conceived to justify it, quoting from McGowan v. Maryland. On page 9, he calls attention to the fact that the people of the state of Tennessee were practically powerless, because they do not have, as we have in Michigan, referendum provision, so that it was beyond their power to do anything by either the initiative or referendum process.

I don't think it is necessary to refer to the dissenting opinions of Justices Frankfurter and Harlan, except to say that Justice Stewart's opinion was obviously written after the dissenting opinions had been filed, and Justice Stewart writes an answer to the dissenting opinions which I think is significant. In his interpretation on page 1, he says, "The court today decides 3 things and no more . . ." and he repeats what I quoted to begin with from Mr. Justice Brennan's opinion. He says:

The court does not say or imply that there is anything in the federal constitution "to prevent a state, acting not irrationally, from choosing any electoral legislative structure it thinks best suited to the interests, temper, and customs of its people." . . . And contrary to the suggestion of my brother Douglas, the court most assuredly does not decide the question, "may a state weight the vote of one county or one district more heavily than it weights the vote in another?"

In MacDougall v. Green, 335 U.S. 281, the court held that the equal protection clause does not "deny a state the power to assure a proper diffusion of political initiative as between its thinly populated counties and those having concentrated masses, in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former."

That was recited previously in Justice Douglas' opinion.

In case after case arising under the equal protection clause the court has said what it said again only last term—that "the fourteenth amendment permits the states a wide scope of discretion in enacting laws which affect some groups of citizens differently than others."

He says further:

Today's decision does not turn its back on these settled precedents. I repeat, the court today decides only: (1) that the district court possessed jurisdiction of the subject matter; (2) that the complaint presents a justiciable controversy; (3) that the appellants have standing.

I think it should be noted that although Justice Clark was in the best possible position to interpret what the majority meant, of which he was a member, his opinion was not formally joined in by the other justices so far as this report available to me shows.

I have seen this morning an attorney general's opinion of this state which calls attention to some phases of this decision, and the meat of that is that the prospect of our senate apportionment being held invalid is materially increased. The importance of this decision, I think we have to agree, rests not so much in what it holds or says as in what it may foreshadow.

Facing realities, we have this situation to remember: the court may hold that it will not pass upon the Michigan case at this time; will take judicial notice of the fact that a constitutional convention is in session, as the result of which there may be a new formula for apportionment; it may hold that the apportionment made by the people in 1952 by initiative is not beyond the realm of reasonable difference of opinion; or it may hold the contrary, that it is outside of the realm of reasonable difference of opinion and therefore invalid. But if it does so hold, then we will have plenty of company in the readjustments that will have to be made in at least 45 of the 50 states of the union.

In Justice Brennan's state of New Jersey, for instance, they have a senate composed of 1 senator from each county, with a differential of 13 to 1 as between the most populous and the least populous. In the chief justice's state of California they have 1 senator from the tremendously populous county of Los Angeles, and no senate seat contains more than 3 counties.

Another question that might arise is whether the provision we have made in our report for the next 10 years is constitutionally defensible. If not, then we may need to consider whether we should at this time and immediately proceed to apply the apportionment formula set forth in our proposal. These are all speculative matters, and it may well be that the decision will be of such a nature that a stay of proceedings might be ordered until the people have an opportunity to pass upon the constitution which we are working on and trying to hammer out. This is a speculative situation that we are in. We have lawyers among us who believe that a proposal to apportion the senate on a strict population basis and to set up a house of representatives on a basis of one representative for every county could be defended successfully in the supreme court. It seems to me that the formula has been set up in the senate of 80 and 20, remembering that the word "area" includes not merely square miles, but differences in social and economic conditions, difficulties of communication, difficulties of the people knowing their candidates, and their representatives being acquainted with the district. Those are all included within that term.

Nobody knows what the future holds, and as others have been obliged to do continuously, we cannot forecast the future and our future action will have to be governed by what happens in the future. My own personal opinion is—and I by no means set that up as infallible—that there is no need by reason of anything said in the course of this opinion that need cause us any serious doubts as to the constitutional validity of the proposal made by the majority of the committee. I think that is all that is necessary to say at this time, Mr. Chairman.

CHAIRMAN HUTCHINSON: The Chair recognizes the delegate from Kent, Mr. Blandford—Dr. Nord, for what purpose do you rise?

MR. NORD: I would like to be put on the list to speak.

CHAIRMAN HUTCHINSON: Very well, sir.

MR. BLANDFORD: Mr. Chairman, fellow delegates, at the outset I would like to compliment Dr. Nord, Ted Brown, Bill Greene and Harold Norris on a very complete and learned dissertation on apportionment and other matters. I cannot agree with the conclusions of these gentlemen, but I do acknowledge that Dr. Nord and his cohorts have given this problem long and painstaking study.

My reply will consume no more than 5 minutes of your time. I hope you won't feel shortchanged. I would like to discuss one phase of the minority report amendment. This is Dr. Nord's senate plan of tote board voting. The key to this is, of course, that each senator shall have a vote equal to the number of votes received by him in the election. As you all know, this idea has never been tried in a legislative body. Since we lack any history, some of us wondered how Dr. Nord's plan would work if applied to the votes that elected the delegates to this constitutional convention, so we dug up the results of the September 12 election. To say the least, we came up with some interesting and very amusing results. For example, the delegate receiving the highest number of votes at this con-

vention is George Romney. I might say, George, that many of us hope this pattern continues for you. (laughter) If the voting was done at this convention on the tote system advocated by Dr. Nord, every time we voted, Delegate Romney would be able to cast 42,000 votes. This is more than the combined vote totals of Democrats Bob Hodges, Sam Ostrow, Ted Brown, Tom Downs, Art Madar and the author of the plan, Mel Nord. I am using names here, delegates, not to try to embarrass anybody, but only to enable you to double check any figures that I may be using this afternoon. On the other side of the ledger, the top Democrat vote getter at the convention is our good friend Bill Marshall. Delegate Marshall under the tote system would be able to cast 25,900 votes. This is more than the combined totals of 8 Republicans—Ray Plank, Jeff Hoxie, Shuford Kirk, Elmer Radka, Ervin Haskill, Clyne Durst, Glenn Allen and Charles Anspach. As we all know, Bill has pushed hard for the one man, one vote concept. This even goes beyond his dreams, as this would be 1 man, 8 votes.

I am sure that Dr. Nord has some doubts as to the practicality of his tote idea, since he suggests that this tote voting should not apply to committee voting in the senate. In committees, except the committee of the whole, every senator would have an equal vote under Dr. Nord's plan. Now, if you will bear with me for just a minute, can you imagine the frustration of some senator who was elected to the state senate with about 80,000 votes. He could possibly be placed on a 5 man committee with 4 senators who possibly only received 10,000 votes apiece—and this could happen. We have districts in the state where the winning senator oftentimes polls 8 times more votes than the man running second. The four 10,000 vote senators on the committee could naturally outvote the man who has the 80,000 votes. However, on the floor he could outvote them 80,0000 to 40,000—if he could ever get anything on the floor, because he would have to rely in committee on just 1 vote, and he would have to be able to convince 2 of the other puny little 10,000 vote senators to work with him and help get this thing on the floor.

Now, getting ridiculous for just a minute—if I haven't been already—I can visualize a sort of a caste system emerging among senators. Senators would probably become known as "big vote" senators and "little vote" senators. The 80,000 vote senators, having 8 times more importance than the 10,000 vote senators, would be prime targets, of course, for the lobbyists, because by bagging the vote of one of these so called "big vote" senators, a lobbyist would gain as much support for his project as he would receive from 8 of the 10,000 vote senators.

I am not going to belabor this any longer. I think we have raised the curtain far enough so all of you can see the utter unworkability of Dr. Nord's senate plan, and consequently I urge all of you to vote no on the entire minority report amendment. Thank you very much.

CHAIRMAN HUTCHINSON: Mr. Yeager.

MR. YEAGER: Mr. Chairman, ladies and gentlemen of the committee, I rise in opposition to the minority report amendment, and I specifically want to talk at this time about the question of the senate plan put forth by Dr. Nord and the minority. As to the proposal for the house of representatives, I would like to reserve discussion of this until an amendment, which will be brought up at a later time by Mr. King and myself, is before us.

I find it impossible to answer several hours of statistics in any reasonable time so my remarks on this question will relate to the central idea of the plan. There are 2 questions, in my judgment, which need to be answered in any apportionment plan: 1, does the plan give effective representation to all of the people of the state regardless of problems of density or geography; and 2, does the plan safeguard the 2 party system which is the bulwark of democracy in the state and this country? The minority report amendment which has been presented, particularly on the senate, tries, I think, to answer the first problem—that of representation—but I think it fails quite severely in the question of safeguarding the 2 party system.

This minority proposal for the senate provides that from each of the 19 districts, there shall be elected 2 senators—1 from each party, a total of 38—which election shall be decided by the primary, and that each of these senators shall be able to vote in the senate body the number of votes equal to the votes he receives in the general election. Let me give you an example. If the nominated Republican candidate from district 1 receives 40,000 votes in the general election and the nominated Democrat from district 1 receives 60,000 votes in the general election, both will serve in the senate representing district 1, by virtue of having been nominated; but the Republican will have a weight of 40,000 votes, the Democrat a weight of 60,000 votes. This minority report for the senate also provides that should a third party receive 25 per cent of the vote, he too will serve from that district. Some questions at this point must be raised: what happens if one party receives 90 per cent of the vote and the other party receives 10 per cent of the vote? Does this mean that only one senator would serve? If we have a 90 per cent—10 per cent split, could the majority 90 per cent party run someone in the minority 10 per cent party and end up with 100 per cent of the vote of that district in the legislature?

I think this concept is a very dramatic and complete change in our traditional concept of representative government; and while this considerable and new concept purports to cure an illness, I submit that the cure is a far greater evil than the illness ever was. Let me discuss with you some of the fallacies in this plan and my reasons for opposing it may become evident. First, the minority plan will lead to splintered parties and will weaken the 2 party system. The decision as to whom will be serving in the senate under this plan will be made in the primary election and not in the general election. This, therefore, will mean that there will be several Republican groups and several Democratic groups vying for the primary vote; and this will tend to factionalize and tend further to make multiple parties or splintered parties within the major party. It also leaves room for any group to undermine a party because the election will really be decided in the primary election which generally has had smaller participation. In my own political experience, I have found it difficult enough to maintain party purpose, unity and continuity without weakening it in this way. In France, the splintered parties became one of the major factors in the weakening of that government. Splintering parties will not only be encouraged by this proposal, but will be a predictable fact.

Second, the minority plan will lead to government by coalition rather than responsibility. Again, if I may use France as an example—and let me say here that France's problem was not just splintered parties, but was also a weak executive in connection with it—each of the many parties were brought together at various times into the government in the form of a coalition; and since each party had a piece of the government, so to speak, the parties could bypass responsibility. Any action taken or not taken by a legislature so constituted could be blamed upon a party faction winning the primary rather than the total party. It would reduce the militancy of the 2 party opposition. A senator might have a few less votes, but if he wins the primary, he is elected to serve—so why bother to fight in the general election to get out additional voters. Who would spend money on such a project to get out additional voters? Voters in turn would say, "Why vote for this office? The decision has been made." That is, in the general election. It's true that a voter voting in the general election would be casting a vote for that senator of his party to use. We would theoretically be permitting that vote to be cast in the legislature, but I submit that in the minds of many people there would be a reluctance to grant this vote.

Third, this minority plan will break down the traditional concept that when a man is elected on a "winner take all" approach, he then serves all of the people of that district in the common good. I believe, as an elected Republican to this convention, that I serve all of the constituents of my district—the Democrats included. Under this minority plan, this concept would be completely destroyed. The plan would vastly increase partisanship considerations far beyond their usefulness. To be specific, the Democrat would serve only the Democrats in

his district, and the Republican would serve only the Republicans in the district so that the common good would no longer be the concept. The minorities with less than 25 per cent of the vote would have no representation. All decisions would be purely, factionally partisan. I am convinced that the people of this state do not wish such a radical plan in their governmental representation. I am further convinced that the so called balanced legislative approach with one house on the basis of population and the other on the basis of population plus area or other factors is the plan that most people of this state favor.

There has been made a rather accurate poll conducted for the Detroit News by an organization called Opinion Research which has had remarkable accuracy in the past on finding out views on public questions. This poll showed that most people favor a 2 house legislature based as I have stated. This applies even to urban dwellers and in so called under represented areas. I think the result of this con con election also indicated that in the urban areas where the question of apportionment was the major issue, those advocating a balanced legislature won in many normally Democratic districts.

I would like to review very briefly again the 3 major reasons why I think the minority plan for the senate is unworkable and dangerous to our traditional concept of representative government: 1, the minority plan will lead to splintered parties and will weaken the 2 party system; 2, the minority plan will lead to government by coalition rather than responsibility; and 3, the minority plan will break down the traditional concept of "winner take all" for the common good and will increase partisanship to be the primary consideration, possibly taking the place of the common good concept. I therefore urge the defeat of the minority report amendment. Thank you.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, in order that we may have an orderly procedure as we consider Committee Proposal 80, I think in fairness to the whole committee, I should indicate that it is my intention, since we convened at 1:30, about 3:30 to move that we rise for the purpose of a recess for 10 minutes, and then that we reconvene until about 5:30, and with that announcement I hope that it may be possible for us to maintain good interest in the hall.

Mr. Nord and Mr. Brown, Mr. Greene, Mr. Norris made a very careful, fully prepared presentation last evening and this morning, and I don't want to review it all. I think I should just like to remind the members of the committee of the realities of the situation in which we find ourselves. This whole matter of legislative apportionment, whether we like it or not, is a partisan issue. Perhaps it shouldn't be, but it has become so. And the 2 parties have consistently taken radically different positions. The minority party has rather consistently insisted that the apportionment in both houses of the legislature should be on the basis of population only, and the majority party has insisted that at least one house of the legislature shall have in its apportionment some consideration given to other values, and the committee determined that this house should be the senate, and because of the difficulty in defining economic interest, diversity of interests, some of these other values that were presented as deserving of consideration, the committee decided that the only practical area other than population that should be given consideration is the one of area, and the recommendation that will come before you, once the minority report amendment is disposed of, will be based on that concept.

I should like to make it clear that, as I urge you to reject the minority report amendment, it is not for the purpose of, in any way, discouraging debate. We set a fine record on Friday in considering Committee Proposal 79 when we disposed of it completely in less than a day. There is no desire on the part of anyone to cut off debate or to prevent coming before the floor for your consideration all of the points that some of our members think have validity or should be considered, but I should hope we could save a lot of time which could be consumed in discussing the merits of the majority proposal as we are talking about the minority proposal. If we are able to limit our discussion to the minority report amendment and dispose of it, then there will be a full opportunity for every delegate of both parties, as we consider the majority proposal section by section and paragraph by paragraph, to have presented all of the points that any of the delegates would like to call to your attention.

Now, the point that Dr. Nord and his colleagues emphasized in the presentation of the minority proposal had largely to do with the senate. There were some questions with reference to the house. And one of the points that Dr. Nord made, if I understood him correctly, was that in the recommendation in the minority report having to do with senate apportionment, they took the majority report objective in mind in which the majority report gave a value of 80 per cent to population and 20 per cent to area. And if I understood Dr. Nord, he indicated that, according to his calculation, the minority report put an emphasis of 21 per cent on area and 79 per cent on population, and that sounds well enough until you look at it.

The whole validity for considering area or some other value besides population is based on the assumption that there is validity in representation for those areas that spread over wide geography to give some consideration to something besides gross headcount, and one of the points made before our committee was the fact that the federal census is taken the first of April. The census of 1960 was taken April 1, 1960, or as near that date as possible. If the same census was taken in July or August, the northern part of the state could have had a substantially different population, although, of course, this depends upon the census definition of what constitutes official domicile for census purposes. The only point I want to make before I sit down is—since we are talking about the senate—or this was the principal emphasis of Dr. Nord's remarks, if I understood him, and he may have left the notion that the minority report gives 21 per cent emphasis on area and 79 per cent on population, I would like to call these figures to your attention: if you will turn to the red book that you have on on your desk or in your desk or under your desk, you will find that the total vote for the state senators in the last election was 3,180,100, and if the count that the vote of each senator is to be given in the senate is dependent upon the number of votes that he received, there would end up in the senate under the minority scheme a total of 38 senators representing 3,180,100 in the present senate—of course, in the next senate it will be whatever the number of votes cast are —and the majority vote would be more than half of that number or some figure more than 1,590,500. It really wouldn't make any difference how many senators sat there, because when a controversial issue was up, the only vote that would count would be this tote system of the number of votes received by each senator when he last ran for election.

If my calculation is correct—and I computed it only this morning when our colleagues were making their presentation —if you leave out the minority parties and include only the vote given to the Republicans and the Democrats in the senate, in Wayne county in the last election there were a total of 1,115,106 votes cast for the Republican or Democratic senatorial candidates. If you add Oakland's 288,656 and Macomb's 160,798, and you are excluding the minority parties, you place in the hands of the people in those 3 counties 1,564,560 out of a total of 3,180,000, which is 26,000 less than a majority, but any single senator anywhere else in the state added to the total representation of Wayne, Oakland and Macomb would represent a majority of the voting power in the senate, or the point that was made by Mr. Blandford when he used the figures for this convention.

The 2 senators that received the largest number of votes in the last election were Mr. Doyle, a Democrat in district 21, with 161,929, and Mr. Roberts, in the Oakland district 12, with 156,295. Either of those gentlemen would have more votes than 5 of the majority senators that were elected—if you add together the votes of the gentlemen now representing in the senate the senatorial districts 20, 26, 27, 28 and 29—either of those 2 senators would have more votes than the 5 of them. Or, if we had the minority system, either of them would have more votes than 10 of the minority senators, more votes than

the minority senators from districts 2, 4, 8, 20, 25, 26, 27, 28, 29 and 32. Those 10 minority senators would have a total effective vote of 154,882 as against Mr. Roberts' 156,000 and Mr. Doyle's 161,000.

The points that have already been made by Mr. Blandford and Mr. Yeager need not be repeated, and I only emphasize that the business of area representation is a complete myth in the minority plan. If you feel that it is important that area and other values besides straight population be given consideration, than you will certainly reject the minority report amendment, consider the majority report. And if you have improvements, let's consider and debate those improvements as the majority report is before us. Again I urge the committee to reject the minority report amendment so we may get on with our work.

CHAIRMAN HUTCHINSON: Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I wish to briefly introduce a further statistical observation upon the effect and the meaning of the minority plan. This observation has not yet been made and it is of some importance. The proponents of the minority plan have placed supreme emphasis upon the desirability of having an apportionment system which treats people equally regardless of where they reside. However, it is interesting, in turning to their recommendation with regard to the senate, to discover that it is not people who are represented in voting power, but it is rather, as stated in lines 14 through 16, in the enactment of legislation, each senator shall have a vote equal to the number of votes received by him in his election, so it is only voters and only those in the particular election who determine the voting strength.

I would like to ask you: who are the people of the state eligible to vote? And we know that practically all of those people who are over the age of 21 years are the ones who are eligible to register and vote. So I will turn very briefly to the population report of the United States census for Michigan and disclose that on page 41 of that report, which has been available to all of us, appear the figures which show the number of people in each of the areas of the state, the urban and the rural, who are above the age of 21 years of age, and I would point out that in the areas known as central cities, a total of 62.47 per cent of the population is above the age of 21 years, as opposed to the total rural population of the state where only 56.36 per cent of the people are above 21 years of age. If you take the entire urban area of the state, which includes urban fringe, cities of 10,0000 or more and cities between 2,500 and 10,000 combined with the central city, you find that even that figure, of all the population there, 59.34 per cent of them are above the age of 21 years as opposed, as I said, to 56.36 per cent for all of the people in the rural areas. That makes it eminently clear that under the minority senate proposal, each central city resident and each urban resident is given, regardless of his party, more representation in the senate than he would have even if the senate were apportioned on a pure population basis.

I will conclude my remarks by saying that under this analysis and considering the generally accepted political composition of the central city areas of our state taken as a whole, the minority proposal, at least on the senate, instead of being a Godiva, as represented, actually looks much more like a member of the Democratic state central committee in disguise. (laughter)

CHAIRMAN HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. Chairman, fellow committee members, I would like to respond to remarks made by the various speakers. One, I would like to start out with Judge Dehnke and his interpretation of the Tennessee case. Judge Dehnke does what every good laywer would do; he picks and chooses through the brief those points which tend to favor his side. I would point out several things, though—and I think Judge Dehnke emphasized this—this case only determines 3 things: that the supreme court decided that there is jurisdiction for the federal courts to decide an issue of this type; that the issue is justiciable; and that there is standing to sue by the parties involved. I think it is very important to remember this, because this is actually all that is relevant in the case, not the various opinions of others, concurring opinions or what they would feel would be just or would not be just. This might be well for further speculation, but at the present time what is decided is that there is a federal question involved. With that, I would assume that it would not be too hard to assume that the United States supreme court will remand those cases that it has now before it, as it has the Tennessee case, because the issue that has held up most of those was the very question of jurisdiction. I would submit to those that would read the opinion in the Michigan case that was decided by the state supreme court in the first instance, and then appealed to the U. S. supreme court, that the very question of jurisdiction was the one that stumped the state supreme court, and they used the case of Colegrove v. Green, which for all practical purposes has now been overruled, to decide that the Michigan supreme court could not answer this question. And I submit that a further reading would show on the opinions of the justices that a very good case could be made, now that Colegrove is not ruling; that at least a majority of the justices, if they feel inclined as they did just a short time ago, would find that the Michigan apportionment is unconstitutional. I would further submit if this is appealed, as it would likely be, to the U. S. supreme court, the U. S. supreme court would be very reluctant to turn over a state supreme court decision that is moving toward equity, which indeed it would be if the state supreme court declared the Michigan apportionment unconstitutional. I am sure that this is something that attorneys can disagree upon, but I believe that my thesis is every bit as sound as that of Judge Dehnke's, and I don't think for a moment that you can preclude the importance of the Tennessee case in our deliberations here.

I would point out again the attorney general of the state of Michigan, who after all was the moving party and represented the defendant in the Scholle case, came down today saying that, at the very least, there is a large question whether or not the Michigan apportionment is now unconstitutional.

I would now turn to some of Mr. Blandford's remarks when he commented about the delegate from Oakland county and the delegate from senatorial district 21 having a great deal more voting power than myself and various other members of this convention if we were on the minority's plan voting here at the convention. I would only point out that myself and, I believe, most of those that were mentioned, come from house districts which obviously are of much smaller numerical count and in fact are not even involved in this question. And, I would submit, Dr. Hannah also pointed out discrepancies, but again this was based upon the senate as it presently is apportioned and not as, if you will look at it, the minority report plan calls for apportioning. Obviously it does allow for discrepancies in the numerical balance of votes from one senator to the other, but the discrepancy is much less than that stated on the floor thus far.

Now, Mr. Blandford pointed out as a mechanical deficiency of this that, after all, the committee members who all have equal votes on the committee could hold up deliberation on a matter by keeping it in committee. Well, I believe I am right in assuming—I can be corrected by those with more legislative experience—all that has to be done in committee of the whole or on the floor is to vote to discharge a committee of a bill. Therefore, it would not be possible or practical for those that do not represent a majority to frustrate the will of a majority of the people of this state. It has also been pointed out that Senator Roberts and Senator Doyle represent a tremendous number of voters and would be able to control a great deal, but I am sure if the voting records were reviewed, that Senator Doyle and Senator Roberts, on those issues which are termed controversial, would be shown to split on most occasions. We are aware that certainly, under this plan, if all the senators from Wayne, Oakland and Macomb were to vote together, that this would almost be a majority, but I submit if you are sending for the first time Republican senators from Wayne county with a substantial number of votes, on many occasions up to 20,000, 30,000 votes—we have several close districts—that you would not find the Detroit representatives voting together, because we

know as a practical consideration on those things that are controversial, for the most part it is the political consideration and the philosophical considerations and not the area considerations which dictate.

As to the plan, it is called untried and unused, and I think we will further demonstrate that it is not the minority's position that this represents some epitome, some acme to be reached in terms of mechanics. We are not so much concerned with the mechanics of reaching the principle as we are reaching that principle by some mechanics which are fair. And I would further submit that upon a review of the minority report and a review of the majority report, it is much more understandable and intelligible to people to understand what the minority is saying when you can reflect that every man's vote is actually registered on a board in Lansing than talking about these factors of 13, 15 and so on.

And as to the remarks concerning this being voters rather than the number of people in a district, I believe this is a healthy thing. What would be better for a democracy and enthusiasm for voters than to actually know that every time they cast a vote either way, that that vote would never be lost but would actually be reflected by the individual they would desire to vote for? I think this comes closer to being truly a representative form of government than any other possible mechanical means. But I again point out that what is important is the principle involved, and that some mechanical means, whatever it may be—and I think this one meets those tests—be used. Thank you.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, I would like to reply to the various remarks of the speakers, beginning with the remarks of Judge Dehnke. I believe they have served a useful purpose to a very great extent and they should be correlated with the remarks of Professor Norris which, to a large degree, I believe are the same. Neither one of them predicts what the result will be, and I certainly don't intend to either. It would be a very unlawyerlike thing to say what the court is going to do next and, as the saying goes, to stick your neck out. It is, of course, a different thing to urge the court to come to a certain result. But to state what it would be would certainly not be useful. Nevertheless, I think we ought to call to your attention, fellow delegates, what the minority of the court said, the dissenting justice, particularly Justice Frankfurter's opinion which is an extremely long—69 pages, I believe—dissenting opinion. I will read only 2 paragraphs out of it. The reason I read from the dissent is that I believe it throws into good light what the dissenters think has been done. Now, I think all lawyers recognize that when a court makes an abrupt change with the past, it likes to deny that. It isn't supposed to make abrupt changes with the past. They will do everything they can to show there is no such change here at all. "We are only doing what we always did." It denies that there is any change. But, on the other hand, when that happens, the dissenting judge's opinion is the most useful, because it lambastes the majority of the judges, showing what a terrific change it really is. And here you have a 69 page dissent, 1 of 2 dissents. This is what Justice Frankfurter says in opening his dissent:

> The court today reverses a uniform course of decision established by a dozen cases, including one by which the very claim now sustained was unanimously rejected only 5 years ago. The impressive body of rulings thus cast aside reflected the equally uniform course of our political history regarding the relationship between population and legislative representation.

He goes on to state that this is a massive repudiation of the experience of our whole past. And then, of course, he goes on to criticize it vehemently and to prove that that is what is taking place. To recapitulate those few words of Justice Frankfurter, it reverses a uniform course of decision relating to population in connection with legislative representation and, secondly, it is a massive repudiation of the experience of our whole past. So therefore we have to put this case into perspective. If this were a case that had been decided 40 years ago and there had been no subsequent cases, then there is, of course, no question that Judge Dehnke's analysis would be the ultimate analysis. It doesn't hold very much. It only holds that they are going to hear lots of cases. In other words, it tells us that this is not the end of a process, but it is the beginning of a process. What we need to know in evaluating this case is where this will lead, and Justice Frankfurter wrings his hands in 69 pages saying he can't tell where it will lead. He certainly gives me the impression that he feels it is likely to lead exactly where the majority justices say that it is not going to lead, namely to population being the only substantial factor in legislative representation at the end of the process.

The only other selection from the opinion that I care to read to you is from page 59 of Justice Frankfurter's dissent, just a few words. The reason I read this is it bears on the relationship between the Tennessee case and the Michigan case of Scholle v. Hare. Justice Frankfurther says this:

> It is settled that whatever federal consequences may derive from a discrimination worked by a state statute must be the same as if the same discrimination were written into the state's fundamental law.

That is an extremely interesting statement, in my opinion. Justice Frankfurter says that it doesn't make any difference whether it is the state constitution or a state statute which violates the federal constitution, and he cites many cases to prove it. That is the connection, actually, between the Tennessee case and the Michigan case, the distinction being that in one case we have a constitution which is alleged to have violated the federal constitution; the other one is a statute; or either that or an inability to enact a statute; or, if you wish to put it the other way, an old statute which has not been changed. Therefore, according to Justice Frankfurter's remark and the cases he cites to support it, you can certainly draw the inference that there is a very good probability that there will be no distinction drawn between whether the claimed inequality is in a statute or in a constitutional amendment. Of course, we can't be certain that that is the result, but we know that that is what he says. What you can determine from this is, I believe, only about the following: there is now a very substantial risk that the 1952 constitutional amendment may be held to be invalid. I don't say that it will and Judge Dehnke doesn't say that it won't, but I believe we all agree that there is a very substantial risk that it would be held to be invalid. And you have to take that into account. I don't believe you can go on the assumption that all is well and that all is to remain well, and you should take into mind what that consequence would be. It would be—if the relief were given as requested, the 1952 amendment would be declared void. You would then be back to the 1908 constitution, and the 1908 constitution provides for population in the senate.

Therefore you certainly must recognize, I believe, that in the event this contingency which has been talked about by a few of us should occur, you will have a population basis unless some other basis is provided in our constitution in the convention, and secondly, that our constitution is adopted. I think those are 2 distinct questions. One, you have to put something in the constitution from this convention that first of all will be legal, and you have to take certain risks as to what is and what is not likely to be legal. And, 2, then you must get the constitution adopted. And that is not, as I say, an open and shut case.

Or, let's say, to put it in a different way: if this contingency is to be taken into account—and it seems to me prudent lawyers, investment bankers and so on will take these contingencies into account—then you must provide a system in this constitution which is defensible in court and also is defensible before a majority of the voters at the polls. Therefore, it certainly could not be any proposal which is not satisfactory to the people who called for the convention. If it were to the people who were opposed to the calling of the convention, that would not be sufficient. That is all I have to say at the moment on the case, and probably I wouldn't be surprised if we had said all that is of any value to say on it, but in any event, I would like to go now to some remarks made by Mr. Blandford.

Mr. Blandford raises a question, first of all, about how

valuable the vote is of any senator in the senate that we would propose—and I believe Dr. Hannah also made a similar comment—that some senators would not be very valuable as their vote would be small and they would be overweighted, so to speak, by other senators. Therefore, their influence would be small.

First of all, I would like to emphasize how much that disparity would be so we know what it is, and that is provided for you in table 16 which I referred to last night. You will see that there only are a few cases which are as big as about, let's say, 5 to 1. Usually they will run about 2 to 1 on the average. The most common cases would be about 2 to 1 between one senator and another. But there are some cases where we have given extra senators in regions where it is stretching imagination to do so. In those cases, of course, their votes would be worth less. They would be worth about 1/5 or possibly even 1/6. It is not correct, at least on the basis of the latest voting records, to take a figure on 1/10. I estimate that on the average about 2 to 7 senators will swing any vote in the senate on this plan. That is the determination you can make by looking at table 16; that 2 senators from certain areas together could swing, could provide the margin, or if they had less votes, say 7 of them could swing the vote.

The question then is, are they less powerful than the present senators or are they more powerful than the present senators? If you will recall, in the present senate there is a gap of about 10. As a matter of fact, now that our colleague, Mr. Lundgren, has been elected, I believe the gap is bigger than that, perhaps 12 or 14, I don't recall. The gap, anyway, runs normally between 10 and 12 between one party and the other. Now, in order to swing a vote there, you have to get a collection of 10 senators together somehow or other to make up the gap, whereas under the plan that we propose, you have to get together a collection of only 2 to 7 senators. Actually, in either case, to swing the vote you really actually only need half of that if they change their vote from the other direction. Therefore, the point I make is this: that the value of any senator's vote is certainly not less in influencing the final outcome under the minority plan. It is slightly more, perhaps more than slightly more. At least it is not less. Every senator will have an influence, and the reason he has that influence is because the margin between the 2 parties in this state is very close, only a few per cent, and each senator represents somewhere between 1 and perhaps 5 or 4 per cent of the entire vote. I therefore feel that Mr. Blandford's and also Dr. Hannah's statements that some of these senators would be rather frustrated are not so. They would be less frustrated than they are at the present time where their votes are not very important whichever way they may vote.

I might point out also that that is parallel to the situation of the voters too. The voters, of course, are frustrated under the present system, because in most areas of the state it doesn't really matter whether they vote one way or the other. There is such a big margin in many parts of the state—of course, not in every part, but in many parts of the state—it isn't worth voting for either party, because the margin is almost an open and shut case in a general election. But under the system proposed, every vote will always count, and will always count one. And as pointed out a variety of times, several times, every vote will be registered on the tote board, so to speak, in the legislature and will count.

Therefore, what I assert is this: there will be less frustration of senators under the minority plan than there is under the majority plan, and there will be less frustration of voters also under the minority plan than there is now under the present plan, and I believe there isn't enough difference between the present plan and the majority plan to alter that conclusion.

Mr. Blandford also states or asserts or assumes that I have doubts as to the system because I don't use the weighted vote system in committees and use equal votes in committees. Now, that is an error in judgment as to what our intention is on that point. We have 2 reasons in mind why we prefer to have equal votes in committees. One of them is simply that it is much simpler. In a committee you don't want to have to run out in the hall and push that machine. It is a nuisance to do that, and it would really go beyond the limits of the necessities. After all, the committees don't decide ultimately the issue. They do have an important part to play, but it is safe enough to trust people having unequal votes in a different room to have equal votes in the committees. So as a practical matter, we felt it was not worthwhile and not a good idea to have the senators have unequal votes in committees. But that was not the principal reason. The principal reason was different. Or really I shouldn't say the principal, but there is a second reason equally valid which is different, and that also relates to the remark of Dr. Hannah that we are not really providing any area factor. That is not so. We are providing an area factor. And the area factor is effective precisely in the committees. That is where it is totally effective. It is not totally effective in the vote, but it is totally effective in the vote in the committee. I will refer to that a little further when I get back to the remarks of Dr. Hannah.

I now would like to turn to some of the remarks of Mr. Yeager, many of which were in the form of questions. I would like to make this comment first, however, that Mr. Yeager says this system is so new that its operation would be unpredictable. Then he goes on to predict how it would operate. That seems to be a rather peculiar approach. If you can't predict it, how come you can predict that it will be terrible in consequence? Mr. Yeager states that he assumes that the purpose of the minority proposal for the senate—or there are 2 purposes. One is effective representation of all people regardless of density or sparsity of population, and I believe he admits that this does achieve that. Now, I would say that if it achieves that, it is quite an achievement. No other system has ever been claimed to achieve that. No other system that I know of can really achieve that. Therefore, if we did achieve that, possibly we could take some losses on the other side, on some other factors. However, the only loss that he suggests that I recall as a major loss is the question of whether this safeguards the 2 party system. I will state to you that I considered that very carefully. The same thing that occurred to Mr. Yeager occurred to me, that where you have 2 parties you might possibly have a tendency to split into 4 parties, because the real election will be in the nomination in the primary. That is actually the only real election, in the primary, and therefore you might tend to split into 2 parties. And if I were convinced that was so, I would cancel this plan immediately and move on to another one. I certainly don't intend to damage the 2 party system. Obviously, if I proposed a bipartisan plan which mentions the parties—not by name but indirectly—and attempts to keep them in balance, clearly I don't intend to break up the parties.

Now, the reason that I assert the reverse of what Mr. Yeager says upon, let's say, repeated and continued reflection is that I believe it will strengthen the 2 party system in many, many ways. First of all, we have an example of situations something like this where the primary is the entire election. This would not be a novelty. There are many parts of the country right now—in fact even in Michigan—right in Michigan. I would say in most parts of Michigan the primary is all that matters in the election. But in the south of the country, in the southern states, in all parts of the southern states the primary always, without any doubt, is the election. In none of those cases where there is a certainty of one party winning has it ever caused a split into 2 parties in the way that is suggested by Mr. Yeager, and that is one of the main points which has convinced me that this fear—which I believe should be raised, however—would not in effect eventuate. We have had a test of that, as I say, in many places in the country, including Michigan, and the mere fact that the nomination is tantamount to an election has not caused splits in parties. In addition to that, I also assert that this minority plan would strengthen the 2 party system for another reason—for 2 other reasons, in fact.

One other reason is this: if there is a Republican elected, he realizes that it was not very much of a personal victory for him to win. Once he got past the primary, he couldn't lose. He is elected to represent Republican voters, and Republican voters expect him to act like a Republican. And if he doesn't,

they will be quite disturbed. If he breaks the party lines in the senate, it will always be noticed. It will be extremely noticeable and he won't have a great opportunity to come back and do it again the next time. In other words, there will certainly be strong party pressure and, therefore, whatever tendency you might believe there is to unravel the parties—which I say doesn't really exist—you have also the opposite effect. There is no reason, really, to believe the parties would unravel. They actually would be stronger, in my opinion. They would also be more responsible because they know they can be booted out and they can be put in as a party. Quite frequently, in fact, they can be put in and taken out as a party.

Now, Mr. Yeager also refers to this question: suppose there is 90 per cent of the votes, let us say Democratic in some area and 10 per cent Republican, does that mean that only one senator would be elected? Well, the answer to that is perfectly clear. If you read the text, you will see there can never be less than 2. You don't need 25 per cent to win. You only need 25 per cent if you come in third to win. You come in with 10 per cent and you are second and you win. So there is absolutely no problem there whatever. The actual problem there is the other half of it that was mentioned by Mr. Yeager, and that problem has been very carefully considered, because I thought of the same thing. What happens if a candidate runs in the wrong party in order to capture the whole election? In other words, he says there is 90 to 10, and the 90 per cent party would like to make it 100 per cent. They wish to do that. Now, there are 2 reasons why in my opinion this is not very likely to occur, and then there is another reason why it wouldn't make much difference if it did occur. Let me give you the last one first. Suppose there is 90 to 10, and suppose the majority party should win. That wouldn't make a stupendous difference in any event when it is such a terrific margin, and it certainly will make much less difference than it does now where that happens every time. Every time now, whoever gets more votes always wins. Therefore, what is feared here is that this system might in some cases—and I don't know of anyplace where there is the 90 to 10 split in Michigan—but in some cases it is conceived, the possibility that the system might not work perfectly, but the point I make here is that the imperfection that is worried about here is the precise imperfection which happens in every district every election under every other senate proposal. Therefore, if this system is said to be imperfect on this point, every other system is much more imperfect.

But to get to the merits of the real probabilities here, what chance is there that a candidate can run in the wrong party and win, and therefore wipe out the other party in that election? One of the things that was put into the proposal was intended to prevent that from being a real threat or a real probability, and that is the 25 per cent figure for a third party. There is always a possibility that if a party should split into 2 fragments with an attempt to come in in first place and second place that its lower half, let's say, will come below 25 per cent. It might in that event come in third rather than second. It hopes to come in second, but suppose it comes in third? If it comes in third and has less than 25 per cent of the vote, it will lose votes. They will have less votes. Only its winner will go and its loser will not. Therefore, any party that takes this gambit, takes this risk unless it can be certain that its second party will get 25 per cent of the vote takes a risk that it loses many votes. But it has no possibility of gaining votes, really. Its chance of losing is bigger than its chance of winning. If it starts with 90 per cent, it may end up with 70 per cent or thereabouts. It has a big chance of losing and not much chance of winning.

The real possibility that Mr. Yeager mentions is that the candidate would not run on a separate ticket, but would run in the wrong party; that is to say if he is a Democrat, he runs on the Republican ticket in the primary. Now, that also has been considered carefully. That, of course, is not an impossibility. But there is again too much risk, in my opinion, for this to be more than a very rare, improbable event, and the reason is this: if a candidate runs in the wrong party, everyone who wishes to support him in the primary loses their right to vote in the primary, and since by hypothesis this is a case where the primary is the only election, that means everybody who votes for him doesn't vote at all in that election. That being the case, he will have to be quite an outstanding candidate to make so many people give up the ship. And in addition there isn't very much to gain, because by hypothesis they had 90 per cent of the vote to begin with, and they may end up losing in this manner. Therefore, I believe that the fears that are expressed by Mr. Yeager, while they are not dreamed up for the occasion—they have been considered. I had the same fears at first. I have considered them. I discussed this with practical politicians who are newspapermen, let us say, and others, and found out how this thing really works and what would happen, and I am satisfied that the worst that you could possibly conclude is that this system may not work perfectly every time, but you can guarantee that the present system and any other system proposed will always work the same trouble that you suppose might sometimes occur here.

I also would like to talk about splinter parties. Mr. Yeager raised these questions, and the reason I answer these at length is, in my opinion, every one of these is a good question and ought to be answered. Each one of these things caused me a considerable amount of concern and hesitation, and I understand why other people would hesitate too. But they deserve a substantial answer. Mr. Yeager is concerned that we may have splinter parties. Now, by "splinter parties" I assume he means many parties as they have in France, such as 7 or 8 or some such thing as that. That would be a terrible catastrophe, no doubt. But I point out that this system with the 25 per cent figure for a third party to participate absolutely guarantees that there never can be 4 parties in any district. There is no way that 4 parties could do it unless each one had exactly the same 25 per cent. That is a chance of about 1 in 100 billion, and therefore we can neglect that chance. And that being the case, there can never be more than 3 parties in any one district, and therefore there is really no reason why any fourth party should ever attempt to get into the act. There is a possibility there could be 3 parties. There is no likelihood there would be 3 parties, but there is that possibility, there is no question about that. We have to be fair to third parties. We can't put into the constitution that only Democrats and Republicans can ever be elected. But the point is it is impossible to develop a multiplicity of parties. The maximum thing that can happen is, 3 parties might exist.

Another point that Mr. Yeager makes is also well taken and also requires an answer. It also occurred to me to question this. Why bother to fight in the election when the election is a shoo-in? You can't lose. There is really no reason to fight. Why would a candidate for senator fight after he has won the primary, or why would anybody fight for him in the election? In fact, would people even vote for him? Those questions are good questions. These are the answers that I finally found after thinking about this for many months, this and the other questions. In the first place, the elections must be only at general elections. If we don't do that, the whole system fails. If you ever have any special elections, the exact trouble that bothers Mr. Yeager would occur, and that is why we provide in our proposal a provision that it must be at general elections and that vacancies also shall not be by special elections. They have to be filled temporarily by the party as a replacement simply to prevent special elections. The point is that if there is a general election, the people are at the polls for other reasons. They are there. They are all set to vote. And if they are there, they may as well vote for the legislature, for the legislators, the senators, and so on. They will be voting for their representatives anyway. Then they will vote for a senator of the same party as their representative. Therefore, the election there will be, no doubt, basically a straight party vote. It is really quite close to that in any event.

Now, why would a candidate go out and campaign when he knows he can't lose? Well, I don't know whether he would campaign, or whether his party would just run him on the ticket. It is hard to tell. But I believe this is the case: a campaigner, let's say a candidate for senate, who knows he is a shoo-in and then disappears from the scene and takes a

trip to Mexico City for about 3 months, when he comes back he may find that the votes that he received are about, say, 75 per cent of what his party set as his quota. They need his votes in order to get control of the senate. If he doesn't provide them—they don't care that he is there; they want him to help them get control—he won't be back next time. Therefore, it seems to me he will be campaigning for proxies just as in any proxy battle. In any proxy battle in a corporation, everybody knows how many teams will show up and who they will be. The only thing they don't know is how many proxies they will have, and that is the crucial question. Similarly here.

Therefore, all the points that Mr. Yeager made, I believe every single one of them, are well taken and they ought to be considered, and if you come to the opposite conclusion on any of these, I believe you should vote against the plan or else find how to correct it. You shouldn't vote for it unless you are satisfied you know the answers to these questions. But I have thought about this over and over again, consulted with others, and those are the answers that I have arrived at.

Mr. Yeager also states another point: he is convinced that the people do not want this plan. That seems to me to be rather a mindreading stunt. I don't know how he can tell they don't want this plan. The plan has just been rolled off the presses, so to speak, and it is a little bit early to tell whether the people want it or not. I think the best way to find that out, really, is to ask them. Give it to them on the ballot and find out whether they want it or not. He also says that a poll showed that people wanted a so called balanced legislature. I examined that poll. It never said a thing about balanced legislature. I believe something like 30 per cent or 40 per cent or maybe more than that said this: they were opposed to 2 houses based on straight population; that at least 1 house should have something other than straight population. That is not necessarily a balanced legislature. For example, the minority proposal for the senate does have another element besides population. It has 2 other elements besides population. First of all it has an area factor and, second of all, the votes cast are what count and not the population of the districts. So it has other factors and it unquestionably satisfies the poll. It is a little bit early to predict whether the people want this or not, and I think the only way we can judge this is on its merits. If we thought it was a good plan, I believe it wouldn't be difficult to convince the people as well. If we think it is a bad plan, no doubt we will get the reverse result.

Mr. Yeager also complained that this is a new concept, and as to that I have 2 things to say. First, the principle of equal representation is not a new concept. There is a new concept here in the mechanical system of how you add the votes. But don't forget there is a new concept in the opposing proposal as well. In the majority proposal you have a new concept of how to count people also. In our proposal it is how you count senators, but in the majority proposal it is how you count people, if you count them with 80 per cent and the 20 per cent and so on. And, of course, we may say that as far as the state of Michigan is concerned, the equal proportions method is new to them as well, and I might add it is new to everybody when you don't have fixed districts to start with. I don't say that it has never been done anywhere, but it is not the system that is used in congress. In congress you have fixed districts. I realize that it is not zero years old. I believe it has been adopted in a few of the new constitutions a few years ago. But that is a new system and in Michigan it has never been heard of, and I believe you can only find approximately 3 people on the committee who can explain that proposal. So that in any case we have something novel. We either have a new principle or we have a new practice.

Now, the next speaker was Dr. Hannah, who said: let us look at the realities of the situation. He says it is a partisan issue. I certainly don't wish to take issue with him when he says it is a partisan issue, although I will say that I had lunch with a delegate who said point blank that this is not a partisan issue, and he was of the same political faith as Dr. Hannah. I would like to point this out: this is unquestionably a partisan issue. You can't divorce partisan politics from this issue, because it affects the whole political strength of the 2 parties in the state. It certainly is a partisan issue. On the other hand, it is also true that it is not only a partisan issue; it contains basic issues beyond partisanship. If we look at it only as a partisan issue we make a mistake, and if Dr. Hannah suggests that we look at it only as a partisan issue, I believe he makes a terrific blunder, and I believe every delegate who follows that makes the same blunder. That blunder is to fail to recognize that all we can do at this convention is put it on the ballot. You can put your position on the ballot if you wish. That is not enacting a law. The people still have to accept it. And the people who asked for this convention did not ask for it on that basis; on that you can be sure.

Dr. Hannah also says that we insist on population in both houses in the minority party. I would like to scotch that for the last time. Every time Dr. Hannah says that, I deny that. Then he says it again, and then I finally say I wish he would stop saying it. However, my wishes have never come true; he still says that the minority insists on population in both houses. However, I will just call to the attention of the committee of the whole, the delegates, that the proposal we insist on in the minority plan has population in one house, and in the other house it is not based on population; it is based on area and on votes. If you would like to see a plan that is based on population, we have a few ready and we will submit them at an appropriate moment if the worst should happen. I don't know that the worst will happen, but if the worst should happen, if Dr. Hannah fears that he may have to go on with his own proposal, if that should eventuate, then we could submit some plans that, you will see, are straight population. But we have not submitted any plan that is straight population. We have submitted plans in every event, however, that are based on equal representation.

I also call to your attention that all those people in the polls and all the people at the convention who earlier said that we must have one house on population, the other one on something different, are in a somewhat embarrassed position now, because only the Democrats have come out with a house on population and another one on population plus something else. In the Republican plans that have been submitted, neither house is on population.

I believe as to the 21 per cent area, it is not necessary for me to repeat actually what I said. The 21 per cent area factor in our plan provides a voice for every part of the state. That is what they are entitled to. Every voice should be heard, but every voice should not win. The only way you can tell who should win is who has the greater number of votes, who is backed in the public, not who has the greater number of voices.

Dr. Hannah also states that if you add up the votes of 3 counties under our plan, the minority plan, you will get nearly a majority. Well, the answer to that: it should be quite obvious that that is so. If you add up a majority of the voters, you will end up with a majority of the votes in our plan. That is precisely what it is intended to do. If you don't wish a majority of the voters to be able to decide, that, of course, is another question.

Finally, the other speaker was Mr. Wanger, who says we don't represent people but only voters, and that is, I believe, an important question too. I considered that too, and I think it is not something that should be dismissed without thinking about it. It is true that the relative strength of any senator under the minority plan would be based entirely on the number of people who voted for him. It would not be based on the population. And I emphasize that: it would not be based on the number of people; it would not be based on the population. It would be based only on those who are entitled to vote and do vote. The question then is, according to Mr. Wanger: what happens to the rest of the people? How are they to be represented? The answer is, they are represented the same way as people who don't vote under any other plan. Not everybody votes, but the person who represents them represents all of the people of the district, not just the people who vote for him. For example, who represents the Tax Cut party at the present time and who represents the Tax Cut party under the minority plan? Both senators represent them. Neither one represents them exclusively. Both of them represent them. Who repre-

sents the children? Both of them represent them. But one of the senators represents specifically the wishes of the people who can't balance.

The point is this: under the minority plan, the result to be achieved in enacting legislation is intended to be and is expected to be the same as if the voters themselves cast their votes for the enactment of legislation. As has been mentioned on the floor earlier in this convention, it is as if every voter at home had a switch in his house, and every morning there was a television set which said, "How do you vote on the following issue?" He says yes or no, and it is added up in Lansing. It is as if that were done. Instead of it being done that way, it is done through representatives. But the result is intended to come out the same as if that were done. Now, if that is done—and of course that is done in enacting laws by initiative—nobody complains that only some people voted. The question of who is to vote is a different question from how the result of the vote should come out.

Mr. Chairman, I believe this, as far as I can recall, answers the questions raised by some of the delegates, and many of them, as I said, I believe are very good points. They should have been discussed, and I hope this answers the questions. If not, I will be glad to answer some more.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. King.

MR. KING: Mr. Chairman, fellow delegates, for fear of raising further questions, I will pass. (laughter and applause)

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. T. S. Brown. Not in the room. Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, ladies and gentlemen of the committee, I personally don't care whether this committee adopts the majority or minority plan, but I think you ought to at least have the facts straight, and having listened to a lengthy presentation by Dr. Nord, I would like to set some of the record straight and some of the facts straight. A good deal of what Dr. Nord has said was presented to the committee, was listened to and considered carefully, and for one reason or another was rejected, but rejected mainly because it did not reflect the views and wishes of the people of the state of Michigan.

I would like to discuss some of the things very briefly that he mentioned. First, he makes a point that he would like to return to the senate under the 1850 and 1908 constitution, and then proceeds to say that this was apportioned based upon population. I ask that the delegates, before they leave this room and before they vote, look at both the Constitution of 1908 as originally drawn and the Constitution of 1850 and show any specific language in there that says that the senatorial districts shall be arranged according to population. This does not say that. It says, "the legislature shall by law arrange the senatorial districts and apportion anew the representatives among the counties. . . ."

During one of the hearings I asked Dr. Nord if he would allow us to write a formula apportioning the senate under the language of the 1908 constitution as it had been put into practice, because this is what he wanted to return to. And if you examine those maps—and I have them here from 1900, the senate as it was in 1900, 1910, 1920 and subsequent to the 1920 apportionment—the senate of the state of Michigan was districted on more than a population basis, and you can see how the senatorial districts changed, how they attempted to keep counties of like economic considerations together, and that the discrepancies in 1900, 1910 and 1920 are substantial on simply a population basis. Those maps are here at my desk, and you may look at them. But I call to your attention that in 1900 the discrepancy was as much as 175 per cent; in 1910 as much as 185 per cent; and in 1920 as much as 400 per cent, and it was not improved materially after the apportionment in 1923 or '24.

Secondly, I would like to point out that history has a short memory. The only time the house of representatives was not apportioned according to the constitution in the last decade, or since the 1908 constitution, was in that period of time when the Democratic party controlled both the house and the senate. I was amazed after listening to Dr. Nord talk in our committee to realize that a man as young as Hale Brake had served in a senate controlled by the Democrats in the state of Michigan. This I would never believe had I listened to the testimony advanced by Dr. Nord, but it merely shows that history has a short memory, and we are writing a constitution and not dealing with what has happened in the past 10 or 12 years.

A point made by Dr. Nord was that a malapportioned legislature fails to pass laws. I ask every delegate to go down to the library and look at the volumes of compiled laws since 1950, and if this lacks the number of laws being passed, I would hesitate to imagine how many laws would have been passed by a legislature apportioned on any other basis. You can't keep up with them now, and I would hope that we would pass fewer rather than more.

Dr. Nord gave us a table dealing with taxes, and he labels these taxes as being derived from one county and paid out to another county on the basis of a malapportioned legislature. I ask him, to what extent does he lay in the legislature's lap the sales tax diversion amendment which diverts sales taxes based upon population; the gas and weight tax diversion, which diverts gas and weight tax on the basis of population and mileage; the welfare aid, which is apportioned back on the basis of the population and deductible millage; and the school aid, which is again apportioned back on the school census and deductible millage. Are you saying, Dr. Nord, that a well apportioned legislature would apportion back for schools, welfare and local government these moneys collected by the state from a state derived tax on the basis of where it is collected, and that you in Wayne county have no responsibility along with the responsibility of Muskegon county to our less fortunate and less wealthy friends in the rural areas and those parts of the upper peninsula suffering economic distress? If your argument is correct, then you would return state collected revenues in direct proportion to which they are collected, and if so, then education derived from state funds would be less in the poorer counties than in the rich counties. I tell you that this is the trouble that is causing the disintegration of the Belgian Congo where one wants to keep the diamonds and the other the people.

I think we are a state of Michigan and our legislature should represent all of us, and we should be careful in making such analysis that we are not trying to ride the same horse in 2 directions by pretending in one breath to want sales tax diversion on a population basis, and in the next, blaming on a malapportioned legislature the result of such sales tax diversion amendment.

Mr. Greene raised the point of race relations. If one will examine those legislatures which are the most nearly akin to population, I submit that they include the states of Arkansas, Kentucky, Massachusetts, New York, Oregon, South Dakota, Virginia, West Virginia and Wisconsin, and I submit to you that the problems of race relations are as serious in Virginia, which has one of the best apportioned legislatures of any state, as they are in Michigan with its malapportionment, according to the report of Mr. Greene. I doubt that race relations and malapportionment have a very high correlation.

Now, Dr. Nord referred to table 9 and then gave us a hypothetical illustration, the majority formula for the house. This was presented to us yesterday and makes it difficult of analysis, but I submit to Dr. Nord—and I submit to any delegate here—take the minority proposal, apply it to his first illustration of 1 county with 3 million and 82 counties of 50,000 and you will come up with exactly the same result under both the minority and majority proposal. You cannot allocate the seats differently in the house. Move down and apply the minority proposal to illustration 2 and you will find that you need a house of 116 members, and this is the problem found in any proposal to allocate a fixed number of house seats by the means used in the minority proposal or the deviation, harmonic mean or any other plan based upon deviation from the norm. You cannot always work a given fixed number of seats without creating some paradoxes. And it was for this reason, after competent testimony, that congress decided to discard any test of deviation and go to the equal proportions. But I ask every delegate here, regardless of political party, to apply the

minority proposal to illustrations 1 and 2, and I believe you will come to this conclusion. I think the true analysis is one in which you have to analyze the majority and minority formula for the house of representatives. In both cases—and I repeat, in both cases—47 per cent of the people of this state can elect a majority of the house of representatives under either the minority or the majority plan. I submit to you, however, that after considerable testimony by expert mathematicians, the fairest method is by the method submitted—equal proportions—which will be more fully explained to you, but the minority proposal has objections many in number, and it will be clearly shown if you apply it to the illustration given to us by Dr. Nord.

The other issue in Dr. Nord's senate plan is this: am I to go to the senate of the state of Michigan to vote my best judgment, or am I to call my county chairman or my political party and vote the party issue? If we are merely to vote one from each party to a senate, may I ask the good doctor why we don't just send the party committeeman from each senatorial district because he will be less likely to be honest and forthright and independent in his judgment than a person who has to ultimately appeal to those people who are not closely aligned with either party. Under the minority plan for the senate, those people not closely aligned with either party have no home and no effective voice in politics. They can go and vote in a primary, but when it comes to a general election as applied to the senate, most people who do not classify themselves as either Democrats or Republicans have no home, and only the staunch, blind partisan will govern the senate of the state of Michigan under the minority plan.

The minority also make a great issue of the area factor in their senate plan. I ask you to look at your map submitted under figure 3, and I think you will find that there is only a stone's throw from Holland in the lower part of Ottawa county to Midland on the eastern side in senatorial district 5, you will see how little area is taken into consideration. I urge you to defeat the minority proposal concerning the senate for the reason that it over emphasizes party politics and under emphasizes the rights of all the people of the state of Michigan.

CHAIRMAN HUTCHINSON: The Chair now recognizes Dr. Hannah for a preferential motion.

MR. J. A. HANNAH: Mr. Chairman, it now being 3:30, I move that we rise for the purpose of a 10 minute recess.

CHAIRMAN HUTCHINSON: All those in favor will say aye. Opposed will say no.

The motion prevails and the committee has risen.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a certain proposal of which the secretary will make a report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. President, I move that we recess for 10 minutes and reconvene at 3:40.

PRESIDENT NISBET: The question is on the motion of Mr. Hannah. Those in favor will say aye. Opposed, no.

We are recessed until 3:40.

[Whereupon, at 3:30 o'clock p.m., the convention recessed; and, at 3:40 o'clock p.m., reconvened.]

The convention will please come to order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move the convention resolve itself into committee of the whole for the purpose of consideration of **general orders.**

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor say aye. Opposed, no.

The motion prevails.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN HUTCHINSON: The committee will be in order. The committee is considering **Committee Proposal 80,** and the Chair recognizes the vice president of the convention, Mr. Downs.

MR. DOWNS: Mr. Chairman, fellow delegates, before I start talking, I would like to just say a few words, and this is particularly—(laughter) Well, I didn't know it was that good. (laughter) But, leaving my prepared script here, our Delegate Bill Hanna commented about the states that did have proper apportionment. I would like to say that some of those were the poll tax states where people who were economically disadvantaged or poor people could not vote, and I think that the difference is largely one of degree; that in Michigan, unfortunately, and many other northern states, we let everybody vote, but we discount the value of the ballot in apportionment. Now, having said those few words, I will get on with what I had planned to say in the first place, which will be brief.

As far as the supreme court decision goes—and I think Judge Dehnke very properly pointed out that it is not only the particular decision, but the import and the curtain, really, that opens—the thrust of this decision and, I think, for our purpose the main significance is that the United States supreme court will take jurisdiction over what the states do in the matter of apportionment. And this is a breakthrough in constitutional law. This is the first time that the United States supreme court has in clear cut and unequivocal language said that it will review what the states do in the matter of apportionment. Prior to that time there had been the argument made that regardless of how a state set up legislative districts, that that creation of districts could not be reviewed by our federal judiciary. And to my way of thinking, this is a landmark and it does pertain to what we do here today and in this convention, because from this point on it is no longer a matter of debate; it is a matter of decided law that the United States supreme court is looking over our shoulders when we make decisions on apportionment.

Now, I am the first to say that the United States supreme court never has and never has been asked to draw up maps of the respective states showing what legislative districts should be, but I do feel that the thrust of this decision is that the United States supreme court will increasingly review what is done by the respective states. And I would like to point out particularly that the court has never said that the one man, one vote concept is unconstitutional; that so far as any state goes that has created a one man, one vote concept in any election, that that has never been held violative of the United States constitution. So, from the constitutional viewpoint, that is the one safe way to go. Even if we accept the concept of one man, one vote, this does not mean we need to be in what is really any kind of a legislative or political straitjacket. I think, for example, that the plan of Dr. Nord, the so called tote system based on votes, is a method resulting in one man, one vote because each voter's vote is equal, and it means that the Republican and Democratic counties do get a more direct representation than at the present time. I think on the representatives, the minority plan does, too, attempt to use one man, one vote on the basis of a census and not on the ballots cast. Delegate Wanger pointed out the difference between ballots cast and the census. To my way of thinking, each one of those fits into the broad category of one man, one vote. I would have preferred the minority plan more if it hadn't, as is so often done, made a sacred cow out of county lines, though I can see practical arguments sometimes for that.

Now, the real problem facing those who do not want one man, one vote is simply the matter of classification. I do not know

of anybody who, on a rational basis, will justify any classification for the present Michigan state senate. The only constitutional defense I ever heard was that this was a question the United States supreme court could not review. Therefore, it did not matter in what form or shape that system was.

Now, with our recent supreme court decision, I believe that that argument is destroyed once and for all, and any system we face will have to have a classification and, as I have said repeatedly here, the one man, one vote, to me, is a sound classification. The difficulty of those who do not accept this principle is that once they have to justify it, they have to work out some rational system. I feel sometimes a result is obtained and then people try to rationalize backwards. But what is to be a rational system? Can we, as Delegate Bill Hanna says, have 18.2 acres equal one man? Then 18.2 acres of swamp equal 18.2 acres of industrial property in Flint.

I think probably on the classification system, we should point out that the whole thrust of American democracy has been to expand the franchise set up by our founding fathers. When the country was set up, only about 1 out of 9 people could vote. It was only the freed man, the male, the property owner and, yes, even occasionally religious requirements for voting. As time has gone on, those various limitations have been removed. Year by year, with women's suffrage, the result of the civil war, we have constitutionally removed limitations. And I, for one, think the next big limitation is the matter of geography.

I think perhaps this classification problem can best be illustrated—and some may have heard it—in the story of Abraham Lincoln and the pig. It seemed that many years ago in a small town in Illinois, they were setting up their local government, and the problem came up as to who should vote. And some people said, "Well, everybody should," and others said, "No, that's going too far; we should make some requirement so we don't just let anybody vote." And the recommendation was that people own some amount of property. And then the question came up as to how much property. Well, at that time inflation was a problem. It was an agricultural community. So they decided that the person in order to vote should own property equal in value to that of a pig. And Abraham Lincoln was president—at least this is one of those Lincoln stories. If he weren't, I am sure this is what he would have responded with. He said, "Now, in our classification system here, the man without the pig can't vote. The man with the pig can vote. Who then is voting; the man or the pig?" (laughter)

CHAIRMAN HUTCHINSON: The Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. Chairman and fellow delegates, at this point I want merely to take a minute or 2 to supplement what Delegate William Hanna said about the provisions of our constitution concerning reapportionment of the senate. We have heard it said over and over again, as if there were no doubt and no possible difference of opinion about it, that under our constitutions for 100 years back the legislature has been under an obligation to apportion the senate every 10 years on a population basis. The language is confusing principally because a comma was omitted in the writing of it originally. This proviso reads:

> At the session in 1913, and each tenth year thereafter, the legislature shall by law rearrange the senatorial districts and apportion anew the representatives among the counties and districts according to the number of inhabitants. . . .

If a comma had been put after "senatorial districts," there couldn't be any possible doubt about it. But there are 2 ways of judging what the people who used that language intended it to mean. One is the historical practice ever since that time and, as Mr. Hanna has pointed out, the senate has never been apportioned on a population basis even in those days when the population was distributed more evenly over the state than it is now.

I have before me here a volume that you all have had, Legislative Apportionment in Michigan, on page 4 of which is this:

> The controversy revolved around the question of whether the "rearrangment" of the senate districts was to be according to the number of "inhabitants" or whether this phrase applied only to the house apportionment.

And in the volume, The Legislative Department, furnished by the citizens advisory committee, on page 8 of that is a similar paragraph quoting this section and proceeding, "This subcommittee notes the difference in language applicable to the senate "rearranged" and the house of representatives "apportioned." But I think the most conclusive evidence of what that language was intended to mean is in the Address to the People that accompanied the proposed Constitution of 1907. That explanation of this section reads as follows, "This section abolishes the state census and bases the decennial apportionment of representatives upon the United States census." Not one word about that applying to the senate. That is perhaps not of very much importance except for historical purposes, and for that reason I have included it here.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, some of the questions raised by Delegate Hanna and another one which has been raised by Judge Dehnke certainly warrant further study, and I would like to state some more of my conclusions with respect to them. These questions have to do with whether or not the 1908 constitution required a population basis in the senate. This is important for a number of reasons. One of them is that it has been asserted by the minority, including myself—especially myself—that the population basis was the basis ever since the beginning of this date until 1952. The other reason that it is important is because I also asserted that in the event the 1952 amendment should be declared unconstitutional by the Michigan supreme court or the United States supreme court, that we would then revert to the 1908 constituion, which would be a population basis, and that would make a difference to what the convention might wish to do. Therefore, it is important to know whether the 1908 constitution did provide for population or not. And I would like to state the reasons in support of the position I have taken that the 1908 consitution did require population basis and would still require it if we were to go back to it by judicial decree.

Judge Dehnke's point, of course, is well taken. It has been argued by a number of people that the language of the 1908 constitution is ambiguous, and the ambiguity is the exact one that he has pointed out. That ambiguity has to do with the fact that a comma is missing or at least is not present in the language which he read, and therefore there are 2 possible ways of interpreting that. One of them is that you must reapportion the house, and the other one is that you must reapportion both the house and the senate on a population basis. It could be interpreted one way or it could be interpreted the other, and doubts have been raised as to which is the proper interpretation.

I would like to point out 2 reasons why I assert that if we were to go back to the 1908 constitution, we would find that we have a population basis. I will start with the historical reason having to do with the construction or interpretation of the constitution, and the second would be an attorney general's opinion. The first reason is this: in 1850, there was no doubt about whether it was a population basis in the senate or not. If you wish to compare the 1850 provision with the 1908, you will find the language to be substantially identical at this point about reapportionment, but the precise comma that Judge Dehnke says is missing in 1908 was present in 1850. Therefore, on the basis of Judge Dehnke's statement, if that comma is there, it was a population basis, then it certainly was a population basis in 1850.

Now, the historical rule of interpretation which I urge the delegates to take note of is this—first of all, I would like to state this: it is not very likely in any event that a court would construe that a substantial change of this type would be intended to be effectuated by putting an ambiguity into the constitution rather than stating point blank that there was intention to change. However, that doesn't necessarily solve the problem. But there is this historical rule having to do with the 1787 ordinance. The 1787 ordinance prescribed that there should always be a population basis for representation in the legislature, that it should be forever. I pointed out to you last

night that that was originally intended to be and was held to be legally binding on the states. It later was held not to be legally binding for reasons of equality among the states as they were introduced into the federal system, but when it was held no longer to be legally binding, it was held by the courts to still have some effect; namely, as a historical guide to the intention of the framers of the constitution as to what is intended, and that has been held by court decisions which I have cited to the committee and I could produce to you, if you wish, court decisions in other states which come within the northwest territory. They have held that when there is a doubt as to the meaning of the constitutional provisions of any of the states carved out of the northwest territory, that you can look to the northwest ordinance as a historical guide. Of course if you do that, the result is crystal clear. When there is any doubt as to whether or not there is a population basis, the answer by historical guide is that there is a population basis, because the ordinance of 1787 says there should be forever a population basis. That is an argument which I make on my own hook, so to speak. In addition to that, I present the opinion of the attorney general. This you will find also in your Michigan Statutes Annotated. In the appropriate section you will find a citation of 2 attorney general opinions of 1923 and '24, and 1925 and '26. This is 1923 and later. That means the 1908 constitution was then in effect. This holds that the senate district should be apportioned according to population. You will find that on page 292 of the Michigan Statutes Annotated, in the righthand column near the bottom, a citation of those 2 attorney general opinions. Now, I suppose if the delegates were concerned that those attorney general opinions might not be the last word on the subject, it wouldn't be impossible, I suppose, to get another one as of today. You could get it yourself if you wish. All I assert to you is this: all the evidence that is on the subject indicates that if you go back to the 1908 constitution, you will have a population basis. If you wish to permit that possibility to go unnoticed, of course you have that prerogative.

Now, the other remarks I have to make relate to Delegate Hanna's statements, some of which I can pass upon at the moment, others which will require more study. Delegate Hanna says the legislature has passed lots of laws. He says the libraries are chock full of them, some of them in basements, I believe, and other places. The point, however, is not whether they passed many laws, but whether they passed any laws that were required and needed by Democratic voters and by metropolitan voters. It isn't how many; it is how good, and it is how vital. If the legislature had passed all the laws that were needed, or even most of the laws that had been needed, there would be no demand in this state or any other state for a department of urban affairs, or there would be no need for the federal government to engage so deeply in state affairs. There is a need for laws of the type that favor not just one part of the state, but favor every part.

Delegate Hanna also made an argument with respect to taxes, and he asked this question, which I think is a good question and it certainly requires an honest answer. He asks, to what extent do I lay in the legislature's lap certain items of taxation—that is to say, to what extent do I believe they have not distributed them properly; and further, do I say that Wayne county should withhold its tax money from other counties which need it. The answer to this in my opinion is as follows: as to the first part of the question, to what extent do I blame the legislature for distribution of funds, I blame them fully, not because they distribute on a population basis or some other basis, but because they fail to apportion the tax money according to needs. They should have considered the needs. And when they considered the needs, they would find this: they would find as I have shown in figure 1 of the charts that I gave you, a graph; they would find that the needs are big at both ends of the scale and not only at one end of the scale. They are big in Wayne county and in metropolitan areas. There is a big gap between the money that is supplied by the state to finance local activities and the actual needs. There is a big gap in the heavily metropolitan areas, and there is another big gap in the heavily rural areas. They should have apportioned according to needs on both ends. If they had done so, there would have been no move toward Washington.

As to the other half of the question, whether Wayne county should withhold tax money from counties that need it—and this, I say, is a question that is important and should be given a frank answer—the answer is, no, I do not say that any county that has tax money available or can raise it should withhold it from other areas that need it. That is not what I say. All I say, however, is this: if you will look at the data provided from 2 different sources in the report I gave you, you will find that the needs are not just in the place where you think they are. They are in 2 places. They are in the rural areas and they are in the heavily populated areas. I do say that wherever there is a greater supply of money than a need for money, there ought to be some flow of tax money in those directions. I am not opposed to that by any means. All I say is this: take into account the needs at both ends and not just at one end.

Delegate Hanna raises certain other questions. Some of them perhaps I cannot answer because I don't know the philosophical basis that he would use. One of those is this: is a senator to vote his best judgment or to vote on the basis of a party issue? Somebody else raised this question, I believe, a week or 2 ago, and I believe he said a republican—with a small "r"—would always vote his conviction, if I recall, and a democrat—with a small "d"—would always vote to represent the people in his area. I don't know if this issue has ever been resolved. I haven't got the slightest idea what is the right thing for a legislator to do. I don't know the answer. Anybody who does is welcome to tell me. I don't think that the answer will depend particularly on the type of system. I believe most likely it will depend on 2 things: the nature of the constituency and the nature of the legislator himself. So I will simply have to pass on that. I don't know the answer. I am amazed to find I don't know the answer to some questions. (laughter) Not very, because my students point it out to me all the time.

The other question that Delegate Hanna raises is, why not send the party committeeman instead of the elected representative or the one who is nominated at a primary? The answer to this, I think, is quite simple. I believe that is a strawman type issue. I would send him if the people selected him as a representative. If somebody else is selected, I will send them. Therefore, Mr. Chairman, I believe of the comments raised by Mr. Hanna, basically the most important one is the same one as Judge Dehnke raised, and that is have we had a population requirement in the constitution practically forever, and would we return to it if the 1952 amendment is declared void. I have answered that to the best of my ability.

CHAIRMAN HUTCHINSON: The question is upon the minority report amendment. All those in favor will say aye. Opposed will say no.

The minority report amendment is not adopted.

DELEGATES: Division.

CHAIRMAN HUTCHINSON: A division is called for. Is the demand supported? The demand is supported.

MR. NORD: Mr. Chairman, I demand a recorded roll call vote.

CHAIRMAN HUTCHINSON: Is the demand supported? All those in favor will rise. The demand is supported. All those in favor of the minority report amendment will vote aye. Those opposed will vote no. This is a recorded roll call vote. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—39

Austin	Follo	Marshall
Baginski	Ford	McCauley
Balcer	Garvin	McGowan, Miss
Barthwell	Greene	Murphy
Binkowski	Hart, Miss	Nord
Bledsoe	Hatcher, Mrs.	Norris
Brown, T. S.	Hodges	Ostrow
Buback	Hood	Sablich
Dade	Jones	Snyder

Douglas	Kelsey	Suzore
Downs	Krolikowski	Walker
Elliott, Mrs. Daisy	Lesinski	Wilkowski
Faxon	Madar	Young

Nays—95

Allen	Hannah, J. A.	Prettie
Andrus, Miss	Haskill	Pugsley
Batchelor	Hatch	Radka
Beaman	Heideman	Rajkovich
Bentley	Higgs	Richards, J. B.
Blandford	Howes	Romney
Bonisteel	Hoxie	Rood
Boothby	Hubbs	Rush
Brake	Hutchinson	Seyferth
Brown, G. E.	Iverson	Shackleton
Butler, Mrs.	Judd, Mrs.	Shaffer
Cudlip	Karn	Shanahan
Cushman, Mrs.	King	Sharpe
Danhof	Kirk, S.	Sleder
Dehnke	Knirk, B.	Spitler
Dell	Koeze, Mrs.	Stafseth
Donnelly, Miss	Kuhn	Staiger
Doty, Dean	Lawrence	Stamm
Doty, Donald	Leibrand	Sterrett
Durst	Leppien	Stevens
Elliott, A. G.	Martin	Thomson
Erickson	McAllister	Tubbs
Everett	McLogan	Turner
Farnsworth	Millard	Tweedie
Figy	Nisbet	Upton
Finch	Page	Van Dusen
Gadola	Pellow	Wanger
Goebel	Perlich	White
Gover	Perras	Wood
Gust	Plank	Woolfenden
Habermehl	Pollock	Yeager
Hanna, W. F.	Powell	

SECRETARY CHASE: On the adoption of the minority report amendment, the yeas are 39; the nays are 95.

CHAIRMAN HUTCHINSON: The minority report amendment is not adopted. The question reverts to the committee proposal. The Chair recognizes the chairman of the committee, Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, now that we have before us the report of the committee, I should like to suggest that we first consider the 2 brief amendments submitted by the committee, and then that we call upon Mr. Knirk to explain section a as amended.

CHAIRMAN HUTCHINSON: The secretary will read the first committee amendment.

SECRETARY CHASE: Mr. J. A. Hannah, on behalf of the committee on legislative organization, offers the following amendment to Committee Proposal 80:

1. Amend page 1, line 11, after "terms" by striking out "concurrent with the term of office of the governor.", and inserting "to be elected at the same time as the governor and serve terms concurrent with the term of office of the governor."; and on page 2, line 23, after "be" by inserting "as nearly equal as possible but"; so that the language will then read:

> The senate shall consist of not less than 36 nor more than 40 members, elected from single member districts for 4 year terms to be elected at the same time as the governor and serve terms concurrent with the term of office of the governor.

And the language on page 2 will then read:

> . . . counties entitled to 2 or more senate districts shall be further subdivided into single member districts so that the population of any district shall be as nearly equal as possible but not less than 75 per cent nor more than 125 per cent of the ratio of representation. . . .

CHAIRMAN HUTCHINSON: On the committee amendments, the Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, I shall not take the time of the committee. The amendments are self explanatory. They are for the purpose of clarifying the language. They do not change the intent.

CHAIRMAN HUTCHINSON: The question is on the committee amendments. All those in favor will say aye. Opposed will say no.

The committee amendments are adopted. Dr. Hannah.

MR. J. A. HANNAH: Then I yield to Mr. Knirk, a member of our committee, to explain section a, the section that has to do with apportionment of the senate.

CHAIRMAN HUTCHINSON: Dr. Hannah yields to Mr. Knirk.

MR. KNIRK: Chairman Hutchinson, in section a we provide:

> The senate shall consist of not less than 36 nor more than 40 members, elected from single member districts for 4 year terms to be elected at the same time as the governor and serve terms concurrent with the term of office of the governor.

I am wondering if it would not be best just to take that particular paragraph at this time and see if there would be any questions in regard to that paragraph.

CHAIRMAN HUTCHINSON: Do you desire to inquire for amendments?

MR. KNIRK: Questions.

CHAIRMAN HUTCHINSON: Just questions? The Chair thinks that you might proceed. Unless you are interrupted by questions, you can assume that there are none.

MR. KNIRK: All right, sir. The second paragraph, line 13:

[Paragraph 2 and the balance of section a was read by Mr. Knirk. For text, see above, page 2034.]

Of course, we have just adopted the committee amendment to subsection 3, line 23 of page 2.

Now, Chairman Hutchinson, ladies and gentlemen of the committee and guests, I would like to make some comments here as to the reasoning back of this proposal that is made by the majority of the legislative organization committee. My address to you is with all sincerity and faith that what has been stated before in the last 24 hours does not in the least affect my appreciation of fair play. I sometimes wonder why I was selected to present the majority report of the legislative organization committee to you. I shall not attempt to answer this for you, but I will say I am very proud to have been asked to do this, and I feel that it is indeed a privilege which I shall always cherish. I believe that this report is expected by an overwhelming majority of the people of this state—as I hope will be borne out as I proceed with this report.

In an approach to legislative organization there are certain facts that must be given full weight in the final determination of a plan for legislative apportionment. They are: this is a highly partisan issue; people always resist change; resistance will always come from legislators whose district might change; and we will have to defend our decisions in explaining the new constitution to the people.

From a purely idealistic point of view, the following questions need to be answered in the affirmative on any plan: does it have a formula which is based upon principle? Is it fair? And I think inasmuch as comments have been made in regard to the expression of last week, I would like to comment on a study and brief detailed report of Dr. Joiner's in regard to Baker v. Carr, known as the Tennessee case. For purposes of brevity, I would like to read for the record only the concluding statement of Dr. Joiner. He says:

> Therefore, I conclude that there is nothing in the opinions or decision in this case that directly affect the action of the convention. The apportionment plans that I have seen and that are being given serious consideration would meet the test of an apportionment plan based on reason and a rational approach. If, on the other hand, a plan adopted by this convention is not implemented by the appropriate state agency and the representation in the state does not correspond with the provision of the constitution, a federal question will be created.

I started here by saying there were 3 questions that must be answered in the affirmative, and I will list those first 2

again: does it have a formula which is based upon principle? Is it fair? And, thirdly, is it easily explained? That is, is there some simple way to get the intent of the plan across to the people?

The senate districts in the present constitution were established through the adoption of a constitutional amendment by a majority vote of the people of Michigan in 1952. Our committee recognized that there has been a substantial population expansion in southeastern Michigan since 1952. The majority of the committee concluded after extended hearings that the representation in the senate should be based on a blend of population and area factors. The committee agreed with former President Eisenhower who, in addressing the convention, stated that population should be given a major consideration, but that consideration should also be given to equitable representation for all areas of the state. Our committee was impressed by a resolution that was sent to us by the Detroit common council, approved in regular session on Tuesday, October 17, 1961. I will quote from the resolution addressed to the legislative organization committee:

> Now, therefore, be it resolved that this honorable body go on record as recommending the following:
>
> A. The house of representatives be apportioned on a population basis as nearly as possible, eliminating the present "moiety" provision to facilitate this;
>
> B. The senate be apportioned on a population basis recognizing area and economic factors—

I want to reread that statement because this is what I hope that all of us will recognize as a resolution adopted by the city council, and I will again read B:

> B. The senate be apportioned on a population basis recognizing area and economic factors;
>
> C. Provisions for a periodic reapportionment and redistricting be placed in a board or commission, subject to mandamus by the courts, and in a manner designed to prevent gerrymandering.

This was approved: Nathaniel H. Goldstick, corporation counsel. It was adopted as follows: yeas; Councilmen Carey, Connor, Patrick, Rogell, Smith, VanAntwerp, Wise, Youngblood and President Beck. That is 9; nays, none.

Now, Delegate Yeager touched on this next point that I wish to bring into focus here. However, I think I have some additional information I would like to bring to your attention. This was the preponderant view expressed to the committee by individuals and groups from all over the state. A poll taken and published in the Detroit News on January 30, 1962, reported:

> A preponderance of Michigan's citizens—both in Wayne county and outstate—want senate seats apportioned on the basis of both population and area in the new state constitution.

In their poll 3 plans were offered for the Michigan voters to choose among: first plan, a state senate based solely on districts; second plan, a senate on pure population; and the third plan, a senate which would reflect a combination of the 2 bases—population and geographic area. The results showed that 35.3 per cent of those voting preferred the combination; 26 per cent preferred the present system; 20 per cent preferred a senate based purely on population; and 17.9 per cent of those polled expressed no opinion. The poll indicated that among Democrats, 32.4 per cent preferred an area compromise; 26.8 per cent preferred seats based on population only, and 18.2 per cent wanted the present state districting maintained. This poll should be impressive to members of both political parties.

The majority members of the committee feel that in the interest of an orderly and sound transition, change should be made gradually. The committee proposes that upon the adoption of this constitution the senate membership shall be increased from 34 to 38, adding one senate seat each to Wayne, Oakland, Genesee and Macomb counties. The committee report recommends:

1. Single member districts adhering to county lines. The research staff—that is, here in our own facilities—found in a recently published pamphlet by Paul David and Ralph Eisenberger that, in general, county lines are followed for legislative districting, except in New England. In those states, town boundaries are followed. Traditionally in Michigan the legislative districts have followed county lines. The staff also found in a study by Maurice Klein, published in December of 1955 in the American Political Science Review, that there is a distinct trend toward single member districting. Among the states with single member districts are California, Delaware, Kansas, Kentucky, Missouri, Nebraska, New York, Rhode Island and Wisconsin;

2. The term of office for senators is to be 4 years "to be elected at the same time as the governor and serve terms concurrent with the term of office of the governor." At present, 31 states have 4 year terms for senators and 2 year terms for house members;

3. That there be not less than 36 nor more than 40 senators. According to a study of all other state bodies, we find that the range is from 17 to 67. The most popular sizes of the senates are 33, 35, 40 and 50, with the average being 38;

4. Districts comprised of more than one county shall be compact in territory, contiguous by land and as rectangular in shape as possible; and

5. That reapportionment of the senate districts shall occur after each decennial census.

The plan which will go into effect after the 1970 census bases representation 80 per cent on population and 20 per cent on area. This is achieved by calculating the percentage of the state's population living in each county, multiplying the number by 4, and adding the percentage of the total area in the county to that figure. The resulting figure is the county's apportionment factor, and the county unit becomes the major building block in creating senate districts. From 36 to 40 single member districts will be established by the apportionment commission in such a way that districts will have approximately 13 apportionment factors per district.

I have read to you Committee Proposal 80 from page 2, line 1 through line 11 of page 3, so I will not refer to that for the moment. But I would like to summarize by stating what you might expect from Committee Proposal 80 in regard to the senate.

The first question that every delegate has and that every voter back home asks is, "how will it affect our district?" And incidentally, if you will go back to the material that was given to you folks last Friday within the green folder and refer to a map there, you will probably be able to follow me in my comments here very accurately. If you will turn to about the midsection in your green folder, you will find a map there which has shaded areas and some cross hatched counties. It states on it, 1970 Apportionment Factors of Present Districts—40 senators. I might say we use the number 40 senators there because of the fact that only yesterday it was brought to our attention there was an error in Wayne county, and you might make this correction: instead of having 130 apportionment factors, I believe you would have 124. I thought I would have this information on my desk today and I have not received it, but I understand I will have it soon. This may make a difference. Instead of 40, it might be 39 in 1970.

Now, let's refer, if I may, beginning at the upper peninsula. Of the present districts—and we are going in reverse here—if our 1970 population estimates are correct, comparatively few districts would need be changed. I am sure all delegates recognize that these lines could be drawn in various ways. In fact, I might make a comment. The day that I was cross hatching a large map down in the committee room, Mrs. Butler and our departed Mr. Lundgren came down in the committee room and they didn't have exactly kind words to say in regard to my crosshatching the county, but let me just say this: anybody can draw these lines. Anyone can use their own estimation, and this is purely my own method of trying to point out the problem that we have.

Based upon the Consumers Power projection population figures for 1970, the following changes would be necessary. This is purely my individual opinion. Starting in the upper peninsula, district 32, as it is known, would have to be increased by at least one county and, just for illustrative purposes, Gogebic county would have to be added to that district. District 31

then would have to have added to it, by the subtraction of Gogebic, Menominee and Alger counties. And you will notice—following the arrows there, I am sure that you can see the change—therefore, that would leave senatorial district 30 with 2 less counties. Then you would have to take senatorial district 29 and leave that with Delta, Schoolcraft, Luce, Chippewa and Mackinac counties. That, incidentally, would qualify each one of those areas according to the apportionment factors that have been established by the committee report, leaving 3 senators in the upper peninsula.

Now, as we cross the bridge coming into senatorial district 28, we find that would be the same with the exception of Osceola which would have to be added to senatorial district 26. Senatorial district 15 would be a little short in population but most likely Livingston county—that is not very plain on my map; if you will locate Livingston county just to the east of us here—would have to be added to that district, which is Clinton, Eaton and Shiawassee counties. Now, again Livingston county might have to be dropped down and connected with Washtenaw county; nobody can tell at this particular time, based upon these projected figures by the Consumers Power projection on population.

We have 2 senatorial districts which I want to call to your attention—they are shaded—and you will note those as being 20 and 34, which are Tuscola, Huron and Sanilac counties, and then the senatorial district of St. Clair and Lapeer. These 2 senatorial districts are very difficult to consider. Based upon the population figures as projected, in 1970 they would fall just short of the requirement. However, we must acknowledge these are projection figures so they may not be accurate enough. If the formula was applied today, both of these districts would comply.

Now, down in the southeastern part of the state we add 1 in Oakland and 1 in Wayne in 1970, bringing the Wayne county number from the present 7 to at least 9 at that time; Oakland county from the present 1 to 3; Genesee from 1 to 2; and Macomb from 1 to 2. You see, Genesee and Macomb both would pick up their second seat soon after the ratification of the constitution and if this proposal is supported by this body; and likewise Oakland county would pick up one, as stated earlier, and Wayne county would pick up one.

This is very tentative, and of course the commission could draw districts different than shown on my tentative districting. I recognize that maps are dangerous and could lead to more heat than light. But, ladies and gentlemen, let me just say this: I recommend this proposal to you in the firm belief that it is sound, equitable, sensible, fair, and easily explained. I hope that you will approve the recommendations of the committee majority.

I have taken into consideration on another map which I am not going to necessarily show you here because I think, unless there is a question on it, it would be rather ambiguous and silly to do so, but we will suppose that the senatorial district of Huron, Tuscola and Sanilac, Lapeer and St. Clair does not qualify. I would just point out that in that case Bay county would most likely have to be added to Tuscola and Huron counties. Sanilac, Lapeer and St. Clair would become another district, and in doing so, then you would have Isabella and Midland counties which would have to be added to one or the other senatorial districts. In other words, one senatorial district now present would not exist. So it will be possible that in 1970, rather than having 40 senate districts, you might end up with 39. This is purely an assumption. And, as I stated earlier, no one knows at this hour.

Now, I would like to again go back to Committee Proposal 80 and take it paragraph by paragraph, starting with line 9 in the first paragraph of section a, and I would like to, Mr. Chairman, if we might, see if we can approve or, if there are any amendments, amend this particular paragraph. So may we do that at this time?

CHAIRMAN HUTCHINSON: We may do that unless there is objection. The ordinary way of doing it is to consider general debate upon section a, after which we proceed to get into amendments. The Chair has a request from Mrs. Cushman to be heard. I suppose on the section as a whole; is that right?

MRS. CUSHMAN: I have a question.

CHAIRMAN HUTCHINSON: She has a question. Mr. Knirk, do you yield to Mrs. Cushman for a question?

MR. KNIRK: Yes, Mr. Chairman.

MRS. CUSHMAN: I would like to inquire of Mr. Knirk, through the Chair, in regard to the dates when these reapportionments are to take place. I see that it says, ". . . after the official publication of the results of the federal decennial census in 1970 and every 10 years. . . ." Exactly how long does it usually take to get this official publication?

MR. KNIRK: It is my understanding that normally that is not available until fall. I mean it will be taken in April, and in the fall of the same year, which would be in 1970, this would become available.

MRS. CUSHMAN: So you would anticipate then that the reapportionment would be done within the year that the census is taken?

MR. KNIRK: I would say yes.

MRS. CUSHMAN: That was my question at this particular time. Thank you.

MR. KNIRK: I would invite any member of the committee that helped in this, if they have any other answer to any question, to feel free to answer.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, the questions asked by Mrs. Cushman were answered in the action already taken by this committee on Committee Proposal 79, and rather than take the time, I would refer Mrs. Cushman back to the final apportionment and districting provisions that begin on page 2 of 79 where this is all spelled out with specific time periods. While it is true that the commission cannot be appointed until the federal decennial census figures are available, our staff contacted the bureau of the census and we were informed that if the apportionment commission would provide for a rather modest cost involved in tabulating these figures earlier, they might be made available to a state agency several months earlier than they would be available through usual publication. I think those questions are answered, spelling out specifically how many days for each step.

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I have some general remarks which I would like to make in addition to the amendments which I have filed with the secretary. I will do what the committee wishes. I think it is more orderly, since the committee has now started to take it up paragraph by paragraph, that I make my general remarks now and my individual remarks on each amendment.

CHAIRMAN HUTCHINSON: The gentleman may proceed.

MR. POLLOCK: Mr. Chairman, in the remarks that I wish to make regarding legislative apportionment and the amendments that I have offered, I think I can say that I have 2 principal objectives. I am not here to bury Caesar; I merely want to improve what Caesar has brought forth. I want this convention to make it plain to all the people of the state whether or not the convention favors any substantial reform of present apportionment practices, and secondly I want to be sure that the constitutional provisions we approve will accomplish the intent of the convention, whatever that may be.

I am very much afraid that the committee proposal before us is another unfortunate result of the unseemly haste which has been imposed on the convention by our artificial deadlines. Let me add at once that I am not insensitive to the many and difficult problems the committee and its very able chairman had to face. This isn't the first apportionment proposal I have studied, although I do hope it is the last one. (laughter) I know very well that the committee has labored very diligently for 4 months under the leadership of its very able chairman, but the plan before us is not one that was considered for 4 months. It is a plan that was seized upon by a majority of the committee a few days before the deadline for committee reports, and after there was an apparent breakdown of the process of conciliation and compromise. I am afraid that not even all those members of the committee who voted for the plan really

understand it, and I am certain that very few members of the convention fully appreciate the implications and consequences of the proposal we now have before us.

My misgivings about this proposal were somewhat deepened by the committee report, which I assume all of you have read and studied. The report states:

> . . . it was the intent of the committee on legislative organization to preserve for Michigan an apportionment plan which would be fair, equitable, and as valid 30 or 40 years from now as it is today. It is our belief that this intent is fully realized in the proposal now placed before the convention by the committee.

This is a very laudable statement of objectives, except perhaps for the ambiguous use of the word "preserve." I believe that one can only preserve something he already has. I do not wish to quibble about the choice of words in a report written under pressure of a deadline, but this is a significant point because, as I shall try to establish, the committee proposal, and especially the section regarding the senate, seems to me likely to preserve the status quo or something very close to it.

Mr. Chairman, it is certainly a legitimate position, although I think it is an unwise one, to maintain that no substantial change is needed—that, for example, there is nothing wrong with our senate as presently apportioned, except that perhaps 4 or 5 more seats might be added and given to the Detroit metropolitan area. If that is the position of the convention, let us have the courage to go before the people and say so, and let the people in their wisdom decide whether we are right. But what puzzles me, and I think a good many other delegates, is that while the committee report seems to favor reform, it fails to explain precisely how and why its proposals will produce that reform. I do not know whether the committee had time to do any exhaustive analysis of its own plan. If so, the results of that analysis have never come into my hands, and certainly they are not to be found in the committee report or the exhibits. The committee has recommended a system of apportionment involving some rather complicated statistical techniques, formulas, quotas, factors, weighted percentages, and so on. But why did they adopt precisely this factor, that formula, this quota, or that factor? You read the committee report in vain if you seek a rational explanation of the decisions that went into the plan.

The data I think necessary for a decision on this proposal were not made available, and I have therefore laboriously myself, with the help of some staff people — not here connected with the convention because I didn't have the big staff at my disposal that the committee did, and it has been a very laborious job — analyzed these things very carefully, and I think it is my duty to report briefly to the convention on my findings. As Dr. Hannah and the committee know, I have done this very sympathetically. I have made available to the committee my comments and my proposed amendments, and I have even attempted to advise them in their deliberative stages.

I want to stress that, because of the essentially mechanical characteristics of the apportionment plans suggested by the committee, my findings for the most part are not subjective or matters of opinion. They are matters of fact, and I am prepared to document them. The computations and calculations I have made can be made by anybody who takes the time and who has access to a good sized calculating machine. My conclusions, of course, are matters of opinion; but given the facts, I am persuaded that a majority of this convention will agree with my major contention, which is that the proposals before us are in part defective and need some amendment, and that they would not give us the fair and equitable representation we desire now and particularly not in the future.

Mr. Chairman, the heart of the committee proposal regarding the senate is the area-population formula usually referred to as the William Hanna plan. Under this plan, each county is assigned a score which determines its weight in apportionment proceedings. As we all know by now, this score is computed by multiplying the county's percentage of the state's population by 4 and adding the county's percentage of the state's area. I have said on another occasion that I find such a mechanistic approach a bit distasteful. I have said that this formula would establish in Michigan's constitution a mathematical equation between people and acres of land or water, and that under the 1960 census, it would make 19.04 acres equal to 1 person. But I don't want to pursue that argument at the moment. I have a very slight amendment which I hope the committee has no objection to which would relieve that difficulty.

The question I wish to raise is this: why was the precise formula of 4 to 1 chosen? The committee report leads one to believe that there is some precision, some scientific value to the formula. The report says:

> The majority members of the committee concluded that a formula was needed that would combine area and population factors in a way that would accomplish precisely the balance intended.

Later, the committee said:

> . . . the majority of the committee feels it has achieved the most effective method of providing the balance that the voters desire.

And finally, they said:

> . . . the plan achieves precisely what it is designed to accomplish, a blend of population and area factors in a logical and effective way.

Mr. Chairman, I find such language a bit fuzzy. There is all this talk of precision, and then there is a complete failure to discuss even briefly in the report the derivation of the formula, or its future consequences. Quite obviously there is nothing magic about the number 4 which is used in the committee report. But why not 3, or 5, or 6? The plan can only be judged by its consequences, and we are told nothing whatever about them, except that they will be good, fair, equitable, and so on. Since the committee, for reasons that aren't clear to me, did not choose to analyze its own plan, except what we have just heard from Mr. Knirk, let me tell you briefly what the consequences of the plan will be in actual practice — and I have amendments designed to correct these because they are not fatal defects.

First, however, you must keep in mind that senate seats will not be allotted purely on the basis of the so called apportionment factors. If they were, in a 40 seat senate, each district would have 12.5 apportionment factors. But to begin with, the larger counties are allotted one seat for each 13 full factors. This I think is quite serious, because it means that if a large county has a remainder of, let us say 12 apportionment factors, it gets nothing whatever for those factors, although they represent 3 per cent of the population of the state. Apparently this is perfectly acceptable to the committee if it is Wayne, Oakland or Macomb counties that will be so penalized. But rather embarrassingly, I should think, if the precise committee formula were followed without change, it would also deprive Kent county of a seat it now enjoys. Consequently, there is a special exception written into the committee report to protect Kent county, and one that in the process would make it possible for Genesee county to have a second seat, since its population is very close to that of Kent. As the proposal is now written, therefore, a remainder of 12 apportionment factors in Oakland county is worthless, but a remainder of 6½ factors in Kent or Genesee is worth an extra seat. So much for the alleged precision of the formula.

Now, let us project ourselves a few years into the future, and imagine we are looking over the shoulders of this reapportionment commission that we have created. We have gone through the transitional period since the committee, I think very wisely, has suggested that "in the interest of an orderly and sound transition, change should be made gradually." After the constitution was accepted by the people, we added one seat each to Wayne, Oakland, Genesee and Macomb. But now, at last, we are ready for a real reapportionment —1970. We are ready to remedy the inequities of long frozen senatorial districts — inequities, I might say, that are by no means confined to the Detroit area. The reapportionment commission meets. It peruses the constitution for guidelines to follow in its work of reapportioning the senate. The commission reads that it is to construct districts that have as nearly as possible 13 apportionment factors, but in no event less than 10 apportionment

factors. The districts are to be compact, contiguous by land, and as nearly rectangular in shape as possible—I will have something to say about that word a little later—but the commission also reads that "Insofar as possible existing senatorial districts at the time of each reapportionment shall not be changed unless there shall be a failure to comply with the above standards."

Well, the existing districts are all contiguous by land, and as compact and nearly rectangular as any districts that might be drawn following county lines which the constitution requires. So it all comes down to the number of apportionment factors in each district. What will the commission do? Clearly it will compute the apportionment factors for each district. It will change only those districts which have less than the minimum of 10 factors or more than the maximum of 16 factors, plus any adjacent districts that are necessarily involved in boundary changes of districts which are outside the allowable range of apportionment factors. After all, there is a specific constitutional mandate to avoid unnecessary change. Well now, what change will be necessary?

We cannot exactly foresee the results of the 1970 census — and population experts disagree about what is the best way to project population figures, so we don't know exactly what the apportionment factors of each district will be. But we can apply the 1960 figures. These would still be valid in 1970 if there is uniform population change in all counties. Alternatively, we can use projections of the 1970 population, assuming that in each county the population will increase or decrease in the same percentage and direction as it did in the 1950-1960 decennial period. But using the 1960 figures, here is what the commission would find: Wayne county would be entitled to 2 additional seats, for a total of 10. Unfortunately again for Oakland county, it has the awkward total of 36.82 apportionment factors. Twenty-six factors would be enough for 2 seats, but the additional 8.82 factors must be cast into the wastebasket, although it represents more people — 2.2 per cent of the state population — than live in most senate districts; so Oakland gets nothing; nor does Macomb nor Kent nor Genesee.

The commission examines the 22 districts outside the metropolitan areas. Presumably reform is on the way here — or is it? The commission members scan the list of apportionment factors and they note a very interesting coincidence — the district scores tend to cluster just above 10 — the minimum necessary to avoid change. In fact, of the 22 districts, only 3 fail to qualify for retention: district 26, which has 9.70 factors; district 30, which has 20.42 because of its very large area, although it has one of the smallest district populations; and district 32, which has 9.57 factors. So the commission will have an easy job. It will have to redistrict Wayne county, and that will be the hardest part of the chore, but once that is done the rest will be very easy. To beef up the somewhat anemic district 26, it merely moves Osceola county from the area-rich district 28 to district 26. This gives the twenty-sixth district 11.38 factors, and the twenty-eighth district a near ideal of 12.67. That is all that needs to be done in the lower peninsula.

Crossing the straits to the upper peninsula, the committee notes that the upper peninsula has a total of 44.83 factors, so it would be possible to add a fourth seat here. Unfortunately, however, 40 seats are already spoken for, and that is the maximum allowed. So by moving 4 counties from one district to another, all 3 upper peninsula districts are brought within the constitutional requirements. Alger and Menominee counties move from district 30 to district 31 and Gogebic and Iron move from district 31 to district 32. The work is done. Only 6 counties have been involved in any way in the 10 year period. The other 77 are totally unaffected. Only in Wayne county and the upper peninsula is there any significant change.

But what if we assume that population change will not be uniform between 1960 and 1970, but that the process of urbanization will continue in the 1950-1960 pace — that fast growing areas like Oakland county and Macomb will continue to grow at the explosive rate maintained in the preceding decade? Of course, this is by no means certain to happen. The growing problems of metropolitan areas, exacerbated by the insensitivity of an unrepresentative senate, have put a brake already on the growth of our urban economy. But let us be optimistic for a moment and assume the growth continues at its 1950-1960 pace. The state's population would then be over 9½ million, of which over 52 per cent would be living in Wayne, Oakland and Macomb counties. Wayne county, however, has not been growing very rapidly since 1950. Consequently, it would be entitled to only 1 more seat after the 1970 census, if our projection holds. Oakland county would contain 1,198,000 people, 8.82 per cent of the state's population. It would gain 1 additional seat, for a total of 3. But unlucky again, Oakland would just miss qualifying for an additional seat. It would have 51.62 factors, while 52 are required for 4 seats. So 12.62 factors go down the drain and count for nothing, although 14 senate seats are given to areas with respective apportionment factors of less than 12.62. The same sad fate would befall Macomb county. Although it would contain 889,500 people or 5.19 per cent of the state population, it would get no additional seat, for it would just miss qualifying for a third seat. It would have 37.99 apportionment factors, and 39 are required for 3 seats in large counties. Our reapportionment commission notes with surprise that although the combined populations of Oakland and Macomb county have increased by almost a million people, this massive population increase results in only 1 more senate seat — and Macomb county, which on our projection has more than doubled its population, gets nothing at all in the way of additional representation.

What about the rest of the state? In lower Michigan, under the 1970 projections, there would only be one significant change. As under the 1960 census figures, Osceola county could be moved from district 28 to 26. District 27 would need a slight transfusion so the commission could move Crawford county from district 28 to 27, and again districts 26, 27 and 28 would all be comfortably within the constitutional range. The same 4 counties in the upper peninsula would have to be moved from one district to another. The only awkwardness would be created by the fact that both of the thumb districts, 20 and 34, would fall under the minimum and, since this area is surrounded by large counties, neither district can borrow a small county from an adjacent district. Apparently district 20 would have to move to Wayne county; Tuscola county would be attached to district 22, and the remainder of old district 20 would be combined with district 34. One seat would thus disappear, and there would be a 39 seat senate. The extra seat could not be used to alleviate the inequities we noted in the representation of Macomb and Oakland counties.

As I noted before, the 1970 projection is probably too optimistic a view of the future growth of the state population. But the 2 sets of census assumptions I have employed probably are the extremes that we can expect, and the actual population will almost certainly fall someplace in between. So there are a very few marginal possibilities — things which may or may not happen. The upper peninsula may or may not get an extra seat. District 20 may or may not disappear.

But this much is certain. There will be practically no change in the present 22 nonmetropolitan areas. So that great thaw of 1970 will prove to be only a slight rise in temperature. The Michigan senate will continue to have a majority made up of the very same districts which were put into the constitution in 1952, and created many years before that. Now I ask: is this what we wish? Do we wish only to add a few seats to the metropolitan areas, to ignore the inequity that exists in the representation of middle sized cities such as Lansing, Muskegon and Kalamazoo, and to preserve indefinitely the kind of a senate majority which we have today? If so, let us announce it to the people very plainly. Let us not write a promissory note for reform that cannot be paid off when it comes due in 1970. Let us not confuse the issue by erecting a constitutional mountain that will labor every 10 years and then give birth to a mouse.

Those, Mr. Chairman, are my general remarks about the proposal. I have perfecting amendments which the secretary has at his desk, and whenever the chairman of the committee and chairman of the committee of the whole desire me to

present them, I can then give individual explanations of those amendments. (applause)

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, first of all I should point out that the arguments and statements that have been made by Professor Pollock were made by Professor Pollock before our full committee both when we were considering the content of the report and then more recently when he indicated that he had some perfecting amendments, and he was again invited to appear before the committee and his amendments were discussed and 1 or 2 of them were adopted, and some of them the committee is not unfriendly to as we shall discover when we come to them.

I do not want to belabor the committee report. It stands on its own feet. I should only point out that it is very easy to make destructive criticisms of most any proposal. The committee that was appointed by this convention faced difficult problems and, as I indicated when I reviewed briefly the work of the committee last Friday, they did very well indeed. They were struggling with the most difficult problem, I think, that faces this convention, the one that has the most partisanship attached to it, the one that is approached by practically every delegate to this convention objectively from far off, but when he comes close to it, he approaches it from the standpoint of: what does it do to my district? And the committee, as I indicated, reviewed all of the advice from all of the experts within the convention, all of the political scientists and government experts we could inveigle in from outside, held its hearings, and so forth.

I should start off by answering in the affirmative the last question asked by Professor Pollock. It was the conclusion of your committee that it was in the best interests of the state, and in their judgment likely to be the judgment of this convention, that what we propose is what is in the best interests of the state and what this convention wants.

Dr. Pollock rather criticizes it because he says that the committee report doesn't factually point up how we arrived from where we started to where we finished. We started with the notion, as I have indicated before, that at least one house of the Michigan legislature was going to take into consideration some factor besides straight population, and the decision was finally made that that was going to be the state senate.

Then the next question that had to be answered was: what factors are you going to give consideration to? We were importuned that we should give consideration to area for many reasons which I will not repeat and bore you with this afternoon. Points were made that if you were doing this ideally, we ought to somehow or other make certain that in the legislature all of the important economic groups of the state have representation, that the northern part of the state with its sizable resort and tourist interests should have representation, agriculture should have representation, mining should have representation, the varied manufacturing interests of the state should have representation, people living in the urban areas certainly should have representation and so forth. The question became: how are you going to do this? And we spent weeks at it. And finally the William Hanna proposal, the genesis of it — and there was never any secret about it; all of our meetings were open; many of you attended them — we came up with the decision tentatively that we ought to be honest about it and that some fraction of the senators should be assigned on the basis of something besides population. And the proposal that I made before the committee and that they finally improved upon was that we say forthrightly that 8 members of the senate should be apportioned on factors other than population, and then the difference between 8 and whatever the total was to be, 34, 38 or 40, we would apportion on population.

Mr. Nord made reference earlier this afternoon to the districting of a state into 4 geographic areas. The upper peninsula constitutes 29.2 per cent of the land area in the state. The line across the state from the Muskegon-Midland line represents a little more than 25 per cent of the state. The northern part of the lower peninsula is 25 per cent of the area, and then you divide the southern half of the state as equally as you can and you get 2 districts with about 23 per cent of the land area each.

So we started off with a notion that we were going to be fair about it because of all of the commotion that is made about representing stumps, acres, water, cows, all sorts of things, and we said we want to just be honest about it. We will put 2 senators in the upper peninsula, 2 senators in the northern half of the lower peninsula, 2 senators in southeastern Michigan, 2 senators in southwest Michigan, based on area. The U.P. gets 2; southeastern Michigan with all of its population gets 2. You treat them exactly alike. And then we will distribute the balance on the basis of population. Now you come up with the problem: you put 2 senators on an area basis in the upper peninsula. Then you are going to have a population factor put in. Then you come up to the question of districting the upper peninsula or districting southeastern Michigan. How do you district it? Well, you finally face up to the fact that when you get whatever representation in the senate you are going to have in an area, you have to about do it on population, and so the great fault in my scheme was in southeastern Michigan, when we put 2 senators on area, and then they came up with all they are entitled to on population, and you add the area senators to the population senators and then divide the total on a population basis, the end result is that you put the area senatorial representation into Wayne, Oakland and Macomb counties. You end up putting the area factor where the people are, and that isn't what you started out to do. That is when the committee came to the William Hanna plan, which proposed to put a value for each county, an area value and a population value on each county, and use these county factors as the building blocks. This gets away from the problem in my scheme of when you got all through, you ended up putting the area senators where the population was.

Now, instead of going into the various statements that could be made in defense of some of the other points that Dr. Pollock made—he emphasized that if you were going to divide 500 into 40, you come up with 12½ instead of 13. Well, we all recognize that. But you have to have some basis to start with—13 or 11 or 10 or whatever you want to come up with. The present constitution provides that there shall be not more than 110 representatives in the house, and you arrive at the districting in the house in the present constitution by dividing the total population by 100, and then any county or group of counties with more than 50 per cent of that entitlement gets a seat. They had to put in the extra 10 to take care of these districts that are going to have less than 1 full share. That is what the other 10 are there for. Now, if you are going to start off and give any county that has 10 or 11, or some other value less than 12½, a senator, you have to find some place to pick up whatever deficiency that senatorial district has. If you give a district a senator with 10, you are short 2½ points and you have to pick it up somewhere. Well, the only way you can pick it up is, of course, from these counties that will have more than an entitlement to an exact number but less than an entitlement to the additional number.

Professor Pollock makes a point of Kent county, and I know there are amendments that are coming on the floor, because your committee started with the conviction that it should not make change for change's sake, and if possible it ought to preserve the existing districts, and admittedly the 19½ protecting 2 senate seats takes care of Kent county.

Just one final point. The point that Dr. Pollock makes against this proposal as a weakness I think is its strength. I think that it isn't in the best interests of the people of the state to redistrict just for the exercise of redistricting. People become accustomed to being a part of a senatorial district. If you elect a senator from a senatorial district, if population changes dictate that there is sufficient inequity to warrant it, then of course whatever districting is required should be engaged in. But unless you put in the proviso that you stick to the present districts insofar as possible, so far as they meet the formula requirements, then you face the possibility that a whimsical apportionment commission, just for the exercise of

doing something, can totally disregard what you have and draw totally new districts, make a great many counties come into different districts than they need to come into, unseat senators that need not be unseated.

If your committee has judged your wishes wrong, of course, you now have the opportunity to correct it. The 14 members of the majority of the committee thought we were doing what you wanted us to do. And I would only restate the point that Mr. Knirk has made: we make no apologies for the plan. I think it is very good. I think it is defensible. I think it is legitimate that there be a little more representation than population entitles you to in the northern counties of the state. I don't think it is realistic at all not to recognize that it is a different kind of a job to get elected in the first place from a district that extends over 150 miles than it is one that is a portion of a big city; that it is a different kind of a job to represent people.

You could come up with a districting to give the upper peninsula 1 senator, but the senator that represents the upper peninsula—and it is almost 600 miles long—with its mining interests and its agricultural interests and its forestry interests and its tourist and resort interests—will have a different kind of a job entirely than the senator that represents a fraction of a big city.

So again I apologize, but I came into this thing objectively and I make no apologies at all for the senatorial scheme. It is not perfect. Dr. Pollock has amendments, Mr. Perras has amendments, some of the rest of you have amendments. Some of them may improve it. But by and large what we have is defensible, and I hope in the end you are going to approve it. That is all I have to say, and I hope now we will return to considering this proposal paragraph by paragraph, and in about 10 minutes I shall move that we rise for the evening. (applause)

CHAIRMAN HUTCHINSON: Mr. Knirk.

MR. KNIRK: Mr. Chairman and delegates, I would like to make this comment on the remarks that Dr. Pollock made. I think that when he made this statement that what we did was in haste—

MR. MARSHALL: I just want to make a parliamentary inquiry or a procedural inquiry if I may. I am sorry to interrupt Delegate Knirk.

CHAIRMAN HUTCHINSON: What is your inquiry?

MR. MARSHALL: How do we take this paragraph by paragraph when all of the paragraphs in section a are so interrelated? Shouldn't we take it up by section rather than by paragraph?

CHAIRMAN HUTCHINSON: The Chair would first state that in his opinion the matter that you raise is not really urgently necessary to have interrupted Mr. Knirk's presentation to make, Mr. Marshall.

The policy of the committee in the past has been to proceed in the consideration pretty much along the line that the committee chairmen directed, and for the most part they have suggested consideration paragraph by paragraph, and of course it is within the power of the committee of the whole to otherwise direct, but unless otherwise directed the committee will follow the precedure suggested by the chairman of the substantive committee. We have done it in the past; we intend to do it now. However, if the committee of the whole shall otherwise direct, of course, this Chair will follow the directions of the committee of the whole.

MR. MARSHALL: Well, I don't want to delay it. It just seems to me, though, that we should have the majority report of the entire section and have it discussed, and then have the amendments to the entire section and proceed in that fashion. Of course, if it is in order to take it paragraph by paragraph, then I am in error.

CHAIRMAN HUTCHINSON: The Chair will remind the delegate that we are discussing section a, having to do with the senate; that the entire section a has been read not only by the secretary but also by Mr. Knirk; that Mr. Knirk's presentation was upon the whole of section a and that has to do with the senate.

Now, in the manner in which amendments to the proposal are to be treated, as the Chair has said, it is the intent of the committee chairman, as this Chair understands it, that the matter should be offered paragraph by paragraph. We are not yet to that, probably will not be to that tonight. The matter will come up tomorrow morning.

MR. MARSHALL: The reason I asked the question, I had a few remarks I wanted to make on the majority proposal, but my remarks are tied into the whole, so at this time I will withdraw any objection if you wish to proceed paragraph by paragraph.

CHAIRMAN HUTCHINSON: Do you desire to speak upon the senate only?

MR. MARSHALL: Not at this moment. I don't desire to speak at all. I was asking the question whether or not we could take it paragraph by paragraph or did we have to take the whole section in acting on the majority proposal.

CHAIRMAN HUTCHINSON: The Chair has a list of delegates who desire to speak upon section a. Do you desire to speak upon section a ahead of the consideration of any amendment?

MR. MARSHALL: Not at this time.

CHAIRMAN HUTCHINSON: Well, do you expect to renew your request tomorrow?

MR. MARSHALL: Yes.

CHAIRMAN HUTCHINSON: Before the consideration of any amendments?

MR. MARSHALL: Not necessarily before the consideration of any amendments. The only thing I was trying to clear up, Mr. Chairman: in some of these committee reports that have come before this committee, we have acted on the section as a whole. On others it is my understanding we have acted on it paragraph by paragraph. I was trying to clear up in my own mind as to whether or not it was proper to act on each paragraph or to act on it by section. That is the only question at this time.

CHAIRMAN HUTCHINSON: It is the intent of this committee, as expressed by the committee chairman of the substantive committee that amendments to this section a will be taken up paragraph by paragraph. We are not, however, to that point. At the present time we are debating section a as a whole. After the matter has been concluded on this point and we begin to take up these amendments paragraph by paragraph, then the only thing that can be discussed is the subject amendment. So if you desire to speak upon section a as a whole, you will be advised to speak upon it before we get into the matter of amendments.

The Chair now recognizes Mr. Knirk, who has the floor.

MR. KNIRK: Thank you, Mr. Chairman. I would like to answer a statement or 2 of Dr. Pollock's. First of all, I would like to say I do not think that Dr. Pollock is correct when he makes a statement that the decision was made in haste without due consideration, because I am sure that each and every member that endorsed the majority proposal certainly considered this at great length after much deliberate discussion and study, and after, as I indicated and others have indicated, some of the trips which we have taken and by the advice that people have given us, we considered our recommendation to be very sound and deliberate. I also would like to point out that anyone can take a map of the state, take our proposal, that states we do not just change for the sake of change. If you read the last statement, it states we do not change just for the sake of change, as I think Dr. Hannah has indicated.

If you remember the remark that I made that over in the thumb district of Tuscola, Huron and Sanilac, Lapeer and St. Clair, because of this questionable area, you remove one senate district which in number is known as district 24, and attach that to the districts of 28 and 25 and 20 respectively, you will find that you do increase your apportionment factors materially in those said districts, and that the only districts that are low on the totem pole, so to speak, again are your district 27 and then the district down in the southern part of the state, which is senatorial district 9, and district 10 and district 33. Those particular districts will be just over the 10 and under the 11 apportionment factors, because they are surrounded by large

metropolitan counties. And I think that when you adhere to county lines—and this has been a concept that the majority and minority reports have indicated—you necessarily build in discrepancies or differences and you do not have absolutely 12½ or 13, as Dr. Pollock indicated.

I also might bring this to your attention, because I did remap this and, as I say, anybody can end up with a different districting plan. If you end up with 39 districts, you will find Saginaw with 15.03 apportionment factors. You have 12.55 in district 29; 11.66 in district 28; and in district 26, 12.70; and over in district 23, 14.87. I mean you can just do pretty near anything you want to. So I think that these are purely guides. I think the formula is very adequate to give instruction to any commission. I think that we passed Committee Proposal 79, and it is clearcut enough that here I don't think we need to worry about a given map but only the principle that really counts.

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, I indicated earlier when we asked for the recess that we would rise at approximately 5:30. I recognize that our working hours are to approximately 6:00, but it has been a long day with many speeches, and if it pleases the committee, I move we rise.

CHAIRMAN HUTCHINSON: Dr. Hannah moves the committee do now rise. All those in favor will say aye. Opposed say no.

The motion prevails.

[Whereupon, the committee of the whole having risen, Vice President Downs assumed the Chair.]

VICE PRESIDENT DOWNS: The convention will be in order. Delegate Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a certain proposal of which the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80;** has considered 2 amendments thereto; has come to no final resolution thereon. This completes the report of the committee of the whole.

VICE PRESIDENT DOWNS: Delegate Perras.

MR. PERRAS: Mr. President, I move to return to the order of motions and resolutions.

VICE PRESIDENT DOWNS: Is there objection? If not, we will return to the order of **motions and resolutions.**

SECRETARY CHASE: Messrs. Perras and Dell offer **Resolution 88,** A resolution of congratulations to Mr. Kent Lundgren on his election to the senate of the state of Michigan.

Following is Resolution 88 as offered:

Whereas, Mr. Kent Lundgren has served the people of the state of Michigan and his constituents loyally and faithfully these past months as a delegate to this convention; and

Whereas, Mr. Lundgren has toiled diligently for the committees on legislative organization and rules and resolutions and for this convention in the service of his state; and

Whereas, The voters of the thirtieth senatorial district of this state have seen fit to elevate him to the senate of this state and thereby taken him from this convention; now therefore be it

Resolved, That this convention extends to the former delegate and new Senator Lundgren our congratulations on his election and our thanks for his service as a delegate.

VICE PRESIDENT DOWNS: Delegate Van Dusen.

MR. VAN DUSEN: Mr. President, in view of the nature of this resolution and its timeliness, I would move that the rules be suspended for its immediate consideration at this time.

VICE PRESIDENT DOWNS: Is there objection? Hearing none, the rules are suspended for the immediate consideration.

SECRETARY CHASE: Following is the resolution:

[The resolution was read by the secretary. For text, see above.]

VICE PRESIDENT DOWNS: The question is on the adoption of the resolution. Is there any discussion? All those in favor will signify by indicating aye. Those opposed by nay.

Resolution 88 is adopted.

Announcements.

SECRETARY CHASE: We have the following announcements:

The committee on rules and resolutions will meet immediately after the session today in room F. Please note: room F downstairs. R. C. Van Dusen, chairman.

The committee on style and drafting will meet at 8:00 o'clock tonight in room G, also downstairs.

We have the following requests for leave: Mr. Norris asks to be excused from the morning sessions of Wednesday and Friday of this week; Mr. Danhof asks to be excused from the afternoon session of tomorrow; and Mr. Garvin asks to be excused from the session of tomorrow, Wednesday.

VICE PRESIDENT DOWNS: Are there any objections? Hearing none, the excuses are granted.

Delegate Tweedie.

MR. TWEEDIE: Mr. President, I move that the convention do now adjourn.

VICE PRESIDENT DOWNS: All those in favor signify by saying aye. Opposed by nay.

The motion prevails. The convention is adjourned until 9:00 a.m.

[Whereupon, at 5:35 o'clock p.m., the convention adjourned until 9:00 o'clock a.m., Wednesday, April 4, 1962.]

MR. MADAR: Mr. President, strange as it may seem, there are some of us who feel we might just as well, because of the majority party's ability to do it if they so wish. They have 96 or 97 votes. I can't see why you don't go ahead and wrap up the package, bring it in, go ahead and vote for it, instead of fooling around kidding us and kidding the public. Save a little dough.

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor say aye. Opposed, no.

The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN HUTCHINSON: The committee will be in order. The committee has under consideration **Committee Proposal 80,** and specifically section a thereof, and we are under the phase of general debate on section a.

For last previous action by the committee of the whole on Committee Proposal 80, see above, page 2086.

The Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. Chairman and fellow delegates, especially in the light of what has just been said about deadlines, I hesitate to extend the debate upon this proposal, and yet I feel that there are some things that should be said in order to clarify or complete the record, to use the phrase we lawyers are so fond of. We have been together now for a period of 6 months. We have learned to know each other as individual fellow human beings. We have come, I judge, to the point where we do not look upon a difference of opinion as a personal insult or as the equivalent of a declaration of war. We have learned that recriminations, the questioning of each other's motives or intelligence or sincerity, or accusing each other of being afflicted with an autogenous hemiopia; in short, a general inability or unwillingness to see more than half of the picture before us, profits neither side. Judging from the course of the debate so far it even seems that we are able to discuss so explosive and emotional an issue as we have before us without personal offensiveness, and I only hope that these congratulations are not premature.

We have made some remarkable discoveries along the way. Among them are these: the unreasonable people are always those who do not agree with us. The indefensible positions are always those of other people. Our own positions are always based upon sound principles—the positions of others are based on what they think are sound principles, but in fact are not. The nonthinkers are always those on the other side, and we have the opportunity to develop a degree of patience to help us bear up under this affliction. We might remember—I am trying to remind myself of what I once read—that a speech, to be immortal, does not have to be everlasting. I am sure this speech which I have in mind making will not be in danger of being considered immortal, and I hope it will not seem everlasting.

We have been told that we ought to approach our problems in the spirit of objectivity and impartiality; which makes appropriate repetition of something I read not long ago: there are only 2 ways to be unprejudiced and impartial; one is to be completely ignorant, the other is to be completely indifferent. Bias and prejudice are attitudes to be kept in hand, not attitudes to be avoided. Someone has said that the determination to have our own way grows in geometrical ratio to the amount of opposition that we encounter. We may have a bit of difficulty at times to distinguish between action and reaction, between cause and effect. The story goes that 2 ladies were walking along the street in front of an automobile salesroom not so long ago, and as they passed, one said to the other, "I wouldn't advise you to buy any car in here. The one they sold me is always running into something."

I suppose we might begin our discussion by trying to determine what really is the meat, the issue, the root of our differences. It might have been suggested, by some of the things that have happened, that this is a struggle between the people living in the metropolitan areas and those living outstate, so called; and yet that can't be true because in the metropolitan areas there are those who do not agree with the one man, one vote proposition, and in the outstate there are a substantial number of people who vote with the one man, one vote theory in elections. It has been suggested that this is a party issue, a political issue, and I can't go along with that completely, because I think it has acquired the appearance of a party or political issue largely by accident; because early in the campaign for the election of delegates an announcement was made that those who ran under one banner would be considered committed to the one man, one vote theory and nothing else in both houses. That naturally led to the other side taking the position that a balanced legislature is preferable in accordance with the expression of the one man, one vote of the people in 1952. It is not unanimous in either area, and that demonstrates certainly that there are some people in all areas who are not controlled by their personal interest or preferences; because if they were, the vote would be unanimous in both areas.

I think this clash that we find ourselves in is due to 2 sound, basic principles coming into conflict with each other. The one is the one man, one vote theory, the other is the balance of power theory. Standing by themselves, I think we would none of us quarrel with either one of them. One man, one vote, and equality at the ballot box, as a basic principle standing by itself, I think will have the assent of all of us, and I don't think there would be very many who would disagree with the other principle standing by itself, that of balance of power.

The basic characteristic of American democracy is the division of powers. In our schools I am afraid that has been confined almost exclusively to the one principle of the division of powers into executive, legislative and judicial, when the fact is that there is much more to it than that. Equally important is the division of powers between the federal government, limited to those things supposedly authorized in the federal constitution upon one side, and the remaining powers left to the people of the states and the local communities on the other side. And, although it is not frequently stated in so many words, there is another part to this system of power checks and balances: that is that in practically every state, as in the federal constitution itself, provision is made to protect a minority of the population against what might happen as a result of unrestricted and unrestrained power placed in the hands of the majority. And that becomes more and more acute as the area in which the majority is found becomes smaller and smaller and the area in which the minority is found becomes larger and larger in proportion. So the problem is too important to be solved by an appeal to slogans or symbols or shibboleths, or by doctrinaire propositions or absolutes; the danger of a generally sound principle being elevated to the stature of an article of religious faith transcending all others, applied literally to the exclusion of other generally sound and pertinent principles. We have to decide here whether one of these is so inferior to the other that it must be completely ignored.

Another way of stating the issue might be that it reflects a different understanding of what we mean by democracy. So many times we are reminded that it is important to define our terms. Not so long ago I read an editorial in which the editor managed to convince himself that democracy and republic were synonymous, and the definitions that he gave justified that conclusion. That presents a question of whether one man, one vote is the ultimate test of democracy under our American system as we have it in our constitution and historical development. Our opinions of democracy, I suppose, vary from time to time. They depend on how the last election came out. If it suited us, we think democracy is a grand system; if it didn't suit us, we have some doubts about it.

We have heard the term "malapportion" used quite frequently. That term is not accurate unless population is in fact the only proper factor to be considered in the matter of apportionment as to both houses. We speak of pure democracy, we speak of limited democracy, we speak of constitutional de-

mocracy or a balanced democracy, and we speak lately of a majoritarian democracy, which I think is a term used to describe pure democracy on a large scale. And that, it seems to me, is what we see reflected in the spreading of the idea that absolute equivalents in both representative chambers is the sole test. It is one of the indications that we are moving from a limited democracy with constitutional and historical restraint to a pure democracy on a state and national scale.

Now I have said these 2 principles would be recognized as sound, standing by themselves. We find ourselves faced with the problem of accommodating them to each other, and this isn't the only area. This isn't the first time that such problems have been faced. For instance, if anyone were to ask us: here is a man who had loaned $100 to a neighbor, the neighbor refuses to pay; should the creditor have the right to resort to the court to enforce collection of that debt? We would say, certainly. No hesitation about that at all. But then we come to a case of somebody who isn't able to pay the debt unless he is compelled to give up his home, the tools of his profession, and other things of that sort, and so we say it wouldn't be fair, it wouldn't be good public policy to tie that individual down and compel him to give up the last cent that he might possibly raise. So we have exemptions; we have bankruptcy laws; we have garnishment limitations. We have free speech, free press; and they sometimes come in conflict with the idea of the fair trial, and so we restrain free speech and free press to the point necessary to prevent interference with the right to a fair trial. I am sure that we would all grant that our court proceedings would be so much more interesting than they are if the participants and spectators were free to exercise their right of free speech as they do at a baseball game: when the judge makes a ruling ½ of the audience crying out "Who paid you for that one? Buy yourself a law book;" and he makes another ruling and the other half of the audience have some other remark of that kind. But in the interest of orderly court procedure we accommodate those rights to each other.

So we are faced with this necessity here of making a fair accommodation between these 2 basically sound principles. We have heard a great deal about extremes which we of course should avoid. It isn't necessary in order to keep away from one extreme to run pell mell to the other, or in our anxiety to keep out of the ditch on the left side of the road to head diagonally across into the ditch on the other side. That is what the committee in this case has tried to do; a reasonably fair accommodation.

Some fault has been found with the formula that has been used, and the books are full of cases in which apportionment formulas, made up in good faith by people who have carefully studied the problem, have been picked to pieces in the same fashion, and the question is asked, for example, "Where do you get the figure of 80 and 20 in the senate apportionment?" I reply, "How does a jury decide how much to allow for damages for pain and suffering?" Nobody can fix an absolute dollar value on things of that kind. The law can furnish no yardstick or scale by which to measure those things. The decision is reached on an interchange of opinion; in that case by 12 individuals who think about it and arrive at a common judgment. They start by being far apart. They express their different ideas to each other, eventually manage to settle upon a figure that appeals to all of them as fair, and that is what happened in our committee on this matter of 80-20. Nobody can demonstrate mathematically that it is sound or unsound. It reflects the judgment of the committee as the nearest approach that can be reached to a fair solution of that perplexing problem.

Now it has been recognized—it became clear early in our proceedings before the committee—that the delegates from both sides were agreed that it would not be advisable to permit the cutting of counties in forming legislative districts in either house. Practical considerations convinced both groups that this would not be advisable and should not be done if it could possibly be avoided. Counties, of course, are not sovereign entities. I don't know of anyone who claimed that they were. But, historically, our counties have been formed for the convenience of the state, to facilitate the administration of government. They may be said to be the agents of the state, as a convenient unit for the administration of state laws and the maintenance of law and order; for judicial administration, for welfare administration, for keeping records of deeds, probates, and so on. And our court decisions have recognized that. I quote from only one or 2. In an Illinois case the court said, speaking of an apportionment statute:

> The intention is plainly manifest in the constitution to preserve the integrity of the several counties in the formation of districts—the county being the most important political division of the state, its autonomy is expressly guarded by the constitution in the formation of these legislative districts, and in importance it is placed above the requirements of compactness of territory and equality of population.
>
> It might be far less difficult to divide the state into 51 districts, formed of contiguous and compact territory, and each having substantially the same number of inhabitants, if no regard were paid to county lines. But it cannot be doubted that such an apportionment would be plainly unconstitutional, notwithstanding it would secure a compactness of territory and equality of population not otherwise attainable.

Nothing is more proved, however, than that the integrity of the counties was considered of more importance than the equality of population.

And from our own supreme court, in the case of Board of Supervisors versus Blacker, this language appears:

> Under our constitution and form of government the county has come to be regarded as of much importance in the administration of the affairs of the state and in the matter of local self government. The boards of supervisors may have conferred upon them, under section 38, article IV of the constitution, powers of a local, legislative and administrative character. Such powers have been conferred from time to time, so that the county, with its county seat established, and its own officers to manage its affairs, represents the interests of the state in that part of the territory designated as a county.
>
> The interests of the people of a county center around its seat of government, and the people of a county in the past have always been represented in the lower house of the legislature by one of its own constituency.
>
> As was said by Mr. Justice Orton in State vs. Cunningham, a Wisconsin case, the people have a commendable pride in their own counties, and have more or less a common feeling and interests, and participate together in all their county affairs. They have a right to be represented by their own members of the legislature, and the members themselves can better represent them, and promote and protect their interests.

Of course, that was the original start in many states, with each county, regardless of size, having one representative in one house, at least, of the legislature. Ohio still has what is left, and some other states also, of that system. Each county, regardless of population, has one representative. Those with a larger population have additional representatives. The state of New Jersey, at least, still has one senator from each county regardless of population. As reflecting the care the legislators have exercised in this matter, I quote briefly from a New York case, in which there were 10 specifications set up to be followed by the legislature in making reapportionment. One was no county shall be divided, except to make districts within the county. No county shall have 4 or more senators unless it shall have full ratio for each senator. Another one, no county shall have more than 1/3 of all the senators.

Now, coming to the problem of why we need some consideration to be given to the question of the protecting of minorities of population against the possibility of harm coming from concentrated majorities in a small area, I have a quotation from Locke, on restraints of government in which he says:

> The best government is not one in which the popular will rules undisputed and unchecked. Laws, based on natural

law and reason, alone can safeguard against both popular tyranny and popular licentiousness.

From the Federalist, I quote:

It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure.

James Madison said, speaking of inevitable human conflicts:

All civilized societies would tend to divide into different factions and interests, as they happen to consist of rich and poor, debtors and creditors, the inhabitants of this district or that district, the followers of this or that political leader. In all cases, where a majority are united by a common interest, the rights of the minority are in danger.

In Greece and Rome the rich and poor alternately oppressed each other. Debtors have defrauded creditors. The holders of one species of property have thrown a disproportion of taxes on another species. The lesson we are to draw from the whole is that where a majority are united by a common sentiment, and have an opportunity, the rights of the minor party become insecure.

That does not imply that the majority is presently and consciously planning to do anything unjust to a minority. The feeling of the American people, as demonstrated in history, is that it is not safe to create the possibility of such a thing occurring. John Adams said the same thing in a more blunt way in these words:

To expect self denial from men when they have a majority in their favor and consequently power to gratify themselves is to disbelieve all history and universal experience.

So I think a case can be made for the proposition that population apportionment in both houses represents a departure, a radical departure, from the system of checks and balances, of restraints and limitations on official and governmental powers which is so overwhelmingly and unmistakably reflected as an essential characteristic of American democratic government by our history, by the United States constitution and by those of the states from the beginning to Alaska and Hawaii. The proof of the pudding, an old proverb says, is in the eating, and when we try to understand what is American democracy, properly understood, I don't think we can have any better guide than the way in which the American people, over their history, have reflected their understanding of it.

Just one word on the subject of moiety. You will note that in the committee proposal that figure is raised from 5/10 of 1 per cent as a minimum requirement to 7/10, an increase of 40 per cent. Here is a little news item from just a day or 2 ago, which I think graphically illustrates what I mean by this comparison. That is the new bridge at Sault Ste. Marie.

"Actually, it's 2.76 miles long," said David W. Ripley, secretary of the bridge authority, "but we lost nearly a mile back there when we started."

It goes on:

"It was a 2 miles plus, long bridge, so we just called it a 2 mile bridge. But then, someone pointed out that it was a 3, minus, miles long bridge, and they proved their point by quoting the old accepted rule that anything over a half is rounded out to the nearest whole."

And that is all that is meant by this topic of minimum requirements for representation starting with the counties.

This problem of outstate areas against the concentrated majorities in the cities is not a new one. It is as old as our nation, and this is reflected graphically by a quotation from a New York supreme court decision, a court of appeals decision of 1916. An amendment had been adopted to the constitution dealing with the subject of apportionment, and this is quoted from the letter to the people explaining what this particular amendment was intended to do:

Since 1846 the great increase in population in the cities entitling them to additional representation in the senate has required a corresponding decrease in the representation of the country districts, so that those districts have been constantly made larger, and their representation in the senate has been constantly decreasing.

The object of the proposed increase is to restore the country districts to substantially the same position in which they were in 1846, and to provide for the increased representation of the country as well as of the city districts. We believe the provision to be sound in principle, that somewhere in every representative government there should be a recognition of variety of interest and location.

Such a departure from the rule of strict numerical representation is recognized by the Constitution of the United States in the organization of the senate—

They might have added at that point, in the house of representatives itself where every state, no matter how small its population, is entitled to its first representative. The quotation continues:

by the Constitution of the state of Pennsylvania in limiting the representation which the city of Philadelphia may have in its senate to 1/6 of its members, and by the Constitution of the state of Maryland in limiting the representation which the city of Baltimore may have.

Similar provisions have been adopted by the state of Ohio affecting Cincinnati and Cleveland, the state of Missouri affecting St. Louis, and the state of Rhode Island affecting Providence, and by other states of the union having large cities. It is the rule, rather than the exception, throughout the union.

An editorial recently brought to my attention summarizes this in these words:

The principle of protecting legislative processes against domination by populous centers of population, with their powerfully organized special interests, has been imbedded in the structure of American government from its very beginning. That is why Nevada, with a population of 285,000, is given the same number of United States senators as the great state of New York with a population of 16 million. That is why similar provisions to guard law making against domination by metropolitan areas was incorporated into the constitution of nearly every state east of the Mississippi as state governments took form. Arguments at Lansing surely should be arguments of reason against this background of federal and state structure.

We have heard a great deal in the course of our committee discussions, and somewhat on this floor, that one of our present day evils is running to Washington, and for that reason you might find this item interesting:

In the course of the debates before the adoption of the Constitution of the United States in 1787 one of the delegates said this: "Where do the people look at present for relief from the evils of which they complain? Is it from an internal reform of their governments? No, sir. It is from the national councils that relief is expected."

So even that complaint is not new.

We have heard some quotations from Thomas Jefferson, and here is one that I have:

Confidence in the men of our choice is everywhere the parent of despotism; free government is founded in jealousy and not in confidence. It is jealousy and not confidence which prescribes limited constitutions to bind down those whom we are obliged to trust with power. Let then no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution.

I wonder what Mr. Jefferson would say if he could appear among us today and note how weak those strong chains have become not only in other departments, but in the judicial department of the government.

I would like to summarize what I have tried to cover in these remarks by quoting briefly from a law day address made about 3 years ago by a noted constitutional authority, namely, myself.

The basic principle which the framers of our constitution used as a guide was the conviction that human experience through the ages had shown that no person, however honest

or well intentioned he may be, can be safely trusted with unlimited power, and that majorities can at times be as arbitrary and unfair as individuals. This was why they devised a system of checks and balances. It is this system of checks and balances which, if respected and followed, makes it impossible for one man or group, or majorities, to exercise arbitrary power.

What I am trying to emphasize is that ours is not a "pure democracy" in the sense that a majority at any given moment has the right to do anything it pleases, forthwith. Ultimately, the considered and abiding will of the majority will prevail. But the recent suggestion for a one house legislature, apportioned strictly on a population basis, is obviously an expression of impatience with constitutional checks and limitations on majority powers. Government needs these checks and limitations in the same sense, and for somewhat similar reasons, that brakes and other controls are needed on automobiles: to prevent harm through rash or uncontrolled action.

Now it has been suggested that the proposal made by the committee would ignore the interest of the urban populations of the state. That certainly cannot be accepted as true.

On a basis of one man, one vote, the concentrated majority can amend the constitution to suit itself at any time it decides to vote as a unit, with considerable help outstate, if necessary. They have it in their power, on the basis of one man, one vote, to elect all the state officers. They have done that now to the extent that they have the governor, lieutenant governor and secretary of state from the same county, and the other state officers know on whom their reelection depends. They can elect not only a majority but all the justices of the supreme court. They can and have elected both United States senators from one county, and on a population basis they can control one house of the legislature; which means that they can control 5/6 of the state government on the basis of one man, one vote. And the question comes down to this: is it good policy to enable a majority of the majority to control the other 1/6 of the state government also?

Now, when we speak of outstate we include some populous counties outside of this immediate metropolitan area. Someone has computed that at the present time the cities and counties of over 100,000 elect 20 of 34 senators. Under the committee's proposal, for the next 10 years they would elect 24 of 38, and after that, 26 out of 40. I was interested in making a computation the other day of the delegates to this convention. And 101 of the 144 represent counties containing more than 100,000 population, excepting one which contained 98,000. So on that basis there is certainly reason to give careful consideration to this matter of balance of power.

Now, it has been suggested that the committee's proposal preserves the status quo, and to my judgment, nothing could be more inaccurate. I think the most important concession that the committee report makes to the majority group—the metropolitan areas—is the appointment of a commission to do the reapportioning. If you had nothing else to take home from this convention you could return home in triumph, bringing in the sheaves; and we who are from outstate will be the ones who will be embarrassed in trying to defend that part of the proposal. We have gone further than that. We have unfrozen the senate districts. They were frozen in 1952, but it is not accurate to say they were frozen in forever, because the same one man, one vote majority which froze them in could at any time unfreeze them. We have raised the minimum requirement for representation in the house by 40 per cent; from 5/10 of 1 per cent to 7/10 and that, all the authorities agree, is as near to complete equality as is possible to get in preserving county lines, and by that process the inequalities in population have been greatly reduced.

I appreciate your careful attention, ladies and gentlemen, and I hope I haven't spoken too long. But in connection with remarks I made at the beginning of this address, I would like to add something further: I think we all came here and are still here with an ambition which could be reflected by the words of Paul of old when he said, "I have fought a good fight; I have finished my course; I have kept the faith." Our ambition has been and is, each being loyal to the spiritual mandate within himself, that when our work here is completed we can go home and in good conscience say, "I have fought a good fight for the principles in which I believed. I have kept the faith with my constituents and with my conscience." Must we wait, my friends, until we have separated before we become conscious of this? That in the future whatever time may be left to us, be our days few or many, one of the precious recollections we will have will be looking back to our labors here and thinking of those who accompanied us in our labors and worked with us. Our fondest memories will be those of respect and affection for those who here fought valiantly for their convictions, and that will not be limited to those who fought on our side, but much of that respect and affection will go to those who fought valiantly and courageously on the opposite side of these battle lines.

An impression may have been created from the heat of some of our discussions that Michigan is a divided state. True enough, we are divided here in our opinions, and we will continue to be divided, and we may even find ourselves on opposite sides of the battle that is coming before the public when this document we are hammering out with blood, sweat and tears comes up for approval or rejection. But I am sure that we are also conscious that however strongly and deeply we may differ on some of these problems, in our loyalty and affection for and to the state of Michigan we are not divided—all one body we. When it comes to our belief in the principles of our government and its future we are one in faith, and doctrine, and, Mr. Chairman, I hope, one in charity. Thank you. (applause)

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. Chairman, fellow delegates, I didn't anticipate coming after this distinguished address, but I think that I, too, must stand here in good conscience with my constituents and, if nothing else, speak on behalf of those voices that have been responsible for me being here today. I want to refer specifically to a comment which was made yesterday with regard to the job of representing people in large cities as opposed to the job of representing people in sparse areas, and the expression was used that it was a different problem than that of a fraction of a big city.

I know that those of you who come from cities, and large cities, will understand some of the things I am going to talk about. Maybe those of you who don't represent large cities might not be aware that we have problems in large cities. I represent one of the senatorial districts in the city of Detroit and the county of Wayne, and when it is said that it is a small area, it is an easy group to reach, I can't say anything to that effect. This is true. As a matter of fact, I think the problems are greater, and I would just point out to you, as I pointed out to the committee on legislative organization, some of those factors which make it harder to represent people in a large city than to represent people in sparse areas.

First of all, in the large city you don't have access to the mass media of communication. You don't have access to the press, to the radio, to the television. I have noticed a number of delegates here turn out delegate columns. They send back to their home town newspapers articles and pictures, and I have noticed that these newspapers have been diligent in recording what these respective delegates have done. We in a large metropolitan community have no such advantage. There is nothing I can send back to our Detroit newspapers—and I don't mean to make them any smaller on this account, but there is nothing that I can send back that would be of any import to them. I am just one of many, and as far as they are concerned, they do the job of selecting. So I can't reach my constituents on the basis of putting an article in the newspaper; and I can't reach my constituents on the basis of a television program because TV time is a precious and costly item in the city of Detroit. Nor can I hope to reach my constituents through the use of a radio system, which is again another costly item.

The district may look small on a map when you compare it to large areas such as a senatorial district, but to those of

you who are familiar with Detroit and its traffic and congestion, I would tell you that on a day, an afternoon when people are going home from work, or in the morning hours, for me to reach one end of my district from another may take longer than the mileage might indicate on a map. There are many problems in reaching from one end to another, and those of you who have been fortunate or unfortunate enough to be caught in traffic congestion know that it is no easy matter going in and around this district. How do you reach people in an area that is a fraction of a city? You can't depend on the newspapers, you can't depend on radio and television, you can't even depend upon reaching the people in person, because here again you've got another problem.

These communities that make up these districts in the city are a polyglot of different groups. Just because a person lives on one side of the street or the other side of the street doesn't make that person any more knowing of his neighbor. If I go to a meeting—and this is, I think, a big difference from people who have the fortunate opportunity of representing what we call sparse areas—but if I go to a meeting, I go in there and I always ask at the end of the meeting: how many of you live between this street and this street and between this part of Detroit and that part of Detroit, and if I get 20 per cent, I think I have scored well. But more often than not, we get a few. Even people who invite me to speak in the district don't have a majority of the people living in that district at the meeting—I am talking about the district that I am representing. So that we can't even reach them at meetings, the ordinary process. At least in a large area where it is spread out, you go to a town, you know that the people you are talking to are people that are your constituents. In a large city, even if you go to the supermarket, or if you go to any place in that district, you know that over half the people don't live in your district. In addition to this, of course, you have the whole problem of a multiplicity of different groups—different economic incomes, different nationality groups—and all these factors make it increasingly more difficult to have contact with your respective constituents.

I don't want us to leave here with the impression that it is any easy matter to represent a part of a city. In the final analysis it is a constant drudge and constant hard work. You have got to visit people all the time, possibly door to door, if you want to be certain that you are actually visiting the people of your constituency. And so there are problems, and I received some letters from people in the district, and they said they felt the problems of representing large city areas, parts of large city areas, were greater in terms of trying to reach people. They felt this deserved special consideration. I don't think we want any special consideration in having a factor in our favor, but certainly we ought to think seriously about the disadvantages, the problems in representing urban areas.

Now, the people of the district—and this was, I think, known to you—have felt they needed apportionment, and I think there was some feeling that might have been echoed in the past when people in Hamlin Town felt that they needed some improvement, and I just recall from one of my memorizations:

> At last the people to the town hall came flocking:
> "'Tis clear," cried they, "our mayor's a noddy.
> And as for our corporation—shocking
> To think we buy gowns of ermine
> For dolts that can't or won't determine
> What's best to rid us of our vermin.
> Rouse up, sirs! Give your brains a racking
> To find the remedy we are lacking,
> Or, sure as fate, we'll send you packing."
> At this the mayor and corporation
> Quaked with a mighty consternation.

I think that we might look realistically in terms of having some pied piper attempt to rid us of our excess population, and if they would be so good as to disperse the population throughout the state and the respective counties we would have no quarrel with apportionment, if we could only hope that this pied piper would come through the county of Wayne and have this rewarding effect upon the whole state population. Unfortunately, though, such a piper has not appeared and, in absence thereof, I hope and trust that you will attempt to look more fairly upon the plight of our poor city dwellers.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. Chairman, fellow delegates, trying to analyze the majority proposal before this convention, I am reminded of the story of the statement that was made repeatedly in the committee by Delegate Knirk when he would say, "Keep it simple, stupid," and I have to admit that probably I am in the category of being stupid. I am having extreme difficulty in understanding this very complex monstrosity that has been presented to this convention.

I have been a member of the committee on legislative organization which brought forth the majority report relating to the subject of reapportionment which is now under discussion here in the committee of the whole. As I recall it, during the period of time wherein we held public meetings and listened to various proposals on this topic there were numerous simple, understandable proposals made. But simplicity obviously was not one of the objectives of the majority of this committee. As a matter of fact, if we started out with the sinister purpose of concocting a program to create a monstrosity which requires the mentality of a genius, or perhaps a head of one of our major institutions of higher learning, to comprehend, we could never have arrived at a more complex and confusing proposal for a perpetuation of the malrepresentation incorporated in this proposal under discussion here today.

This again is a part of the package deal which was concocted in the caucus rooms of the Republican party several weeks ago. It is inconsistent and contrary to the promises made by many prominent delegates to this convention when they promised the people in their election campaigns that remedy would be provided by the constitutional convention for the maldistribution of representation in our legislative bodies. These commitments, as well as other commitments have been sacrificed on the noble pedestal of a package deal for the purpose of bringing about harmony within the majority party. If the purpose of this convention is to bring about harmony in the Republican party at the cost of perpetuating a cancerous political and social growth, then the majority of the delegates in this convention will obviously joyously vote for this proposal. Politics obviously must prevail regardless of whether it is necessary to violate the very fundamental and basic principles upon which this great state and nation was founded.

A tax study which has been made available to all the convention delegates indicates very clearly that the people of this state, under our present system of representation as well as under the majority proposal, if adopted, would be subjected to taxation without their consent. But under this proposal the felony will be compounded. Not only will the majority of the people be taxed without their consent, their taxes will be allocated and spent by the representatives of the minority of the people who, by this device of maldistribution of representation, can perpetuate government by minority and bring about ultimately the same tyranny which caused our founding fathers to write into the Declaration of Independence against the British ruler, "he has imposed taxes upon us without our consent." The majority of the people will pay the bills and the minority will tell them how much to pay and the minority will distribute very magnanimously the moneys paid in by the majority to benefit the minority. And this reflects the majority party's concept of a democratic form of government or a "Republican" form of government, if you please.

Now for a moment let's get down to specifics in the proposed majority report. In the first place, if this formula is a meritorious one, why is it that we must wait until 1970 before any section in the proposal is put into effect? This year, 1962, comes right on the heels of the results of the 1960 federal census which was published in 1961, yet we are told that we must wait until the results of the 1970 census are available, which undoubtedly would be in 1971, before any real adjustment could be made. In the interim 9 years we are thrown a few bones, that is, a few senators; one additional senator to be elected from Wayne county, one from Macomb county, and one

from Oakland county, and one from Genesee. Presumably this is in order to adjust the most glaring inequities in the present apportionment of senatorial seats. As a sop for the growing population in these areas, we would then get an average 1960 population per senatorial district in Wayne county of 333,342, in Oakland county of 345,291, in Macomb county of 202,902, and in Genesee county of 187,156. Why was this particular number decided upon in these particular areas if equality was the basis? Genesee county, for instance, now has a total of 374,313 for one senatorial district. The new adjusted districts full of this "proposed equity" in Wayne county would have almost as much population as the total population of Genesee, which the majority have chosen to divide into 2 districts. But, on the other hand, there would be districts such as district 23, with 248,000, which would be far greater than either Macomb or Genesee by the new standard, and district 18, with 225,000, and district 14, with 249,529.

Now, my friends, let's take a good close look at the majority proposal. Instead of talking about representation of people—and get prepared to be confused—the proposal deals with factors and formula, area, 80 per cent plus 20 per cent, a 19½ per cent factor, 13 factors, 1 per cent of 100 per cent, multiplied by 4, add the percentage of the state's area, compounded to the next 1/100 of 1 per cent. Now, if we were to appropriately add to this a few spoonsful of gerrymander, perhaps it would clarify for the uninitiated mind exactly what we meant. Some of the delegates may not know why the 19½ factor was incorporated in this proposal. It is one of those confusing devices which could much more readily have been spelled out in plain language so that every one of the delegates could have understood its meaning. Now for the benefit of those delegates here who may not yet understand its purpose, this strange factor happens to be the mathematical formula in this hodgepodge which maintains the status quo of 2 senators for Kent county, with no rationale whatsoever. In other words, when the first deal was made—before the latter super deal was made in committee by the majority—the first deal that had to be made was to retain 2 senators for Kent county so that the Grand Old Party delegates here would not be confused and divided by that factor. So our reapportionment program here had to be based on starting off with 2 senators for Kent county, and then, of course, with a program that suited this formula.

It is unfortunate that somebody could not have set this to music. I can visualize some of our great political science professors explaining this to their classes in some of our major universities, or perhaps this prodigious task will, of necessity, fall into the hands of the presidents of our universities. And I can picture foreign delegations sponsored by our federal government in the exchange of students program having explained to them that we really don't have government of the people, by the people and for the people, but in its place we have substituted a quaint formula wherein a certain number of acres equates a human being, and particularly a voter; that we explain, of course, that the acres cannot cast a vote and that these acres are an abstraction in our form of government which equates human beings: 1 abstraction for each 4 voters. Then we proceed to tell them that in designing this basis of representation, because we were going to equate an abstraction to a vote we had to use some mathematical formula and we decided to call them factors, in which we have government of factors, presumably for the people.

If this is confusing to the uninitiated, perhaps we can request again our legislature to appropriate a couple of million dollars to explain it in a simplified pamphlet so that both the voters, people, and perhaps area, too, will thoroughly understand this complicated formula. Area having no mentality might pose a problem, but I am confident that some of our great educators can find a solution to this problem too, if we could not be sacrilegious and still change the sanctified areas of Kent county and its basis of representation in the senate.

In relation to the specific formula which they propose for representation in the senate, even if we put aside the fact that we must wait an additional 9 years before the plan which is proposed by the majority will be put into effect, here is what can happen under this plan which the sponsors and their Republican colleagues purport to be a great improvement in senate representation. First, as I explained, area is given 1 vote for every 4 people by giving each county an apportionment factor based on 20 per cent area and 80 per cent population. Obviously, as you are aware by my previous arguments, we in the minority dispute the validity of such a proposal. But this is not the end of it. According to the language of the majority proposal in subsections 1, 2, and 3 of section a on the senate, even after we have given 20 per cent to area, the apportionment factors, including area and population, could vary so much that one county could have an apportionment factor of as much as 16, which would be 12.8 on population and 3.2 on area, and another county could have an apportionment factor of as little as 10 according to the same section; or if you really want to do some arithmetic, according to subsection 1, which provided that any county with an apportionment factor of 19½ gets 2 senators and subsection 3, which provides for splitting the population on lines as various as 125 per cent in one district and 75 per cent in the other, you could have an apportionment factor of as little as 7.8 per cent in one district and 11.7 in the other. Thus you could have one senate district with a factor, including area, of as much as 16 and another in a split district county of as little as 7.8, 5.85 on population, and 1.95 on area.

The majority of the committee likewise finds it impossible to sully the sanctity of our county lines for the basis of representation in the house of representatives. We cannot divide a county for the purpose of bringing equality in the house of representatives either. The closest we can come is, possibly, making some voters 7/10 as good as some other voters. The county lines remain sacred until they get into the populous areas. Here, strangely enough, we find that when we get into the populous counties, there is nothing sacred. We must, under no circumstances, permit the combining of representative districts as they now prevail where these members of the house of representatives can be elected from a single district, which seemingly satisfied even the majority party several years ago, but now we must divide legislative districts through alleys and around precincts, and narrow down their confines to a dozen blocks.

This intrinsic formula diverges from one extreme to another. There is no consideration, for instance, for area in the populous counties, either for the senate or the house of representatives. It seems rather strange to me that if we were considering area from the point of view of its dollar cash value, and were to compare Cadillac square in Detroit with a great many areas in other sections of the state, that if those areas in outstate districts should be given representation, Cadillac square, being worth many times more in cash dollars than these other areas, should be given at least one senator and one representative. The question of who would cast the vote would become very important again. There is no consideration in the majority proposal, for instance, for the voters who live in apartment houses and in our many fine housing projects, running as many as 25 stories high. It seems to me that it would be as valid to give the voters who live above the tenth floor in an apartment building a little more weighty vote because they are far above the average voter. They obviously are in direct contact with more area above the ground than those people who are planted firmly on terra firma. However, there is no sanctity so far as geography, area, or any other abstraction is concerned when it comes to populous counties. And we can divide a county into 50 districts to suit the whims of the majority, and to further confuse the electorate to make it more difficult for candidates and to, in this way, create greater confusion in the minds of the electorate. The argument has prevailed on the floor of this convention that a candidate running in large geographic area has more difficulty in contacting the electorate than has the candidate in a compact contiguous county area divided by alleys, blocks, streets, and so forth. Some of these candidates, or the intelligensia who profoundly acclaim the ease with which candidates can contact their electorate in the populous areas, should at some juncture attempt to get into a 10 story apartment house and try to even get by the janitor. This argument, to me, should be put

to rest once and for all; this problem of contacting the electorate.

The audacity of the majority members of the committee on legislative organization in making these proposals is in actual fact a calumny on the integrity of the electorate. Where and when is this convention going to recognize that there is a need for a pragmatic reappraisal of the era in which we are living? Can there really be any delegate to this convention who actually believes that the people of this state are so sublimely ignorant that they are going to vote in favor of a proposal which will permit a small handful of people, comparatively speaking, to elect a majority of both houses of our legislature, impose taxes upon us, and then spend them according to their own capricious whims? If so, then my own appraisal of the electorate has been far too lofty, and I might have to engage in an agonizing reappraisal of the intelligence of the average voter.

Unlike the campaign of 1952, when the scare campaign of the CIO capturing control of the state government was effective, the people today are informed on the question of representative government sufficiently, in my opinion, to overwhelmingly veto this proposal. The compounding of the felony which this proposal would impose upon the people of this state is the proposed apportionment commission, and the manner in which it is to reapportion after 1970. First, let's take the manner of selection of the members of this apportionment commission. For this purpose, according to the majority proposal, the state has been divided into 4 areas, each of which will elect one Democrat and one Republican to serve on the commission. Apparently the majority of this committee are only concerned with getting equal numbers of Democrats and Republicans on the commission, and not with representation of the interests of the people as a whole.

MR. W. F. HANNA: Mr. Chairman.

CHAIRMAN HUTCHINSON: For what purpose does Mr. Hanna rise?

MR. W. F. HANNA: I would like to call to the Chair's attention that I believe Mr. Marshall is now discussing Committee Proposal 79, and I believe that was passed, and I believe that our discussion now is limited to section a of Committee Proposal 80. I may be in error, but I would request the Chair, if I am right, to caution the delegate to confine himself to section a of 80.

CHAIRMAN HUTCHINSON: The point made by Mr. Hanna is well taken. The discussion should be restricted to the discussion of section a, which has to do with the senate.

MR. MARSHALL: I think it is well taken too, Mr. Chairman. I just thought we might slip it in. I am sorry.

MR. W. F. HANNA: I am not slipping, William.

MR. MARSHALL: You just took a page away from me. That will cut it short. Well, I will adhere to the wishes of the Chair and try to remain on the subject.

I might go on to say that I have been particularly perplexed by the reaction of the Republican majority of this convention to the recent U. S. supreme court decision in the Tennessee case on reapportionment, wherein that court clarified the question of jurisdiction in relation to matters of representation of legislative bodies of our various states by clearly indicating that any citizen has the constitutional right to appeal to the courts for relief under the fourteenth amendmeen where due process and equal protection of the law has been violated.

I am very reliably informed by my friends in the legal profession that when a case of this nature has been joined in the fashion in which Scholle v. Hare, which is now pending before the U. S. supreme court, was joined in the Baker v. Carr case, that decisions would be imminent. It would seem to me that the majority in this convention, rather than hide their heads in the sand like ostriches, would take cognizance of this new development which deals directly with the subject matter under discussion, would face this realistically, and attempt to abide by the obvious intent of the supreme court decision. We have every reason to believe that a determination of the Michigan case pending before the U. S. supreme court will be decided in a relatively short period of time. Even though the majority of this convention is loathe to accept the verdict of the court, I would strongly urge the convention to delay action on this entire question and make it the final question for disposition on the agenda in the event that the U. S. supreme court remands the question before it back to the Michigan supreme court. Rather than step up the tempo, move the apportionment question in face of the impending decision, round out a proposal that was under discussion that was done here, we should have taken a close look and not have been so hasty; at least until we could receive the supreme court decision, which might have a very direct bearing on what we are doing here. Of course, this should be the course of intelligence, superseding emotionalism and wishful thinking. I recognize, being a practical person, that there may be no desire for realism at this juncture in this convention. My suggestion to this committee undoubtedly will be looked upon derisively by the majority. If there is any honor left among the dealers, I will nevertheless try to appeal to that vestige of reasonableness and sanity which could conceivably still be present, and implore the delegates to delay action on this question in the hope that some guidance will be forthcoming from the U. S. supreme court.

In conclusion, Mr. Chairman, I am not going to make a motion at this time, but I am going to ask the delegates in this committee to very seriously give consideration to delaying any further action on the majority proposal pending the decision on the Michigan case before the U. S. supreme court, and I might discuss it at some length later on in the debate. Thank you.

CHAIRMAN HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. Chairman, I have a question for Judge Dehnke, if he cares to answer. Judge, do you believe the traditional protection of minorities in a democratic society is giving them control of the legislative branch of government?

CHAIRMAN HUTCHINSON: Judge Dehnke.

MR. DEHNKE: I don't think, Mr. Chairman, anything is to be gained by cross examination, and I decline to answer. I have stated my position, and the other side can state theirs, and I think that is the orderly way to proceed.

MR. HODGES: Mr. Chairman, I request to ask a question of the chairman of the committee, Dr. Hannah. Same question, Dr. Hannah: do you believe the traditional protection of minorities in a democratic society is giving them control of the legislative branch of government?

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Much as I dislike to refuse to answer a question, I think we are now engaging in delaying tactics, and that nothing is to be gained by this kind of a cross examination, and I decline to answer.

MR. HODGES: Mr. Chairman, it is obvious that the proponents of this measure do not care to answer this question, although they were the ones, I submit, that raised the validity of a minority being protected through control of the legislative branch of government. This is not the traditional way that we have ever protected minorities in this country. We have protected them through the bill of rights and through the courts, and I submit if we start on this road of protecting minorities, whatever those minorities may be, by giving them control of a branch of the legislature we would indeed have to set up, probably, in the state of Michigan 200 separate branches of the legislature, one for every conceivable minority group that exists in this state, in order to adequately give them the same protection that an outstate minority now asks for in this constitution.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Downs.

MR. DOWNS: Mr. Chairman, fellow delegates, I would like to ask Delegate Bill Hanna a question, if he cares to answer. On page 2 of Committee Proposal 80, on line 15, is the language "but in no event less than 10 or more than 16." Would Delegate Hanna tell me how the figure 10 was arrived at?

CHAIRMAN HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, Mr. Downs, the figure 10 or more than 16 was an attempt to apply to the 13 apportion-

ment factors the same rationale that is applied in the third paragraph of section a and the first numbered paragraph of section b: 75 per cent of 13 is 9.75, computed to the nearest apportionment factor, is 10 points; 125 per cent of 13 apportionment factors, computed to the nearest apportionment factor, is 16. This is the way it was arrived at.

MR. DOWNS: Just one other question, Mr. Chairman, to Mr. Hanna, if he cares to answer. Would this result in Kent county continuing to have 2 state senators?

MR. W. F. HANNA: No, sir.

MR. DOWNS: How many state senators would Kent county have on this basis?

MR. W. F. HANNA: Are you referring to the "10 or more than 16," Mr. Downs?

MR. DOWNS: And the other provision relating to single counties.

MR. W. F. HANNA: Under the first paragraph dealing with single counties, the 19½ has the effect of allowing 2 senators in Kent, Macomb and Genesee.

MR. DOWNS: So that line 9 on page 2 sets that as the portion that would guarantee Kent county 2 senators?

MR. W. F. HANNA: Along with Genesee and Macomb.

MR. DOWNS: Thank you. Mr. Chairman, I believe, in arriving at the figures used in the majority proposal the delegates have pointed out, in trying to justify the formula, that there was no particular reason for picking any particular formula. I suggest that the reason reminds me of the TV show where the master of ceremonies gives the answer and asks the question; that this would preserve the 2 senators for Kent county, and that much of the formula was worked around that. Whether it is good or bad is beside the point. I just want to bring that out very clearly.

There are a few other comments I would like to add here that have been discussed at some length. The matter of the problem of campaigning in sparsely settled districts has been gone into in some detail. I would just like to touch a little more on that.

Dr. Nord's proposal of the so called tote system would permit the area with thin population to have additional state senators who could conceivably campaign easily, but when they voted, they would vote the actual number of people they represented. This to my way of thinking answers, once and for all, the argument of those who talk about the long travel distances in part of the state because of the small population.

I would like to point out again that in the large cities —and this applies to not only Wayne county, Macomb, Genesee, Oakland, Kent and others—the problems of campaigning and reaching people both from the candidate's viewpoint and the voters' are extremely difficult. Delegates Faxon and Marshall have both touched on this. It happened in my own primary, which was a vigorous one. I gave what, in all modesty, I thought was one of the better talks to what then was a large group of 200 people, and I felt good until I questioned the people as to how many lived in the district in which I was running, and it was exactly 11 people out of the 200. When a person goes to buy ads in a newspaper in a metropolitan area, he knows that that ad will reach at least 95 per cent of the readers who could not vote for him even if they wanted to. In other words, in budgeting a campaign, a person buying an ad in a large paper in Detroit must discount the cost by knowing that of every dollar he spends, at least 95 cents will go to people that cannot vote for him even if they wanted to. The same is true of TV.

When it comes to the voter who may perhaps look at political ads in large papers, he finds in turn that many of the people whose ads and material appear are not living in the district so he could vote either for them or against them and—because of the cost of ads—the person, to be effective, in addition to mentioning the representative and senatorial district, practically has to draw a map to show where he comes from. I emphasize that this applies not only in Wayne county; it applies in other counties where there are multi-districts within the county. Probably the easiest county to campaign in is where there is one county with one newspaper and one legislative or senatorial district.

The same problem is true of supermarkets. A person can pass out leaflets and cards in supermarkets until he is blue in the face, only to find that in most cases the majority of the people do not even reside in his district. This is also true of meetings, whether it is veterans' meetings, labor union meetings, fraternal organizations or business luncheons. The person who is campaigning will find that in most cases the majority of his audience could not vote for or against him, and frankly, very often audiences get a little tired of hearing from people for whom they can vote neither for nor against. So I say, if we are concerned about this problem of representation in campaigning, that those of us that live in large cities probably have more of a problem than anybody else in the state.

Now, the only proposal here on the house is a matter of reducing districts to single districts, and while there may theoretically be some reason for this, I wish to point out that, from both the voter's viewpoint and the candidate, this may in some cases aggravate the situation. At the present time, when 3 are elected from a district, 3 people can campaign as a team, can campaign on a cosmopolitan basis and can speak for each other in the campaign and take a programmatic based approach. I am concerned that if these are made single districts, aside from the apportionment problem, it may further fractionalize both the voters' and the candidates' approach. Enough of that.

Now, as far as the proposals themselves of the majority, there is one point I wish to make very clear, and that is that neither house is based on strict population, and the chairman of the committee yesterday in his report said that the majority of the committee wanted one house, and I believe his terms were, "something besides population." I wish to point out that neither house is on strict population. In fact, in the year of the 100 year celebration in commemoration of the civil war victory, I think it is particularly significant that one of the factors there was the resistance to the Calhoun theory of government by majorities. I charge that this proposal does not have government by concurring majorities, but it has government by concurring minorities. In other words, to get legislation passed, it would take a majority of 2 minorities, one in the house and one in the senate. And the way to protect the minority is not to give them powers to rule over the majority. The way to protect minorities is to establish in our bills of rights strong provisions on freedom of speech and assembly and religion in our traditional bill of rights, so that the minority of 35 per cent cannot overrule the majority of 65 per cent; so that the smallest minority in the state, one person, has the constitutional protection and the judicial system to protect that right of that minority.

As I have said before on the floor and I will summarize again, if those that are concerned and fearful of majority rule will come forth on the floor of this convention, explain and show what their genuine and real fears are, I would be glad to cosponsor provisions in our bill of rights that will protect any minority from reasonable fears of unfair domination by the majority. I have said that before; I want to say it again now that we are on this subject. Because the correction, the check is in seeing that that minority of one is protected through constitutional guarantees in the judicial system. This is the way, rather than the so called check and balance of government by minority.

I would like to point out to the convention that people have problems. People are going to solve those through their state government many times, if they can. If the state government does not react to the majority will, people will find other avenues. The most simple avenue is to run down to Washington, where the United States congress more clearly represents people on a closer to a one man, one vote basis than do many of our state legislatures, including Michigan. And it is a little ironical that those who are the most concerned about people going to Washington are often the ones that support the very legislative structure that forces people to go to Washington, because the states do not respond to the needs. The other avenue the people have is on the various constitutional amendments that have been passed on earmarking, and

I know there has been great discussion on earmarking, but again I wish to point out to the delegates that when people vote on constitutional amendments, whether you agree or disagree with the action of the people, this is a one man, one vote ballot, and this, in my opinion, is why much of the earmarking and tax provisions of our present constitution have been written by the initiative and the constitutional amendment procedures. I, for one, think that this is only a final step; I would rather see a normal legislative process used that is subject to review and correction and growth as time goes on, rather than freezing items into the constitution. But there is no alternative when the body is not responsive to the needs of the people.

Finally, I would just have one quote here that I think, perhaps, when we are talking about principles, is worthy of the attention of the convention. This goes back a long time. I will read the quote and then, I think, the history of it. It is just one sentence which is of some interest. This quote is a follows:

> No invasions of the constitution are so fundamentally dangerous as the tricks played on their own members, apportionment, and other circumstances respecting themselves and affecting their legal qualifications to legislate for the union.

This was written on April 4, 1792, and was a memorandum from Thomas Jefferson, the then secretary of state, to George Washington, who was then president. At that time the then congress had apportioned congressional seats other than on a population basis, and George Washington had asked both Alexander Hamilton and Thomas Jefferson for their views. Alexander Hamilton, as one might anticipate, did not have quite the insight as Thomas Jefferson did into the problem. And I am glad to say that President Washington's first veto, the first veto in the United States history, was that of a congressional apportionment other than on the basis of people, and it was on the basis of a memorandum written by Thomas Jefferson.

I think the final decision we have to make is, if we don't have government by people on a one man, one vote basis, what kind of government do we have? And I think our next big step in democratic government has been indicated by the United States supreme court decision in the Baker case, which we discussed yesterday, and that the concept of having true representation of a one man, one vote government within a framework of constitutional guarantees is the direction we are moving. I hope we face that, and I hope we develop a constitution that meets those standards. I urge the rejection of the majority report on Committee Proposal 80, and again point out that it does not provide strict population in either house. Thank you.

CHAIRMAN HUTCHINSON: Mr. Blandford.

MR. BLANDFORD: Mr. Chairman, fellow delegates, the deviation from the one man, one vote principle in the committee proposal appears to be the source of some uneasiness on the part of some delegates. I would like to point out that restrictions on the "population only" concept is not unique to just legislative bodies. Other groups and associations follow this same principle. I hope to illustrate beyond a shadow of doubt the fallacy of the one man, one vote principle. I will show in the next few minutes that the people who shout it the loudest practice it the least. Certainly if this convention is going to give any credence to the argument of one man, one vote, it should examine closely the records of the advocates of the principle.

I have before me the constitution of the Michigan State AFL-CIO. As you know, this is a group headed up by Gus Scholle. Delegate Bill Marshall is vice president of this organization. In at least 5 different ways the Michigan State AFL-CIO in its constitution has established artificial barriers to the one man, one vote concept. On page 5 of the constitution of the Michigan AFL-CIO we find the first 2 restrictions. These restrictions deal with representation to the all important biennial convention. In setting up representation to the convention, it is stated that there shall be one delegate for the first 200 members, one additional delegate for the next 300 members and one additional delegate for each 800 members or major fraction thereof. It is evident that delegate 3, representing 800 members in the convention, is representing 4 times as many members as delegate 1, who represents only 200 members.

Restriction 2, resulting in a further deviation from the one man, one vote principle, is a clause that states "No delegate to the convention—"this is the Michigan state AFL-CIO convention—"No delegate to the convention can carry more than 1,000 votes." This is an obvious restriction against a large union dominating the convention. On page 14 of the constitution of the Michigan state AFL-CIO we find the final 3 restrictions that prevent a true one man, one vote representation. Here the makeup of the executive board is covered. One requirement—

MR. LESINSKI: Point of order, please.

MR. BLANDFORD: I thought maybe one of you would be up pretty quick.

CHAIRMAN HUTCHINSON: What is your point of order?

MR. LESINSKI: I think we are concerned with the Michigan constitution and not other types of constitutions.

MR. BLANDFORD: I think this ties in. It shows that apportionment is more than just apportionment of legislative bodies, Mr. Chairman. There is a history here that I think we all should be aware of.

MR. MARSHALL: Mr. Chairman.

CHAIRMAN HUTCHINSON: The Chair has received a point of order from Mr. Lesinski.

MR. MARSHALL: Mr. Chairman, advise Delegate Blandford to stick to the question before the body. If we want to go into other things, we will take the manufacturers association constitution, the lawyers, and so forth.

CHAIRMAN HUTCHINSON: Well, the Chair has received only one point of order at this time. Mr. Lesinski has raised the point of order that Mr. Blandford is not talking upon Committee Proposal 80. I think that there has been a considerable amount of illustration and expressions of philosophy, and everything else, in connection with this general debate. However, the Chair will admonish Mr. Blandford to restrict himself to the discussion of the apportionment of the senate, since the point of order is raised. The Chair thinks that it is only—in fact, it is necessary, in view of the time element, that we restrict ourselves to the subject, and will admonish the delegates accordingly.

MR. SNYDER: May I have a point of personal privilege, Mr. Chairman?

CHAIRMAN HUTCHINSON: It is out of order in committee of the whole. The Chair recognizes Mr. Blandford.

MR. BLANDFORD: I am admonished, Mr. Chairman.

MR. MARSHALL: Point of order.

CHAIRMAN HUTCHINSON: What is your point now?

MR. MARSHALL: The point that I want to make is we adopted a resolution where we operate in committee of the whole—the same rules that apply in the convention where applicable would apply in committee of the whole. Why would the point of personal privilege be out of order in light of the change of the rules?

CHAIRMAN HUTCHINSON: There have been no changes in the rules along that line, Mr. Marshall. The Chair has ruled that the order of personal privilege is not in order in the committee of the whole.

MR. MARSHALL: Will you put me on the list to speak, please?

MR. BLANDFORD: I have 3 other points, Mr. Chairman, that I probably won't cover. I won't say, for instance, that they have a requirement that 2 members of the executive board must reside in and represent affiliates of the upper peninsula. I won't mention that. But there are 2 others, also, but I am out of order, so I will just wind up by saying this: I hope my statements haven't embarrassed any delegate to this convention. They certainly were not meant to.

MR. DOWNS: Mr. Chairman.

CHAIRMAN HUTCHINSON: Pardon me, Mr. Blandford. For what purpose does Mr. Downs rise?

MR. DOWNS: I rise to make a motion.

CHAIRMAN HUTCHINSON: What is the motion?

MR. DOWNS: The motion is to permit Delegate Blandford to continue his discussion on the subject, and that other delegates have equal time to discuss the same subject.

CHAIRMAN HUTCHINSON: The Chair is afraid that such a course of action will lead us so far astray from the subject before us that we will never get back to it, and the Chair would request, unless you are very serious in the matter, that you might withdraw the motion. We cannot take the time, Mr. Downs, to permit this meandering.

MR. DOWNS: The only point I would like to make is that the question has been raised; I would rather answer it than leave it unanswered, but if the Chair feels it will facilitate the convention not to, I do withdraw the motion.

CHAIRMAN HUTCHINSON: Mr. Blandford, confine yourself to Committee Proposal 80.

MR. BLANDFORD: Mr. Chairman, I think that I have pretty well made my point. I just wanted to make the point that it is common practice among many groups, legislative, union or otherwise, to not follow the one man, one vote principle, and that many of them have restrictions built into their constitutions that deviate from this policy, and I am certain that the members of this convention recognize the fallacy of the one man, one vote approach, and certainly will heartily endorse the apportionment proposal recommended by the committee on legislative organization. We can continue this debate maybe some other time, some other place, in some union hall.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. William Hanna.

MR. DOWNS: Mr. Chairman—I am sorry. I will wait until the convention rises. I wanted to rise on personal privilege. Are you ruling that we can rise on personal privilege when the committee rises, on something that was brought up in the committee of the whole?

CHAIRMAN HUTCHINSON: You are right. Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, fellow delegates, Mr. Marshall asked some good questions, and I think some of them or all of them should be answered, if possible. He made a rather slurring remark that only a genuis could understand it. This proposal—and I am sorry that there are maybe 90 genuises in the convention and the rest are not, but it is not that complicated, and it is unfortunate that Mr. Marshall had 2 very heavy committees that burdened him to that extent. But, to answer his question, and because Mr. Marshall was not in committee a good deal of the time, I will take the time to answer them, and they may be of interest to the other delegates.

His first question was: why wait until 1970 to put it into effect? There is no real good answer to this question. It was proposed by Dr. Pollock, and certainly he can give the rationale for this proposal to delay until 1970 the rearrangement of the senate; but suffice it to say that a majority of the committee went along with this idea in an effort to find a common meeting ground in readjusting and reworking the senate proposal.

Number 2, why were 19½ factors placed in the proposal? Since 1850 we have had the principle of moiety applied to the first representative. Many other constitutions contain a fractional proposal. This merely allows a major fraction to be applied in getting the second senator, and this was to place the counties of Kent, Genesee and Macomb in somewhat better position than they would have under the straight 13 factors. We could apply the rule of major fractions across the board, but we will have to enlarge the number of senators beyond the 40. We could go in either direction. And had Mr. Marshall been working with us on perfecting this, I am sure that this discrepancy, as he sees it, could have been ironed out in committee. There is no attempt, Mr. Marshall, to equate acreage with human beings, any more than moiety equates that, any more than the minority proposal equates that, and all legislative proposals under any device end up with some equation of distance and sparsity versus people. There is none that does not take this equation into cognizance unless and until you completely vitiate county lines and ignore them.

I have answered the question of Mr. Downs of the relationship of 10 to 16 and 75 to 125. There are future amendments on the 75-125, but suffice it to say that our testimony seemed to say that if you want to stick—within a county—to city, township or ward lines such a discrepancy is necessary.

Mr. Marshall, however, you made a mathematical computation which illustrates your lack of reading or understanding the majority proposal, because you said it was possible to have 7.8 per cent. The 75 applied to 13 gives me 9.75. I will be glad to show you your mathematical miscalculation or the misreading of the proposal, but suffice it to say to the delegates that if you multiply 13 by 75 I assure you that you will get 9.75 and not 7.8, and this 75 to 125 applies only in those counties having 2 or more senators, and therefore it is impossible to multiply 10 by 75, as Mr. Marshall has done. I think you will have to read all of page 2 and not just parts of it.

Now, one other point made by both Mr. Marshall and Mr. Downs was that the proposals are not based upon population. If you will take the minority proposal and the majority proposal concerning the house of representatives, in both cases 47 per cent of the people of the state of Michigan can elect the majority of the house of representatives. Now, if you apply the senate, the area is given different consideration. Area is given consideration in the majority proposal because of the difficulty in traveling from one place to another in large areas. The minority proposal purports to take care of area, but would have the person running from the Ottawa county district traveling all the way to Midland in his campaign. I submit to both Mr. Marshall, Mr. Downs and Mr. Faxon that I can go up a 25 story elevator in less time than I can drive from Holland, Michigan, to Midland, Michigan, and effectively campaign.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Snyder.

MR. SNYDER: Thank you, Mr. Chairman. I speak in opposition of the minority report. I just had a very short discussion with our learned Dr. Hannah here. He asked me to yield. I thought that I could not; I felt there were some issues raised here that were so important that I had to stand up and be counted. I only deeply regret, ladies and gentlemen of this committee—

MR. PLANK: Point of order, Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Plank.

MR. PLANK: Delegate Snyder said he is talking on the minority report, and I would just like to bring it to the attention of the Chair that the minority report has already been passed on.

MR. SNYDER: Excuse me. I speak on the majority report. I thank you very much for correcting me, Mr. Plank. I am probably a little bit more emotionally involved than I should be. I only deeply regret a large portion of the school children left after having heard Mr. Blandford's remarks. I feel that there should be some explanation given. He used his remarks to support his position on a majority report. I will say this: that he missed me in his remarks. I am also a member of organized labor. I have very proudly held this office for many, many years. In 1934 was my first participation with the union. It has been a very wonderful thing, and I will say that the delegates to this convention, with very few exceptions, have been very understanding; they have been very sympathetic; they have felt that with the 57 attorneys, the housewives, the educators, that we from organized labor also had an opportunity and should have an opportunity and have an equity in the constitution. I certainly appreciate this.

Now in regard to one of the points that was brought up in computing the one man, one vote to the convention representation, let me say this: that I feel that my organization that I represent personifies the one man, one vote. Having sat as a member of our convention for a good many years, in computing the delegate strength, I am very cognizant of how this is done. We carry to our convention a weighted vote such as the good Dr. Nord here presented. We select our delegates based on a formula. They in turn are allocated a per capita

strength using almost the same and identical formula that was developed in the minority report.

I know it is very difficult for you people sometimes to evaluate our participation here. I know that when we speak of this one man, one vote you may think we are not sincere. Let me assure you that we are sincere. Mr. Blandford, may I say, in all respect to you, I think you are a man of honor and a man of integrity. However, if you have some argument, do not use the approach that you do not permit the proper defense; that you say a word and let it go into the air and fall elsewhere. We all have an opportunity. I would be more than glad to make our constitution available to you, Mr. Blandford, to show you the democratic ideals of our organization. I see you do have a copy. Thank you very much.

Thank you very much. It is very difficult to express these words at this time. I certainly appreciate the opportunity, and Dr. Hannah, I am very sorry I couldn't follow your suggestion to pass this one up.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Marshall.

MR. MARSHALL: I will pass at this time because I want to rise on a point of personal privilege when the committee rises.

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, we started consideration of Committee Proposal 80 Monday evening, and we have now spent all of Monday from 6:30 until 10:30, yesterday morning from 9:00 until 11:30 and the afternoon from 1:30 until 5:30, and more than 2 hours this morning, and we have not yet reached the point where we are giving consideration to this proposal section by section.

I have great respect for the minority members of this committee, Mr. Downs, Miss Hart, Mr. Marshall, Mr. Hodges, and all the rest of them. But we certainly have reached the point where we have had a great deal said on both sides that has little to do with the issues before us, and I recognize that under ordinary procedure of general orders we have unlimited discussion, letting everyone talk as long as he wants to and as often as he wants to, but I came to this convention this morning hoping we might finish consideration of Committee Proposal 80 before we finish our work this evening.

I call to your minds that we meet this morning, this afternoon and this evening according to the schedule. We could go on indefinitely with the kind of discussion we had this morning and not be much further ahead at 11:00 o'clock tonight than we are now. I would appreciate it greatly if this committee would go along with me in approving a motion that I am going to make, and that is that we agree that we have had ample discussion of 80 in its entirety, and that we now proceed to the consideration of the amendments to section a, and then take up the subsequent sections. Mr. Chairman, that is a motion.

CHAIRMAN HUTCHINSON: Mr. Hannah moves that the committee of the whole now proceed to consideration of the amendments to section a. All those in favor will say aye. Opposed will say no.

The motion prevails, and the secretary will read the amendment.

MR. LEIBRAND: Mr. Chairman.

CHAIRMAN HUTCHINSON: Judge Leibrand.

MR. LEIBRAND: May I inquire the number of amendments on the desk and the order in which they will be presented?

CHAIRMAN HUTCHINSON: The secretary will respond.

SECRETARY CHASE: We have at the present time 14 amendments to section a, and the usual procedure is to take them in the sequence in which they appear in the section.

MR. MARSHALL: Point of order.

CHAIRMAN HUTCHINSON: What is the point, Mr. Marshall?

MR. MARSHALL: I want to make it clear I do not object to proceeding as Dr. Hannah suggested, but for the record I believe that motion would be out of order, would it not?

CHAIRMAN HUTCHINSON: No, it would not. The committee of the whole has within its power to direct its own course of action.

MR. MARSHALL: If it has the effect of cutting off debate would it be in order?

CHAIRMAN HUTCHINSON: It has this effect: that general debate upon the proposal has now been cut off until after the amendments have all been considered.

MR. MARSHALL: Well, I still think, Mr. Chairman that under our rules that in committee of the whole a motion that would limit or cut off debate is not in order.

CHAIRMAN HUTCHINSON: The committee of the whole has it within its power to direct its course of action, and the Chair so rules.

SECRETARY CHASE: The first amendment to section a, offered by Mr. Pollock:

1. Amend page 1, line 21, after "state's" by inserting "land".

CHAIRMAN HUTCHINSON: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I believe the committee agrees that what they are figuring in their figures is land area, and this is not clear to me even though they explained that they used the census figures. My amendment is merely to insert the word "land" in front of "area" so that we are not representing submerged land, waters of the state; of which there are some 40,000 acres.

CHAIRMAN HUTCHINSON: Mr. Knirk.

MR. KNIRK: Mr. Chairman, on behalf of the committee, I am sure that the committee did discuss this, and if Dr. Pollock feels more assured, I am sure that there is no objection to adding the word "land" after "state."

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Dr. Pollock. All those in favor will say aye. Opposed will say no.

The amendment is adopted.

The Chair has been requested by the secretary to state to the delegates that there is, at times, so much noise on the floor that the court reporter has difficulty in taking the testimony. So please be governed accordingly. The secretary will read the next amendment.

MR. KNIRK: Mr. Chairman, may I ask, do you have these in order, Mr. Secretary?

SECRETARY CHASE: Yes. The next amendment on file is offered by Dr. Pollock:

1. Amend page 2, by striking out all of lines 7, 8 and 9 and inserting "and one additional seat for any remainder of 7 or more apportionment factors."; so that the language will read:

> First: counties with 13 or more apportionment factors shall be entitled to one senatorial district for each 13 apportionment factors and one additional seat for any remainder of 7 or more apportionment factors.

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. Chairman, the language which I have proposed be stricken was obviously intended, as I explained last evening, to insure 2 seats for Kent and Genesee counties. Under the 1960 population Kent would have 20.05 apportionment factors and Genesee would have 22.47. Under the projections of the 1970 population Kent would have 20.49 and Genesee 22.47.

In view of the fact that districts composed of less populous counties need a minimum of only 10 factors per seat, in many cases derived mostly from the area component of the apportionment formula, it certainly seems equitable to make it possible for Kent and Genesee to have 2 seats each. However, the proposed language has the following weakness—the committee language—it would violate the minimum standard of 10 factors per district. It also works a particular hardship on Macomb and Oakland counties in that while it would be easy for any large county to qualify for 2 seats, that is 19½ factors, it would require 39 factors to qualify for a third seat. A difference of 18½ factors between the second and the third seats, and 13 for the difference between 3 and 4 seats, because, under their formula, 52 factors would be required for 4 seats.

Let me give you a specific example. One projection of the 1970 population, assuming continuance of 1950-60 trends, would produce the following results under the committee proposal: Kent with 445,000 population in 1970, apportionment factor 20.49, 2 seats; population per seat, 227,000. Genesee, 511,000, 1970 population, apportionment factors 22.47, 2 seats; population per seat 255,000. Macomb county, 1970 population, 889,000, 37.99 apportionment factors, 2 seats; 444,000 per seat. Oakland with 1,198,000, 1970, with 51.62 seats, only 3—51.62 apportionment factors with 3 seats; a population per seat of 399,000.

This is clearly inequitable. Under the amendment that I have proposed, Macomb and Oakland would each get an additional seat. The amendment would accomplish the objectives of the committee with regard to Kent and Genesee, and it still would be equitable to Macomb and Oakland, as well. It should be noted that granting the additional seat for any remainder of 7 or more will in no case allow a county to have an average of less than 10 factors a seat. Two seats would require 20, 3 require 33, 4 seats, 46, and so on. Therefore, I consider this just a perfecting amendment. I don't believe it was the intent of the committee to discriminate against Macomb and Oakland, but under the present formula it takes care of Kent and Genesee without taking care of Macomb.

I understand that there are some differences between my figures and those of the committee. Experts occasionally disagree, and it has to do with projection of population. I have no objection if I understand the committee is interested in substituting 6.5 for 7, because under their calculations I believe 6.5 would be necessary to take care of Kent county.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Knirk.

MR. KNIRK: Mr. Chairman, we did consider this in committee, and after considerable deliberation, discussion, the committee preferred the language which you have before you in the committee proposal, and so I would have to suggest that you not concur with the particular amendment.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. King.

MR. KING: Mr. Chairman, fellow delegates, I should like to address a question to Mr. Knirk. Mr. Knirk, is it my understanding that any county, when it attains 19½ apportionment factors is entitled to 2 senators?

MR. KNIRK: That is correct.

MR. KING: How many apportionment factors would it require for a county to attain the third seat? Dr. Pollock suggested 39. Do you agree?

MR. KNIRK: Thirty-nine.

MR. KING: The fourth seat then would be 39 and 13, is that right?

MR. KNIRK: Correct.

MR. KING: Thank you.

I have an amendment in on this same section, but I am moved to first consider very carefully Dr. Pollock's amendment here. Judge Dehnke, quoting from the Baker vs. Carr Tennessee decision speaks of invidious discrimination. Being one of those delegates who is sometimes forced to look in a dictionary for definition of words that he is not sure of, I consulted my good friend Webster to find out what invidious meant, and I find that it means exciting envy. I would be hopeful that my fellow delegates would not feel that Oakland county, which is larger in area and nearly twice as large in population, is envious because it only has ½ as many senators as Kent county. However, I will not at this time deny the charge. Judge Dehnke, quoting from Justice Clark on page 4, who in turn was quoting McGowan vs. Maryland as follows: "Statutory discrimination will not be satisfied if any state of facts reasonable may be construed to justify it." Now, I have looked for a reasonable state of facts to justify this and I can't find it. For that reason I will support Dr. Pollock's amendment.

CHAIRMAN HUTCHINSON: Mr. T. S. Brown.

MR. T. S. BROWN: Mr. Chairman, fellow delegates, I rise in support of the principle of the Pollock amendment without condoning the whole section to which it is directed, and since Mr. King mentioned the definition of invidious, as quoted by Justice Brennan, I believe, in Judge Dehnke's remarks yesterday, I think the secondary meaning of invidious is creating ill will, and certainly subsection 1, to my mind, creates ill will, and is therefore invidious—but that's in passing. If the factor was 6.5 instead of 7, I think for the sake of the internal consistency of the section that you have offered—although I will not agree with the section in toto and will not vote for it—you would be much better off in that you would have a logicality that would be more explainable in case of any future controversy, which I am sure will arise in setting the basic tenets of this section. After all, 19½ is 6½ more than 13, and 6½ is ½ of 13, and therefore you will have a consistency which will not inure to the benefit of Wayne county but will inure to the benefit of those outstate counties which are growing—and I refer specifically to Genesee, and so on.

If we are going to make at the outset an illogical and arbitrary exception in the case of Kent, then in order to be consistent, I think we should do the same with the other counties that are growing in the outstate area. I would therefore amend, or, if it is acceptable to Dr. Pollock, suggest that he accept the amendment of 6.5 in lieu of 7. May I ask Dr. Pollock if that is acceptable to him, sir?

MR. POLLOCK: I am sorry. Will you repeat your question?

MR. T. S. BROWN: I was asking if you would accept the figure 6.5 instead of 7 in your amendment.

MR. POLLOCK: Yes, I will.

SECRETARY CHASE: Mr. Pollock revises his amendment to read as follows:

1. Amend page 2, by striking out all of lines 7, 8 and 9 and inserting "and one additional seat for any remainder of 6.5 or more apportionment factors.".

May the secretary interrupt at this point to state that the sheet of amendments that was just recently passed out by the pages is the corrected sheet in accordance with some corrections made by Dr. Pollock in his amendments, and that should be used in considering the amendments from now on.

CHAIRMAN HUTCHINSON: On Dr. Pollock's amendment, the Chair recognizes Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, fellow delegates, Dr. Pollock is now applying to those counties having 13 or more apportionment factors the rule of major fractions. I merely want to point out that if the committee adopts this major fraction—and we had both sides in our committee—that then the first part dealing with the size of the senate will be out of whack. If you adopt this we will have to increase the maximum size of the senate to somewhere around 42 members for this reason: looking at the demographer's predictions in Michigan, those counties which might well have major fractions are Kalamazoo, Ingham, Saginaw, Kent, Genesee, Macomb, Oakland and Wayne, and if we are to give each one of those a major fraction, and then attempt to get the rest of the state in districts as nearly 13 as possible, we will have difficulty in doing it with the number 40. And I will withhold any amendment to change the number of senators, having passed over that line, until the committee acts on this.

There is another way out of this dilemma, for which I have language prepared, and I have discussed it with Dr. Pollock; but I think the explanation should be made, and if it is the desire of this committee to give one additional senator for each 13 points or major fraction thereof, this can be done, but there will need to be a material change either in the number of senators or in the method of allocating the surplus senators to those counties having over 13 apportionment factors. I merely ask the delegates to keep this in mind.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, the points that I had in mind have been made. I merely, therefore, will say that I believe Dr. Pollock's position is well taken and ought to be supported.

CHAIRMAN HUTCHINSON: Dr. John Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, as chairman of the committee, I think that the suggestion made by Dr. Pollock is an improvement. It will have the effect of making it perfectly precise. Since it is agreeable

to the delegation from Kent county that are most concerned, I suggest that the committee go along with the amendment as proposed by Dr. Pollock, and with the understanding that we will ask the committee staff and the staff of the convention to restudy during the day, and before we finish consideration of Committee Proposal 80, if it appears that this eventually, or might eventually, require an additional senate seat, we will have an appropriate amendment to cover that item. I suggest that we go along with the amendment.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Dr. Pollock. All those in favor say aye. Opposed, no.

The amendment is adopted. The secretary will read the next amendment.

SECRETARY CHASE: May the secretary now inquire of Mr. King and Mrs. Cushman as to the amendment that they have on file to strike out all of lines 7, 8 and 9?

MR. KING: Mr. Secretary, under the circumstances I am willing to withdraw, and I would suggest you ask Mrs. Cushman.

MRS. CUSHMAN: I will withdraw the amendment.

SECRETARY CHASE: The amendment is withdrawn. Mr. Hodges—

MR. POLLOCK: I have another amendment, or is there one before mine?

SECRETARY CHASE: Mr. Hodges had one with this same language.

MR. POLLOCK: You mean the 7, 8 and 9, Mr. Secretary?

CHAIRMAN HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. Chairman, mine is merely a clarifying amendment, and I think if—well, I would like to have it read, and if Dr. Pollock would want it withdrawn I would go with his request on it.

SECRETARY CHASE: Mr. Hodges' amendment is:

1. Amend page 2 by striking out all of lines 7, 8 and 9 and inserting "except that Kent county shall always have 2 senators.".

MR. HODGES: Mr. Chairman, this is obviously for the reason that we have talked about school children and others reading the constitution, and certainly if this is the intent and purpose of this language, I think we should clarify it and spell out exactly what we mean.

MR. POLLOCK: Mr. Chairman, since we have already taken care of this with my amendment, I think, if Mr. Hodges would—

MR. HODGES: Did your amendment pass?

MR. POLLOCK: Yes.

MR. HODGES: I will withdraw mine.

SECRETARY CHASE: Mr. Hodges withdraws his amendment.

Mr. Pollock offers the following amendment:

1. Amend page 2, line 11, after "shall" by inserting "thereafter"; and in line 13, by striking out "rectangular" and inserting "regular"; so that the language will then read:

Second: the remaining counties of the state shall thereafter be arranged into senatorial districts that are compact, contiguous by land and as regular in shape as possible. . . .

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. Chairman, these 2 little words, I think, are important. I think the word "thereafter" is needed to make it clear that the allocation of seats to counties with at least 13 apportionment factors shall be the first step in the reapportionment process, and shall take priority over the subsequent allocation of seats to other districts. If this is not done, a situation could arise where because of a large number of districts clustering around the minimum of 10 apportionment factors, it would not be possible to allocate one seat to a larger county for each 13 factors or major fraction thereof. And since the more populous counties are already disadvantaged by the area representation formula and by the fact that smaller population districts can be formed with as little as 10 factors, while 13 are required in the larger counties, it is to be hoped that the metropolitan counties can at least be assured of their entitlement under the committee's first rule which is in lines 4 to 9. I therefore move the insertion of the word "thereafter."

In the second part the second word, "rectangular," I don't feel strongly about this, but I think my proposed language is better. The word "rectangular" I think is of doubtful value. The intent is presumably to avoid a misshapen district that sometimes results from gerrymandering. However, a district need not be rectangular to be well and fairly constructed. A rectangle, if I remember correctly, is a right angle parallelogram. So long as it has 4 right angles it can take on a wide variety of appearances. A corridor 10 feet wide and 300 miles long would be a rectangle, but it would hardly be a model for a representative district. On the other hand, in many instances some other geometrical figure would produce an excellent legislative district. For example, Berrien, Cass and Van Buren counties together form a rough trapezoid. My amendment simply would avoid the pitfalls of geometry, while accomplishing the laudable purposes of the committee. I have those 2 different words, then, that I propose to be inserted in the proper place.

CHAIRMAN HUTCHINSON: Mr. Knirk.

MR. KNIRK: I would like to say to the convention delegates that I would like to have this question divided, because we did consider both of these words individually, and we felt that in the case of "thereafter" that could be inserted, and we would have no objections. However, when it comes to replacing the word "rectangular" with "regular" we do object to that for the simple fact that in our description we have said that the districts must be compact, they must be contiguous by land, and I do not believe that it would be humanly possible to gerrymander or to construct a district a mile wide and 500 miles long if you are talking about compactness. Therefore, the committee would oppose the second word, but would have no objection to the first word. Therefore I would like to have the question divided.

CHAIRMAN HUTCHINSON: The question is divided, and the question first is upon the insertion of the word "thereafter." The Chair recognizes Mr. Buback on that part of the amendment.

MR. BUBACK: Mr. Chairman, I want to talk about the rectangular phase of this amendment.

CHAIRMAN HUTCHINSON: You want to wait until we dispose of the first amendment, which is to add the word "thereafter." All those in favor of the amendment to add the word "thereafter" will say aye. Opposed will say no.

The amendment is adopted. The question now is upon the substitution of the word "regular" for the word "rectangular." The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: If we are going to have debate on this word, Mr. Chairman, I move that the committee do now rise.

CHAIRMAN HUTCHINSON: Dr. Hannah moves that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion prevails. The committee has risen.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The convention will please be in order. The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a certain proposal of which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** has considered several amendments thereto, has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: The Chair recognizes Mr. Downs.

MR. DOWNS: Mr. President, I ask unanimous consent of the convention to make a statement not exceeding 3 minutes

relative to some of the discussion in the committee of the whole.

PRESIDENT NISBET: Any objection? If not, Mr. Downs, you may proceed.

MR. DOWNS: Mr. President, what I would like to say, very briefly, is the matter raised about representation in certain union conventions. The system that is very commonly used is to have the delegate elected and then vote the number of people that he represents determined on a definite mathematical formula. Delegate Snyder referred to his own international where the regional directors are elected on an area basis, but their votes as regional directors are on the basis of the per capita paying members at the last count. The Michigan AFL-CIO also uses the weighted vote so that the delegate to the convention votes the number of people that are represented. This is a practice not only in labor organizations, but I believe in many veterans organizations, and others use it to solve the practical problem of election, but seeing that the person votes the actual number that are represented. If a delegate wants to cosponsor such an amendment to our constitution to follow that same system I would be very glad to join him. (applause)

SECRETARY CHASE: The delegates are asked to check their mailboxes at the noon hour.

PRESIDENT NISBET: The Chair recognizes Mr. Upton.

MR. UPTON: Mr. President, having been thoroughly forewarned, I move that the convention recess until 1:30 this afternoon.

PRESIDENT NISBET: The question is on the motion of Mr. Upton. Those in favor say aye. Those opposed, no.

We are recessed until 1:30.

[Whereupon, at 11:35 o'clock a.m., the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

The convention will please come to order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move the convention resolve itself into a committee of the whole for the further consideration of Committee Proposal 80 on **general orders.**

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor will say aye. Opposed, no.

The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN HUTCHINSON: The committee will be in order. The committee has under consideration **Committee Proposal 80,** specifically amendments to section a thereof. The committee has before it a particular amendment which the secretary will read.

SECRETARY CHASE: This is an amendment to page 2, line 13, by Dr. Pollock:

1. Amend page 2, line 13, by striking out "rectangular" and inserting "regular"; so that the language will then read, "the remaining counties of the state shall thereafter be arranged into senatorial districts that are compact, contiguous by land and as regular in shape as possible. . . ."

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Mr. Buback.

MR. BUBACK: Mr. Chairman, ladies and gentlemen of the committee, I rise to support the amendment of Dr. Pollock relative to striking out the word "rectangular" and inserting the word "regular" in page 2 of line 13 of Committee Proposal 80. I do this for the simple reason that it does create quite a problem in Wayne county. In Wayne county we have 6 congressional districts, we have 7 senatorial districts—

CHAIRMAN HUTCHINSON: For what purpose does the gentleman rise, Mr. Hanna?

MR. W. F. HANNA: Mr. Buback, I don't want to appear rude. We have "regular" in 2 places. Here in line 13 the "rectangular, regular" has nothing to do with Wayne county. The rectangular and regular difference comes in line 3, page 3.

MR. BUBACK: I stand corrected. Am I in order to speak also on that?

CHAIRMAN HUTCHINSON: Well, the Chair would hold that the particular amendment has to do with the amendment on page 2, line 13. Does Dr. Pollock intend to offer a similar amendment on the next page?

MR. POLLOCK: Yes. I have it prepared.

MR. BUBACK: I would be glad to wait, Mr. Chairman. I am in error.

CHAIRMAN HUTCHINSON: Perhaps you should, Mr. Buback. The question is upon the amendment offered by Mr. Pollock. Mr. Knirk.

MR. KNIRK: Mr. Chairman and delegates, we vigorously oppose the change of this word from "rectangular" to "regular" and I think that it is very obvious that we believe that the word "rectangular" is explained in detail when you use the entire sentence ". . . be compact, contiguous," and so forth. So therefore I urge you to turn down the amendment.

CHAIRMAN HUTCHINSON: Mr. T. S. Brown.

MR. T. S. BROWN: I wonder if I might address some questions to Mr. Knirk through the Chair, please?

CHAIRMAN HUTCHINSON: You may proceed.

MR. T. S. BROWN: Mr. Knirk, you mentioned this morning that the committee decided that "rectangular" was the proper word, and yet you didn't give us any reasons for it, and I understand that the terminology that we are now considering on line 13 applies only to those outcounty areas which would not have at least one senatorial seat on the basis of population alone. But it seems to me in just looking at the map of the state, in which we have direct north and south lines upon which our counties are based, and we don't seem to have any propensity toward lineology east or west or north and south, that the most logical shape would be somewhat of a square, at least, and I don't see any real reason why you must get into the geometric certainty of a rectangular district. Do you have any specific reason for that word?

MR. KNIRK: I am only taking the position, as you know, Ted, of the committee. I would like to yield to Bill Hanna. He has made this very explicit in his remarks before the committee. Bill, would you like to say a word on this?

CHAIRMAN HUTCHINSON: Mr. Brown yields to Mr. Hanna to answer a question.

MR. W. F. HANNA: Mr. Chairman, Mr. Brown and members of the committee, first we were searching for a word that would cut down, as much as possible, the possibility of gerrymandering by creating districts by merely touching the points of corners of counties, and so forth. Rectangular expresses to us a shape as square as possible, and we have said rectangular in shape as possible, so that you don't have a series of diamond connected areas. The word "regular" has no meaning. As far as that, you could have a regular series of diamonds, a regular series of circles; but rectangular in shape has a definite connotation.

Now, if you follow the survey lines of our counties, in general they follow their north and south lines, are parallel except as the lake interferes, and I recognize, Mr. Brown, as do all people, that to have it truly square in shape or truly rectangular, we would have to complex the state of Michigan. But to the extent possible is the language used. Rectangular in shape as possible is an effort in the outstate areas to have gerrymandering reduced to a minimum, and it has to be taken in context with compact, contiguous by land and rectangular in shape. And in my opinion, and in the opinion of the committee, "rectangular" in shape had more meaning than "regular."

CHAIRMAN HUTCHINSON: Mr. Brown.

MR. T. S. BROWN: Mr. Chairman, Mr. Hanna, it seems to me that you have already indicated that your intent and purpose was to have the districts as nearly square as possible.

MR. W. F. HANNA: No, sir.

MR. T. S. BROWN: Didn't you just say that?

MR. W. F. HANNA: As nearly rectangular as possible.

MR. T. S. BROWN: Well, in describing why you came up with the word "rectangular" you said you wanted to get them

as square as possible, and that is why you used the word "rectangular," if I am correct in your remarks.

MR. W. F. HANNA: Mr. Chairman, Mr. Brown, if I did I misquoted myself.

MR. T. S. BROWN: Then I should like to speak on the Pollock amendment, sir. It seems to me that the word "regular" has a connotation, if you will excuse a military analogy, which means that the individual—in the military, of course, the soldier, in this case the individual district has the least total variation from the whole. In other words, there is a certain uniformity. If something is regular it is uniform; considered in the mass. And a logical shape for the outcounty districts would probably be more of a square than anything else because of the fact that our county lines and meridians, and such, go directly north and south and directly east and west except as they are interfered with by natural boundaries.

Now, it would seem to me that to be regular would mean that the logical shape, if a topographer were to simply be laying out these districts, and not a politician, the most logical and ordinary consequential shape he would come up with would be something like a square because of the fact that we are sticking to county lines which give you the right angles. Now, I don't see any real reason why you would say rectangular unless you had some predisposition to run those districts in a certain way, either north or south, east and west, and because I am not acquainted with the particular problems in the outstate districts, in how they could be worked out in different combinations, I suggest that there must be some reason which at this point has not been explained to me, and I would therefore support the Pollock amendment.

CHAIRMAN HUTCHINSON: Dr. Pollock.

MR. POLLOCK: I was wondering if Mr. Hanna would explain to me the shape of some of the districts on the map which he provided us with here? How many of them would he call rectangular; particularly this Clinton-Eaton-Shiawassee district?

MR. W. F. HANNA: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: To that which Dr. Pollock refers, I deny all authorship. I had nothing to do with that map. It does not meet my definition of rectangular.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Dr. Pollock. Mr. King.

MR. KING: Mr. Chairman, I would like to address a question to Delegate William Hanna, if I might.

CHAIRMAN HUTCHINSON: You may proceed.

MR. KING: Delegate Hanna, it is my understanding that a rectangle is a right angle parallelogram which would have four 90 degree angles. Now, it would seem to me that the ideal situation—and this is where I seem to have lost the trend of thought, apparently. I realize we are not striving for a rectangle because this is going to really happen. It says as nearly rectangular in shape as possible—but wouldn't a square be a more suitable objective to strive for? My understanding of a rectangle would favor a horizontal discrepancy relative to the vertical, whereas the square, of course, would not favor such a discrepancy, and would strive for an equality between the height and width, if you may.

MR. W. F. HANNA: Mr. Chairman, Mr. King, I want to call your attention to counties like Macomb, Kent, Newaygo, Oakland, all of which make it impossible to start out even talking about squares. A rectangle is a parallelogram with 90 degree angles, but then, "in shape as possible" I assume we can deviate to 89 degrees, 30 minutes, if we have to. I realize we did not say perfectly rectangular, but it does express that the senatorial districts will be—it keeps the theory of compactness in that 2 counties, one on top of the other, are more rectangular than 2 counties joining only at the tips of the southeast and northwest corners. That is the intent that we intend to convey.

MR. KING: Mr. Chairman, Mr. Hanna, I understand that. I understand that this is only an objective; that this is going to be achieved in but very few, if any, circumstances. However, my point is that I am trying to find out whether you are striving for a discrepancy between the horizontal and the vertical, or whether you are not striving for that discrepancy. If you are not striving for such a discrepancy, then very obviously you should use the word "square" and not "rectangular."

MR. W. F. HANNA: Mr. Chairman, Mr. King, I have no real objective here to have a horizontal rectangular shape or a vertical rectangular shape. Either would be acceptable if it is compact and contiguous.

MR. KING: Well, Mr. Chairman, Mr. Hanna, you are missing my point, I am afraid. I shan't belabor it beyond this. It seems obvious to me that what we are striving to do here is to get something which is as nearly square as possible; that we are not striving to favor a discrepancy between the height and the width, and the difference between square and rectangular in this context is exactly that. We would be telling the courts and the world forevermore that this is what we are striving for, and I don't frankly understand it, and I still don't. Thank you.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, I am kind of puzzled that anyone can really be vehement about this question one way or another. I don't believe Mr. Pollock is vehement, and I am surprised that any member of the committee could be extremely vehement one way or another.

As far as I can make out, the matter stands this way: regular, as far as I know, merely means that it is not some arbitrary shape; that it is any shape that has got some rhyme or reason to it. Rectangular, of course, means a specific type of nonarbitrary shape, and, as a matter of fact, the limitation to rectangular as distinguished from the broader term regular means it is an arbitrary type of regular. Therefore, it is an arbitrary limitation on the word "regular" and since the only object of the word regular is to make sure it is nonarbitrary, I see no particular advantage—there is no advantage that I know of—in the word "rectangular." I would just simply point out one other thing: square, as has been pointed out by Mr. King, is more compact than rectangular, and further, circular is more compact than square. The most compact thing there is is a circle. Therefore, I believe we are about to get into a circular argument which is not worth while getting into.

I believe all we really care about is it should be as compact as possible, and I believe that there is no need to add any word except "compact." I think that you have a little broader term when you use Dr. Pollock's term "regular." It seems to me it means only one thing: nonarbitrary in shape and compact. I therefore support the Pollock amendment.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, I should only reiterate the point that has been made by Mr. Knirk. This is a word that received a great deal of discussion in the committee when it was first included in the recommendation, and then after Dr. Pollock presented his proposed amendments to the committee, it again was thoroughly discussed, and after a lot of time it was decided that "rectangular" suited more people than any other word. I therefore suggest that we vote down the Pollock amendment and proceed with our business.

CHAIRMAN HUTCHINSON: Mr. Knirk.

MR. KNIRK: I will pass. He said exactly what I intended to say.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Dr. Pollock to substitute the word "regular" for "rectangular." All those in favor will say aye. Opposed, no. The amendment—

DELEGATES: Division.

CHAIRMAN HUTCHINSON: A division is demanded. Is the demand supported? The demand is supported. All those in favor will vote aye. Those opposed will vote no. For what purpose does the gentleman rise, Mr. Madar?

MR. MADAR: I believe that under the new rules now in the committee of the whole we may ask for a record roll call vote.

CHAIRMAN HUTCHINSON: Are you demanding the yeas and nays?

MR. MADAR: I am, sir.

CHAIRMAN HUTCHINSON: Mr. Madar demands the yeas and nays. Is the demand supported? Not a sufficient number up; 14 is not a sufficient number. The question is upon a division. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment of Dr. Pollock to change the word "rectangular" to "regular" the yeas are 49; the nays are 70.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mrs. Cushman offers the following amendment:

1. Amend page 2, line 14, after "factors" by changing the comma to a period and striking out all of line 15; so that the language will then read:

Second: the remaining counties of the state shall thereafter be arranged into senatorial districts that are compact, contiguous by land and as rectangular in shape as possible, having as nearly as possible 13 apportionment factors.

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Mrs. Cushman.

MRS. CUSHMAN: Mr. Chairman and fellow delegates, I offer this amendment which deletes the range of 10 to 16 factors in this particular proposal. Now, my reason for deletion is, in the first place, I am afraid that any range such as this would tend to become a standard rather than a limit. In the second place, I don't think this works, at least according to the committee's projection as shown on their own map which they gave us. You will notice that this 10 to 16—in all probability you will find a great many districts that are very close to the 10 factors. What this means, actually, then, is that you are going to be counting areas twice.

Now, I favored consideration of area in the senate, but it seems to me if you are going to count area, let's count it as we already have in our apportionment factors. We've got a 20 per cent consideration of area in that apportionment factor. What we are doing here, then—and the map that the committee has given us bears this out—we are counting area the second time, and I want to point out that this is not being either fair with ourselves or with the people of the state of Michigan.

The second reason, as I say, is that it doesn't really work according to the committee's projection that they have given us. They have 2 districts in the thumb area here which are under 10. Now, this raises questions in our minds. Is the committee being honest in saying that these are the limits that they are going to stick to? If so, why did they show us as a projection 2 districts under 10? They are showing us, as an example, something that under their own words is unconstitutional. We can only assume, then, that they are doing the best job they can, and that they couldn't come any closer than this to the limits of 10 to 16. If this is true, it is obvious that this is an unworkable thing, and I think this is the danger that you are always going to run into if you put a specific number in here such as 10 to 16.

I feel that we have a standard very clearly outlined, and our standard, as modified in our work this morning, is 13 factors for your first senator, and I think that this is a standard that we can stick to as an average. I think that you may only run yourselves into a great deal of difficulty which is needless in putting a range in there that in many cases you may not be able to adhere to; if you do adhere to it, it may really get you into more trouble than you would if you had no such standard in there, but merely stuck to our own 13 apportionment factors. Thank you.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Knirk.

MR. KNIRK: Mr. Chairman and delegates, and Delegate Cushman particularly, I think if you will go back to the statements that were made yesterday by myself, that I very definitely indicated and—in your green book that was presented to each one of you, you will note the 2 districts of 20 and 34 in the thumb area—I brought out very vividly and very plainly that they were questionable and, based upon the Consumer Power projection for 1970, those 2 districts would fall short of the 10 to 16. Therefore, I indicated at that time that I had another map which you do not have in your book—and I again would like to reiterate the point that maps can draw more heat than light—and pointed out that on this other map I have included Bay in the Tuscola and Huron district, which is your district 20, and then have added Sanilac to Lapeer and St. Clair. That changes those factors considerably. By doing so we take one senate district out of the center of the state, which I believe is known as district 24 and, of course, that increases the size of the nearby districts; particularly 28 and 25.

Now, we of the committee felt very definitely in our entire deliberations that we do have to have a range, we have to be practical, and we felt that the 10 to 16, which is 3 each side of the 13, did give a range and it did give a standard to those people who would have the task, say 10 years from now, of redistricting the state. I think it is very clear, very plain, and I certainly would urge the delegates here to turn down the amendment that has been offered by Mrs. Cushman.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mrs. Cushman. Mr. Nord.

MR. NORD: Mr. Chairman, I haven't seen this amendment before, but from what I gather, what is intended is, if I am not mistaken, to strike out all of line 15. Yes, that is right. Now, this seems to me to be an improvement, a slight improvement on the committee proposal. Of course, it is not a great matter one way or the other. But I believe that on the whole it's got some advantage for this reason: if you leave out that line "but in no event less than 10 or more than 16," what you are left with is as nearly as possible 13. In other words, you have an expression something like this: as nearly equal as may be. That is what it boils down to. Now, if you are distributing on any basis, whether it is population or area, or apportionment factors, and you wish to distribute as nearly equal as possible, it seems to me that the easiest way to make sure that that happens is to say as nearly equal as possible, period. I realize that is not the only way to do it, but it seems to me to be the best.

I also believe that Mrs. Cushman's point is well taken that if you state some limit, such as 10, on the one side and 16 on the other, it tends to suggest that 10 would be satisfactory. It seems to me that is an unnecessary thing to do, especially when you are adhering to county lines. It might be quite easy to come up with 10. I think the situation would be different if you were not adhering to county lines, and I think there the picture is somewhat different. When you are adhering to county lines, you may have a tendency to come up with 10 more often than you should, more often than you would if you stuck to the words, "as nearly as possible." Therefore, I believe that the best way to leave this would simply be with the words "as nearly as possible." I therefore favor the Cushman amendment.

CHAIRMAN HUTCHINSON: Mr. John Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, I do not want to shut off debate or discussion, but this is a matter that had considerable consideration by the committee, and I recommend that the amendment offered by Mrs. Cushman be voted down, not be concurred in.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mrs. Cushman. All those in favor will say aye. Opposed will say no.

The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Dr. Pollock offers the following amendment:

1. Amend page 2, line 18, after "changed" by striking out "unless there shall be a failure to comply with the above standards.", and inserting "except to comply with the standards of compactness, contiguity by land, regularity of shape, and the

closest possible approach to 13 apportionment factors per district.".

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. Chairman, members of the committee, this amendment, I think, is needed to remove a possible ambiguity in the proposed language. I think the intent of the committee is to prevent promiscuous reshuffling of districts that are in compliance with the stated requirements. Clearly, however, it will sometimes be desirable to alter 2 districts in order to remedy the defects in one. But the committee language could be interpreted to mean that unless a given district is itself defective it shall not be changed. If so interpreted, the effect would be to make it impossible to remedy defects in a district because the adjacent district or districts exhibited no such failure.

Finally, the restatement of the standards, I think, is advisable to emphasize that all standards are to be taken into account in deciding whether an existing district should be retained. Unless it is done, there seems to be a likelihood that any district capable of retaining 10 apportionment factors will in fact become frozen. Suppose, for instance, 2 districts are established, each having 13 apportionment factors. Then after a subsequent census, one district drops to 10 factors and the other increases to 16. Suppose, further, it would be possible to redraw the boundary between the 2 districts in such a way as to make each include 13 factors again. The language proposed in my amendment would clearly authorize such a reapportionment change. Whether the committee's language would do it, seems to me to be open to serious question.

CHAIRMAN HUTCHINSON: Mr. Knirk.

MR. KNIRK: Mr. Chairman and fellow delegates, I think that this might be enlightening, because I just sat here and figured if you take 500 apportionment factors, divide them by your 40, as has been pointed out earlier, you will have to have 12½ factors. If you take the map that I have in my hand, not the one you have in your book, where I have changed the one particular district that I referred to in Mrs. Cushman's statement, you find that 9 of the districts fall on a single—without the districts within a county being multiple, in other words, where you combine several counties together or where one county itself applies to the standard, you find that 9 of them are greater than 12½ and 10 of them are smaller than 12½. I think that the range is very fair. Now, I had not figured that out until this comment. The committee very definitely has discussed this proposition that Dr. Pollock suggested here, and we felt that the language that we have is less wordy and is plain, and we recommend to you not to accept the amendment.

CHAIRMAN HUTCHINSON: Mr. T. S. Brown.

MR. T. S. BROWN: Mr. Chairman, fellow delegates, I should like to explain that I think the reason that Dr. Nord and myself are making comments on these amendments is not because we feel that the entire package is a good thing, because obviously we will vote against it, but rather because of the fact that Wayne county is not involved in all of these amendments that are now under discussion. We should like to perfect this thing so at least you will have some internal consistency within the outstate areas.

Now, it seems to me that when you are working with the outstate areas—and all of you delegates, of course, know what your own local situations are much better than I do—that you must have some logicality and consistency within those areas after you have gotten done with your major assignments in Wayne county and so on, and if you arbitrarily set a limitation, this necessarily presupposes that certain counties will be favorably treated and other outstate counties will not be so favorably treated. Whereas if you have a standard setup such as in the Pollock amendment, you will necessarily be treated the same among the outstate counties, which I think is definitely a much more fair arrangement within the context of the whole situation.

There is a different and mathematical way—and I believe this has been described a few times on the floor previously—there is a different, mathematical way in which you can arrive at nearly equal as possible 13 factors in the outcounty areas, and you can do this without the necessary boundary lines of 10 and 16. And if you would have a plan say, for instance, which would affect some of the thumb districts on a 9.8 group of factors set up in 1970, it may be possible that even those factors would be all right if there were the least total variation from the whole of 13, considering all of those outcounty areas. In other words, it is a statistical evaluation which is very easily ascertainable, and eliminates the possibility of internal squabbling among the outstate counties to the detriment of some of them. I therefore support the Pollock amendment.

CHAIRMAN HUTCHINSON: The question is upon the amendment now offered by Dr. Pollock. All those in favor will say aye. Opposed will say no.

The amendment is not adopted.

SECRETARY CHASE: Mr. Pollock offers the following amendment—

DELEGATES: Division.

CHAIRMAN HUTCHINSON: Division has been requested on the last vote. Is the demand supported? The demand is supported. All those in favor of the amendment offered by Dr. Pollock will vote aye. Those opposed will vote no.

MR. KNIRK: Mr. Chairman, may I make a comment here for the folks who are just coming in?

CHAIRMAN HUTCHINSON: The question is not debatable after the vote has been called for. All those in favor of the amendment now offered by Dr. Pollock will vote aye. Those opposed will vote no. The matter is not on the board. If there is any question, the secretary will reread the amendment. Have you all voted? The secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment offered by Dr. Pollock, the yeas are 53; the nays are 60.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Dr. Pollock offers the following amendment:

1. Amend page 2, line 23, after "less than" by striking out "75 per cent" and inserting "90 per cent"; and in line 24, after "more than" by striking out "125 per cent" and inserting "110 per cent"; so the language will then read:

> Third: counties entitled to 2 or more senate districts shall be further subdivided into single member districts so that the population of any district shall be as nearly equal as possible but not less than 90 per cent nor more than 110 per cent of the ratio of representation determined by dividing the population of the county by the number of senators to which it is entitled. . . .

CHAIRMAN HUTCHINSON: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, members of the committee, this amendment would limit the population variation in any district within a single county to a range of 90 to 110 per cent of the quota for that county. The range permitted in the committee proposal seems to me very excessive. I have heard of no model or even near model proposal about apportionment that would permit a deviation of more than 30 points. This permits 50. There is no reason why district lines within a given county cannot be drawn within a spread of 20 percentage points, as proposed by this amendment. The committee proposal would permit the construction of abnormally large population districts and, read in conjunction with the subsequent committee language on line 28 and line 1 on page 3 regarding city and township boundaries, the committee language strongly suggests that central city areas would be discriminated against in the interest of following boundary lines, and that such discrimination would be facilitated by the wide population variance which they permit. While it certainly is reasonable to follow city and township lines where feasible, it should not be possible to do this at the expense of further under representing heavily populated areas which are already disadvantaged by the principle of area representation.

CHAIRMAN HUTCHINSON: The question is upon the amendment. Mr. Knirk.

MR. KNIRK: Mr. Chairman and fellow delegates, we oppose this amendment because we feel it is very impractical. I think, as Dr. Pollock has indicated, that we state there, beginning on line 27—and we are talking about areas within a given county where there are going to be 2 or more districts—that each district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly rectangular as possible. Now, this is all within a given county, and we feel very definitely that this variation certainly is much more practical than the 90 to 110, because you are going to cut cities in two, you are going to cut normal sociological communities in two, and we certainly believe that the 75 to 125 is far more practical and can be used without people having to wonder where they are and who they are voting for. Therefore, I would certainly recommend, in behalf of the committee, that you turn down the amendment offered by Dr. Pollock.

CHAIRMAN HUTCHINSON: Mr. T. S. Brown.

MR. T. S. BROWN: Mr. Chairman and fellow delegates, again I would like to point out that there is apparently, at least to me, a certain reason for all of these figures that resort back to a lot of things, I think—or revert back to a lot of things we discussed in the committee in regard to who was going to get what, and what counties were going to be disenfranchised and, within certain counties, how you were going to chop up the piece of pie.

Again I am not concerned about Wayne county in this particular matter, except for the fact that I do feel that in the outstate counties where you have a populous city within a given county you will be again increasing, as Mrs. Cushman has said, the area factor to the detriment of the populous urban areas. I think it is rather inconsistent. The spread is very, very large. A spread of 50 per cent coupled with a lot of the other matters that have already been passed upon favorably could mean that within a certain county you are allotting the second or third senatorial seat not on the basis of an 80-20 per cent population, but on the basis of a, say, 40 population 60 per cent area, or something of that nature. I don't think that it is logical, and that the motives behind the particular figure are necessarily explicable. They have not been explained to my satisfaction; I don't think they have been explained to your satisfaction. This is not a Wayne county problem; it is an outstate problem, and I just would like some decent explanation as to why you got into a 50 per cent spread. Why not 49 per cent or why not 51 per cent? As Dr. Pollock has indicated before, in all of your model spreads, the total variance is no more than 30 per cent.

CHAIRMAN HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman and fellow delegates, prior to the committee amendment that these counties were to be divided into senatorial districts having population as nearly equal as possible, I think Dr. Pollock's amendment might have had some validity, but ceases to have it now.

Secondly, in our committee, those of us who worked diligently on attempting to draw maps, being as fair as we know how in counties like Wayne, Oakland, Muskegon, or any of them, whether you apply it to the senatorial districts or the house, if you wish to stay within city-township boundaries, we found that the 75-125 was a practical limitation, and this was substantiated by the testimony of election officials and other research. Now I submit to you that once you get them as nearly equal as possible you then only have to put a floor or a bottom before you start breaking city or township lines.

I want to point out to this delegation that to adopt the Pollock amendment means that a great many of these cities and townships will violate the state election law, which we must keep in mind, in that whenever you create a senatorial or representative district, you are further circumscribing that city's or township's right and power to establish its precincts for election machinery, because you cannot very practically have a precinct straddle a senatorial or representative district line. From the standpoint of pure practicality, all the evidence we were able to gather and all the research we were able to do on our own as individual members, and with the staff, the 75-125 is the most compatible with our present election laws and our city and township boundaries, and I urge that you do not adopt the Pollock amendment here.

CHAIRMAN HUTCHINSON: Mr. Buback.

MR. BUBACK: Mr. Chairman, ladies and gentlemen of the committee, if this is true, that this will go through cities and townships and senatorial districts, then I will have to oppose that, because in Wayne county it certainly would not be practical to have a senatorial district going through townships and cities. It is just not feasible and I would have to oppose that amendment.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, I believe we can now determine that this one is certainly not a political issue. I urge support of the amendment. I believe the remarks made by Mr. Hanna in support of the opposing view are quite erroneous as a matter of law. He said that to make this amendment that Professor Pollock suggests, the 110 and 90 instead of 75 to 125, that this would cause a city to violate the election law. I suppose I must have misunderstood that, because if the constitution provides that they shall do it, how can they be violating the law? That argument, I believe, is not one of the best we have heard. I believe the arguments that we have heard on the other side are the best. We should stick as close as possible to whatever ratio we are using. If we are using a wrong ratio, like 20-80 population area, whatever we are using, let us at least try to make it as nearly equal as we can. I therefore believe that on this evidently unpolitical problem, Dr. Pollock is right and should be supported.

CHAIRMAN HUTCHINSON: Mr. Madar.

MR. MADAR: Mr. Chairman, fellow delegates, today I have been reminded more and more and more of the work that I have been doing over the past 28 years wherein we have been regulating the manufacturers of bedding and furniture, manufacturers who have been trying to do a lot of cheating, and I have often told them that I was watching them put in 10 times as much work—

MR. PERRAS: Point of order, Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Perras, will you state the point.

MR. PERRAS: I do not think Mr. Madar is talking on the issue at hand.

CHAIRMAN HUTCHINSON: In the opinion of the Chair he hasn't got there yet. (laughter)

MR. MADAR: You are correct, Mr. Chairman, but I am getting around to it. You see, this is similar to the attorney who has a right to bring up something, somebody opened the door, and so we'll try to creep along, but we will get there. I am sorry, Mr. Perras, to make you feel bad, but I didn't know you were a manufacturer of bedding and furniture.

Now, as I stated before, we have tried to correct the situation there, and I tried to tell them that they were wasting more time to be crooked, and to try to pull something underhanded, than it would take them if they just came out and were fair about things. Now today, with this particular—

MR. KING: Point of order, Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. King, what—

MR. KING: I consider these remarks a direct reflection upon Mr. Buback, and I ask the delegate to refrain.

MR. MADAR: Mr. King, may I tell you that Mr. Buback is neither a Republican nor a manufacturer.

CHAIRMAN HUTCHINSON: Mr. Madar, will you kindly bring your remarks into line with the subject matter?

MR. MADAR: I am bringing them in.

CHAIRMAN HUTCHINSON: The Chair means directly.

MR. MADAR: Well, just don't listen to the Republican side. Please listen to this side, too.

CHAIRMAN HUTCHINSON: The Chair is willing to listen to both sides, Mr. Madar, but is asking you and admonishing you to speak upon the subject at hand.

MR. MADAR: I will. And I will still say the same thing about one thing one time, and I will say it again the next time; not as it has been done by the Chair today and yesterday.

Now, we have been saying that we have to work on these figures, we have got to get 50 per cent. Well, I think we can mighty easy, mighty easy arrange these districts if we will stick to 20 per cent. We could stick to 10 and do it very, very, very nicely. There isn't a one of you who are on the committee who, down deep in your souls, weren't sure that you could do it. You knew you could.

I sat here and listened this morning when one of the delegates got up and talked about integrity. Well, I would tell him to read The Man in the White Marble Toga in the Reader's Digest, because it would tell him something about George Washington and integrity, and it certainly wouldn't take anybody here who was working on this committee into consideration when they were talking about integrity; because you can stick to 10 or 20 per cent, and you know you can. Why not be fair to all of the voters, and all of the people, not just the voters, of the state of Michigan. Please don't get angry, Mr. Brake. I am sorry. Smile like you did before.

CHAIRMAN HUTCHINSON: Mr. John Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, I would remind you that when we began consideration of this proposal there were 2 committee amendments adopted and one of them was adopted to line 23 when the words were inserted "of any district shall be . . ." and the new words "as nearly equal as possible but not less than 75 per cent nor more than 125 per cent. . . ." All previous comments to the contrary, the committee started with the conviction that these districts within the county should be as nearly equal as possible. And then it consulted with election officials in the various counties, middle sized counties and particularly Wayne county, and they emphasized over and over again the importance of putting into this constitution provisions that made it possible to come up with representative and congressional districts that would fit into the usual and logical patterns used in conducting elections.

The committee very carefully went into this and started with the notion that the limitation should be as nearly 100 as possible. Ideally every district in Wayne county would be identical. Actually, as you will note from your green book, at the moment—you are talking about senatorial districts in Wayne county—at the moment, they run from 246,000 to 647,000 people, with some districts almost 3 times as large as others. Obviously that is undesirable. The same thing is true in Kent county, where the 2 present districts are quite different in size. That is why there is in the proposal that you have already approved, Committee Proposal 79, the requirement that all of the counties with more than one senatorial district be redistricted by the reapportionment commission, in accordance with the formula.

The committee faced the same necessity that you face: how closely can you do it and still come up with something that is practical, and on the advice of the election people, looking at the actual tract figures, with the population shown for every census tract, it became obvious that to be practical and to stay with city and township and the usual lines, about 75 to 125—you are going to do pretty well if they stay within those limits. But that doesn't mean they shall vary that far, because you have already put in the language so that "the population of any district shall be as nearly equal as possible but not less than 75 per cent nor more than 125. . . ." If they can make it 100 per cent exactly, that is what they should do.

I don't want to differ with Mr. Madar or anyone else, but the committee started with no preconceived notions at all; the ideal was to come up with something practical and as nearly equal as possible, and I think what we have is it, and I urge you to reject the Pollock amendment.

CHAIRMAN HUTCHINSON: Mr. Faxon.

MR. FAXON: Mr. Chairman, fellow delegates, I think we have made an assumption here that I don't think is quite fair; namely, that a representative or a senator has difficulty representing an area that includes more than just the part of the city he represents; in other words, includes other communities. As far as I am concerned, I don't see anything wrong with a senator who would represent a part of a city and a few communities besides. As a matter of fact, the district that I come from includes part of Detroit and also a couple of the suburbs of the city. And this is a good thing. I think it is good that the person who represents this area gets a chance to not only see city problems, but they have a chance to see the problems that are occurring outside of the city.

I think the question comes down to this: sure, we want them as nearly equal as possible, but are we going to write up a provision here which is going to be best for the people or best for election officials? If the election officials—and no doubt they want it convenient. They would probably divide the state up along convenient lines for their purposes. The 75 per cent to 125 per cent range is license to act within that range. It doesn't say 100 per cent, and even if you put it nearly equal as possible, it's still equivocal language. As far as the actual representation is concerned, for a person to represent an area outside of the city and still be in the same district may cause grief to the election officials, but it is not unfair to the people, and I would therefore support the Pollock amendment.

CHAIRMAN HUTCHINSON: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, the principal point is whether or not you want to permit such a wide deviation that it invites gerrymandering. That is the precise point. I know a little bit about election administration too, and it would take more than Mr. Hannah's statement that this is going to so interfere with the drawing of district lines that it shouldn't be accepted. Twenty per cent is plenty of spread; 50 is a sheer invitation to gerrymandering, and I certainly, myself, couldn't be a party to permitting any apportionment commission or any apportionment body having so much leeway.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Dr. Pollock. All those in favor will say aye. Opposed will say no.

The amendment is not adopted.

DELEGATES: Division.

CHAIRMAN HUTCHINSON: Division has been requested. Is the demand supported? The demand is supported. All those in favor of the amendment—

MR. MADAR: How about a record roll call vote?

CHAIRMAN HUTCHINSON: Mr. Madar demands the yeas and nays. Is the demand supported?

SECRETARY CHASE: Twenty-two.

CHAIRMAN HUTCHINSON: Sufficient number up. All those in favor of Dr. Pollock's amendment will vote aye. Those opposed will vote no. This is a record roll call vote. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—50

Austin	Hood	Ostrow
Balcer	Jones	Pellow
Barthwell	Judd, Mrs.	Pollock
Bledsoe	Kelsey	Sablich
Brown, T. S.	King	Snyder
Cushman, Mrs.	Krolikowski	Staiger
Dade	Lawrence	Stamm
Douglas	Lesinski	Stopczynski
Downs	Liberato	Suzore
Elliott, Mrs. Daisy	Madar	Tweedie
Faxon	Mahinske	Walker
Follo	Marshall	Wilkowski
Ford	McCauley	Wood
Greene	McGowan, Miss	Woolfenden
Hart, Miss	McLogan	Young
Hatcher, Mrs.	Murphy	Youngblood
Hodges	Nord	

Nays—77

Batchelor	Hanna, W. F.	Prettie
Beaman	Hannah, J. A.	Pugsley
Bentley	Haskill	Radka
Blandford	Hatch	Rajkovich
Bonisteel	Heideman	Romney
Boothby	Higgs	Rood
Brake	Howes	Rush
Brown, G. E.	Hoxie	Seyferth

Buback	Hubbs	Shackleton
Butler, Mrs.	Iverson	Shaffer
Conklin, Mrs.	Karn	Shanahan
Cudlip	Kirk, S.	Sharpe
Dehnke	Knirk, B.	Sleder
Dell	Koeze, Mrs.	Spitler
Doty, Dean	Kuhn	Stafseth
Doty, Donald	Leibrand	Starrett
Durst	Leppien	Stevens
Elliott, A. G.	Martin	Thomson
Erickson	McAllister	Tubbs
Everett	Millard	Turner
Farnsworth	Nisbet	Upton
Figy	Page	Van Dusen
Finch	Perlich	Wanger
Gadola	Perras	White
Goebel	Plank	Yeager
Gover	Powell	

SECRETARY CHASE: On the adoption of the amendment offered by Dr. Pollock, the yeas are 50; the nays are 77.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: The next amendment is to page 3. Dr. Pollock offers the following amendment:

1. Amend page 3, line 3, by striking out "rectangular" and inserting "regular in shape".

MR. POLLOCK: Mr. Chairman.

CHAIRMAN HUTCHINSON: Dr. Pollock.

MR. POLLOCK: Since the committee of the whole has already rejected the same words in another context, there is no point in repeating the procedure, so I will withdraw that amendment.

CHAIRMAN HUTCHINSON: Dr. Pollock withdraws his amendment. Before the amendment is withdrawn, by unanimous consent Mr. Buback would like to express himself upon it since the Chair restricted him on a point of order before.

MR. BUBACK: Mr. Chairman, ladies and gentlemen of the committee, if I could offer a substitute, or offer that as an amendment, I would like to offer that amendment and speak on it.

CHAIRMAN HUTCHINSON: Dr. Pollock withdraws his amendment; Mr. Buback offers the same amendment.

SECRETARY CHASE: Mr. Buback offers the following amendment:

1. Amend page 3, line 3, by striking out "rectangular" and inserting "regular in shape"; so that the language will be, "and shall be compact, contiguous, and as nearly regular in shape as possible."

CHAIRMAN HUTCHINSON: Mr. Buback on the amendment.

MR. BUBACK: Thank you, Mr. Chairman. In Wayne county, ladies and gentlemen, we have a little different situation. In Wayne county we have 1742 precincts, we have 1,365,565 registered voters, 24 cities and 14 townships. Now when this senate is going to be divided on a rectangular basis in Wayne county, the reason I am objecting to it, it will create more ballot forms. At the present time in Wayne county we have 58 ballot forms. We are adding 17 additional legislative seats in the city of Detroit. That is going to make 92 ballot forms to distribute amongst the voters in Wayne county. Generally in all the counties in the state of Michigan you have one ballot form. Now, just imagine what is going to happen to Wayne county when we have to produce 92 ballot forms, if we just simply divide the legislative and leave senatorial districts as they are.

As soon as you make the senatorial districts in rectangular shape, you are going to have additional ballot forms because in a rectangular shape of the senatorial districts you are going to go into several—at least 2 congressional districts. By going into congressional districts, for that person who must be able to vote for a senator, a representative and congressman, that will again increase the number of ballot forms that we have to have. The increase in cost would be at least $50,000 without making the senatorial in rectangular shape.

I would certainly not want to tie the hands of the reapportionment commission and say that it must be rectangular or it must be square. Let's give them some leeway so that if in case we want a senatorial district of a rectangular shape we can have it, or a square shape we can have it, or a regular shape, which is most feasible in the situation in Wayne county. I have spoken on this matter to Miss Donnelly, to Mr. Stevens and Mr. Yeager. I want them to know the terrific job we have out there. It is a question of printing the ballots on time. We have 2 types of voting machines out there. We have the Shoup and the Automatic. We have paper districts out there where we have to print at least 50 to 60 thousand. It is a practical printing job that we are confronted with here, and I urge you to support the amendment where we allow the reapportionment commission to create these senatorial districts in a regular shape manner. Thank you.

CHAIRMAN HUTCHINSON: Mr. Knirk.

MR. KNIRK: Mr. Chairman and Delegate Buback, for the same reason that we had before, we, the committee, feel that the word "rectangular" is much more appropriate. I might call to your attention, Mr. Buback, that we think that also your voters in Wayne county would have a greater chance to the same voting strength per vote. That is, one vote, each one of them counting, and I think that if the districts are more of a square or rectangular shape, you will have a tendency to have that accomplished. I think that our youngest delegate on our committee gave a dissertation on the 2 words "rectangular" and "regular" in our committee meeting, and I would like to have Lee Boothby—Mr. Chairman, I would like to yield the floor to Lee Boothby to give his definition.

CHAIRMAN HUTCHINSON: The Chair will put Mr. Boothby down on the list, and will recognize next Mr. Yeager.

MR. YEAGER: Mr. Chairman, ladies and gentlemen of the committee, we talked about this problem a great deal in the legislative organization committee, and as Pete Buback said, he talked to me today about it. We have several districts in Wayne county which run across not only outside of Detroit but other townships. For instance, senatorial district 18 takes in Livonia, Redford, Northville, Plymouth, Northville township, Plymouth township and ward 22 in Detroit. We have within that area 5 representatives at the present time. We have one congressman at the present time and one senator.

I don't understand from the brief time that I talked to Mr. Buback what the rectangular in shape definition has to do with extra ballot forms to the tune of $50,000. I haven't had that cleared up in my mind, and I would like to ask him. This thing simply specifies that it shall be rectangular in shape. But the first consideration under this language is that it shall follow township and city lines. Therefore, I don't see where he is getting $50,000 cost on this.

CHAIRMAN HUTCHINSON: Are you asking a question?

MR. YEAGER: I would like to ask Mr. Buback, through the Chair, Mr. Chairman.

CHAIRMAN HUTCHINSON: The gentleman may respond to the question, Mr. Yeager retaining the floor.

MR. BUBACK: Mr. Chairman, Mr. Yeager, this $50,000 is based on the 17 legislative districts, not counting what might happen if we have the senatorial on a rectangular shape. It will be much more than that, I will assure you. The $50,000 extra is because we are adding 17 legislative districts within the city of Detroit, and this does not apply to the outcounty areas at all.

MR. YEAGER: Mr. Chairman, Mr. Buback, are you contending that because we are having single member districts that you are getting this additional expense?

MR. BUBACK: That is true.

MR. YEAGER: This is not the point at issue in this particular amendment. Your amendment has relationship to whether or not the districts shall be rectangular in shape, and not that there shall be single member districts. This is a separate issue.

MR. BUBACK: Mr. Chairman, Mr. Yeager, this definitely has something to do with it, because when you spread your senatorial—and I saw your map, and this is the first time I saw it—the way the senatorial districts are going to be ap-

portioned in Wayne county, they are rectangular, you are going to go clear across the city where you are going to hit 2 congressional districts, and therefore every time a senatorial district goes into 2 congressional districts, you are going to have to have more ballot forms, and every time you have additional ballot forms, it means additional money from the taxpayers of Wayne county.

MR. YEAGER: Well, I don't know what map you are referring to. If you are referring to this map that I have here, this was really a proposal which was made up some time ago, which has no relationship to anything that is—

MR. BUBACK: That is the only map I saw. Mr. Chairman and Mr. Yeager, that is the only map you showed me, and I can see what a rectangular shape area in the city of Detroit would do as far as a printing job is concerned and the cost is concerned; it would be tremendous. And I still think we should leave it up to the commission itself to make that determination.

MR. YEAGER: Mr. Chairman, if I may continue with the floor, I would simply like to oppose the Buback amendment. I don't think that the cost here—although I know Mr. Buback is an expert in this field, I don't think that what he has envisioned is going to happen, and I respectfully ask that you defeat this amendment.

CHAIRMAN HUTCHINSON: Mr. Leppien.

MR. LEPPIEN: Mr. Chairman, I would like to ask Delegate Buback a question through the Chair, if I may.

CHAIRMAN HUTCHINSON: You may proceed.

MR. LEPPIEN: Mr. Chairman, Delegate Buback, would you agree that it would assist Wayne county in its problem—and I understand it, I believe, having been in the same line of work—if we just struck out the word "rectangular," leaving in "compact and—" what is the other word—"contiguous and compact?"

MR. BUBACK: I would approve that very much, Mr. Leppien, for the simple reason that when this commission comes to Wayne county we will be able to sit down with them and discuss this thing at length. It will not be frozen that they must accept rectangular shapes. I would agree with that very much.

MR. LEPPIEN: I might suggest to Delegate Buback, Mr. Chairman, that he amend his amendment to just strike the word "rectangular."

MR. BUBACK: I will so amend it, Mr. Chairman, if it is in order.

CHAIRMAN HUTCHINSON: Well, the Chair thinks that you offer a substitute amendment. Withdraw your previous amendment and offer a new one.

MR. BUBACK: I will withdraw that amendment, Mr. Chairman, and offer a substitute amendment as suggested by Delegate Leppien.

SECRETARY CHASE: There is some other language involved, Mr. Buback. The language in the first 2 lines, "and shall be compact, contiguous, and as nearly rectangular as possible," perhaps the language should be, "and it shall be as compact and contiguous as possible."

Mr. Buback asks that the amendment be revised as follows:

1. Amend page 3, line 2, after "shall be" by striking out the balance of the sentence and inserting "as compact and contiguous as possible.".

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. William Hanna on the amendment in its present form.

MR. W. F. HANNA: I would like to ask through the Chair a question of Mr. Buback, whether or not he would accept the language "compact, contiguous and as nearly uniform in shape as possible?" This will accomplish what we intended in the committee; that you couldn't have a hot dog shaped district in one place and a circular or square in another place, but there be some uniformity and some reason for the lines in these districts, first to correspond with city and township lines, and then—otherwise, Mr. Buback, we were attempting to eliminate districts for districts' sake and politics' sake, which seemed to be occurring not only in your county but in mine and several others as we examined what boards of supervisors have done. Would you accept the language "uniform in shape?"

MR. BUBACK: Mr. Chairman, Mr. Hanna, I would accept that. I would do anything that would help the ballot printing situation in Wayne county, because it is a terrific job. We have problems that no other county has, and anything that would alleviate our condition I would be willing to accept.

MR. W. F. HANNA: Mr. Chairman, Mr. Secretary, can you amend the Buback amendment with his consent to read "compact, contiguous and as nearly uniform in shape as possible?"

SECRETARY CHASE: Mr. Buback's amendment as he has now revised it would read:

1. Amend page 3, line 3, by striking out "rectangular" and inserting "uniform in shape"; so that the language of lines 2 and 3 will then read, "and shall be compact, contiguous, and as nearly uniform in shape as possible."

CHAIRMAN HUTCHINSON: Mr. Madar on the amendment in its present form.

MR. MADAR: Well, Mr. Chairman, all I wanted to do was to get into the record that I didn't think Mr. Yeager was qualified to tell us whether Mr. Buback was an expert in these matters. He has been in charge of the elections in the county of Wayne for the past 22 years. As a Republican, we all thought —and I am speaking of myself—I, as a Republican, thought him quite a man and as a Democrat, I still think he is as good now as he was then. So, let's get this into the record properly; Mr. Buback is an expert.

CHAIRMAN HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. Chairman, members of the committee, as a delegate from Wayne county, I appreciate Mr. Buback's attitude in this matter. I am certain that he is sincere, that he is speaking from a practical viewpoint, and as a technician who knows about it. I think we should give every consideration to his viewpoint in this matter. I am sure he is speaking as a deputy county clerk and not as a party member. Thank you.

CHAIRMAN HUTCHINSON: Mr. Yeager.

MR. YEAGER: Mr. Chairman, I would like to go along with this amendment that Bill Hanna read, "in uniformity." The real purpose that we were trying to do here was get away from the possible gerrymandering of districts. Those weren't necessarily intentionally done, but by following ward lines we got some very odd shaped districts in Wayne county, and this language was an attempt to try to at least alleviate this situation. Thank you.

CHAIRMAN HUTCHINSON: Mr. Madar.

MR. MADAR: As I started out when I first got here, I would always set things straight. I would like to set Mr. Yeager straight in informing him that it was the people in the —the leaders in congressional district 17 who gerrymandered our Wayne county. It was the Republican party who did it at the time.

CHAIRMAN HUTCHINSON: Mr. Knirk.

MR. KNIRK: Mr. Chairman, I find that it is very difficult for me to follow Mr. Madar. I would like to ask if there are any members of the committee, however, that have any questions in mind upon the change of that word, that is the change of the phrase, I should say; and if they do have, I would certainly like to have them speak to it; because otherwise I am going to recommend that we accept this amendment. Seeing no objection, I suggest we accept the amendment.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Buback. All those in favor say aye. Opposed say no.

The amendment is adopted. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Nord, Marshall, Hodges, T. S. Brown, Greene, Liberato and Sablich offer the following amendment:

1. Amend page 3, following line 3, by inserting:

"(4) Fourth: in the enactment of legislation, in the organization of the senate as a parliamentary body, and in the selection of committees therein, each senator shall have a vote equal to the population of his district as reported in the latest federal decennial census. Each senator shall have an equal vote in each committee other than the committee of the whole.".

CHAIRMAN HUTCHINSON: The question is upon the

amendment. The Chair would recognize the first sponsor of the amendment, Mr. Nord.

MR. NORD: This amendment which is now on the wall is a modified version of the minority report eliminating the bipartisan features and simplifying it to a considerable extent. In fact, the amendment that is now offered to the committee adopts the entire senate that the majority report proposes and makes only one change rather than making numerous changes, as we did otherwise. It is the identical senate with weighted votes, weighted by population of the districts.

Some of the objections that were raised to the minority report would, of course, not apply to this. Many of the objections had to do with the bipartisan feature, and in this case that is not present. Nothing is present, whatever, except the clearcut issue of whether you wish to have equal representation or not with whatever type senate you prefer; that is, on the basis of distribution of members. This gives you, so to speak, a blank check as to what members, how many, where they shall be, where the line shall be—you put them where you wish, we adopt them, and then we say you can still do that and still have one man, one vote, if you wish. And this is one way in which that can be done. As pointed out previously, the reason for one man, one vote has been given in detail. There is no point in mentioning it again. We simply offer this to indicate that there are many ways of getting one man, one vote, not just one way. This is one way, and we offer it to the delegates, and hope that it will be favorably considered.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Nord and others. Mr. Knirk, do you desire recognition?

MR. KNIRK: Mr. Chairman, fellow delegates, this is a backdoor entrance to the minority report. I don't know that it makes much difference, particularly, as to where they live. Actually what you are doing here and what is offered is the tote system in total; the only difference being that in this case, whether they be Republican or Democrat, they have the voter strength to the numerical number of who voted for them. I certainly assume that each and every one of you know from the discussion of 8 hours on this floor Monday and yesterday that this is just dressed in a different skirt, maybe gingham this time, and I certainly hope that the delegates will not consider this seriously and will turn it down with a vote against it.

CHAIRMAN HUTCHINSON: Mr. Pellow.

MR. PELLOW: I would like to ask Dr. Nord a question. I tried to get this in yesterday but apparently the floor was controlled. Doctor, if you are willing to answer, I would like you to assume a couple of facts. On Saturday, September 2, 1961, the Marquette Mining Journal—this was previous to the election—reported a speech given by the honorable Governor John B. Swainson on television regarding the position of the governor as far as the upper peninsula is concerned, and I would like to ask you whether or not—and I ask that you assume that this fact is true, as reported September 2, 1961, in the Marquette Mining Journal—that the governor of this state stated, and I quote from the Marquette Mining Journal, "There has been some talk that the Democrats want to take representatives and senators away from northern Michigan, but this is emphatically not true." Now I will ask you whether or not, Doctor, this statement of the governor would affect the amendment that you offer, in order that we may be consistent not only with the platform of the Democratic party, but with the people of the upper peninsula so that we do not take any representation away from them?

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, I believe the best answer I can give to this is the following: Mr. Pellow has me confused with a different person. I am not a candidate for governor. I know there are some of that type here, but I am not one of them. I can't speak for the governor, or for any candidate for the governor. I have no idea what he said. I don't know whether the governor favors this amendment or not. But I feel this: if he were to be apprised of this amendment he would think it nifty because it is nifty.

CHAIRMAN HUTCHINSON: The question is upon the amendment now offered. All those in favor—Mr. King.

MR. KING: Mr. Chairman, fellow delegates, in order to vote intelligently upon this proposition, I would have to pursue a little further the line of questioning that Mr. Pellow has opened up, but I would like to address a question to Mr. Pellow, if I may.

CHAIRMAN HUTCHINSON: You may if the gentleman cares to answer.

MR. KING: Mr. Pellow, are you trying to indicate to this committee that the governor of the state of Michigan does not favor the principle of one man, one vote?

MR. PELLOW: I did not say that, sir. I just merely reported what was in the Marquette Mining Journal as of that date. Incidentally, for the record, I appeared on television with the governor. So now, give me a direct question and I would be glad to give you a direct answer.

MR. KING: What do you interpret, Mr. Pellow, the meaning of the governor's statement that you quoted to us?

MR. PELLOW: That the people of the upper peninsula should not be deprived of their just and true representation. Since we have 29 per cent of the total representation, all we ask for is 29 per cent of the total vote.

MR. KING: And you believe that the governor does not intend that that amount should be lessened in any way by the actions of this convention? Is that right, Mr. Pellow?

MR. PELLOW: I did not say that, sir. All I said was the governor said that no representation should be taken away from the people of the upper peninsula, and I believe that the governor honestly believes that, except for the fact that the Republican party has ignored the people of the upper peninsula, and their reactionary senate has not seen fit to grant the people of the upper peninsula true, just representation (applause) and furthermore, without yielding the floor, Mr. Chairman, I would like to say this—

CHAIRMAN HUTCHINSON: Mr. Pellow, you do not have the floor.

MR. PELLOW: Yes, sir, I do have the floor.

CHAIRMAN HUTCHINSON: The gentleman will please take his seat.

MR. PELLOW: I appeal the ruling of the Chair. I had the floor, and he asked me a question, and I had the floor before he asked me the question—

CHAIRMAN HUTCHINSON: And you answered his question, and you are not holding the floor on your own.

MR. PELLOW: Mr. Chairman, I appeal the decision of the Chair, and I ask to speak on the appeal.

CHAIRMAN HUTCHINSON: The Chair will direct the sergeant at arms to escort the gentleman to his seat.

MR. PELLOW: All right. Can I appeal the decision of the Chair?

CHAIRMAN HUTCHINSON: The Chair has instructed the sergeant at arms to escort the gentleman to his seat. Will the gentleman please take his seat?

MR. PELLOW: Are we going to have a gag rule or are we going to have a democracy?

CHAIRMAN HUTCHINSON: If the gentleman will respect this Chair—

MR. PELLOW: I will.

CHAIRMAN HUTCHINSON: You will respect this Chair? Then you will sit down. The question is upon the—Mr. Gadola.

MR. PELLOW: Point of order.

MR. GADOLA: We have about the hall attendants here in red coats. I think that—

MR. PELLOW: Point of order.

MR. GADOLA: I am asking for information—

MR. PELLOW: Point of order.

MR. GADOLA: —and I was wondering—

MR. PELLOW: Point of order.

MR. GADOLA: —if it would be possible for the executive committee to get those proverbial men in white coats here in attendance, too. (laughter)

MR. PELLOW: Point of order.

CHAIRMAN HUTCHINSON: The question is upon the

amendment offered by Mr. Nord and others. All those in favor will say aye. Those opposed will say no.

MR. PELLOW: Point of order.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mr. John Hannah—

MR. MADAR: Mr. Chairman, we didn't actually get a decent vote on that, and I would like to ask for a division and record roll call vote.

CHAIRMAN HUTCHINSON: The request is in order, Mr. Madar. Mr. Madar demands the yeas and nays on the last amendment. Is the demand supported?

SECRETARY CHASE: Twenty-three.

CHAIRMAN HUTCHINSON: The Chair is advised by the official records of the convention today that it takes 26 votes to demand the yeas and nays. The demand is not supported. The gentleman now asks for a division. Is the demand supported? Sufficient number up.

MR. KUHN: Point of inquiry, Mr. Chairman.

CHAIRMAN HUTCHINSON: What is the inquiry?

MR. KUHN: Doesn't the rule state that it's 1/5 of the members present?

CHAIRMAN HUTCHINSON: That is correct.

MR. KUHN: How many members are present, sir?

CHAIRMAN HUTCHINSON: According to the records, there are 127 members present today.

MR. KUHN: I thought it was "present at this time."

CHAIRMAN HUTCHINSON: That isn't the question.

MR. MADAR: Mr. Chairman, I rise to a point of order.

CHAIRMAN HUTCHINSON: What is the point, Mr. Madar?

MR. MADAR: There weren't 127 at the time that I asked, and had you counted, you would have noticed that.

CHAIRMAN HUTCHINSON: There were 127 on the last record roll call vote. There are that many present.

MR. MADAR: They weren't in the hall.

CHAIRMAN HUTCHINSON: The demand for division has been supported. As many as are in favor of Mr. Nord's amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Nord and others, the yeas are 39; the nays 89.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The Chair recognizes Mr. Yeager.

MR. YEAGER: Mr. Chairman, I would like to make a parliamentary inquiry. Since we have changed the rule on taking roll call votes in committee of the whole, I would like to ask: can a demand for the yeas and nays be made after a vote has been once taken, or does the request have to be made before the vote is called as opposed, of course, to a division?

CHAIRMAN HUTCHINSON: It is the ruling of the Chair that a voice vote can be superseded by a demand either for the yeas and nays or by demand for division, and that it is in order so long as no other business has been undertaken.

The secretary will read the next amendment.

MR. MADAR: Mr. Chairman, may I make a request of the Chair?

CHAIRMAN HUTCHINSON: Yes, Mr. Madar.

MR. MADAR: I would like to make a request that in the future, in asking for the votes on a division or the yeas and nays, that it not be taken until after the bell has been rung so that we can get them into their seats. There could have been 26 here at the time. As I understood, we needed 26, and there could have been that many here had we waited for the bell to be rung first before we took the count.

CHAIRMAN HUTCHINSON: Thank you, Mr. Madar. We will attempt to comply.

SECRETARY CHASE: Mr. John Hannah and Mr. William Hanna offer the following amendment to section a:

1. Amend page 1, line 10, after "36" by striking out "nor more than 40"; so that the language will read, "The senate shall consist of not less than 36 members, elected from single member districts. . . ."

CHAIRMAN HUTCHINSON: The question is upon the amendment now offered by Mr. John Hannah. Mr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, before noon when we adopted the Pollock amendment, it had the effect of granting a second seat to all counties with 19½ apportionment factors or, beyond the second seat, at any time that any single county has 6½ factors in excess of the number of senators already allotted they automatically are to get the additional senator in accordance with the language already adopted. It was pointed out that this could have the effect, unless the number of senators was increased, of making it necessary for the apportionment commission to provide a smaller number of senatorial districts made up of the counties not entitled to a senator by itself, since naturally the apportionment commission would have to start off by allotting senators to all of the counties entitled to one or more up to their entitlement. Then they would have the responsibility of grouping the other counties in the state as best they could.

At that time I indicated that we would ask our staff to make a study to see what the potential was, and they report that there is a possibility that there might be necessity for as many as 2 additional senators. Not a great probability, but the possibility. Rather than writing in the specific words, "36 to 42," the amendment offered by Mr. William Hanna and myself, in accordance with the commitment made this morning, is that we leave the upper limit open, because in your formula you are determining the number. This would be simpler. We will not have the effect of promising 42 and then coming up with 40. So after a good deal of thought and discussion over the noon hour, it was our judgment that this was the best way to handle that commitment that we made before the luncheon adjournment. Then there is a second amendment which will come later after this one.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, fellow delegates, this morning, as Dr. Hannah said, I called your attention to the effect of the Pollock amendment. There are 2 parts that have to be cleared up now. Dr. Hannah has asked you to pass the first one, and I urge you to adopt this one and the second amendment which will be forthwith coming up to section a, and clarify the entire problem.

CHAIRMAN HUTCHINSON: All those in favor of the amendment now offered by Dr. Hannah and Mr. William Hanna will say aye. Opposed will say no.

The amendment is adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mr. William Hanna offers the following amendment:

1. Amend page 2, line 10, after "counties" by striking out "of the state" and inserting "shall be entitled to one senatorial district for each 13 apportionment factors and major fraction thereof and"; so that the language will read:

> Second: the remaining counties shall be entitled to one senatorial district for each 13 apportionment factors and major fraction thereof and shall thereafter be arranged into senatorial districts

and so forth.

CHAIRMAN HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, Mr. Secretary, I don't think the word "thereafter" is any longer needed after this amendment. It was not the intention that the "thereafter" be retained; "shall be entitled to one senatorial district for each 13 apportionment factors and major fraction thereof and shall be arranged into senatorial districts. . . ."

SECRETARY CHASE: The amendment will be revised.

MR. W. F. HANNA: Mr. Chairman, ladies and gentlemen, once you apply this to the major counties, the purpose of this is to make sure that the remaining counties of the state—those counties which in and of themselves have less than 13 apportionment factors, taken as a group—all the rest of the state, shall be entitled to one senatorial district for each 13 apportionment factors or major fraction thereof. This treats

the rest of the counties in the same manner as you treat the so called metropolitan counties.

Now, then, within these counties outstate the districts, it is true, may vary from 10 to 16 apportionment factors, as the apportionment commission may determine under the standards we have set for them. But to the extent that an outstate senatorial district is at 10, another outstate senatorial distrist, theoretically, will be at 16, and thus there is no give and take, no shortchanging of the outstate senatorial districts by reason of the Pollock amendment affecting the metropolitan districts, nor is there any taking away from the metropolitan district counties to let the outstate districts violate the principle. I therefore urge this necessary amendment to correspond with the Pollock amendment offered this morning.

CHAIRMAN HUTCHINSON: The question is upon the amendment. Mr. Everett.

MR. EVERETT: Mr. Chairman, I would like to address a question to Mr. William Hanna.

CHAIRMAN HUTCHINSON: You may proceed.

MR. EVERETT: Mr. Hanna, if I understand the tenor of your amendment, it is to permit one additional seat for a major fraction beyond a figure evenly divided by 13; is that correct?

MR. W. F. HANNA: The Pollock amendment this morning, if you will recall, said 6½, as revised by Ted Brown. More than 6½ is a major fraction, and usually—from what I have seen of constitutional provisions, the usual way you talk about apportionment is to talk in terms of a full ratio and a major fraction thereof.

MR. EVERETT: Well, I guess that didn't quite answer my question. Suppose you have 14 left over, don't you have the major fraction of 13 twice?

MR. W. F. HANNA: No, sir. You have 13 plus 1, which is a minor fraction.

MR. EVERETT: I thought that was your intent, but I wonder if your amendment says that.

MR. W. F. HANNA: All I can say, Mr. Everett, is that it is copied from standard language used, and that is the way it is interpreted: that you get a full ratio, a full ratio being 13, and then after you divide the total apportionment factors by 13, if the remaining fraction is more than 6½, that is a major fraction.

MR. EVERETT: In other words, what you are saying is that after the even multiple of 13, if what is left over is more than half, you get 1; if it is less than half you don't?

MR. W. F. HANNA: That is correct.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, as the saying goes, there is a certain amount of puzzlement in these quarters, and strangely enough, I believe Mr. Knirk and I share the puzzlement. One of the reasons for the puzzlement is it appears that not enough is striken. I would like to find out from Mr. Hanna if I am correct in reading this proposal the way it would be as amended. As I understand it, the way it would read as amended, it would read as follows:

Second: the remaining counties—

then you pick up what is on the wall—

shall be entitled to one senatorial district for each 13 apportionment factors and major fraction thereof and—

then, I gather, you continue with line 11, which says:

shall thereafter be arranged into senatorial districts that are compact, contiguous by land and as rectangular in shape as possible, having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16.

Now, have I got the language correct, Mr. Hanna?

MR. W. F. HANNA: Mr. Chairman, except for taking out the "thereafter," I think you have it. Does he, Mr. Chase?

SECRETARY CHASE: The language, then, of the amendment, with the approval of Mr. Hanna, would be as follows:

1. Amend page 2, line 10, after "counties" by striking out "of the state shall thereafter" and inserting "shall be entitled to one senatorial district for each 13 apportionment factors and major fraction thereof and shall"; so that the language would read:

. . . the remaining counties shall be entitled to one senatorial district for each 13 apportionment factors and major fraction thereof and shall be arranged into senatorial districts that are compact, contiguous by land

and so forth.

MR. NORD: It is the "and so forth," Mr. Chairman, that puzzles me, because it looks as though we are stuttering. It says in the beginning, now, of this paragraph that they shall be entitled to one senatorial district for each 13 apportionment factors, and then it says it once more later on down in the same sentence. Am I mistaken about that?

MR. W. F. HANNA: Mr. Chairman, Dr. Nord, would you repeat your question. I was getting conversation in both ears, and I couldn't think that fast.

MR. NORD: I believe I probably haven't got that straight, but I would like to get it straight before I vote on it.

MR. W. F. HANNA: I would like to help you.

MR. NORD: Mr. Chairman, I would like to ask Mr. Hanna whether I am correct in understanding this sentence. You say here in the beginning of it that there shall be one senatorial district for each 13 factors, and then at the end of the sentence you repeat it again, that they shall be based upon 13 factors.

MR. W. F. HANNA: I think I can explain, Dr. Nord. It falls within the first 2 lines. Mr. Chairman, Dr. Nord, fellow delegates, this language says that you take all the counties not covered by subsection 1, the total apportionment factors for all those counties, divide that by 13. This determines the number of senatorial districts to be allocated to the counties not encompassed with step 1. Thereafter you divide this number of senatorial districts between the number of counties in such a manner that each senatorial district will be as near 13 as possible but not less than 10 nor more than 16.

MR. NORD: Mr. Chairman, I must confess that I am not in a position to vote on this. I believe there are 2 things wrong with this, although I can't be quite certain because this is new to me. It appears to me as though the sentence repeats itself. It says that they shall be entitled to one senatorial district for each 13 factors, and then later on it says the same thing substantially again; that it shall be based upon 13 factors but in no event less than 10 or more than 16. As far as I can see the language that is before us, not the intent, but the language, there is something mixed up in it, or else it has caused me to become mixed up.

It also appears as though there is a conflict between the first part of the sentence and the second, in that the first part of the sentence seems to require 13 factors, but at the end of the sentence it says it doesn't necessarily require 13 because it could be between 10 and 16. I would also like to speak against the substance of it, assuming that the language could be made clearer to me or I could be made clearer to it.

If I am not mistaken as to the intent, it seems there is something problematical there too, and that is—and perhaps Mr. Hanna could clear this up too—that now we would go to a major fraction which would be half of 13 or 6½, and therefore you wouldn't need 10. Now, perhaps this can be cleared up by Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, Dr. Nord, in the first place I think your first question, Dr. Nord, could be probably easily corrected if we say "shall be arranged into single member senatorial districts," because it is the intention to treat the remaining part of the state in the same manner as Dr. Pollock wanted to treat the metropolitan counties this morning. This is a necessity once having adopted the Pollock amendment. But to obviate the lack of clarity which you have raised, you can say "shall be arranged into single member senatorial districts."

Now, the language that we have put in here simply serves one purpose, and that purpose alone is this: to make sure that the outstate is treated equally with the metropolitan counties, and having adopted the Pollock amendment, and the Hannah amendment taking the lid off the number of senators, this amendment is clearly necessary.

MR. NORD: Mr. Chairman, I would like to request of the

proponent—I would like him to consider this request before I make any further statement about it, and that is this: in view of the fact that this has not been before us up to this point—and I believe there are many other delegates around me who seem to share my confusion, and I hope I haven't created it—would he be willing to postpone considering this particular question until we get to the end of the entire committee proposal? Hopefully, perhaps, we could have dinner in between and we could find out—or perhaps it could be redrafted. Would he be willing to do that?

MR. W. F. HANNA: Mr. Chairman, Dr. Nord, I have no feeling either way. The purpose of this language is simply as I stated, to make sure that the outstate counties get their fair share of the senatorial districts, no more and no less, and this is the language that I feel would do it, and if it could be more clear, I would be glad to work it out. This is the sole and only purpose, Dr. Nord. If it doesn't say this, I will get together with you and make sure it does say this.

MR. NORD: Mr. Chairman, apparently Mr. Hanna has not moved to postpone.

CHAIRMAN HUTCHINSON: The Chair does not understand that he has.

MR. J. A. HANNAH: Mr. Chairman.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: If it would meet with the approval of the Chair, I would certainly favor complying with Dr. Nord's request, hoping that we may go on and finish the rest of the section a, and passing all of it but subsection 2, holding that open until we finish up with the balance of Committee Proposal 80. Is that agreeable?

CHAIRMAN HUTCHINSON: It certainly is not for the Chair to say. If the introducer, Mr. William Hanna—if it is his wish to have the matter acted upon now, it is in order. If he desires to withdraw it at the present time, that is in order, or if someone wishes to move to postpone consideration, that is in order.

MR. J. A. HANNAH: I will move that we postpone the consideration of this specific amendment, leaving subsection 2 open, hoping that we may go on and finish the balance of this whole section a and passing it before we move to rise for a recess in about 10 or 15 minutes, when I shall move that we rise for the purpose of a 10 minute recess.

CHAIRMAN HUTCHINSON: The Chair understands the sense of your motion to be that you move to postpone further consideration upon the pending amendment until the consideration of other amendments offered to section a of this proposal has been completed.

MR. J. A. HANNAH: No; until after we complete consideration of all of the amendments to 80, when we will then come back to it.

CHAIRMAN HUTCHINSON: All of 80?

MR. J. A. HANNAH: Correct.

CHAIRMAN HUTCHINSON: The question is upon the motion of Dr. Hannah. All those in favor will say aye. Opposed will say no.

The motion prevails. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Boothby offers the following amendment:

1. Amend page 1, line 9, after "Sec. a.", by striking out the balance of the section and reinserting section 2 of article V of the 1908 constitution, which language is as follows:

"The senate shall consist of 34 members. Senators shall be elected for 2 years and by single districts. Such districts shall be numbered from 1 to 34, inclusive, and shall consist of the territory within the boundary lines of the counties existing at the time of the adoption of this amendment, as follows: first through fifth, eighteenth, twenty-first, Wayne county; nineteenth, Lenawee and Monroe counties; tenth, Jackson and Hillsdale counties; ninth, Calhoun and Branch counties; sixth, Kalamazoo and St. Joseph counties; seventh, Cass and Berrien counties; eighth, Van Buren, Allegan and Barry counties; fourteenth, Ingham and Livingston counties; twelth, Oakland county; eleventh, Macomb county; twentieth, Tuscola, Sanilac and Huron counties; thirteenth, Genesee county; fifteenth, Clinton, Shiawassee and Eaton counties; sixteenth and seventeenth, Kent county; twenty-third, Muskegon and Ottawa counties; twenty-fifth, Mecosta, Montcalm, Gratiot and Ionia counties; twenty-second, Saginaw county; twenty-fourth, Bay, Midland and Isabella counties; twenty-sixth, Newaygo, Oceana, Mason, Lake and Manistee counties; twenty-eighth, Osceola, Clare, Gladwin, Arenac, Iosco, Ogemaw, Roscommon, Crawford, Oscoda and Alcona counties; twenty-seventh, Missaukee, Wexford, Benzie, Grand Traverse, Kalkaska, Leelanau and Antrim counties; twenty-ninth, Charlevoix, Emmet, Cheboygan, Otsego, Montmorency, Alpena and Presque Isle counties; thirtieth, Chippewa, Mackinac, Luce, Schoolcraft, Alger, Menominee and Delta counties; thirty-first, Marquette, Dickinson, Iron and Gogebic counties; thirty-second, Baraga, Keweenaw, Houghton and Ontonagon counties; thirty-third, Washtenaw county; thirty-fourth, Lapeer and Saint Clair counties. Each of the 34 districts shall elect 1 senator. Counties entitled to 2 or more senators shall be divided into senatorial districts as herein provided equal to the number of senators to be elected; said districts shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory; and said districts shall be arranged during the year 1953, by the board of supervisors in such counties assembled at such time and place as prescribed by law.".

CHAIRMAN HUTCHINSON: Mr. Boothby.

MR. BOOTHBY: Mr. Chairman, ladies and gentlemen of the committee, this long amendment no doubt sounds familiar to you. It is the present wording of the 1908 constitution as amended by the 1952 amendment.

The committee on legislative organization was advised by Professor Charles Adrian of the political science department of Michigan State University as follows:

> There probably are no real experts on apportionment in the sense of being able to say how you should apportion a state. I think there are no political scientists who are completely objective on this question, or who have no views of their own.

This is quite a confession for one who is a political scientist. Can the politician, then, be any more objective? The discussion thus far on the floor of the convention and in the committee room proves to me that neither side of the issue will be able to convince the other. Sometimes I have the feeling that the delegates to this convention are outthinking the people. Pushed aside in the discussion of apportionment is the fact that we here are acting as representatives of the people. It would then seem that one important function of our work is to represent the wishes of our people.

The present system of apportioning the seats in the house and senate was chosen by the voters in 1952. Three plans were available to electors at that time: 1, they could retain provisions then in the constitution; 2, they could adopt the plan placing both the house and senate on a population basis; or, 3, they could adopt what was known as the balanced legislative plan, what is now the present plan in the '52 amendment. If anything can be said of the vote of the people in 1952, it was the fact that they did not want senatorial districts that would be fluid. The plan they chose was the only plan that froze the districts. They created units of representation which were to remain as governmental units just as counties are fixed governmental units. This choice was made by a strong majority of the people of the state at the ballot box.

As the then Attorney General Paul Adams stated in his brief in the case of Scholle versus Hare, which was recently before our Michigan supreme court:

> The majority of the people of the state of Michigan at a regularly conducted election established the senatorial districting system of which petitioner complains and which he seeks to sweep aside. It is the petitioner, then, who seeks to impose the will of the minority upon that of the majority. It is the petitioner whose disregard of the principle of majority rule represents, in his own words, "a contemptuous disregard of the democratic concept."
>
> The people have spoken.

Yes, the people have spoken, and what right do we 144 dele-

gates have to tell the people that they were wrong? Can we impose our idea of apportionment on them when they have so recently made that decision for themselves?

I think it might be of some value at this time if I would read to you from the brief which was submitted by Attorney General Paul Adams—who, incidentally, is not a member of my own party—in the case of August Scholle versus James M. Hare. He says as follows:

> The Michigan supreme court has made several pronouncements concerning the meaning of the equal protection of the laws provision.
>
> . . . the guarantee of equal protection of the law is not one of equality of operation or application to all citizens of the state or nation, but rather one of equality of operation or applicability within the particular class affected, which classification must, of course, be reasonable.
>
> Accordingly, equal protection of the laws does not prevent, and is not violated by, a reasonable classification by legislative enactment, if it applies alike to all persons within such class and reasonable grounds exist for making a distinction between those who fall within such class and those who do not.
>
> In regard to what type of classification is permissible, the Michigan supreme court has held:
>
> The fundamental rule of classification is that it shall not be arbitrary, must be based on substantial distinction and be germane to the purpose of the law.
>
> We will now apply these basic principles to the instant situation.

This is Attorney General Adams continuing in his brief:

> The people in 1952 established a classification; a determination of senatorial districts by geographical area. It is absurd to contend, as petitioner has done, that in order for an area classification to be upheld, the districts would have to be equal in size. Are the states of the union equal in size? Would not the division of this state into districts exactly equal in terms of square miles result in the type of arbitrary classification which the cases prohibit?
>
> It is apparent that petitioner does not perceive the meaning of representation by geographical area. What is meant is representation of specific parts of the state, and not the representation of an equal amount of square miles. The latter would, indeed, be arbitrary; the former is not.
>
> The people have thus determined a reasonable classification. The case law cited above (in regard to the meaning of equal protection of the laws) now requires us to determine whether there is an "equality of operation or applicability within the class affected," here the senatorial district. There can be no question that each citizen within the chosen classification (senatorial district) has the right to cast a vote for senator equal with that of all other citizens within the same classification.
>
> Thus, the test has been met. The classification arrived at, by the people themselves, is reasonable, and there is an equality of operation and application within that classification.

Attorney General Adams continues:

> It is defendant's contention that the United States constitution contains no prohibition, either specific, indirect, or by inference, forbidding the people of a state from choosing some criterion of representation in a branch of their state legislature other than population.
>
> In the Congress of the United States, of course, the senate is composed of 2 senators from each state. Thus, New York state, with a population of over 18 million has the same representation in the senate as does the newly admitted state of Alaska, which has less than 200,000. Petitioner attempts to explain away this obvious similarity by arguing that the plan for representation in the United States senate was the result of some kind of deal by which the smaller colonies gave up their sovereignty in return for equal representation in the senate. This is an argument not based upon demonstrable fact, and it certainly does not explain how the 37 states that have been admitted to the union since the adoption of the constitution were affected by this bargain. Indeed, a different and more logical explanation is set down in the very words quoted from the Federalist Papers by petitioner:
>
> Another advantage accruing from this ingredient in the constitution of the senate is, the additional impediment it must prove against improper acts of legislation. No law or resolution can now be passed without the concurrence, first, of a majority of the people, and then, of a majority of the states.
>
> Well might this quotation be paraphrased to indicate the system of representation adopted in Michigan—merely substitute the words "senatorial districts" for the last word in the quotation which is "states." We then have an excellent explanation for the decision by the people of the state of Michigan in 1952. . . .

And here is the way Attorney General Adams paraphrased that statement in the Federalist Papers:

> Another advantage accruing from this ingredient in the constitution of the senate is, the additional impediment it must prove against improper acts of legislation. No law or resolution can now be passed without the concurrence, first, of a majority of the people, and then, of a majority of the [senatorial districts]. (Brackets added)

These are not my words, ladies and gentlemen of the committee. These are the words of the then Attorney General Paul Adams, and now Supreme Court Justice Paul Adams.

In addition to the fact that the people have already told us what they want, we should look to what the effect of the committee's report would be with regard to both the senate and the house. Rather than having a situation where the people outside of the metropolitan areas could check the will of those with a unity of interest, we would have a situation where the following would result: at the present time, Wayne county has 7 senators, Oakland county has 1, Macomb county has 1, Genesee has 1, and Kent county has 2. You therefore now have a situation where the 5 big metropolitan counties of the state have 12 senators. In 1963, under the committee's recommendation, Wayne county would have an additional state senator, or 8; Oakland would pick up an additional senator, or 2; Macomb would have an additional senator, or 2; Genesee would have an additional senator, or 2; and Kent county would keep its 2 senators. So between now and 1963 the 5 metropolitan areas of the state, counties of the state, would jump from 12 to 16 senators.

Now, the committee recommendation does not stop there. In 1970 they are going to reverse the decision which the people of the state of Michigan made in 1952. They unfreeze the senate. Wayne county then picks up another senator, moves to 9, Oakland county moves to 3, Macomb moves to 2—or remains 2, Genesee remains 2, and Kent remains 2. Now, these figures that I have just given you are according to the population projection which Consumers Power company has come up with. And I want to comment more on that in a few minutes, because you will remember that the maps which are in the booklet which has been distributed by the committee are only projections. This is nothing you can rely on. You are buying a pig in a poke. But if you accept the projection of Consumers Power, the 5 counties would jump from 12 senators at the present time to 18 senators in 1970.

Now, the committee recommendation was a few minutes ago amended by Dr. Pollock, which you recall. This makes a substantial change, and I fear that maybe the members of this committee did not realize what was going on when the amendment was voted upon, because what happened was that Wayne received another senator; they moved to 10. Oakland received another senator; they moved to 4. Macomb received another senator; they continued with 2. Genesee continued with 2 and Kent continued with 2. In other words, what happened when you voted a few minutes ago in favor of the Pollock amendment was, you voted for a situation in which 5 of the counties of the state, under the Consumers Power company projection, would have 20 of the senators of the state senate.

In other words, where they now have 12, they move to 20, and when you realize that if our state senate continues at the present membership of 40 and they have 20, 5 of the counties of the state of Michigan will wind up with ½ of the senators in the state senate.

I would like to also call to your attention some additional information. I mentioned a couple of minutes ago that the projections which were handed to you by the committee were those of the Consumers Power company. Now we also had in our committee some additional figures regarding population trends. These were given to us by Professor J. F. Thaden, of the institute for community development of the continuing education service of Michigan State University. He came up with some completely different figures as far as population trends are concerned, and in keeping with the Pollock amendment, the change that you would have would be that Kent county would lose a senator; they would wind up with 1 senator in 1970, and Macomb county would add a senator; they would have 3 senators. There would still be 20 senators in those 5 counties. Kent would lose 1, Macomb would pick up 1. In other words, 5 of the metropolitan counties with only 2 seats short of half of all the senate seats—5 counties would have at least 50 per cent of all the senate seats.

Does this provide for a check against the majority? Is this area representation, I ask you? Can you convince the people back home that they have a balanced legislature when you take into account that in the house of representatives the same 5 counties of the state will have 62 of 110 representatives, or something slightly better than a majority of the representatives? In other words, 5 counties of the state in both the senate and the house would have at least a majority of the representation in the state legislature. Who will listen then to the needs of the rest of the outstate area?

It should be noted that in 1789 the whole nation contained something less than 4 million people, but these 4 million people feared the concentration of all power and authority in one super state where the tyranny of the majority went unchecked. Today Michigan has a population of over 8 million people, more than twice the number of people our nation contained when the United States senate was created to give equal voice to each state unit of government. We should question the wisdom of giving unbridled control of state government to a few counties of the state just as in 1789 the smaller states feared the few larger states.

One main benefit which Madison saw, the one main benefit which Madison saw in giving each state unit of government equal representation was to prevent, as Madison said, "the facility and excess of lawmaking." And Madison went on to say that this seemed to be the disease to which our governments are most liable. In other words, Madison believed that the senate apportionment was a check on the excess of law making. He believed that the excess, not the lack of law making, was the disease which our government was most liable. Here again, the 8 million people of Michigan find that with the demand for more and more services from each special interest group, geographical location, unit of state government, and all the other demanding factions expressing themselves in hundreds of unstudied legislative bills, it is the disease of excess of law making to which our state government is most liable.

Hamilton was also more interested in holding down hasty and ill considered legislation, legislative action, than in legislative efficiency. He said:

> In the legislature promptitude of decision is oftener an evil than a benefit. The difference of opinion and the jarrings of parties in that department of the government, though they may sometimes obstruct salutary plans, yet often promote deliberation and circumspection, and serve to check excesses in the majority. When a resolution, too, is once taken, the opposition must be at an end. That resolution is a law, and resistance to it is punishable.

Some assail the present state legislature for not immediately curing all our problems, but forget that they do prevent the excess of the majority without the state losing its position as being one of the most progressive of the 50 states. Some who attack the legislature for not passing certain legislation forget that when the law is passed, opposition must be at an end. Some who berate the legislature for not acting with speed and dispatch forget that once a law is passed, the majority will is imposed upon the individual, and the resistance thereupon is punishable. We must keep in mind that all laws either take property from a citizen or restrict his freedom, or both; that all laws impose the will of the majority over the individual. Lost sight of is the fact that our concept of government traditionally only allows the majority to control when its action is within constitutional limits, and then only when necessary, not just when it is convenient for the majority. Shunned is the Rousseau theory which caused chaos in France when the general will of the multitude prevailed over the natural rights of the individual.

Now I have heard it said that we now have minority rule in our state legislature because the minority can stop legislation. I would like to direct your attention to a court jury. The jury, 12 men, decides whether a man must pay money to another man. This jury decides whether a man's freedom shall be restricted. How do we protect the individual in this case? By a simple majority? No. By an absolute 100 per cent majority. Why should not the people of this state, standing as individuals, also have a check on the will of the masses, with the power of tyranny within their grasp, with the power, by law, to take property from the individual and to restrict his freedom? The minority under the present constitution cannot pass a law to take property away from the majority or restrict the majority's freedom. They act only as a check. It is not minority rule. It merely protects in the same manner as that of a court jury.

I urge the adoption of the plan the people have voted for. I urge the adoption of this amendment. Incidentally, before I conclude, I would like to say that during the morning hours the research department has been very kind to draw a map of the senatorial districts remaining, keeping them as much intact as possible with Dr. Thaden's projection for 1970, and you will notice that there are considerable changes in various areas. And so that you will not be misled, I would like for you to look at these maps, compare them with the maps which were prepared by the committee, and then realize that both of these maps may be wrong in that the projection population may go one way or the other. We are not sure. I urge the adoption of this amendment.

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, in accordance with the commitment earlier made—I regret we are not going to be able to finish this one before we rise—I move, for the purpose of a 10 minute recess, we now rise.

CHAIRMAN HUTCHINSON: Dr. Hannah moves that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion prevails.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration Committee Proposal 80 of which the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** has considered several amendments thereto and has come to no final resolution thereon.

I have an announcement: there will be a meeting of the committee on legislative powers during the recess. It is of historical importance to the convention; a committee picture. T. Jefferson Hoxie, chairman.

PRESIDENT NISBET: The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. President, I move that we now recess until 3:55.

PRESIDENT NISBET: The question on the motion of Dr. Hannah. Those in favor say aye. Opposed, no.

We are recessed until 3:55. Please return when the bell rings.

[Whereupon, at 3:45 o'clock p.m., the convention recessed; and, at 3:55 o'clock p.m., reconvened.]

The convention will be in order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move the convention resolve itself into committee of the whole for the further consideration of matters on **general orders.**

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor will say aye. Opposed, no.

The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN HUTCHINSON: The committee will be in order. The committee has under consideration **Committee Proposal 80** and in particular an amendment offered by Mr. Boothby. The question is upon the amendment. The Chair recognizes Mr. Knirk.

MR. KNIRK: Mr. Chairman, fellow delegates, I rise with some hesitation to oppose the great liberal, Lee Boothby, but I think that the committee proposal, with a little clarification of a point which we have bypassed for the moment, is certainly a much more reasonable approach to this problem of representation than what Mr. Boothby offers, and I think that we should be very proud of the fact that the legislative organization committee did take the approach that it has very objectively. They did consider Mr. Boothby's suggestion, in the committee, of the status quo, and I feel that the committee very, very solemnly said that they did not want any part of that, and I would like to review for you 2 or 3 items that I think all of us should consider as delegates here in 1962 in writing a document for the next 50 years, realizing what has taken place in the courts in the last very short span of time—less than 10 days—but I think that we can say with a lot of pride and sureness that the steps we have taken have been sound and reasonable.

First, we did unfreeze the districts that were frozen in 1952. Secondly, we did come up with a formula which is fair, and I do realize that some delegates have referred to the fact "not easy to understand," but I think it is easy to understand. I think it is just a matter of a person's study of the proposal, and then his or her attitude toward it, as to whether or not it is easy to explain. Thirdly, I think that in Dr. Joiner's remarks and comments upon the Baker vs. Carr case, known as the Tennessee case, he reminded our committee, through Dr. Hannah, that he felt what we had offered was sound, and that it was an apportionment plan based upon reason, and had a rational approach, and I certainly hope—though I knew that the great liberal, Lee Boothby, was going to make this address today and I am sure he has made it for whatever purpose it might have been—and may I suggest that we just vote on it at this time with no further comment, and vote it down.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Yeager.

MR. YEAGER: Mr. Chairman, I want to demand the yeas and nays.

CHAIRMAN HUTCHINSON: On the Boothby amendment Mr. Yeager demands the yeas and nays. Is the demand supported? The demand is supported. The question is upon the amendment. The Chair recognizes Mr. Pellow.

MR. PELLOW: May I speak on this amendment?

CHAIRMAN HUTCHINSON: You may proceed.

MR. PELLOW: I would like to make a few references regarding this amendment. I would like to start with what the Republican chairman said about the senate, the Republican state chairman, Mr. Van Peursem. I am going to make a few quotations which I had made before regarding the governor.

Prior to the election there were a few talks about this as regarding the upper peninsula, when the various chairmen and so forth come up before an election and they tell the people from the upper peninsula that they don't want to take any representation away from them, and this is a quote also from the Marquette Mining Journal dated August 28, 1961. Now I am going to quote the great Republican state chairman regarding this, when he stated this—Mr. George Van Peursem, the Republican state chairman—regarding the Republican party's position prior to the election, and this was given over television with Mr. Richards, who is a delegate from the Marquette district wherein I ran. I represent, for the record, senatorial district 31, consisting of the counties of Gogebic, Iron, Dickinson and Marquette counties. Mr. Richards also represents that county, the representative district, and he appeared on television with Mr. Van Peursem. This is a quote from the Marquette Mining Journal of August 28, 1961. I think it is pertinent to all of the delegates here to realize what is said now that the convention is called, and what was said prior to the time that the convention was called by the people of both parties in order that not only the delegates but that the people may realize that apparently the positions of the parties and the leaders change depending upon whether or not there is or there is not an election. Mr. Van Peursem stated, and I quote—and if I am incorrect you may check the Journal, the Marquette Mining Journal where this was reported, and this was an actual quotation on Monday, August 28, 1961, and prior to that—I don't know whether or not Mr. Richards is here, but the question was asked him specifically whether or not the Republican party was to take any representation away from the people of the upper peninsula, and the answer of Mr. Van Peursem was that not one representative or one senator would be taken away from the people of the upper peninsula by the Republican party.

Now we have seen what is apparently going to happen down here at this particular convention; that the people of the upper peninsula are going to lose, according to the package deal that was agreed to by the Republican party, 2 seats to Oakland county because that is where the deal has apparently originated. And I quote:

> "If the program endorsed by the Democrats wins in con con," said Van Peursem, "the upper peninsula will lose 4 representatives and 2 senators. They will be reduced by 3 representatives and 1 senator. Can you imagine a senator representing a 15 county area that stretches from Ironwood to the Soo with all the different economies of this big area?"

And he goes on to state in this very long report that he gave to the people of the state of Michigan that the Republican party was against any loss of representation for the people of the upper peninsula. And in the same breath the Republican party comes down here and they are taking away a minimum of 2 seats from the people of the upper peninsula, and they justify this, now that the election is over, that they are at least holding what the people have. For the purpose of the record I want to call this to the attention of all the delegates, and I am very disappointed that the Republican party chairman says one thing before the election, and as soon as the election is over they want to endorse a house of representatives strictly on population and give the upper peninsula 1 or 2 senators and call it a day. Thank you.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Boothby. The yeas and nays have been ordered. Mr. Nord.

MR. NORD: Mr. Chairman, I simply want to say a few words about the Boothby amendment, and these words are as follows: the Boothby amendment is based certainly on logic. If you start with this premise that no change is needed he has

a perfect cure. If no change is needed, of course you make no change. And therefore I believe he has put the issue point blank to us: is any change needed or not? I believe, in fact, he has put the issue to us as squarely as anyone in the convention can put it. And I believe we should answer that question, and we should all answer it the same way: a change is needed; and a change being needed, the logic will not arrive at the result that Mr. Boothby asks, and I certainly oppose this amendment.

CHAIRMAN HUTCHINSON: All those in favor—

MR. DEHNKE: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Dehnke.

MR. DEHNKE: I think before this discussion is concluded somebody ought to state for the record, for the information of Delegate Pellow and those who may hear from him in the future, that if the proposals made by his colleagues in this convention by a 100 per cent support, except for himself and the colleague from his county, had prevailed, the Republican proposal or the majority proposal, as he may prefer to call it, would have looked most attractive indeed.

CHAIRMAN HUTCHINSON: The Chair recognizes Judge Leibrand.

MR. LEIBRAND: Mr. Chairman and delegates, I rise to announce my wholehearted support of the Boothby amendment. I do so for 2 reasons, possibly for 2½ reasons. Each year the voters of this state are faced with a multitude of ballot issues. Some arise out of city charters, some come from statutes referred by the legislature and some come on constitutional amendments.

Now my experience has been that when the voters don't understand—don't thoroughly understand—what they are voting on, they almost invariably vote no. I have done this myself on a number of occasions. I feel that probably every delegate in this convention, except possibly my good friend Delegate Hale Brake, has also done the same thing. Now I feel that the complexity of this Committee Proposal 80 is beyond—not beyond the average voter's comprehension, but it is complex to the degree that he will not give—he or she in deference to Delegate Butler—that he or she will not give the time to it that is necessary to understand it.

We have been in debate here—I have read this proposal several times. It has been debated for at least a day and a half, and I can't honestly and sincerely say that I understand the effect of this proposal either presently or as it may be projected into the future. And it is my fear, and a sincere fear, that—since representation means a mighty lot, legislative representation means a great deal to the people of the state—not understanding this Committee Proposal 80 as it has been several times amended, they will turn out in great droves and defeat the entire constitution.

My second reason has been touched on to some extent by Delegate Boothby, but I have, perhaps, a little different slant on it, and that is within the last 10 years this very question that we are called upon to vote upon next year has been decided by the people. It was decided by a majority of 300,000 votes in favor of the identical language that Mr. Boothby places before us today and, for the benefit of the one man, one vote advocates in this convention, I will say that it was decided back in 1952 on a one man, one vote basis. And I will say further that if the one man, one vote advocates thought that they could get this out of the constitution by a direct vote of the people they would long ago have placed an initiative proposal upon the ballot and would have done it. I don't think they could have done it in the past; I don't think they could do it today. In 1952 the voters froze in the senatorial districts. As has been stated, 80 out of 83 counties gave a favorable majority to the freezing, and they weren't small majorities; they were majorities of 2, 3, 4, 5 and 6 to 1 in favor of the freezing. For those who want to check on their own counties, I have on my desk, on the temporary desk loaned me by Dr. Hannah, the 1953-1954 Michigan Manual, and if you wish to check on the sentiment of your own counties in 1952, I hope you will do that. Now I don't know that the sentiment has changed since 1952. As a matter of fact, I don't believe it has changed. I feel that the voters knew what they were doing in 1952, and they would do it again today if presented with the Boothby amendment.

Finally, for my half reason: I don't care what others do, but I am not going to panic about this supreme court decision. I don't think there is a delegate in this convention who has really any concept of what that decision means. As a matter of fact, I don't believe the Supreme Court of the United States knows what ultimately they are going to do, why they are going to do it or when they are going to do it, and if the supreme court itself doesn't know it, how can we be expected to anticipate and guess and surmise what the ultimate outcome of the supreme court cases may be? Now, in completion, I once again urge support of the Boothby amendment.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, I have great respect for Judge Leibrand and others that feel as he feels; they would like to retain the status quo as it is. I am also a great believer in the committee system in legislative bodies, including this convention. Mr. Boothby was a member of our committee. His championship of the proposal which he has now reintroduced, that we stand pat, do nothing with redistricting the legislature, was vigorously presented in the committee and was unanimously rejected in that no other member of the committee subscribed to his feeling about it. Without belaboring the matter further, I should hope that this committee will stand with the organization committee and with, I hope, the minority party and reject the Boothby amendment.

CHAIRMAN HUTCHINSON: The question is upon the Boothby amendment, and the yeas and nays have been demanded. Mr. Boothby.

MR. BOOTHBY: Mr. Chairman, ladies and gentlemen of the committee, just a few short remarks. Mr. Knirk has raised the question, to a certain degree, as to what my purpose was in submitting this amendment before this delegation. I am most happy to reply to Mr. Knirk's indirect question, because I think it brings actually the question to issue. The reason I offer this amendment is because the people of the state of Michigan in 1952 spoke in favor of it. I can understand why we should believe in the committee system. This apparently is the great American tradition. It was once said that when there was an airplane flying rather high and the motor conked out, that a group of American passengers aboard said "Well, we had better get a landing committee ready." This apparently is the American tradition. But even further than this tradition of looking to committees, when there is a chance I would rather look to what the people themselves say, and the people did say in 1952.

Now my second purpose is this: on not too many issues did the people of my district, Berrien and Cass counties, ask me how I would vote when I came to this constitutional convention. They said they would leave it in my hands. But they did ask me this question every single place I went: how will you vote on apportionment? How will you vote on senate apportionment? Will you allow for any greater control in the metropolitan areas or will you provide us with a balanced legislature? It was my solemn commitment that I would provide a balanced legislature if it was within my power, and would speak in that behalf. And I would like to say that what the committee has amended on the floor, has come up with according to Dr. Thaden's figures, is a situation where Wayne, Oakland, Macomb, Genesee, the 4 great county complex of the southeastern area, now would have 19 senators. That is an increase from 10 to 19, an increase of 9 senators. Can I go back to my people and say that I didn't vote in favor of any increase in that metropolitan complex representation in the senate; that I have preserved the balanced legislature when the 4 counties of the state can pretty much control both houses of the legislature? I feel that I cannot, and for that reason I did submit this amendment. That is the second purpose.

The third purpose is that when our legislative organization committee, of which I was a member, traveled through the state, we had 3 stops. We went to Wayne county. In the afternoon in the city of Detroit we heard 104 people speak—or we

heard people speak and there were 104 people present. In the evening there were 111 people present when certain individuals were speaking. Some of the people who spoke in the city of Detroit spoke of the straight population one man, one vote. There were many people, however, that spoke for the present apportionment plan.

Then we went to the city of Kalamazoo. What did we meet in the city of Kalamazoo? We found almost—with just 2 or 3 exceptions—a situation where the people speaking at that meeting were in favor of the present 1952 amendment, the present amendment which is before you. There were, I think, about 125 to 150 people in Kalamazoo.

We went to Berrien Springs. Berrien Springs had as many people as you could jam and pack into the local county building. People were there from several counties. It has been estimated at between 600 and 800 people were present in that building. The reason why they couldn't find out exactly how many people were there is because they were piled up behind the stage and some in adjoining rooms. And, with one exception, every single speaker there either spoke in favor of the 1952 amendment or in favor of the plan where every county would receive one vote in either the house or the senate.

So the hearings that we had throughout the state convinced me that the majority of the people of the state had not changed their minds from the time that they had voted in 1952. They had the same ideas then, just 2 or 3 months ago, that they had in 1952. I believe that their voice spoke much louder than our committee's voice spoke.

Now, one further thought, and that is this: I think that when New Jersey held its constitutional convention they gave consideration to this question of apportionment, and they came up with a very, very wise decision. The people of New Jersey said we do have some things we need to change in our constitution. There are certain areas that we must change, and we must see that there is nothing in the constitution which we will submit to the people that will cause it to go down, which will cause the constitution to go down the drain. So very wisely the people of New Jersey, meeting in their constitutional convention, said: we will not in this convention consider that matter of apportionment. It is too vital, it is too great, it is too important to sandwich in a package with all the other questions before that constitutional convention body. So they decided not to consider apportionment. I think it would be a wise choice for us to retain the 1952 amendment; in other words, not to materially alter the situation. If there is something to be changed, then let the people speak. Let the people, each and every one of them throughout the state, speak according to whether it should be changed. I think the people of New Jersey were very wise. I think they contemplated a situation which could have caused the defeat of the New Jersey constitution. So I would submit this as being a very wise consideration, and would urge you to think about this matter when you come to vote on this amendment, because the amendment which I have placed before you does not even change one comma of the amendment which the people adopted in 1952. I do not want this constitution to go down the drain because we have sandwiched in the package a very controversial question.

Now, one additional thing that I would want to point out because the question was raised in the hall. Someone asked me if this map that I passed around was my amendment. It is not my amendment. It is not even the committee's amendment, because the committee's amendment no longer stands before you in this hall because it was amended a few minutes ago when Dr. Pollock's amendment went in. The metropolitan area picked up at least 2 more senators. So you don't even have before you the report that came out of the committee on legislative organization. The map which was passed around is the map of the committee's recommendation with the Pollock amendment attached thereto, and taking into consideration the population projection of 1970 that Dr. Thaden testified and gave us in the legislative organization committee. I would like to point out there are many changes throughout the state. For instance, the Allegan-Van Buren-Barry county senatorial district, senatorial district 8, would have to have Eaton county added to it. The Montcalm-Gratiot-Ionia district has Clinton and Shiawassee added to it. Then you take the district over about midway in the state, next to Lake Michigan, and you have a 1, 2, 3, 4, 5, 6, 7 county senatorial district, which is materially different than the present senatorial makeup.

I say if you look at this map you will see that your senatorial districts, if Dr. Thaden's projection is correct, will be materially changed and altered. I think the people of the state of Michigan are going to think twice before they adopt a constitution which materially alters and changes the amendment which they adopted in 1952. I urge the adoption of this amendment by each and every one of you that made commitments to your people back home.

CHAIRMAN HUTCHINSON: Mr. Norris.

MR. NORRIS: Mr. Chairman, ladies and gentlemen of the committee, just a brief comment, and perhaps a question to Mr. Boothby. He did preface his observations with regard to certain quotations from the Adams brief in the Scholle vs. Hare case, and sought to establish that there was a reasonable classification here which would comport with the standards of equal protection which have been only in part elucidated in the recent Baker vs. Carr decision.

We have before us a proposition in the Boothby amendment which would continue the freezing of the senatorial districts. In 1952, if we took senatorial district 32 and compared it with senatorial district 12, district 32 being the Keweenaw area and the Oakland county area district 12, there would be a disparity of 6½ to 1. That is, a vote for the state senator in the Keweenaw area would be worth 6½ times the value of a vote in Oakland county for the state senator in that district. I understand in 1960 the population changed so that in the Keweenaw area a vote for the state senator in that area would be 12.3 times the value of a vote for state senator in Oakland county. I understand that the committee on legislative organization had before it data which indicated that in 1975, if this procedure continued unabated, the value of a vote for state senator in the Keweenaw area would be 28 times the value of a vote for state senator in Oakland county.

I would like to address this question, then, to Mr. Boothby, and indeed to those who argue that the present 1952 amendment ought to continue: does this constitute a reasonable classification, especially when the classification which accounts for this disparity in the value of votes will be frozen and continue to be frozen?

MR. BOOTHBY: Mr. Chairman, Mr. Norris and ladies and gentlemen of the committee, my answer to this was actually made in my presentation when I read from Attorney General Paul Adam's brief, where he indicated that the classification was reasonable and that the people of the state, when they adopted the 1952 amendment, were acting reasonably in the classification. This is a little different than if the legislature, or if the constitutional convention would make this classification. Here the people of the state decided that this would be the classification, and as Attorney General Adams indicated in his brief—and I do not want to read further from it—he said that the people of the state had the right to decide, in looking at the state of Michigan, whether they were going to group certain economic areas together, whether they were going to group together various other factors in senatorial districts, and whether they were going to give some economic weight and population weight and some other weight in the senatorial districts. He merely stated, and my answer is, that when the people of the state made their choice they set up a classification which Attorney General Adams argued—and I am not going to dispute his word—was reasonable.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, I will be very brief. I rise to oppose the Boothby amendment. I think it should be pointed out to Delegate Boothby, when he refers to the fact that 4 counties, Wayne, Oakland, Gensee and Macomb, would have under the committee proposal, as I understand it, 19 senators, I think it should also be pointed out that these 4 counties have well over 50 per cent of the total population of the state. Mr. Boothby had a lot to say about the hear-

ings that were held in Detroit, Kalamazoo and Berrien county. Mr. Boothby is well aware that you couldn't really get a good cross section of opinion on this issue from those hearings, because the one in Detroit, as all the delegates of the committee know, was soft pedaled. There was no concerted effort to pack a hall or make a traveling circus out of the hearing. On the contrary, in Berrien county there was a concerted effort. There were cards sent out that were misleading. I got a hold of one of the cards. Cards were mailed out—I am not sure by which organization, and I will not attempt to say which organization, but Delegate Boothby knows. On this card it said simply, "Stop Wayne county domination. Attend hearing at Berrien county." Now anyone knows that this was misleading information, because even on a straight population basis, the one man, one vote principle, Wayne county could not dominate. I agree with Delegate Boothby, however, from my experience at the Berrien Springs hearing, that it was obvious that the people did not want any change in that area, and I got the impression if anything they didn't even want the status quo; they would rather go back and have more malrepresentation.

I think, while I am not happy with the committee report—I call it a "flirtation" with equality; and my definition of that is "attention without intention"—but I would say to Delegate Boothby in closing: slumber not in the tents of your forefathers, Delegate Boothby, and swim not in the sea of indifference; the state, the world and the nation is on the move. Let's advance with it.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Boothby. The secretary will read an amendment to the amendment.

SECRETARY CHASE: Messrs. King and Walker offer the following amendment to the amendment:

1. Amend the amendment in the third sentence, after "twelfth" by striking out the comma and inserting "and seventeenth,"; and after "sixteenth" by striking out "and seventeenth".

CHAIRMAN HUTCHINSON: On the amendment the Chair recognizes Mr. King.

MR. KING: Mr. Chairman, fellow delegates, I shall try to be brief. First of all, I want to point out to Mr. Boothby that some of us in that invidious metropolitan complex of Wayne, Oakland, Macomb and Genesee—I know that you didn't use the word invidious, but I once read in a book that every time you learned a new word you should try to use it the same day, and I gathered that you were thinking along those lines—but I would like to point out that we are not always bad, and in a little time you could come to like us. But I am aware of the fact that the clock on the wall is moving, and the calendar on the wall is changing, and I think it says 1962, but from our side of the hall Mr. Boothby and I can't see that. But, it is 1962, and it is April 4.

I have only 2 regrets, really. First of all, I know this is a day for home consumption and I had quite a lengthy speech prepared. I was going to send the original to the Pontiac Press and a carbon copy to the Marquette Mining Journal, (laughter) but in the interest of saving time I will not read it. My other regret is that Lee Walker and I are at long last together, and it is with great sorrow that Lee and I have decided that perhaps we shouldn't take the committee's time with this amendment. But all is not lost, because Lee and I have agreed that in the interest of time we will withdraw our amendment, and at this time I would like to yield to my good friend Lee Walker.

CHAIRMAN HUTCHINSON: Pending withdrawal of the amendment the Chair recognizes Mr. Walker.

MR. WALKER: To be even more brief, I will say, me too.

CHAIRMAN HUTCHINSON: The amendment is withdrawn. The question is upon the amendment offered by Mr. Boothby. Mr. Dell.

MR. DELL: I don't wish to belabor this discussion any further. I think it has been debated well, but I did study the proposal that came in from the committee, and I am prepared to support it. Now this morning there was an amendment attached to that proposal, and I must admit that I do not know what the results will be in the future under this amendment. I do know what the Boothby amendment will do, and I therefore am going to support the Boothby amendment.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Boothby. The yeas and nays have been demanded. Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman, members of the committee, I have listened to Mr. Boothby's presentation of his amendment, and I would like to compliment him on a job well done. I may argue the substance of what he has said, but at the same time I have a bit of a problem reconciling the position that has been taken by the minority on several issues. The minority has spoken here for about 6 months now of equality at the ballot box. They have referred constantly to the people speaking at an election at large with respect to the retention of earmarked gas and weight taxes, with respect to the retention of an elective administrative board, with respect to the earmarking of sales taxes, with respect to the earmarking of penal fines, with respect to the selection of the judiciary, and on and on. Most of these, as you will recall, were by constitutional amendment, adopted by the people with equality at the ballot box, one man, one vote. The people have spoken much more recently with respect to apportionment of the senate, especially, than any of the foregoing issues which I am sure you will recall; in 1952 and more recently in an issue that was raised and made an issue by the very minority in the selection of delegates to this convention.

In spite of all the logical, reasonable arguments in favor of eliminating the earmarking of funds, the appointment of administrative boards, the minority has said the people like it this way, we should therefore retain it. Do not the people, in view of the elections mentioned, like apportionment, especially of the senate, this way? Although Emerson has said that "foolish consistency is the hobgoblin of small minds," I would only remind the minority that there is a limit to poetic license. Thank you.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Nord.

MR. NORD: Mr. Chairman, I regret that Mr. Brown has finished so soon. I hardly had time to jot down around 8 or 9 points to answer him. As a matter of fact, I only have one that I can read.

First of all I would say that I, in any event, who have certainly spoken strongly for the minority report on apportionment, I have never taken the position at all that we must do what the people have done in the past just because they have done it. Quite the reverse. I, for example, took the position that I was against highway earmarking and in favor of school earmarking for different reasons, and I will go further; I stated on the floor—and if I omitted to, I certainly wish to make a correction and do it now—I am in favor of removing all earmarking for penal fines and all the earmarking you can think of, whatever I may not think of. I am in favor of all of those in the event that we have a legislature which is based on one man, one vote, whatever mechanical system may be the way of accomplishing that.

Not only that, I have taken pains all along to say this: if the people have spoken, and that's all there is to it, why have we got a constitutional convention? All we have to do is find out what's in the constitution, because everything in the present constitution was put there by the people, without any exception. Nobody forced it on them. They voted for every single provision that is in the present constitution. But they also voted for the constitutional convention, and the constitutional convention was called for the purpose of finding out whether all of the various things they had agreed upon in the past make sense together or whether they should be taken apart, removed one at a time or jointly.

I think, therefore, that the argument of Mr. Brown is certainly not a valid argument, it doesn't fit the facts. The only thing I could say to conclude this subject is this: give us a legislature based on one man, one vote and you will find no sign of earmarking, and you will find us reversed on a great many crucial issues, if not every crucial issue, and we at-

tempted to say so every time these issues came up. I believe our position is about as consistent as a human being can be when he is speculating on what kind of a legislature he may have.

CHAIRMAN HUTCHINSON: Mr. T. S. Brown.

MR. T. S. BROWN: Mr. Chairman, fellow delegates, utilizing the same argument given by brother Garry, in 1960 the people of the state of Michigan elected John Swainson governor, and I suggest, therefore, that since they have spoken once, and are correct in all of their judgments, that we not hold a gubernatorial election this year.

CHAIRMAN HUTCHINSON: Mr. Knirk.

MR. KNIRK: Chairman Hutchinson, ladies and gentlemen of the committee, I think we have spent an hour and 20 minutes on this particular amendment. I think everyone has had their say. I certainly hope that, in all seriousness, we will get down to work here and put this to a vote. And I am just going to say this: let your conscience be your guide.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Boothby. Judge Dehnke.

MR. DEHNKE: Mr. Chairman, this matter is of considerable importance to a great number of us. Thinking back to the 1952 election, I am sure you would be interested in the fact that there was only one county in the state which voted no on both the proposals that were submitted to the people at that time. That county was Oakland. They turned down the strict population apportionment by a heavy majority, but they also turned down by a much smaller majority the so called balanced legislature program, which reflected an opinion, in which I think they were justified, that even in 1952 the disposition that had been made of that particular county was not equitable; and that situation has been made worse, from their viewpoint, by the population changes since that time. I would find it much easier to support the Boothby amendment if provision had been made to correct that outstanding inequity, and perhaps some others that should have attention. I think that is all I care to say at this time.

CHAIRMAN HUTCHINSON: The question is upon the amendment of Mr. Boothby. The yeas and nays have been ordered.

MR. W. F. HANNA: Is this a record vote?

CHAIRMAN HUTCHINSON: This is a record roll call vote. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. MARSHALL: Mr. Chairman.

CHAIRMAN HUTCHINSON: For what purpose does the gentleman rise?

MR. MARSHALL: Would I be in order to demand Delegate Hodges' vote?

CHAIRMAN HUTCHINSON: The gentleman is admonished that he has no power to decline to vote, but you have no power to demand it.

MR. MARSHALL: Boy, that one got me.

CHAIRMAN HUTCHINSON: Does Mr. Hodges wish to vote?

MR. HODGES: Mr. Chairman, it seemed to me that the difference between the plans didn't justify the effort that is required to push the button, but I will vote no.

CHAIRMAN HUTCHINSON: Mr. Hodges votes no.

The roll was called and the delegates voted as follows:

Yeas—20

Boothby	Finch	Powell
Brown, G. E.	Gover	Prettie
Dell	Hatch	Richards, J. B.
Doty, Dean	Higgs	Shanahan
Doty, Donald	Hoxie	Tweedie
Erickson	Leibrand	Wood
Everett	McAllister	

Nays—111

Andrus, Miss	Hart, Miss	Perlich
Austin	Haskill	Perras
Baginski	Hatcher, Mrs.	Plank
Balcer	Heideman	Pollock
Barthwell	Hodges	Pugsley
Beaman	Hood	Radka
Bentley	Howes	Rajkovich
Blandford	Hubbs	Romney
Bledsoe	Iverson	Rood
Bonisteel	Jones	Sablich
Brake	Judd, Mrs.	Seyferth
Brown, T. S.	Karn	Shackleton
Buback	Kelsey	Shaffer
Butler, Mrs.	King	Sharpe
Conklin, Mrs.	Kirk, S.	Sleder
Cudlip	Knirk, B.	Snyder
Cushman, Mrs.	Koeze, Mrs.	Spitler
Dade	Krolikowski	Stafseth
Dehnke	Kuhn	Staiger
Donnelly, Miss	Lawrence	Stamm
Douglas	Leppien	Starrett
Downs	Lesinski	Stevens
Durst	Liberato	Stopczynski
Elliott, A. G.	Madar	Suzore
Elliott, Mrs. Daisy	Mahinske	Thomson
Farnsworth	Marshall	Tubbs
Faxon	Martin	Turner
Figy	McCauley	Upton
Follo	McGowan, Miss	Van Dusen
Ford	McLogan	Walker
Gadola	Millard	Wanger
Goebel	Nisbet	White
Greene	Nord	Wilkowski
Gust	Norris	Woolfenden
Habermehl	Ostrow	Yeager
Hanna, W. F.	Page	Young
Hannah, J. A.	Pellow	Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Boothby, the yeas are 20; the nays are 111.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Hodges and Lesinski offer the following amendment:

1. Amend page 1, line 9, after "Sec. a.", by striking out the balance of the section and inserting "The senate shall consist of 35 members elected for 4 year terms concurrent with the term of office of the governor. Senators shall be elected from single districts which shall be composed of contiguous territory and be compact. Each district shall contain, as nearly as may be, an equal number of persons, but in no case shall the districts vary in numbers of people more than 15 per cent above or below the ratio of population determined in the state as a whole, according to the latest federal decennial census, by dividing the total population of the state by 35.".

CHAIRMAN HUTCHINSON: The question is upon the amendment. Mr. Hodges.

MR. HODGES: Mr. Chairman and fellow delegates, this is merely offered to get at probably the heart of the question, as it is quite obvious this is a straight population in the senate with the deviation of 15 per cent, which has been considered by the experts that we have at least studied as the maximum allowable deviation to take into consideration the problems of districting. This has no mechanical weighting or anything else. It is straight population. I am not going to belabor the point. I think this is very clear. I would demand the yeas and nays on it, and I will yield to Mr. Lesinski, the cosponsor, for more remarks.

CHAIRMAN HUTCHINSON: Mr. Hodges demands the yeas and nays on the amendment. Is the demand supported? Sufficient number up. The demand is supported. The yeas and nays are ordered. The Chair recognizes Mr. Lesinski.

MR. LESINSKI: Mr. Chairman, fellow delegates, I believe we have a very good amendment. It is very simple. I believe it meets Judge Leibrand's—answers his question on simplicity. It is easy to understand. All believers in good and fair representation would vote for this if this was brought up to the people of the state of Michigan.

CHAIRMAN HUTCHINSON: The question is upon the amendment, and the yeas and nays have been ordered. All those in favor of the amendment will vote aye. Those opposed

will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—41

Austin	Greene	McGowan, Miss
Baginski	Hart, Miss	Nord
Balcer	Hatcher, Mrs.	Norris
Barthwell	Hodges	Ostrow
Bledsoe	Hood	Pellow
Buback	Jones	Perlich
Cushman, Mrs.	Kelsey	Sablich
Dade	Krolikowski	Snyder
Douglas	Lesinski	Stopczynski
Downs	Liberato	Suzore
Elliott, Mrs. Daisy	Madar	Walker
Faxon	Mahinske	Young
Follo	Marshall	Youngblood
Ford	McCauley	

Nays—83

Andrus, Miss	Haskill	Radka
Beaman	Hatch	Rajkovich
Bentley	Heideman	Richards, J. B.
Blandford	Higgs	Romney
Bonisteel	Howes	Rood
Boothby	Hoxie	Seyferth
Brake	Hubbs	Shackleton
Brown, G. E.	Iverson	Shaffer
Butler, Mrs.	Judd, Mrs.	Shanahan
Conklin, Mrs.	Karn	Sharpe
Cudlip	King	Snyder
Dehnke	Knirk, B.	Spitler
Dell	Koeze, Mrs.	Stafseth
Donnelly, Miss	Kuhn	Staiger
Doty, Dean	Lawrence	Starrett
Doty, Donald	Leibrand	Thomson
Elliott, A. G.	Leppien	Tubbs
Erickson	Martin	Turner
Everett	McAllister	Tweedie
Farnsworth	McLogan	Upton
Figy	Millard	Van Dusen
Finch	Page	Wanger
Gadola	Perras	White
Goebel	Plank	Wilkowski
Gover	Pollock	Wood
Habermehl	Powell	Woolfenden
Hanna, W. F.	Prettie	Yeager
Hannah, J. A.	Pugsley	

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Hodges and Lesinski, the yeas are 41; the nays are 83.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: That is all of the pending amendments on the desk to section a at this time.

CHAIRMAN HUTCHINSON: Are there any further amendments to section a? If not, section a will pass.

Section a, as amended, is passed. Mr. Downs.

MR. DOWNS: Now that we do not have the committee rise and revote on the committee report, if any of us wish to vote for or against this, will we get the opportunity when we are done with the whole section, or would we need to put in an amendment to strike the whole section in order to indicate a record vote against a particular part?

CHAIRMAN HUTCHINSON: You are asking the chairman of the committee of the whole to rule upon that matter, are you?

MR. DOWNS: I am asking you as chairman of the committee of the whole which also has the function of the convention in the sense of having a record roll call vote, yes.

CHAIRMAN HUTCHINSON: It is the understanding of the Chair and what you are asking, in effect, is whether it would be in order in the committee of the whole to make a motion for the adoption of the proposal in the form in which it is finally amended and completed in the committee of the whole before the committee rises?

MR. DOWNS: Yes.

CHAIRMAN HUTCHINSON: As the rules now stand, it is not my understanding that that would be in order. It is not the function of the committee of the whole to adopt the proposals. It is the function of the committee of the whole simply to adopt amendments which it recommends to the convention. Under the rules as we have now amended them, the recommendations of the committee of the whole are agreed to by the convention without further action. The matter comes back from the committee on style and drafting and then is before the convention, and at that time any proposal may be voted up or down by a record roll call.

MR. DOWNS: Another parliamentary inquiry, Mr. Chairman. Am I in order to make another parliamentary inquiry?

CHAIRMAN HUTCHINSON: Certainly.

MR. DOWNS: If then, before the committee rises, and we still have this Committee Proposal 80 before us, would it then be in order to offer an amendment to strike the whole proposal or to strike particular parts thereof and get recorded roll call votes on that?

CHAIRMAN HUTCHINSON: The Chair thinks it would be—

MR. DOWNS: Thank you.

CHAIRMAN HUTCHINSON: —if and unless the situation is presented in such a way that the committee of the whole has already acted upon the precise question once before. For instance, if you should again offer an amendment which this committee has already acted upon, you see, the point could be raised that the committee has acted upon that one. But if you were going to offer an amendment, for instance, to strike out everything after the enacting clause, the Chair supposes it would be in order.

MR. DOWNS: Thank you.

MR. WOOLFENDEN: Parliamentary inquiry.

CHAIRMAN HUTCHINSON: Mr. Woolfenden.

MR. WOOLFENDEN: I believe the Chair announced that section a has been passed. It was my understanding that part of it is yet to be drafted. There is a reservation, I believe. Am I correct in that?

CHAIRMAN HUTCHINSON: The committee passed section a, but of course, after we get through section b, then before the entire proposal is passed by this committee finally, it is in order to offer amendments to the body of the proposal, and at that point it is in order to offer further amendments to section a.

MR. WOOLFENDEN: Mr. Chairman, it was my understanding that Dr. Hannah expressly requested that a portion of section a be withheld from final action by the committee of the whole to permit possible redrafting.

MR. W. F. HANNA: Subsection 2, Mr. Chairman. We asked that subsection 2 be held, and I think it was agreed to and put at the end of Committee Proposal 80.

CHAIRMAN HUTCHINSON: The Chair is reminded of that, and therefore revokes its previous order that section a has passed, and we will proceed to the consideration of section b. The Chair recognizes Mr. Nord.

MR. NORD: Point of information, Mr. Chairman. There appeared on my desk a short time ago an amendment to section a, I believe, offered by Dr. Pollock, and I wondered whether that is not before us or whether it is before us at this time?

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I am sure the secretary did this inadvertently, but I did put in a substitute to the whole section, but in the light of the action of the committee of the whole in accepting important amendments and perfecting amendments which I offered, I withdraw that amendment at this time.

CHAIRMAN HUTCHINSON: Thank you, Mr. Pollock.

SECRETARY CHASE: Mr. Pollock withdraws his amendment to section a.

CHAIRMAN HUTCHINSON: If there are no further amendments to section a at this time, the committee will proceed to the consideration of section b, and the Chair recognizes Dr. Hannah.

ONE HUNDRED FIFTEENTH DAY

Thursday, April 5, 1962, 9:00 o'clock a.m.

PROCEEDINGS

PRESIDENT NISBET: The convention will please **come to order.**

Our **invocation** this morning comes to us through the courtesy of Delegate Rush, to be given by the Reverend Ellis Hart of the Methodist Church of Durand.

REVEREND HART: Let us pray. Almighty God, may we open the windows of our souls toward Thee, for we need the inspiration of the heavenly vision for our nearby task. Grant us strength and serenity of mind and heart as we meet the challenge of problems and questions for which our human wisdom does not seem to have a satisfactory solution and a right answer. Help us to see more clearly how important and vitally necessary it is for us to spend some time in being still and listening to Thy voice if we would gain a better perspective and know the right approach to the duties and responsibilities which baffle us.

May we daily avail ourselves of the great moral and spiritual resources which Thou hast placed at our disposal, lest we thwart our souls and do violence to our highest nature. May we not be stubborn or ill willed so as to cloud our minds that we may not be able to discern the thoughts and aspirations of others. May we accept the right solution to each problem even if it is not our own. Grant that the constitution which shall be completed will be so well written that it will be accepted by all of the people. This we ask in our Father's name. Amen.

PRESIDENT NISBET: The **roll call** will be taken by the secretary. Those present will please vote aye. Have you all recorded your attendance? If so, the secretary will lock the machine.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

Prior to today's session, the secretary received the following requests for leave: Mr. Baginski, temporarily, from today's session; and Mr. Liberato, from today's session.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Messrs. Anspach, Baginski, Mrs. Conklin, Messrs. DeVries, King, Liberato, Mosier and L. W. Richards.

Absent without leave: Messrs. Murphy and J. B. Richards.

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings, the following delegates entered the chamber and took their seats: Mrs. Conklin, Messrs. J. B. Richards, Murphy and King.]

Reports of standing committees.

SECRETARY CHASE: No committee reports, Mr. President.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: No resolutions on file.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders.** The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move the convention resolve itself into committee of the whole for further consideration of Committee Proposal 80.

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor will say aye. Opposed, no. The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN HUTCHINSON: The committee will be in order. The secretary will read.

SECRETARY CHASE: The committee of the whole has under consideration **Committee Proposal 80,** pertaining to the reapportionment of the legislature. The proposal has been considered by sections. There are now pending some amendments to the body of the proposal.

For last previous action by the committee of the whole on Committee Proposal 80, see above, page 2135.

The first amendment on file to the body of the proposal is by Mr. Norris:

1. Amend page 1, line 9, after "Sec. a.", by striking out the balance of the proposal and inserting "The legislature shall be composed of a single chamber consisting of one member to represent each legislative district. The number of members shall be prescribed by law, but shall not be less than 100 nor exceed 125.

For the purpose of electing members of the legislature, the state shall be divided into as many districts as there shall be members of the legislature. Each district shall consist of compact and contiguous territory. All districts shall be so nearly equal in population that the district with the greatest population shall not exceed the district with least population by more than 15 per cent thereof.".

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Norris.

MR. NORRIS: Mr. Chairman, fellow delegates, it is the purpose of this amendment to formally place before you the principle of the provision of the model state constitution of the national municipal league calling for a single chamber legislature. It is my opinion that we would not be fully regarded as a deliberative body by the people of this state if, on the agenda of matters which deal with reapportionment and the composition of the legislature, we did not dispositively have before us the question of a single chamber house.

In speaking to numerous groups throughout the state, particularly those who are students and associated with universities and colleges, the question frequently arises as to what is the position of this convention regarding a single chamber house. And I can tell them that the matter was brought up before the committee on legislative organization, that I was instrumental in bringing to that committee the vice chancellor of the University of Nebraska, Dean Breckenridge, and a state senator from the Nebraska legislature, a Republican from Omaha, who described in detail the operation of the Nebraska one house chamber. I am certain that the candor and learnedness with which these gentlemen described the operation of that single house chamber had an effect upon the committee, at least in terms of enriching its understanding with regard to the matter before us. I think it is most germane that we bring this matter up at this time.

I do hope that there will be a sufficient number of delegates here to record their conscience in history, because I believe the single house legislature, if not part of the constitution that emerges from this assembly, will be part of Michigan's future. Judge Charles Simons, the last survivor of the 1908 Michigan Constitutional Convention, recommended to the delegates of the 1961-62 convention at our opening banquet that we bring forth a document that represents the best thinking of our day. I submit that the best thinking of our day supports a single chamber legislature.

The basic premise and keynote of this amendment at this time in Michigan is simply this: no single recommendation could emanate from this convention to dramatize more effectively to the people of this state and the people of this nation that Michigan means "business and jobs" than the proposal for a single house legislature. By adopting a single chamber now, we demonstrate that Michigan is not only our state, but our cause; not only our home, but our mission; not only our responsibility, but our purpose. We announce by this act that we are again on the road to national leadership of the states of this union. The extremity of our state can also be the opportunity for greater service. It is the task of leadership in Michigan to capture the imagination, to inspire, to make issues clear, to harness and direct the creative energies of the people on behalf of Michigan as a cause, a mission, a purpose. We must project the spirit of audacity in democracy, on behalf of effective liberty and good government. The people will support and vote for a positive proposition if leadership provides a rational way for people to relate their pocketbook, their rights, their property and their pride of country to that proposition. Washington wrote that "The masses of people always mean well and will always act well when they can obtain a right understanding." Leadership in our state and in this convention must provide that "right understanding." Mr. Justice Brandeis, in developing his theory that each state in the union is a laboratory on behalf of democracy, urged that "If we would be guided by the light of reason we must let our minds be bold." I respectfully urge that the exercise of that public and private initiative and boldness necessary for democratic progress recognizes the need for a single house legislature.

What is the main problem in Michigan? Michigan's unfairly apportioned legislature is characterized by deadlock, dead center and stalemate. President Hannah of Michigan State University in an address to the Michigan municipal league on September 14, 1961, stated:

> Certainly Michigan began to lose caste among her sister states when she developed such alarming symptoms as persistent treasury deficits, inability to pay her bills, payless paydays for state employees, and the curtailing of essential public services, coupled with pessimism bordering on melancholia, nostalgia for the good old days, and paralysis of the will to do something about it. We need above all else to substitute political intelligence for political intransigence.

The Detroit News, in an editorial on November 14, 1961, stated:

> The legislature's main claim to fame and campaign contributions has not been what they may have done for ruralites, or saved them from, but what they have saved business and commercial interests from. But we cannot see that they've done much constructive for business and commerce. Some of what they blocked needed blocking. But not doing what they shouldn't is only half of the job of a legislature. The other half they've too often slighted. Their main theme has been "veto," but it's not enough. It is the preservation of this veto power, not the representation of rural areas, which has been the product, if not the intent, of the "balanced legislature" in its present form. It is this negative theme which must lead ultimately to its downfall.

The constitutional amendments on education and highways reflect this basic distrust. Michigan needs to be moved off of dead center and to inspire trust and confidence. A single chamber legislature based on population would move decisively in this direction, but it is logically possible, however, to have a one house legislature based on some new or other formula. When Delegate Proposal 1026, which is the forerunner of this amendment, was introduced the Detroit Free Press commented editorially, on October 18, 1961, that "A single house legislature could embody and express the purpose of needed change and needed compromise." I submit that a single house would inspire confidence and trust and help give Michigan a needed sense of mission and purpose.

Now the case for a single house legislature in Michigan is composed of the following arguments: first, that the people's sovereignty is more possible when direct. Representative government by the people must be direct and responsible. One body can be more directly representative of the sovereign will of a democratic people than 2 or more bodies. Woodrow Wilson declared, "Simplification — simplification is the task that awaits us." It is the opinion of many that 1 house rather than 2 is the simplest of simplifications that we require. In addition, we have the fact that the single house legislature is widely used. Professor Garfinkel's study prepared for our convention notes:

> The unicameral system is not new or untried. It is found in all the 25 largest cities of the United States, and no city has returned to a bicameral council after adopting the unicameral form. All the Canadian provinces, with one exception, are so organized. Unicameralism is a widely used form throughout the democratic world, and in no way is it a "radical experiment." It has been operating with marked success for a quarter century in the state of Nebraska. The national municipal league has strongly endorsed the plan, and it is the basis of their model constitution

a model constitution which has indeed served as a frame of reference for every committee operating in this convention.

> Most professional students of state government favor a unicameral legislature. . . . No private business . . . is governed by a bicameral board of directors. A 2 chamber system promotes factional strife and deadlock.

We may also remind ourselves that a convention composed of 1 house rather than 2 was universally recommended to draw up Michigan's constitution and was recommended even by our 2 house legislature.

I submit further that the one house legislature has more balance and fewer checks. It is recognized that 2 houses are required to operate as a balance and check upon each other and prevent the enactment of unwise legislation. In practice the so called check between the 2 houses results in trades and in the absence of the real responsibility required of trustworthy representatives of the people. Nothing is more common than for one house to pass a bill and the members who voted for it to urge the other house to defeat it or for a little group in one house to hold up legislation from the other until they extort from it what they demand. Professor James K. Pollock observed before this convention on November 7, 1961:

> A plan of having 2 houses is one of the most admirable buckpassing arrangements ever devised, and by making it difficult to fix responsibility, selfish interests are given leeway. They have many more opportunities of getting their way in secret than would be the case under a different system.

This political shell game was characterized by the late Senator George W. Norris of Nebraska as "the dual network of procedural intricacies" when Nebraska's 2 house legislature failed to meet the problems of the depression in that state. In short, 2 houses rather than 1 help prevent the direct accountability and responsibility necessary for effective representative government.

I submit further that the one house chamber is more deliberative. It is argued that 2 houses are necessary to prevent hasty legislation by requiring more time and machinery for the enactment of a law, thus securing deliberation and reflection. To this argument it may be replied that deliberation and reflection do not now characterize the work of a 2 house legislature that passes most its acts in the last 10 days of a session. Relatively smaller bodies, with a more direct responsibility upon each member arising therefrom, would produce greater deliberation than the present system. Professor Pollock observed that the present legislature

> does not adequately reflect nor does it deliberate on the most important questions after having received adequate information and expert advice. In other words, it deals with the most complicated problems of modern government in a haphazard and helter skelter manner, frequently in the midst of confusion and petty bickering.

Theodore Roosevelt told the Ohio Constitutional Convention of 1912 that "you cannot get good public service from the

public servant if you cannot see him." Chester Bowles told the 1950 governor's conference:

> There are some people who have a vested interest in confused government. I don't believe they think that out deliberately or carefully, but when they come right down to staring into the face of effective government, one really reflecting the will of the people, they honestly don't like it.

In short, 2 house legislatures are more confused than deliberative. They frustrate rather than express the popular will. Two houses manipulate and render citizens impotent and apathetic rather than reflect, or responsibly influence, the consent of the governed.

The only argument that remains for a 2 house legislature is that weight may be given to factors in representation other than population. Historically, bicameralism and the distinction between upper and lower houses were rooted in the feudal class structure of thirteenth and fourteenth century England. Professor Garfinkel noted that "bicameralism reflected a historical desire for representation for different orders or classes of citizens in respect to wealth, education or social position." The spirit of American institutions, however, has been to abolish class distinctions in government, to diffuse education and wealth and to lessen the political value of social position. However, it is submitted that whatever weight is given to factors other than population may be expressed in a single house legislature as well as in a bicameral legislature. I would suggest that the purposes of a single house legislature — accountability, responsibility, equity, deliberativeness — could be more realizable when based on population. But sufficient progress could be made for visible and effective, rather than invisible and ineffective, government in Michigan by a single house legislature to justify its adoption on its own merits.

Every level and unit of government in the United States is now being tested to demonstrate whether a democratic, representative, self governing people can meet with efficiency, fairness and adequacy the technological and human problems of this century. No less than the survival of government by consent of the governed is in the balance. No less a responsibility is in the hands of the delegates to this convention. We shall either have vision, disenthrall ourselves, and be adequate to the challenge of our age, or we shall diminish our nation, our state, and ourselves. We need not only to enact, as one delegate stated, a "model" constitution; we need to understand that state and local government as expressions of the will of the people are on display for the whole interrelated world to examine. The people of the world will express their judgment of us and relate themselves to us to the degree that all of our governmental units express with precision the will of the American people.

The problem is this: given the people of Michigan as they actually are, how may a government be organized among them that will be impelled promptly and anxiously to learn their desire and perform their will? Article II, section 1 of our constitution states that "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection." I submit, a single house legislature is a good means toward that good end in Michigan. Perhaps an assessment of the political facts of life of Michigan and of this convention might dictate that such a proposal is that of a political idealist. To that judgment I plead guilty with honor. But I remind this committee and this convention of one of Lord Acton's political axioms, "Ideals in politics may be never realized but the pursuit of them determines history." I believe this amendment is on the side of the people and of history. Michigan will change more rapidly in the next 5 years than it did in the last 50. Adopt it now or not, the single house legislature will be part of Michigan's future. I hope this convention will also be part of Michigan's future. I repeat, no single recommendation could emanate from this convention to the people of this state and nation that would more effectively indicate that Michigan means "business and jobs" than the amendment now before you for a single house legislature. I hope that we have the vision and the will that go with our duty and our power. I respectfully urge upon you the adoption of the amendment now before you.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Norris. Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, a great many people in the state have urged, from the beginning of the discussion about the possibility of this constitutional convention, that serious consideration be given to the advantages of the unicameral legislature — and it has advantages. Our committee moved into its deliberations interested in learning what the situation was in Nebraska where they have had a unicameral legislature for a long period of time. As Mr. Norris indicated, we had a member of the unicameral legislature, and the vice president of the University of Nebraska, a political scientist, visit us, spend part of a day with us, and we had a good deal of discussion. All of the advantages and the disadvantages were carefully considered, and the decision of the committee was overwhelming — I believe it was unanimous — that we would recommend to this convention the continuance of the bicameral system.

Professor Norris has made a good statement. There are many people who feel that there are advantages but, without taking your time in enumerating the advantages and disadvantages, since this whole matter was gone into carefully and there was no substantial support for the unicameral provision, I urge that the committee vote no on the Norris amendment.

CHAIRMAN HUTCHINSON: The question is upon the amendment. Mr. Downs.

MR. DOWNS: Mr. Chairman, fellow delegates, I would just like to point out, in comparing the Nebraska unicameral legislature with the model constitution presented by Delegate Norris, there are 2 or 3 very significant differences that, in my judgment, mean that they, basically, are not comparable. The model language that Delegate Norris has calls for districts on an equal population basis and, by implication, I would assume that the legislature would continue the partisan elections.

The Nebraska unicameral legislature has 2 basic weaknesses; one is that the districts are not equal in population and the second is that they are not elected on a partisan basis. In addition, as I understand, the pay is unusually weak, and other factors are involved. Without going into the merits of the unicameral versus the bicameral, I would just point out that Delegate Norris does follow the concept of equal representation, and I think we should distinguish this from the Nebraska experience. Thank you.

CHAIRMAN HUTCHINSON: Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, one of the most compelling reasons against a one house legislature was succinctly stated in a book by our secretary, Mr. Fred I. Chase, published in 1946, entitled, "How Michigan Makes Her Laws, on page 29. The paragraph reads as follows:

> A great deal has been said about a 1 house legislature in comparison with the 2 houses that we have always had in Michigan. This subject apparently was considered by the delegates to the constitutional convention, and one prominent delegate, who was definitely opposed to a 1 house legislature, was asked at the breakfast table why he insisted upon a 2 house legislature. He had just poured some coffee into his saucer, and he replied by saying to his questioner, "Why do I pour my coffee into my saucer?" His questioner said, "To cool it." Whereupon he answered, "Exactly the reason why I favor 2 houses in a legislature." In other words he was saying that after a proposed law has been passed by 1 house, it is well to have it "cooled off" before it is finally enacted into law and presented to the governor. In support of this thesis, the examples mentioned earlier in this text with reference to the bank code and the probate code should be considered. The senate worked long and diligently upon both these measures. After they had "cooled off" in the house for a time they came back to the senate with 88 and 504 amendments respectively. Had there been no such opportunity for additional consideration by the house, the benefits derived from the perfecting of these bills by the house amendments could not have been had.

CHAIRMAN HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. Chairman, I think Mr. Wanger's remarks would probably be well taken if we were worrying about cooling the coffee. The only problem in Michigan is getting it before it's so cold nobody can drink it. (laughter)

CHAIRMAN HUTCHINSON: Mr. Downs.

MR. DOWNS: I would just supplement Mr. Hodges' statement. I thought, perhaps, "embalm" sometimes might be a better word for it than "cool." With all deference to our secretary's great experience, I think it is particularly a problem when one house is based on population, even to a large extent, and the other is not; we have a built in, perhaps, not so much checks and balances as roadblocks to getting action done. I feel that if there is a unicameral house or legislature, then we do need some of the procedural checks to assure committee hearings, full discussion, a certain time of laying over bills within the unicameral body and other checks that can be done reasonably.

I would also like to point out that every other governmental unit, practically, is a unicameral body. City councils are, township boards are, school boards are, private organizations are unicameral in their concept of one policy body, and while I doubt that this has a great deal of chance of passing here, I do think that the concept of the unicameral body warrants very serious consideration, recognizing that this is not a panacea, but it has been recommended as model language.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Norris. Mr. Norris.

MR. NORRIS: Mr. Chairman, may I respectfully ask that there be yeas and nays on the roll call?

CHAIRMAN HUTCHINSON: Mr. Norris demands the yeas and nays upon his amendment. Is the demand supported? The demand is supported. The yeas and nays are ordered. This is a record roll call vote. The question is upon the amendment offered by Mr. Norris. All those in favor will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 34

Austin	Greene	McGowan, Miss
Barthwell	Hart, Miss	Nord
Binkowski	Hatcher, Mrs.	Norris
Bledsoe	Hodges	Pellow
Brown, T. S.	Hood	Perlich
Buback	Jones	Pollock
Dade	Krolikowski	Sablich
Downs	Lesinski	Snyder
Faxon	Madar	Walker
Follo	Marshall	Young
Ford	McCauley	Youngblood
Garvin		

Nays — 88

Allen	Gust	Pugsley
Andrus, Miss	Habermehl	Radka
Balcer	Hannah, J. A.	Rajkovich
Batchelor	Haskill	Richards, J. B.
Beaman	Hatch	Romney
Bentley	Heideman	Rood
Blandford	Higgs	Rush
Bonisteel	Howes	Seyferth
Boothby	Hoxie	Shackleton
Brake	Hubbs	Shaffer
Brown, G. E.	Iverson	Shanahan
Butler, Mrs.	Judd, Mrs.	Sharpe
Cudlip	Karn	Sleder
Cushman, Mrs.	Kirk, S.	Spitler
Danhof	Knirk, B.	Staiger
Dehnke	Koeze, Mrs.	Sterrett
Dell	Kuhn	Stevens
Doty, Dean	Leibrand	Stopczynski
Doty, Donald	Leppien	Suzore
Durst	Martin	Thomson
Elliott, A. G.	McAllister	Turner
Elliott, Mrs. Daisy	McLogan	Tweedie
Erickson	Millard	Upton
Everett	Nisbet	Van Dusen
Farnsworth	Page	Wanger
Figy	Perras	White
Finch	Plank	Wilkowski
Gadola	Powell	Wood
Goebel	Prettie	Yeager
Gover		

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Norris, the yeas are 34; the nays are 88.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Faxon and Perlich offer the following amendment:

1. Amend page 1, line 9, after "Sec. a.", by striking out the balance of the section and inserting "The senate shall consist of not more than 50 members, chosen from single member senatorial districts such as are determined by the apportionment commission. These districts shall be composed of convenient, compact and contiguous territory, within or bounded by county lines, and shall as nearly as possible be the districts now established for the senate, and such districts shall be as nearly as possible equal in population, as set forth in 1 below.

Senators shall be elected on the following basis:

1. One for each 2 per cent of the population residing in any district as of the last preceding federal decennial census: Provided, That when a district contains 1½ per cent of the population as of the last preceding federal decennial census in excess of the 2 per cent of the population or a multiple thereof that district shall be entitled to an additional senator for each such 1½ per cent;

2. One senator shall also be elected from each of those districts which shall contain less than 2 per cent, but not less than 1½ per cent of the state's population as of the last preceding federal decennial census and which also contain not less than 2½ per cent of the total land area of the state;

3. One senator shall also be elected from each of those districts which shall contain less than 1½ per cent but not less than 1 per cent of the state's population, as of the last preceding federal decennial census and which also contain not less than 5 per cent of the total land area of the state.

In no event shall a senatorial district be composed of less than 1 per cent of the state's population, nor shall any district be awarded senatorial seats under more than one of the provisions herein contained.".

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Mr. Faxon.

MR. FAXON: Mr. Chairman, fellow delegates, it seems interesting, as I look back in history, to find a statement of this sort, and I am just going to quote this. It is just one sentence, too:

> Both of our political parties, at least the honest portion of them, agree conscientiously in the same object, the public good, but they differ essentially in what they deem the means of promoting that good. One side believes it best done by one composition of the governing powers, the other by a different one. One fears most the ignorance of the people, the other the selfishness of rulers independent of them. Which is right, time and experience will prove. We think that one side of this experiment has been long enough tried and proved not to promote the good of the many and that the other has not been fairly and sufficiently tried.

These were the words of Thomas Jefferson writing to Abigail Adams back on September 11, 1804, and somehow they still seem to ring clear and true today.

This plan which I am submitting for your consideration is one which has within it a concept and a doctrine that has long been the practice in the state of Michigan — in fact, in many of the states in this country. It is, in effect, a moiety provision, a moiety provision for the senate. Although I, personally, would have preferred the keeping of the moiety or area factor in the house of representatives, which is the more numerous body, this same principle can be applied with some degree of accuracy to the senate. Let us just examine how this principle would work as it would be applied to the senate. With the exceptions of the thumb area and the upper peninsula, all districts are the same as those which are now

established. Only in those 2 areas have 1 or 2 counties been shifted from one district to another so that they may be more equitable. The representation in the upper peninsula doesn't diminish; it is simply a shifting of a couple of the counties to add to senatorial district 32. The plan which has been submitted by the majority attempts to do much the same that this plan attempts to do — that is, to keep the present seats and to prevent as much change from occurring as possible.

Under this plan, in 1970, as in 1960, the figures and districts would remain, as I am told by research, the same. The only difference that we have here is the additional seats that are added to those counties where the population warrants it. So, essentially, this is a conservative plan. It is a plan, I believe, that would have merited consideration at other times, a plan that would serve both interests of the state — that is, those interests who seek to keep the present senate seats and those who seek to change the present seats. It is not a question of changing if you can add, and here we would have the benefits of both area and population in formation of a senate.

I am a little bit concerned at a deviation from traditional conservatism when we go ahead and approve a plan for the senate which has no parallel in history. I recognize moiety as a legitimate factor. It's appearance in previous constitutional conventions was discussed at length. But I have never before seen a plan such as that which has been devised here. For this reason, I am a little bit conservative. I would prefer to hold onto something such as a moiety principle if it can be in any way accurately applied to the present senate situation. It would be consistent with the decisions made by previous constitutional conventions, and it would be consistent with our own traditional pattern of government here in Michigan. I just think it is necessary for us to have a little more faith, as Thomas Jefferson did, in the people, in letting them choose that form of senate representation that would give them an opportunity to be represented on an equitable basis, and at the same time not take away from those areas that already have senators.

I am going to quote again from Jefferson, and this is with regard to the idea of the sacred principle of government:

> Though the will of the majority is, in all cases, to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights which equal law must protect, and to violate would be oppression. Let us then, fellow citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life, itself, are but dreary things.

Those are words that Jefferson echoed back in 1801, as he took the oath of office for the presidency of the United States.

This plan has already been discussed and it was submitted before the legislative organization committee. I have maps and charts indicating land areas and populations to show how it would apply, and if any of the delegates wish to question me on this particular aspect, I would be happy to oblige.

My own concern here is, first of all, that we recognize there are many ways to skin a cat, and there are other ways to devise a senate which would still keep with us the present senatorial seats. This plan would do that thing and at the same time give to those areas that are presently under represented an opportunity to have their voice effectively heard. We must all bear in mind, however, that in the final analysis, the rule of the majority has been the basic, democratic philosophy from the time of Jefferson on. In closing, he used this as one of the high points of his inaugural address, "absolute acquiescence in the decisions of the majority." And, in concluding that speech of his, he said:

> These principles form the bright constellation which has gone before us and has guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust, and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which, alone, leads to peace, liberty and safety.

CHAIRMAN HUTCHINSON: The question is on the amendment offered by Messrs. Faxon and Perlich. Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, I could take a substantial amount of time and review the arguments that were made yesterday and the day before in favor of the committee proposal, which could be used, of course, in opposition to the amendment offered by Mr. Faxon and Mr. Perlich. We have had plenty of words; we have much business to do, and I shall spare you any additional ones from me on this subject. I recommend that the committee vote no on the Faxon-Perlich amendment.

CHAIRMAN HUTCHINSON: The question is upon the amendment. Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman, I request the yeas and nays so that all posterity might look at my no vote on the plan of our good conservative friend from Detroit.

CHAIRMAN HUTCHINSON: Mr. Farnsworth demands the yeas and nays. Is the demand supported? Sufficient number up. This is a record roll call vote. The question is upon the amendment offered by Delegates Faxon and Perlich. All those in favor will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 25

Balcer	Ford	McCauley
Barthwell	Garvin	Pellow
Bledsoe	Greene	Perlich
Buback	Hart, Miss	Stopczynski
Cushman, Mrs.	Hatcher, Mrs.	Suzore
Dade	Hodges	Walker
Douglas	Hood	Young
Elliott, Mrs. Daisy	Jones	Youngblood
Faxon		

Nays — 89

Allen	Gust	Powell
Andrus, Miss	Habermehl	Prettie
Batchelor	Hannah, J. A.	Pugsley
Beaman	Haskill	Radka
Bentley	Hatch	Richards, J. B.
Blandford	Higgs	Romney
Bonisteel	Howes	Rood
Boothby	Hoxie	Rush
Brake	Hubbs	Sablich
Brown, G. E.	Iverson	Seyferth
Brown, T. S.	Karn	Shackleton
Butler, Mrs.	Kirk, S.	Shaffer
Cudlip	Knirk, B.	Shanahan
Danhof	Koeze, Mrs.	Sharpe
Dehnke	Kuhn	Spitler
Dell	Lawrence	Staiger
Donnelly, Miss	Leibrand	Stamm
Doty, Dean	Leppien	Sterrett
Doty, Donald	Madar	Stevens
Downs	Martin	Thomson
Durst	McAllister	Turner
Elliott, A. G.	McLogan	Tweedie
Erickson	Millard	Upton
Everett	Nisbet	Van Dusen
Farnsworth	Nord	Wanger
Figy	Norris	White
Finch	Page	Wilkowski
Gadola	Perras	Wood
Goebel	Plank	Yeager
Gover	Pollock	

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Faxon and Perlich, the yeas are 25; the nays are 89.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Nord offers the following amendment:

1. Amend page 1, by striking out all of section a.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Nord.

MR. NORD: Mr. Chairman, my intention was to offer this amendment and amendments to strike each section, one at a time, only when the debate is completely finished for the purpose that was mentioned yesterday, mainly to give everyone a chance to vote, a roll call vote on each of the sections. Therefore, I would ask the Chair whether we are at that stage at this point; I believe we are not. Am I right?

CHAIRMAN HUTCHINSON: The Chair is informed that the only amendments presently upon the desk are your amendments.

MR. HODGES: We have an amendment.

CHAIRMAN HUTCHINSON: You have an amendment just offered?

MR. HODGES: No, we have had it in all the time.

CHAIRMAN HUTCHINSON: Mr. Nord withdraws his amendment temporarily.

SECRETARY CHASE: Mr. Hodges offers the following amendment:

1. Amend page 5, following line 7, by inserting a new section to read as follows:

"Sec. d. In the event that the house of representatives adopts a legislative measure and the senate fails to adopt the same within the same legislative session, the house of representatives may enact said measure into law despite lack of concurrence by the senate if it shall readopt said measure at the next session of the legislature or if it shall readopt said measure at the same session of the legislature by a 3/5 vote at least 60 days after its first adoption thereof, anything in this constitution to the contrary notwithstanding.".

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Mr. Hodges.

MR. HODGES: Mr. Chairman and fellow delegates, I would hope that you would give this some serious consideration. This was perhaps the one plan that was put up by the minority members that was given at least some bipartisan consideration and some serious thought in the committee and at least for one day was felt to be a possible way out of the dilemma that we are in.

I think if we just look back, and there has been a great deal of discussion of the recent history of the Michigan legislature, that we realize one of the greatest problems is that of stalemate and not being able to come to any conclusion on the important facets of government. I think this has one of the redeeming features, in that it gives this checks and balances that has been so well talked of —

MR. DEHNKE: Mr. Chairman, a point of order.

CHAIRMAN HUTCHINSON: The gentleman will state the point.

MR. DEHNKE: It seems to me this is a matter of legislative powers rather than of legislative organization.

CHAIRMAN HUTCHINSON: Judge Dehnke raises the point of germaneness upon this amendment?

MR. DEHNKE: Yes, Mr. Chairman.

CHAIRMAN HUTCHINSON: While it is true that it has to do somewhat with legislative powers, it is in a very broad principal sort of way and it would certainly create a much different kind of legislature than the proposal now presents. It has to do, in the opinion of the Chair, sufficiently with the organization of the legislature that the Chair will rule the amendment is germane, and will recognize Mr. Hodges.

MR. HODGES: Thank you, Mr. Chairman. As I was saying, the feature which has troubled Michigan perhaps more than any other has been the stalemate between the legislative branches themselves and the legislative branch and the executive. I think this would have a redeeming feature to it.

All the majority, I think, of the people ask for is a chance at some place in time and in history to be able to enact a program. The charge is oft made against my party that we are a party of irresponsibility, of pie in the sky, of promising things we know we can't deliver. I submit, without going to the truth or fallacy of this charge, that it is allowed, if it would be true, it would be because our present system of government in Michigan allows for this.

For the past 12 years our party has had a program which it has taken to the people. At least, as Mr. Nord has pointed out, 5 of the last 10 legislatures would have been democratic if it had been up to the majority of the people to make it so. But what this allows, under the present system, is that no program can be enacted, that we have a continual conflict, and that nothing really can ever be resolved once and for all. I think the healthy thing in government is when both political parties put up a program and that program is taken to the people and they decide whether they want it or not, and then 2 or 4 years later, after they have tried that program, they then vote on whether they want to continue it or reject it. This is the only way a truly stable and democratic government can work. If we are not allowed to carry out a program, then all the charges, even if they were true, would be to no avail, because of the continual frustration and knowledge that we know before we go into an election that we cannot possibly deliver our program, regardless if it has the stamp of approval of the people or not.

This would give you your checks and balances. This would entitle the senate to hold up legislation for one session. This would give sufficient time and thought so that the people could reflect if something new was being tried, but it would prevent one body, not representative of a majority of the people, from continually and from all the time preventing and frustrating the desires of a majority in carrying on a program.

As I say, this was given bipartisan consideration in the committee for a short time, and I think that many of the majority members saw some merit in this plan. Mr. Chairman and fellow committee members, I request that you do give this serious consideration as I believe this is the last of the minority amendments, at least, minority committee member amendments, and if you adopt the present senate, there is all the possibility in the world that what we have had for the past 12 years will continue under the present senate plan if it is adopted by the people of this state. This only allows that after time and consideration, an opportunity will be given to enact a program. I request the yeas and nays.

CHAIRMAN HUTCHINSON: On the amendment, Mr. Hodges demands the yeas and nays. Is the demand supported? The demand is supported. There is sufficient number up. The Chair next recognizes Mr. T. S. Brown.

MR. T. S. BROWN: Mr. Chairman, fellow delegates, I support the sentiments expressed by Mr. Hodges, and should like to tell you a story that I told in the committee. It is an apocryphal story by Ambrose Bierce concerning the house of lords, and I think it is very pertinent. The story goes that in the early days of the parliamentary system in England, the king first established a 100 member parliament composed of 50 members of the house of lords and 50 members of commons, and they divided the house into 2 sections, and it came to pass that the house of lords passed some measures that fell on unsympathetic ears, as far as the king was concerned, and he became very angry. So he took 40 of the 50 members of the house of lords and he killed them and had their bodies embalmed and placed back in the chambers and registered an automatic no vote in perpetuity for these 40 dead embalmed members of the house of lords and then required that thereafter 60 per cent of the total 100 member body be required to pass legislation, and as the story goes, the kingdom prospered thereafter under that particular system.

I think the experience in England, the experience in Canada and other parliamentary countries indicates that this is a workable system, a good system, and in many, many more respects, a more democratic system than what we might have. I, therefore, support this amendment.

CHAIRMAN HUTCHINSON: Mr. John Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, this is a very radical proposition that has been placed before you. I think it could be better handled by one with much experience in the legislature and the state government, and, therefore, I yield to Mr. D. Hale Brake, asking that he answer this one.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Brake.

MR. BRAKE: Mr. Chairman and ladies and gentlemen of the committee, we have spent so much time in this convention

entirely off the beam in talking about the inefficiency, the ineptness of our legislature. Many of us, knowing that many of the charges were wide of the mark, made no attempt to answer them. That isn't the problem that we have to decide. Most of the charges are answerable.

This is an attempt to do what we just said we would not do — namely establish, for all practical purposes, a one house legislature. Certainly, when the people themselves — and that was by a one man, one vote procedure — established the 2 houses of our legislature and reestablished them in 1952, they expected them to function as they were established.

There is nothing imaginary about the importance, the validity of the one house checking the other. Sometimes that is a matter of checking on policy, a matter of when the 2 houses do not agree as to the general policy that ought to be followed. People intended it that way. They want it that way. Aside from that, there is the check on technicalities, the check on mistakes that are made, and no one who has not tried it can possibly appreciate how difficult it is to draft an important statute and foresee the different problems that that statute will run into.

Reference was made this morning to the probate code. I introduced that bill. I worked on it a long time before it was introduced, not alone, but with some competent people. In the senate, we worked on it for months, hearing after hearing, committee meeting after committee meeting. We thought we had it in pretty good shape. It went to the house and came back with a great load of amendments and nearly all of them improvements. That kind of thing is worthwhile. We get in a hurry. We want everything done today. It should not be done today. Those statutes affect people for a long time. They should have care and consideration and they should have consideration of different people who get at them with a different viewpoint.

There is one phase of this, too, and it doesn't apply particularly to this amendment, but I want to mention it to you, that is almost always overlooked entirely as one of the benefits of the 2 house system —namely, that that gives a chance for the public to know what is going on before it is too late. Newspapers give very little attention to bills as they are introduced, but when one house has passed a bill, if it has any significance it gets some space. People know what is happening. Then there are at least 5 days in which they can favor it or can oppose it, can have their say about whether or not their representatives pass it.

Now, we are setting up in this new constitution 2 houses of the legislature. We are going to say how they shall be set up. If the people approve that constitution, that means that is the way they want them set up and that means that is the way they want them to function. Certainly, we are not in a position to go before the public and recommend that they put one house here as an ornament, a sort of a luxury, with only one house actually functioning. This is a rather fantastic scheme and certainly one that should be defeated. If we wanted one house, we should say one house and not encumber the records and the payroll with one that would be useless. I trust that we will defeat this and do so promptly.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Hodges.

MR. HODGES: First of all, Mr. Chairman, in response to Mr. Brake's remarks, I am not trying to make any accusations at the ineptness of either branch of the legislature. I don't believe this is the question we have here. I am quite willing to admit that those state senators from the rural areas properly reflect the views of their constituents and, in doing that, are properly doing the job that they are supposed to be doing, just as many of the rural delegates to this convention are doing. I have no quarrel with this, and I think Mr. Brake has pointed up a few points which are valid and certainly I would be willing to amend this. I am not at all, for example, too concerned with the 3/5 vote. I think that could be knocked out, and I would even go so far as to make it 3 consecutive sessions of the legislature to meet the problem that Mr. Brake speaks of, of giving people time, and I think that this would also make the state senate something more than a useless ornament.

The only question and the only problem is: is there a way that the majority, through a legislative process, can, at some point in time, want a program and enact that program without the veto power of a minority of this state? I am not saying that they should not be able to slow legislation down to make us soberly reflect on what we do, but somewhere in a democratic society there has to be a place in the legislative process for those in the majority to enact the program they want to enact and try it out. This is, after all, the genesis of a democracy, the trying out of new plans to see if they work or not. If they don't then let the voters reject it at the next election, but under the present system — and I think Mr. Brake would have to agree with me — there is no way under the legislative process, if a majority wants to enact a program, to be able to enact that program if it does conflict with the views of a minority of this state.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Nord.

MR. NORD: Mr. Chairman, I would like to answer some of the comments made by Mr. Brake which I think are really wide of the mark by a mile. He states that this amendment would, in effect, create a one house system. I take strong issue with that, and I think it is easily demonstrable that that is not so, and it is clearly not so. Quite the reverse. A one house legislature has been attacked here on the floor and elsewhere as having the merit of not providing additional deliberation. As far as I am aware, nobody has come forth and stated that a 2 house system is, per se, better than a 1 house system. The reason that it is considered to be better is that you can be certain that errors that are made by one house will be reviewed by another; there will be more deliberation.

Now, I point out to the delegates that in this particular amendment that we have before us, there would be more deliberation than in a 2 house system of a standard type. There would not be less. There would be more and the reason is this: first of all, normally, in order to enact a bill, both houses would have to adopt it, the same as at the present time. Secondly, in the event that the second house, the senate, failed to do so, there would have to be a third deliberation. As Mr. Hodges pointed out, we would even be willing to go along with an amendment which would require a fourth deliberation. Therefore, this type of provision could absolutely guarantee more deliberativeness than any other we have ever seen. Since that is the principal attribute that is claimed for a 2 house system above a 1 house system, this amendment that we have accentuates the advantage of a bicameral system rather than decreasing it.

The other point I would like to make as to the merits of the amendment itself is this, and I think this is the crucial point in the entire proposition that we offer. Mr. Chairman, we are proposing in this amendment to adopt whatever house and senate the majority wishes, whatever form it may be, provided you have the override feature that is expressed here, and the reason for it and the philosophy for it is this: if you have one house that is nearly or exactly, whichever the case may turn out to be, nearly based upon majority rule, and then you have another house which is admittedly not based on majority rule but gives, in effect, a veto to one block, namely, in this case, the rural areas — if it gives them a veto in the senate, which is what the majority plan clearly does, then the question is this: do you provide any way around that veto, or is that a permanent, absolute veto? What we are suggesting is this: that any veto that we are familiar with which doesn't produce an absolute deadlock and stalemate has some way to get around it, some way to override it, and we have proposed 2 different ways of getting around it in this particular amendment. We are not thrilled with either particular way, and we simply want to point out that some way must be provided to overcome a veto. We have suggested 2 different alternative ways in this amendment. One is by the house passing it at the next session; the other one is passing it at the same session after a further deliberative period of 60 days, by an excessive or unusual majority.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration Committee Proposal 80, and the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** has considered several amendments thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: The Chair recognizes Mr. Iverson.

MR. IVERSON: Mr. Chairman, I move we recess for ½ hour, and I believe the secretary has a couple of announcements.

SECRETARY CHASE: Miss Hart announces a Democratic caucus in room C during the recess, and Mr. Iverson announces a Republican caucus in room A during the recess.

PRESIDENT NISBET: The question is on the motion to recess. Those in favor will vote aye. Opposed, no.

We are now recessed until 11:00 o'clock.

[Whereupon, at 10:30 o'clock a.m., the convention recessed; and, at 11:00 o'clock a.m., reconvened.]

The convention will come to order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move the convention resolve itself into committee of the whole for the further consideration of matters on **general orders.**

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor will say aye. Opposed, no.

The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.]**

CHAIRMAN HUTCHINSON: The committee will be in order. The committee is considering **Committee Proposal 80.** The secretary will read the next amendment.

SECRETARY CHASE: The next amendment on the secretary's desk was an amendment to section a offered by Mr. William Hanna on yesterday and consideration of it was postponed until the completion of the pending amendments on the desk.

Mr. Hanna's amendment is page 2, line 10, after "counties" —

MR. W. F. HANNA: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: I withdraw my amendment.

CHAIRMAN HUTCHINSON: Mr. Hanna withdraws his amendment. Are there any further amendments to the body of the proposal?

SECRETARY CHASE: Mrs. Cushman has filed an amendment. Mrs. Cushman has withdrawn her amendment.

CHAIRMAN HUTCHINSON: Are there any further amendments to the body of the proposal?

SECRETARY CHASE: Dr. Nord offers an amendment:

1. Amend page 1, line 9, by striking out all of section a.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Dr. Nord. Dr. Nord.

MR. NORD: I would like to repeat what I stated before, that I wish to offer these only as formal amendments when I am sure that there is no further debate so that it will conclude the debate. I, therefore, ask whether anyone intends to offer any further amendments? I don't wish to put this in as a stumbling block to any part of the debate. If this is the end of the debate, I would like to go ahead, but if anyone wishes to do something in the way of other amendments, or reconsiderations, or any other matter, I will defer. If no one suggests that, then I would go ahead and urge the amendment. Am I correct, Mr. Chairman, in assuming there are no other amendments filed and no other matters in the debate left?

CHAIRMAN HUTCHINSON: Well, if there are no further amendments filed, the next order of business, of course, is the declaration by the Chair that the proposal has passed.

MR. NORD: All right, then, Mr. Chairman, have you read the amendment to strike section a?

SECRETARY CHASE: Right.

MR. NORD: All right then, Mr. Chairman, I will offer that amendment for the purpose that I explained. I have no intention to debate it. I just want to make it clear what the object of this amendment is. As we understand the parliamentary procedure, now that we have combined the committee of the whole and the convention, so to speak, and we have taken the yeas and nays in the committee of the whole, there needs to be some way to vote for or against the committee proposal in sections, and I have offered 3 amendments, to be taken up one at a time, one is to strike section a, the others, to strike section b and section c, and I would ask the yeas and nays on each one seriatim, if I may.

CHAIRMAN HUTCHINSON: Mr. Nord demands the yeas and nays on his amendment. Is the demand supported? The demand is supported and the yeas and nays are ordered. The Chair recognizes Mr. Plank.

MR. PLANK: I would like to know if it is in order to ask Mr. Nord a question?

CHAIRMAN HUTCHINSON: It is in order if he cares to answer.

MR. PLANK: Mr. Nord, what is hoped, as far as you in the minority party are concerned, by placing these amendments before us?

MR. NORD: Mr. Chairman and Mr. Plank, what is hoped is the same thing as was hoped on each of the other amendments that were before us and proposals that were before us. On each of them, or a great many of them, recorded roll call votes were taken, but no recorded roll call votes have been taken on the majority proposal, as such. We simply want to do the same thing.

MR. PLANK: Well, don't you think that this is a majority position, that they want this or they wouldn't have had it up until now? What I am trying to figure out now is why are you interested in whether I vote for or against this? This is what I am trying to find out.

MR. NORD: Mr. Chairman and Mr. Plank, I am not particularly interested in whether you vote for it or not. That is your own personal consideration. But I believe I have the right to demand the yeas and nays on this, as has been demanded by both parties on many of the proposals, simply to find out how many people want to vote for or against each of the proposals, and particularly for the main proposal, the one that might be adopted by the convention. We want to know how many votes there are, 52 or 73 or whatever the number might be.

MR. PLANK: I don't think you have answered my question, really. I want to know the answer behind that one.

MR. NORD: Mr. Chairman, I might continue a debate — I said I would not debate this — I might ask Mr. Plank, what is his motive behind each section, section a, section b? I don't care to do that. As far as I can recall, this is the first time anyone has asked the motive for demanding the yeas and nays. I think the answer to it is: I want to find out the answer to the yeas and nays.

CHAIRMAN HUTCHINSON: Mr. Elliott.

MR. A. G. ELLIOTT: May I ask Dr. Nord a question through the Chair?

CHAIRMAN HUTCHINSON: If he cares to answer.

MR. A. G. ELLIOTT: It seems to me that if we are going to get into the position, now, of amending a committee proposal by striking, that the proponents of the amendment should be able to explain to us the purport of each of the amendments. So, what I would like to ask, and section a involves step by step several paragraphs, maybe 6 or 7 in number, I would ask Dr. Nord not to be hesitant at all in elaborating, for me, so that I will properly be able to know

how to vote on his amendment, the reasons behind what he is doing. I would like him to start with the first section where we talk about the 36 to 40 members and explain what happens then, and then take it paragraph by paragraph, and I will be very attentive.

MR. NORD: Mr. Chairman, I believe I could oblige Mr. Elliott by redelivering my 4 or 5 hour speech, but I think he is in a minority when he asks me to do that. I think I prefer not to — as I said in the beginning — redebate the issue again, but simply to vote on the issue.

Now, of course, if he wishes to debate it, I suppose a debate could be worked out, but judging by Dr. Hannah's remarks, I believe he is ready to vote, and I know that I am, and I suspect that everybody around here is just dying to vote. I don't know why we should debate that question.

MR. A. G. ELLIOTT: Mr. Chairman, may I ask, then, so that I will be perfectly clear: Dr. Nord, in this first paragraph of section a, the language recites that there should be "not less than 36 nor more than 40 members elected from single member districts for 4 year terms concurrent with the term of office of the governor." Could you outline for me, briefly, sir, your objections to the —

MR. NORD: Point of order, Mr. Chairman. Mr. Chairman, I hate to interrupt Mr. Elliott, but it's been called to my attention by a few neighboring delegates that, in their opinion, the demand for the yeas and nays is not debatable. Is that correct, Mr. Chairman?

CHAIRMAN HUTCHINSON: The yeas and nays have already been ordered. This is not debating the yeas and nays. This is debating the question before the house, which is section a of the proposal.

MR. NORD: Thank you, Mr. Chairman. I am sorry, Mr. Elliott.

MR. A. G. ELLIOTT: I will repeat my question to the doctor, then. If he would kindly explain to me the rationale which his amendment obviously adopts by the striking of these first 4 lines of section a, which limits — puts a floor and a ceiling upon the number of members of the senate, and the 4 year term.

MR. NORD: Mr. Chairman, without attempting to go into a word by word analysis, I can simply say this: this is not my proposal. This is a proposal as offered by somebody else. I presume they are in a position to support it. I do not support it, and I have spoken many hours pointing out, in as many different ways as I could think of, why I was opposed to any system which did not provide equality of representation; I pointed out that the house does not, as suggested by the majority; I pointed out that the senate does not, and I am opposed to it. And that is the reason I am not going to vote for it, and that is the reason I want to be able to vote against it. Mr. Chairman, I believe I will take my seat. I think that will satisfy most of the delegates, even if it does not satisfy Mr. Elliott.

CHAIRMAN HUTCHINSON: Mr. Elliott has the floor.

MR. A. G. ELLIOTT: Mr. Chairman, Dr. Nord, I recognize your rationale that you used on another section, but all I am simply asking you, sir, is to explain to me why a senate, consisting of 36 members, as a minimum, or 40 members, as a maximum, elected from single member districts for 4 year terms, is not consistent with good governmental practice and one that is legislatively sound, and I think that before I can vote on your overall amendment that I am entitled to an answer. You made the amendment. And, then, I have several other questions, Doctor, which are involved here, which I would like to have an answer to.

MR. NORD: Well, Mr. Chairman, this is one time I believe I can take the same side, the same position as Judge Dehnke. Judge Dehnke said that he thought cross examination would not be productive of anything, and I believe that if we are going to get into any cross examination, we would have to have the right to counsel and so on. I think this could go on and on forever. Possibly there is some desire to delay the yeas and nays. I was not aware of that, if that is the case. In any event, I do not intend to be cross examined any further, after I have delivered my views at the greatest length that I believe is known to man or beast. I would hesitate, I would hesitate greatly to repeat them. If you are not satisfied with my views, Mr. Elliott, you can support your own. I will not engage in any further cross examination, however.

CHAIRMAN HUTCHINSON: Mr. Elliott has the floor.

MR. A. G. ELLIOTT: Mr. Chairman, Dr. Nord, I think that I have made my point. As I look through these sections and, paragraph for paragraph in section a, I find that there are many portions of this section which should be palatable to anyone who is interested in developing a legislative body: the first section which limits the size of the membership, both in the floor and the ceiling; the second section which establishes the position on the frequency of apportionment, and where it establishes that it will be done every 10 years; and the section that establishes that it will be computed to the nearest one-one hundredth of 1 per cent, and so I intend, doctor, to ask you some questions about amendment for section b when that comes up, too, but I will yield the floor at this time.

MR. G. E. BROWN: Mr. Chairman, parliamentary inquiry.

CHAIRMAN HUTCHINSON: If the gentleman will state it.

MR. G. E. BROWN: Mr. Chairman, the effect of Dr. Nord's amendment would be to strike the provisions, and I assume from what he has said that he intends to go down through it paragraph by paragraph, section by section, with respect to the senate. A striking of the language of the committee report would be to revert back to the 1908 constitution as amended presently. This being true, an amendment was offered by Mr. Boothby previously, which was to reinsert the language of the 1908 constitution, and it is therefore my question to the Chair: is not this amendment out of order since it has been passed upon by virtue of the defeat of the Boothby amendment to reinstate the language of the 1908 constitution?

CHAIRMAN HUTCHINSON: It would be the opinion of the Chair, Mr. Brown, that the striking of section a from this proposal would not reinsert the 1908 provision. It would simply provide no provision for the creation of a senate, and therefore, the amendment now offered is in order.

MR. G. E. BROWN: Mr. Chairman, a further inquiry, then: if this is true, I don't recall that an exclusion report has been adopted relative to this language. Reverting back to our original discussion of exclusion reports and what is put into the constitution and what is not put in, it seems to me that in the absence of the adoption of an exclusion report, this language would be back in; because we have the 1908, we have to exclude that which we do not intend to incorporate in the new of the old. We, therefore, are required to adopt exclusion reports. If we don't adopt the exclusion report, this amendment is out of order.

CHAIRMAN HUTCHINSON: The Chair would state that as a logical matter, if this convention has been proceeding upon the proposition that it is writing a new constitution, the Chair will confess that logically he has never been able to understand the importance, if any, of the so called exclusion reports. The Chair thinks that probably it is beyond the proper function of the chairman of a committee of the whole to rule upon the matter that Mr. Brown asks now.

The Chair does, however, rule that, for purposes of this committee at this time, Mr. Nord's amendment is in order and that for whatever it is worth, if this amendment were adopted, in the opinion of the Chair, it would leave the new constitution without any provision for a senate.

The Chair has a long list of delegates seeking recognition and he has listed them as they have sought recognition. Does Mr. Elliott relinquish the floor? The Chair next recognizes Mr. Boothby.

MR. BOOTHBY: Mr. Chairman, I am wondering if I could direct a question to Dr. Nord.

CHAIRMAN HUTCHINSON: I recognize Dr. Hannah for a motion of precedence.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, there are all sorts of maneuvering going on that I don't understand. I move that we rise.

CHAIRMAN HUTCHINSON: Mr. John Hannah moves that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion prevails.

[Whereupon, the committee of the whole having risen, Vice President Romney assumed the Chair.]

VICE PRESIDENT ROMNEY: Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80** and at this sitting has made no progress. (laughter)

SECRETARY CHASE: That completes the report of the committee of the whole, Mr. President.

VICE PRESIDENT ROMNEY: One announcement.

SECRETARY CHASE: The committee on legislative powers will meet in room H today at 12:30. T. Jefferson Hoxie, chairman.

VICE PRESIDENT ROMNEY: Mrs. Koeze.

MRS. KOEZE: Mr. President, this reminds me of a story: yesterday, Delegate Tubbs and his wife had their charming little red headed grandchildren at the convention. Our own delegate, Herb Turner, went up and said to the child, "Sonny, did you come to the circus today?" He said, "What circus? Is there a circus?" And Delegate Turner walked away and pretty soon the child turned to his grandmother and said, "Where are the monkeys, grandma?" (laughter)

VICE PRESIDENT ROMNEY: Mr. Hodges.

MR. HODGES: Mr. President, it was my intention to move to recess 1½ hours, to a time certain, but since it is obvious from the display on the floor that the Republican caucus has come to no conclusion on their vote to reconsider and are going to stall until they get that opportunity to caucus, I will withdraw my motion.

VICE PRESIDENT ROMNEY: Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, as announced by the secretary, the legislative powers committee is meeting at 12:30 for the purpose of considering any suggestions from any delegate on the first 15 proposals as shown on your final calendar. We request anyone that has any proposed amendments or any suggestions on any of the first 15 proposals, that you meet with us from 12:30 until 1:30.

VICE PRESIDENT ROMNEY: Mr. Brown.

MR. G. E. BROWN: Mr. President, I move that we recess until 1:30.

VICE PRESIDENT ROMNEY: You have heard the motion. Those in favor say aye. Opposed, no.

We are recessed until 1:30.

[Whereupon, at 11:25 o'clock a.m., the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

PRESIDENT NISBET: The convention will please come to order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: May I, as your president, be given the privilege of slightly violating one of the rules of the convention? I would like to present to you a very gracious lady, the wife of the secretary of the 1908 convention, who is sitting in our gallery today, Mrs. Paul King. Mrs. King.

[Whereupon, the delegates present accorded Mrs. King a standing ovation.]

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move that the convention resolve itself into a committee of the whole for the further consideration of matters on **general orders.**

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor will say aye. Opposed, no.

The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN HUTCHINSON: The committee will be in order. The committee has under immediate consideration an amendment offered by Delgate Nord to strike all of section a from **Committee Proposal 80.** The Chair recognizes Mr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, in order to keep faith with Mr. Nord, the understanding was this morning that his amendments would be offered only after all other amendments to this proposal had been considered and acted upon. I am now about to offer another amendment. I am not certain what the parliamentary procedure is, whether it is necessary for him to withdraw or whether we get permission of the committee to proceed in this order.

CHAIRMAN HUTCHINSON: The parliamentary situation is that if Dr. Nord insists upon his amendment at the present time, he is in order. If he desires to withdraw it temporarily, that is his prerogative.

MR. NORD: Mr. Chairman, am I in order now to answer the question that you just urged or do I have to wait until a list of 11 or 14 speakers precedes me?

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Nord.

MR. NORD: On that basis, I would like to thank Dr. Hannah for calling this to my attention. As I stated at the beginning, I didn't want this to come up until the very end of the debate, and now that we know there is something to debate I respectfully request that the 3 amendments, all 3, to sections a, b and c be withdrawn for the time being.

CHAIRMAN HUTCHINSON: Mr. Nord withdraws his amendments. Are there any further amendments? Dr. Hannah.

MR. J. A. HANNAH: Yesterday, in considering subsection 1 of section a of Committee Proposal 80, an amendment was adopted, and you will find it on page 864 of yesterday's journal. This amendment amended page 2 by striking out all of lines 7, 8 and 9 and inserting in place thereof, "and one additional seat for any remainder of 6.5 or more apportionment factors." I now move, sir, that that language be stricken so that the section will then read, "counties with 13 or more apportionment factors shall be entitled to one senatorial district for each 13 apportionment factors."

CHAIRMAN HUTCHINSON: We will first have the secretary read the amendment.

SECRETARY CHASE: Mr. John Hannah offers the following amendment:

1. Amend page 2, line 6, after "factors" by striking out all of lines 7, 8 and 9 and inserting a period; so that the language will read, "counties with 13 or more apportionment factors shall be entitled to one senatorial district for each 13 apportionment factors."

CHAIRMAN HUTCHINSON: Mr. Downs.

MR. DOWNS: I would like to make a motion, but to be in order, make a very short statement. I would like us to have a recess similar to the one that was called by Delegate Iverson this morning, and I believe to be in order I must first move that the committee rise. Therefore, I do so, and I wanted the delegates to know what the purpose of the motion was.

CHAIRMAN HUTCHINSON: Mr. Downs moves that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion prevails and the committee has risen.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80** and has made no further progress thereon.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: Mr. President, I move that we stand in recess for ½ hour.

PRESIDENT NISBET: The question is on the motion of Mr. Downs. Those in favor will say aye. Opposed, no.

The motion prevails. We are in recess until 2:05.

[Whereupon, at 1:35 o'clock p.m., the convention recessed; and, at 2:05 o'clock p.m., reconvened.]

The convention will please come to order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I again move that the convention resolve itself into a committee of the whole for the further consideration of matters on **general orders.**

PRESIDENT NISBET: The question is on the motion of Mr. Hutchinson. Those in favor will say aye. Opposed, no.

The motion prevails. Mr. Hutchinson.

[Whereupon, Mr. Hutchinson assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN HUTCHINSON: The committee will be in order. The committee has before it an amendment to **Committee Proposal 80** offered by Dr. Hannah, which the secretary will read.

SECRETARY CHASE: Mr. Hannah's amendment is:

[The amendment was again read by the secretary. For text, see above, page 2165.]

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, a word of explanation of the amendment before you. You are all familiar with the language of the committee recommendation and with the action that was taken yesterday in substituting the words that were substituted for lines 7, 8 and 9. What this amendment, as approved yesterday, does is to provide that any county with one senator or more that has apportionment factors of 6.5 or more, in excess of the 13 required for the first senator, shall be entitled to an additional senator. This caused some concern on the part of some of our delegates. It was not in the original committee language. They thought it was approved, without their knowing exactly what was approved, but they were concerned because of 2 possibilities. One possibility is that not only Kent county would get the second senator when they had 19.5, or Genesee, but there was the possibility for all time to come, as long as this constitution was in effect, that Wayne county and Oakland county and Macomb county and such other counties as in the near future might be involved, entitled not only to the second senator, but the fourth or the fifth or the sixth or the tenth senator, might get the additional senator for as little as 6½ additional apportionment factors.

The second concern was the fear that this somehow or other might result in a reduction in the number of senators in outstate Michigan that might otherwise be entitled to one; so there has been a good deal of discussion and finally, being convinced that the best interests of this convention and of the people would be served by eliminating both the original language already eliminated and yesterday's amendment, we would leave the section as has been read by the secretary. This makes certain that no county, until this language is changed, if it is changed at some later date, is going to get a second senator until it has a full entitlement or until some figure is arrived at at less than a full entitlement.

What we are doing now, I think, satisfies the people who feel uncertain about the action taken yesterday. I would be less than honest, however, if I didn't indicate that I personally feel that between now and the time this matter comes back on second reading there will have to be consideration given, and eventually this convention is going to have to decide on some figure; if it isn't 6½, it is going to be 7 or 8 or 9 or 10 or specifically say that no county will get an additional senator until it has a full 13 factors, which I do not believe is the intention of the convention or the committee. But I am satisfied that as of now the best interests of this convention will be served if you approve the amendment that is before you, deleting the language that was written in yesterday, and at the same time all of lines 7, 8 and 9, leaving only the language in lines 4, 5 and 6, and then going on to the second subsection.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Nord.

MR. NORD: Mr. Chairman, in the short time that we have had to analyze the effect of the amendment, we have been able to come to certain conclusions; at least we believe they are quite sound even though they have been rather hurried. First of all, we believe that under the Pollock amendment, which would now be removed, there was worked out a system whereby the urban areas, that is to say, the ones that are in the subsection marked "first," would be on the same footing, as nearly as could be, as the rural counties, the ones that are in the subsection marked "second." And as to that, we think that is a good principle. We would not wish to depart from that unless we could be sure that we would continue that parity.

Now, in analyzing the effect of the change that is now proposed, we find this: we find that there would now be created a disparity which does not exist under the language so far adopted which we can call the Pollock amendment, and the reason for that disparity, as we see it, is this: the counties that are in the subsection marked "first," that is, the ones with 13 or more factors, will get their senatorial district for each 13 factors. That is, they will get it for 13 and 2 for 26 and so on. Therefore, counties that are in this group, particularly the counties that are near the beginning of this group, will have 13, 14, 15 and so on, and all the way up to 25 before they get a second seat. Therefore, it is quite clear that the counties in this first group, which we can for brevity call the urban counties, since they have the highest number of these factors, will have an average apportionment factor which exceeds 13. It is not possible to know how much it will exceed. For the counties that are the size of Macomb, Genesee, Kent, for example, they will probably be half way between 13 and 26; in other words, about 19 or 20. That will be the average figure for counties of the urban size that are not as big as Wayne county, under the proposed amendment.

On the other hand, if we look to the second subsection as it appears at the present time, there is arranged a system which attempts to get each district to have an apportionment factor as close to 13 as may be, and therefore we can assume that the average of those districts will be 13, or very close to 13. Therefore, under the proposed amendment, we can anticipate that the rural counties will be getting one district every time they have 13 apportionment factors and the urban counties will not. They will have to have more than 13, and especially Kent, Genesee, Macomb, Oakland and thereabouts; they will be having somewhere around 20 apportionment factors, 19 or 20. Wayne county would not be that far away from 13. It would be close to 13. But that means that there will be a distinction between the 2 kinds of counties, and I know of no reason why there should be such a distinction.

I raise this question not only on the merits but also as a legal question. Suppose you assume, for the sake of argument, that the 80-20 mixture which we have accepted up to this point by a vote of the committee, suppose that that is a legal, permissible doctrine under the equal protection of the law. Suppose we assume that. I don't believe that, but let's assume that. We have assumed that. The question will then still be whether all counties or all persons within the same

category are treated the same way. That is the next question in any equal protection of the law case. After you set up the categories, even if they are on a reasonable basis, then you must treat all the constituents of that category on the same basis, identical basis. But, as I just indicated, they certainly would not be on the same basis. Urban counties would unquestionably be discriminated against, as compared to rural counties or within the same basis of representation, 80-20. It is my opinion on this basis that you have a clear cut violation of the equal protection of the law within this basis of representation.

I don't believe this amendment, therefore, has been well thought out. I am not opposed to the first portion of it, as such, and, as a matter of fact, Mr. Chairman, in order to try to get this thing worked out without obstructing traffic but promoting it, I have submitted, with Mr. Faxon, a substitute amendment, and I wish the secretary would read the substitute amendment we have offered.

SECRETARY CHASE: Messrs. Nord and Faxon offer the following substitute to the Hannah amendment:

1. Amend page 2, line 6, after "factors" by striking out all of lines 7, 8 and 9 and inserting a period; and in line 15, after "less than" by striking out "10" and inserting "13".

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Nord on the substitute amendment.

MR. NORD: Mr. Chairman, you will see that what we have attempted to do is to go along with the amendment that has been offered to us, that is to say, the striking of lines 7, 8 and 9, but at the same time to eliminate this discrimination which we believe is clearly demonstrable; and it seemed to us in making this work, to make the results the same — that is, between the 2 groups of counties, rural and urban — we should make another change to make sure that in each case there will be as nearly 13 as possible, but not less than 13. That is the situation you have substantially with the urban counties, and by changing the number from 10 to 13, you will again require that in the urban counties they, too, must start with 13. They are not likely to get up to 26 — the rural counties — because when you group them, there is no need to group them if they are going to get to be 26 when you put 2 together, so they will only need to have 13.

I will say this: that this does not completely cure the discrimination between urban and rural. There is still some discrimination in favor of the urban because they will still average above 13, and substantially above 13. The rural, I believe, will average also above 13, but they will be much less — that is, they will be much closer to 13. Nevertheless, in the spirit of trying to get this thing settled without obstructing traffic, we have offered this amendment and we hope that this won't cause you to recess, but we do hope that you will consider it carefully, and if you feel that it does require more time, perhaps rather than voting it down, we wish you would consider it and, if necessary, pass over it in some way. But, we think that this does give reasonably close equity to both types of counties.

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, I regret very much that Dr. Nord and some of his colleagues apparently smell foul play in every amendment that comes up. Dr. Nord made the assertion, if I understood him correctly, that the amendment now before us, unless it is subsequently changed, would have the effect of providing inequitable treatment for the populous counties as compared to the less populous counties.

First of all, the only counties that are affected at all are the counties that have more than one senator. There is nothing in this language in 7, 8 and 9 that has anything to do with the counties not entitled to a full senator. If you look at the population predictions, which you have in the books that were given to you, in 1970 there will be 5 counties that either up until that time or at that time might qualify with 2 senators or more: Wayne, Oakland, Macomb, Genesee and Kent. The same number that will have 2 senators immediately, if this constitution is approved.

It is going to provide an additional senator for Oakland, Macomb and Genesee; and Wayne and Kent already have 2 or more. Actually, under the language as it is and with the Consumers Power projections as corrected by the supplementary material you have, in 1970 Wayne county will have 124.38 apportionment factors and will be entitled to 9 senators. Oakland will have 47.54 and would be entitled to 3, plus, senators. Macomb would have 28.68 and would be entitled to 2. If my arithmetic is correct, and I am not sure that it is now that I add it again on my feet here — Dr. Pollock says he is sure it is not, and his mathematics may be better than mine. (laughter) Dr. Pollock, have you got the arithmetic done?

MR. POLLOCK: Mr. Chairman, Dr. Hannah, your apportionment factors don't agree with mine, but perhaps we calculated them differently. Macomb, in my list, would have 37.99 apportionment factors. On a projection, we are talking. Are you talking projection 1970?

MR. J. A. HANNAH: I am talking about 1970, and 28.68 is the figure that I have; Oakland county 47.54; and Wayne, 124.38. He is using different figures.

Well, perhaps, Mr. Chairman, before I finish my statement I'd better recheck my arithmetic to make sure my figures are correct. But the emphasis on what I wanted to say is not changed by the figures anyway. The point I want to make is that there is no gimmick in this recommendation at all. There is no feeling that there is anything that disadvantages anyone. The point I really want to emphasize is that there is no intention to treat the 5 more populous counties either less well or better than the other counties of the state.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. T. S. Brown on the substitute.

MR. T. S. BROWN: Mr. Chairman, fellow delegates, before I begin I would like to — before I forget about it — demand the yeas and nays on the pending substitute.

CHAIRMAN HUTCHINSON: Mr. Brown demands the yeas and nays upon the substitute amendment. Is the demand supported? The demand is supported. The yeas and nays are ordered. The question is upon the substitute. The Chair recognizes Mr. T. S. Brown.

MR. T. S. BROWN: In specific answer to the last mentioned statements of Dr. Hannah, I should like to say that when you begin with an 80-20 factor or a 4 to 1 factor, as we did in our committee — over the Democrats' objections — you have, then, something that you can logically call an 80-20 factor; but then when you make a gross distinction between the outcounty areas and all heavily populated areas, then you no longer have an 80-20 factor plan. You have something which amounts to a 60-40 plan in ultimate workings out, which is approximately the mathematical basis upon which our present senate is constituted. So it represents a net improvement of zero per cent over our present situation. Yesterday we unanimously, almost, voted down the Boothby amendment which would allow for the continuance and perpetuity of the present situation, and I assume you want something better.

This particular proposal, as proposed to be amended now, is not anything better. It is not any more than zero per cent better, and it actually reminds me of how penguins take a swim. At the south pole, you know, when the penguins want to go for a swim, they have a natural enemy in the water below the icebergs, the sea walruses and such; so they all stand on the edge of the ice cliff with their flippers at their sides and they jostle each other. Finally, one of them is jostled to the extent that he falls in the water. And if he is eaten by the walruses, then they move on to another place in the ice cliff because it is too dangerous to swim there. And this proceeds until finally one penguin falls in the water and swims about and he is not eaten, and then they all dive in at that spot for their swim.

Now, the same thing occurred in our apportionment committee down in the basement, over which we labored many months, and the first penguin that was not eaten by the walruses was Bill Hanna's plan, and this plan was taken and adopted, and I think tortured out of original context, and I am sure that the author, with all due respect to himself, is not now proud of the plan because it is an expedient plan. It offers

a quick, easy substitute. On the surface you can say it is an 80-20 plan, but it is really shot full of holes.

In yesterday's proceedings with Dr. Pollock's amendments, on which Mel Nord and I spoke, we attempted, at least, to make it an 80-20 plan, considering the fact that we disagree with the 80-20 figure and the 80-20 concept. Before the Pollock amendment, you had holes big enough in this plan that you could drive a truck through. The Pollock amendment, I think, closed some of those holes. Now you are attempting to reopen them. This morning we were asked by Mr. Elliott what some of our objections were, because I think the sum total of this convention right now does not know the ultimate size and position of the holes that do exist in this particular plan.

Now, Reinhold Neibuhr, in his book, The Immorality of Nations — and I am sure some of you protestants know him; he is an eminent protestant theologian — spoke about the collective immorality of nations and how individuals in their individual capacity can be very right and can be very just and well meaning and honorable, but when they get in a group called the "nation state," then they make war, albeit none of them individually want to go to war.

I think the experience of this convention has been that all of you, generally speaking — the people that I have come in contact with — want to give some improvement in our present senate, especially. You are well meaning, well intentioned; I ascertain this over dinner, over cocktails and such. But, collectively, when we sit here in a mass, something happens and we are not then 144 well meaning, well intentioned, constructive, far sighted individuals. We tend to revert to the lowest common denominator and I don't know what that is, but apparently the lowest common denominator is no progress. Specifically the net result of the present proposal, if the substitute proposed by Mel Nord and Jack Faxon is not accepted, will be to leave us with a situation very similar to that in George Orwell's Animal Farm, in which the communist leader of the pigs said that all animals are equal, but some animals are more equal than others.

I therefore suggest that if we, individually and collectively, really want an 80-20 plan, that you vote for the substitute amendment because that would perfect it. We in the minority party at this point find ourselves in a very difficult position of trying to make something whole that we really don't want, but I think, for the sake of consistency, the substitute amendment must be accepted.

CHAIRMAN HUTCHINSON: Dr. Pollock, on the substitute amendment.

MR. POLLOCK: Mr. Chairman, in order to decide about voting on the substitute amendment, I wanted to have a very clear statement; I think I understood from Dr. Hannah that the purpose of his amendment was to eliminate the amendment which I sponsored and which was passed yesterday with the definite end in view of providing some substitution for it. May I ask you that question, Dr. Hannah?

MR. J. A. HANNAH: The answer is, that assumption is correct. I stated that obviously some figure is going to have to be put in to entitle the county already entitled to one senator, with some excess — some point has to be put in, 10, 9, 8, 7, 11, 12 or 13.

MR. POLLOCK: Which, presumably, will be as good as the one that is being stricken.

MR. J. A. HANNAH: Well, I assume it is going to be better.

MR. POLLOCK: You assume it is going to be better. All right, Mr. Chairman, I merely want to say that this amendment which is now sponsored by the minority is obviously sponsored by way of reaction to the action taken by Dr. Hannah, and if his action is only partial action, with remaining action to come, I would say this amendment was premature and therefore I see no reason for voting it.

CHAIRMAN HUTCHINSON: Mr. Downs on the substitute amendment.

MR. DOWNS: Mr. Chairman, fellow delegates, I rise in support of the substitute amendment. What the substitute amendment does is simply say that there shall be the same number of apportionment factors to establish a state senator regardless of the geography of the state.

As has been pointed out, the apportionment factor is, in itself, a mix of people and area. I do not want now to go into that. We have debated that thoroughly, but what I do call to the committee's attention is, if the delegates favor this 80-20 mix, let's have that mix equally applicable throughout the state. All this substitute amendment does is say that there must be 13 apportionment factors, not based on one man, one vote, but based on a mix of people and area, in order to have a senator. If we are going to have equality of apportionment factors, have apportionment factors mean anything, there should be the same figure in both cases and I, for one, will not quibble over whether it is 13, 12, 10 or 9.7, so long as it is the same figure. All we are asking for is equal inequality within the state. (laughter)

What this amends — and I want to make this clear — is that at the present time, as the majority report came out, if a county had 13 apportionment factors there would be one senator for 13 factors. If, however, that county had an additional 6.5 factors, there would be a second senator. Then if there were an additional 19.5 factors, there would be a third, except provided that if the county did not have 13 factors, then a combination of counties with 10 factors would have one senator. I say this is not a 1 price system; it is not a 2 price system; it is a 4 price system. You can have a senator in one place for 6.5 factors, another place, 10 factors, another place, 13 apportionment factors, and another place, 19.5 apportionment factors.

If there is any validity to the apportionment factor — and I do not argue there is, but if there is — it should certainly stand the test that an apportionment factor has an equal value throughout the state. This is a Rube Goldberg approach: now you see it, now you don't. Apportionment factors have been gimmicked to meet the convenience of I know not what, but if we are going to have these, I urge support of the substitute amendment as preferable to what we have now before us because it will, at least, make consistency within our inconsistencies.

CHAIRMAN HUTCHINSON: Mr. Faxon.

MR. FAXON: Mr. Chairman, fellow delegates, I think sometimes we get off on points which really ought not to be concerning us right now. Nobody is going to be around in 10 years to award the prize to the person who will know how to guess how many apportionment factors any one county is going to get. We ought not to be concerned with what the number is going to be, so much as the practice by which these numbers are arrived at.

Now, it is true that these actions that have taken place in the last day have come suddenly, but this is the time at which we are gathered together to deal with the whole problem of legislative organization, and I, for one, do not believe in putting off today what can be done today. What is going to be gained by a delay? The chairman of the committee says: well, we are going to figure it out and then bring it back, but you know as well as I do that the time factor that is working against us is going to put us in a difficult position when these things come up on second and third reading, and the time to deliberate is here in the committee of the whole. The time to act is here and now. And if it is a question of 6.5 or 7 or 8 or 9, these are numbers and we are delegates that know numbers. If we want to have an explanation, we have people here who can give it to us. Let's not try to hide the real question and let's come to some decision now.

Now, this amendment doesn't amount to any tremendous change as far as the overall proposal is concerned. It simply asks for fair and equal treatment, and where it comes to the question of the range of apportionment factors, it simply makes it 13 as a minimum, upon which counties will be grouped. I don't believe that this is anything premature. These are questions that were brought up yesterday. There were remarks made by a number of delegates — I am not going to repeat now — dealing with certain loopholes that were present in this amendment.

The question is: are we going to try to reach an agreement upon which we can stand together here or is this going to be another one of those situations where anything that emanates from the minority party is going to be voted as such? I would hope that you would look at this and realize that it doesn't represent such a terrific departure; that it is something that is palatable and acceptable and it does clear up some loose language and make for more equity as far as the apportionment is concerned. If we are concerned with doing what is in the best interests of the people, we ought to try to make this language as clear as possible and try to make it equitable.

It seems where you provide for 13, the number should stay 13. I don't know that there is a need for me to make any intellectual appeal here. I am sure that any statements by any professors or any expertise would have little validity. The only point I want to make is that this is a concern that many delegates have. It is a concern that should be for all of us to feel, not just those who represent a minority party. It is a question here of improving the language, of improving the intent. Surely this is not asking too much from the magnanimous gesture you could make to accept this amendment.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, of course, we could prolong this for a long period. All of the arguments which were used yesterday when we were talking about the senate apportionment could be repeated. The points that Mr. Faxon is making now are the objections to the proviso that counties are not entitled to one full senator. The proviso which we have before you which has been tentatively approved provides that any combination of counties with 10 may be entitled to one, if necessary, but that the average number shall be 13. They may run from 10 to 16, minimum, with an average of 13.

I am not going to repeat those arguments because they were gone over yesterday, but I only wanted to repeat what I started to say and then was a little awed by some discussion around me that my arithmetic was wrong. The point I wanted to make was that the only counties that are affected in any way by the amendment now before you, unless you take the amendment of Mr. Faxon, which he is offering as an objection, are the 2 counties of Genesee and Kent. No other counties are affected at all. If there was no change at all and no figure was ever inserted and we were going to stay with this language, as I hope you are going to amend it, not accepting the Faxon amendment, you would end up in 1970, with Wayne with 9 senators, Oakland with 3 and Macomb with 2, a total of 14, and total apportionment factors of 210.60, or an average of 15.04 apportionment factors per senator. No other counties are affected now besides Genesee and Kent. Genesee and Kent are going to lose one, unless you subsequently put in some other figure to take care of them. Genesee with 21.09 will have one and Kent with 19.99 will have one. You add them together — that's 41.08 for 2 senators and they will have 2 senators with an average apportionment factor of 20.54.

The point I want to make is, if you accept my amendment, reject the Faxon amendment, the only counties that are affected in any way are Genesee and Kent. They are adversely affected unless, subsequently, as I expect, we are going to write in some figure to take care of them or any other counties that have 19½ or 20 or 21 or 22 or any other figure less than 26. That can be determined later. I urge you to defeat the amendment that is before you and then urge you to approve the amendment that I offered earlier.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman and fellow delegates, Dr. Hannah, in making his first remarks in response to mine, stated that he thought I smelled a rat or that I suspected foul play. I want to assure him that I do not. I do not suspect any foul play and I do not suspect any rats are lurking in the middle of this amendment that has been offered.

What I only state is this, and what I state is point blank fact, and I have been able to use this slide rule which I happened, by good luck, to have here since my demonstration last night, which backfired. I used this slide rule to find out whether my mental arithmetic was correct, and now I have the entire arithmetic; I can read it to you number by number and guarantee you that on the basis of 1970 — which is probably as typical as any other — there will be a discrimination against the urban counties, and I will read the figures into the record so there can be no question and you can look at them later; I have them here. I will read them in a few minutes. But I will just summarize: if you take the largest counties, Wayne, Macomb, Oakland, Genesee and Kent — I haven't had time to go down through other counties which could be included; I believe there may be a few others as well, but these are the ones that are the multiple seat districts or are normally thought to be the multiple seat districts. On this basis, for those counties, you would have, according to the projected figures for 1970, 14.9, an average of 14.9 apportionment factors, and if you leave out Wayne county — because I pointed out that the discrimination against Wayne county is substantially negligible in this case because it has so many, relatively so many seats — it is a discrimination mainly against the smaller counties within this group. If you take in account Macomb, Oakland, Genesee and Kent only, you will find that the average apportionment factor would be 16.3 under the proposed amendment of Dr. Hannah; 16.3. And, as Dr. Hannah himself has said — and I believe everyone can easily see is true — as to the rural counties, or at least the counties that are not entitled to more than one senator, they are not all rural — but anyway, the counties of a smaller size will have very close to 13. There is a substantial guarantee of that in subsection 2. Therefore — and I suggested when I was on my feet before doing mental arithmetic — I would estimate on the average you would have about 19 to 20 apportionment factors in the middle sized counties, the counties just below the biggest, Macomb, Oakland, Genesee and Kent. I estimated 19 to 20, and the figures show for the particular projections of the population for 1970, 16.3.

Now, I would like to point out this: not only do we know that the projected figures will lead to a discrimination, which has no basis in theory or fact or even in desire, but I am also extremely disturbed by Dr. Hannah's remarks in which he says no counties are affected except Genesee and Kent. To me, this is an extremely serious statement to make. Every county in this state is affected for this reason: you don't know what the populations of any counties will be in 1980, 1990, 2000, 2010 and ad infinitum. You have got to adopt a constitution which is not just good for 1970; it's got to be good forever. It's got to be one that is right in principle, as much as you are willing to make it right. You can't just design it for one set of figures. It's got to be correct.

Now, as to my conclusion on the statistics, I will read the figures into the record. There only are a few figures. These figures are obtained directly from Mr. Knirk, who has, I believe, the latest figures on population and how they affect the apportionment factors. In Wayne county — I hope that this can be put into the record. If not, I will hand it to the secretary — in Wayne county there are 124.38 apportionment factors which would entitle them to 9 senators under the Hannah amendment. Macomb county is 28.68; that would entitle them to 2 senators. Oakland county would have 44.38 apportionment factors, which would entitle them to 3 senators. Genesee has 21.09 — these are the estimated figures for 1970 — and they would be entitled to one senator, and Kent would be estimated at 19.99, and they would get one senator. Those are the figures that I have used. If they are incorrect, no doubt that can be pointed out.

On the basis of those figures, the results that I have mentioned follow. They follow on the basis of a trusty slide rule, and they may be off by one decimal point. They demonstrate that even on the basis of predicted figures, there will be a certain discrimination between the, let's say the suburban counties. It is not Wayne county that is involved. I hope that is quite clear. It is Macomb, Oakland, Genesee, Kent and probably the next 2 or 3 counties below them in population.

They are going to be discriminated against, and you can't be sure that they won't be discriminated against more than this when you get to 1980 and 1990 and 2000 because you don't know those statistics.

I hope that this analysis that we are presenting can be taken just on the merits, and I am afraid that when I state this, you will say that you smell a rat, but I hope that you will look it over carefully and find out that these are the correct facts.

Now, finally, as to the remarks of Dr. Pollock. Dr. Pollock says that the proposed amendment, the one that is marked on the wall, is premature because it attempts to correct something and we don't know what it is that it is correcting. I believe that there is, certainly, a great deal of truth in that. It is premature in this sense: that what it is attempting to correct is premature and incomplete. But the point is this: we have got to vote now. We were supposed to vote immediately on the amendment without knowing what else might ever be put in besides that. Now, if something else is to be put in in the future, we can take this one out, the one that we put in. We are by no means adamant.

I might say further, in case it makes any difference, this amendment that we have offered is, by no means, as good as the Pollock amendment in the first place. I much prefer the Pollock amendment. It is much more equal than this. We are only doing this to make sure that we don't give a blank check. If Dr. Pollock will agree, and perhaps he will, that we ought to resist the Hannah amendment itself and wait until we find out what is in it before it is adopted, I would agree with him. I believe that is the correct procedure. We are only doing this to make sure that we don't leave ourselves giving a blank check. Those are the only comments I have and — on the basis of what we are faced with, a decision that we must either accept or reject the Hannah amendment; and my belief that presumably it would be accepted — it seemed to us that the only thing we could do to make it in a safe condition is to put in the substitute amendment. I still believe that Dr. Hannah will be able to endorse this if he will go over my arithmetic.

CHAIRMAN HUTCHINSON: The Chair next recognizes Mr. T. S. Brown.

MR. T. S. BROWN: Mr. Chairman, fellow delegates, when I was about to come up to this convention I was speaking to an old line politician in my area, a Democrat who had a lot of experience in Lansing affairs, and in the course of discussing possible errors that we, as Democrats, individually and collectively might make here, this oldtime politician said, "Well, don't be concerned about that because the other side has an infinite capacity for making one more mistake than you do." I suggest that this is a manifestation of that infinite capacity, because you had laid before you in the last few minutes not an argument for one man, one vote, not an argument for the Democratic side, but the rather weird situation of Democrats arguing for equality within your own ranks in the outstate areas.

I hope that you all realize that collectively we are acting as a witness in a lawsuit, a lawsuit which is now pending, and that the specific stands of the parties taken here today on this particular matter will become matters of record in that lawsuit, and that wilfully and culpably, as I feel you will, you have indicated or you will indicate today that you are not concerned with equality within the 80-20 factor proposition. I think that, therefore, the Nostradamus in my neighborhood was correct in that this is a gross and grievous error and it is one more mistake that we could possibly make here today.

CHAIRMAN HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. Chairman, I will just speak very briefly. There have been comments made that the amendments affect just 1 or 2 or maybe 3 counties. I would like to point out that we are talking about people here for the entire state, and if one person is over represented in the state, then everyone else is under represented, or if one is under represented, then others are over represented. Because every one of us in this state is affected by the votes not only of his own legislators, but just as much by the legislators from other parts of the state. So I urge the delegates, when voting on this amendment, to support it and to realize that we are talking about standards on a statewide basis and not just the people of a particular county. Thank you.

CHAIRMAN HUTCHINSON: Mr. Knirk.

MR. KNIRK: Mr. Chairman and ladies and gentlemen of the committee, I think I would like to point out, for the record here, the fact that on this proposal that has been offered by the majority — Dr. Hannah — we must state that 14 seats would have 200 apportionment factors, which would average out at 14.28. The 23 seats outstate would have a total of 300 apportionment factors, or an average of an even 13.

I think one other point that is being made here on this particular amendment, that we are not fair unless you have the 13 to 16 being the only factors that would be considered for a total district, is unfair because there would be 10 districts that would be over the 12½ factors and 13 districts below. That is not such a large discrepancy as they would have you believe. I would certainly urge that each and every one of you vote against this amendment that is being proposed and then make it possible to vote for the majority amendment. Thank you.

CHAIRMAN HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, delegates, to get back to the subject of the amendment submitted by Dr. Nord and Mr. Faxon, if I read this, this creates a real conundrum because, as it will read, starting on line 13, it will say "rectangular in shape as possible, having as nearly as possible 13 apportionment factors, but in no event less than 13." I can't get as close to 13 and also be not less than 13 in the same situation. Perhaps there is more to be stricken out, but as I read the language, that is the effect of it.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, I would also like to address these remarks specifically to Mr. Bill Hanna. I recognize the apparent incongruity of those words. Nevertheless, despite the fact that we only had 2 minutes to find out whether they were right or wrong, I can prove to you that they are right and there is no difficulty whatever with them. I realize nobody else has had 2 minutes either. Let me just go over those words to show you that there is nothing wrong with them. What you are asserting, I believe, is that this is a conundrum — in other words, that it appears to be impossible to do this. Let me demonstrate how you do this: it states here that each of these districts, which is made up of multiple counties, should be as nearly as possible to 13, but not less than 13. Now, that isn't impossible to do.

The reason we didn't strike "as nearly as possible 13" is this — of course, we don't have any objection to striking it. If you would strike that and also strike "or more than 16" we would think it's great, but it wouldn't be fair. Here is the reason it would be great to strike that: that would mean it has to be at least 13, but it could be a million. If you wish to do that, of course, that would be fine; that would, absolutely, take away all of the rights of the rural areas. But what we are saying is this: we want it to be as close to 13 as possible but not less than 13.

Now, as to the "or more than 16," we are willing to put that any place you wish. You can have a blank check to change it. The only reason we didn't change it is simply because it was here. We didn't wish to change anything more than we could prove was correct. Therefore, what we are saying is this: just as in the first paragraph, the counties should have as close to 13 — actually they have more than 13, but they start with 13, and in the second group, which I will call the rural counties, they also start with 13 but they are not required to go to 14, 15 or 16. If possible, they should stay at 13, 13.1 or 13.2.

All of that is for the protection of the rural areas. Therefore, these words that we have left in here are by no means a conundrum unless you just can't believe that we want to be equal between rural and urban. We do want to be equal and I say this: this is still discriminating to some extent

in favor of the rural counties, whereas Dr. Pollock's is not. Anyway, I hope that this settles the supposed conundrum. There is no ambiguity, there is no inconsistency, there is no possibility, and if there is thought to be any, we would be glad to strike a great many other words here that are supposed to cause that trouble.

I believe on analysis you will find that what we have presented has the same motive as what you presented. I wish to make that clear. We do not think that the Hannah amendment was presented with the thought in mind that it would discriminate. The reason I make that point again is we didn't discover that at first ourselves. We were ready to support it. But in analyzing it, we found that it is bound to cause a discrimination. We are satisfied that the Hannah amendment was put in in good spirit, so to speak, but I don't know whether you can ever believe that we can put something in in the same spirit. If you can find it in your hearts to believe it, then I believe you can adopt this.

CHAIRMAN HUTCHINSON: Mr. Faxon.

MR. FAXON: Mr. Chairman, Mr. William Hanna, who serves as a distinguished member of the committee on style and drafting, is well aware that the committee in their infinite wisdom will make all necessary changes so that the language is clear, and I am certain that Mr. Hanna could find better criticism to make than to find a slight incongruity of the language.

I think the meaning is quite clear. That second paragraph deals with combinations of counties, and rather than have the range extend from 10 to 16, the range would be from 13 to 16. Whether you use the words "a minimum of 13 apportionment factors and a maximum of 16," the overall intent remains the same.

The first paragraph deals with the question of the urban counties where there are 13 or more apportionment factors. The second paragraph deals with the question of the remaining counties. Now, I am aware of the fact that in the first paragraph the substitute amendment is no different from the amendment submitted by the chairman of the committee; so this isn't even a question in point. The question which you are being asked to direct your attention to is the content and subject matter of the second paragraph, that dealing with the remaining counties, where, if you are going to take out the leeway that exists in the first paragraph for the populous counties, you are going to remove that eventually to put something else in — so I am told — then, in the second paragraph, which deals with the remaining counties, you have the same prerogative to later change it if there are going to be changes made in the first.

The only question here is, we should be consistent and where we make an adjustment in the case of the urban counties, where there are 13 or more apportionment factors, we should make a similar adjustment, to be consistent and equitable, in the case of the second paragraph. That is all this amendment does that is more than what the original Hannah amendment did. To include the second paragraph within the scope of this so that the range for those factors, for those combinations of counties remaining after the urban counties have received their senators, would be 13 to 16 rather than 10 to 16.

So let's not look at this as a question of Kent and Genesee counties, because in both amendments the same case holds true, it is the deletion of lines 7, 8 and 9 in the first paragraph. That isn't the question in point. The question is simply whether, in the process of deleting lines 7, 8 and 9, dealing with urban counties, might it not be just as well to deal, in the second paragraph, with the range permitted for combinations of counties so that we are in both cases being consistent and equitable. This is the question upon which you are being asked to vote.

CHAIRMAN HUTCHINSON: The Chair next recognizes Mr. Woolfenden.

MR. WOOLFENDEN: Mr. Chairman and fellow delegates, I, and I believe every other delegate here, am strongly in favor of unlimited debate in committee of the whole. However, speaking for myself, and I believe for many other delegates in the chamber, I made up my mind many minutes ago, nearly an hour ago, as to what my vote is going to be, after the early statements on this, very ably given by Dr. Hannah, Dr. Pollock, Dr. Nord and others. This debate has continued now for 62 minutes, and it has cost the taxpayers $1550. I earnestly hope that we can get a vote on this subject without further debate. (applause)

CHAIRMAN HUTCHINSON: The question is upon the substitute amendment. The yeas and nays have been ordered. This is a record roll call vote. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 44

Austin	Garvin	Murphy
Balcer	Greene	Nord
Barthwell	Hart, Miss	Norris
Binkowski	Hatcher, Mrs.	Pellow
Bledsoe	Hodges	Perlich
Brown, T. S.	Hood	Perras
Buback	Jones	Sablich
Cushman, Mrs.	Kelsey	Snyder
Dade	Krolikowski	Stopczynski
Douglas	Lesinski	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	Marshall	Young
Follo	McCauley	Youngblood
Ford	McGowan, Miss	

Nays — 87

Allen	Hanna, W. F.	Pugsley
Andrus, Miss	Hannah, J. A.	Radka
Batchelor	Haskill	Rajkovich
Beaman	Hatch	Richards, J. B.
Bentley	Heideman	Romney
Blandford	Higgs	Rood
Bonisteel	Howes	Rush
Boothby	Hoxie	Seyferth
Brake	Hubbs	Shackleton
Brown, G. E.	Iverson	Shaffer
Butler, Mrs.	Judd, Mrs.	Shanahan
Conklin, Mrs.	Karn	Sharpe
Cudlip	King	Sleder
Danhof	Kirk, S.	Spitler
Dehnke	Knirk, B.	Stafseth
Dell	Koeze, Mrs.	Staiger
Donnelly, Miss	Kuhn	Sterrett
Doty, Dean	Lawrence	Stevens
Doty, Donald	Leibrand	Thomson
Durst	Leppien	Tubbs
Elliott, A. G.	Martin	Turner
Erickson	McAllister	Tweedie
Everett	McLogan	Upton
Farnsworth	Millard	Van Dusen
Figy	Page	Wanger
Finch	Plank	White
Gadola	Pollock	Wood
Goebel	Powell	Woolfenden
Gover	Prettie	Yeager

SECRETARY CHASE: On the adoption of the substitute amendment offered by Mr. Nord and Mr. Faxon, the yeas are 44; the nays are 87.

CHAIRMAN HUTCHINSON: The substitute amendment is not adopted. The question reverts to the original amendment offered by Dr. Hannah, which the secretary will again read.

SECRETARY CHASE: Mr. John Hannah has offered the following amendment:

[The amendment was again read by the secretary. For text, see above, page 2165.]

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Hodges on the amendment.

MR. HODGES: Mr. Chairman, I rise to oppose this amendment. I would like to go back for a short time in the history

of this amendment and the amendment before it. The majority members of our committee were willing to set up any artifice or facade necessary to save the 2 Republican senators from Kent county. I had an amendment yesterday, which was a clarifying one, which I withdrew after Dr. Pollock's passed, and which spelled out exactly what the committee's intent and purpose was on the 19½ factor, and that was to keep Kent county's 2 senators, and this was admitted on the floor by the proponents of the majority proposal. But when it was discovered by others on this floor that they felt they should get the same treatment as Kent county and that some of these others were from the metropolitan area and it would be slightly possible, under the Pollock amendment, and conceivable that Oakland and Macomb and Wayne might pick up an additional senator or 2 in 1970, there was a hurried up effort to have the committee meet again and vote to recommend to reconsider the Pollock amendment.

It seems to me that the most dismaying part was, we had a delegate on our committee from Oakland county who was perfectly willing to set up the possibility of Kent county keeping her 2 senators and saw nothing wrong with it and was willing to reconsider the amendment of Dr. Pollock which possibly would have given some slight equity to his own county of Oakland. If this had come up in the first place, we of the minority would have fought this specific provision to single out Kent county and give them special treatment. But I don't think now you should retreat from that position, retreat from that position of giving Kent county special consideration just because by doing this you might give slight equity to the metropolitan areas, and therefore, I would say that I cannot, and I doubt if many of the members of my party can, in good conscience, vote for this amendment.

CHAIRMAN HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, I rise to oppose the Hannah amendment. I vigorously object to the extent to which some of the delegates in this convention will go to preserve the deal that was worked out by certain delegates in this convention and to keep united the dissident factions within the majority party.

The debate on this issue on the floor of this convention has turned into a real fiasco. We used to know from one day to the next where the majority was going. Now we don't know from one hour to the next. It was pointed out that it was the factor that was built into the proposal which was obviously designed to take care of Kent county. I would like to ask the question of Delegates Martin and Goebel: just which one of the seats will be lost, Paul Goebel's or John Martin's? There is a double standard built into the proposal, as was pointed out earlier, for in the urban areas you start out with an apportionment factor of 13 and you can go as high as 26; where in the rural areas, you start with an apportionment factor of 10, with an average of 13. I happen to come from and represent, in this convention, the second largest senatorial district in the state of Michigan, with approximately 680,000 people. The only other district that exceeds this is Oakland county, which I believe has a population of approximately 690,000. By the defeat of the Pollock amendment and the adoption of the committee amendment, both Wayne and Oakland will be robbed of a senate seat on the 1970 projection. If the delegates from Oakland are willing to sell their district short for the sake of unity behind the package deal, they may do so. I, for one, do not intend to do that to the twenty-first senatorial district, and I oppose the Hannah amendment.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, I rise to oppose the Hannah amendment and also, before I forget to do so, I wish to demand the yeas and nays, and then I will wish to speak upon the Hannah amendment as soon as I know whether the yeas and nays are effectively demanded.

CHAIRMAN HUTCHINSON: Mr. Nord demands the yeas and nays on the pending amendment. Is the demand supported? The demand is supported. The yeas and nays are ordered. The Chair recognizes Dr. Nord.

MR. NORD: Mr. Chairman, I have 2 questions to ask the proponent of this measure, this amendment, and I hope that we will get an answer to these 2 questions, because I have had no explanation of why this amendment ought to be adopted. I don't recall having heard why it ought to be adopted. I therefore ask Dr. Hannah these 2 questions and I hope that he will give me the best answer that he can. First, what rationale justifies the amendment that he proposes, and second, if the Pollock amendment which is now to be stricken was right yesterday, and you, personally, took the floor, as I recall, and said so, why is it wrong today?

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Hannah to respond to the questions.

MR. J. A HANNAH: Mr. Chairman, Dr. Nord, members of the committee, I think I have already answered the questions asked by Dr. Nord very forthrightly in my beginning explanation of why this amendment was proposed. I am perfectly willing to restate it for the record, and that is, number one, that when the Pollock amendment was adopted yesterday, which had the effect of giving to all counties with more than one senator, having 6½ or more leftover apportionment factors, an additional seat, this was a matter of real concern to a considerable number of delegates to this convention. They feared 2 possibilities. One was, they feared that this would give not only to the counties entitled to a second seat, but those counties already with 2 or more seats, an additional senator with less than what they thought was a reasonable entitlement, that Wayne and Oakland and whatever other counties might be involved, might have an additional seat for 6½ or 7 or 8 apportionment factors, instead of a larger figure. This was one fear. Another fear was that somehow or other this might take away from the outstate counties the assurance that they thought the language provided by the committee originally assured them. Because of this uncertainty, I made the recommendation and proposed the amendment now before you that we strike out all of this language, leaving only the first 3 lines, with the expectation and the personal hope that between now and second reading there will be some figure written in to take care of the overage entitlement of those counties that are entitled to more than one seat. I think I said all that before. I am glad to say it again.

CHAIRMAN HUTCHINSON: Do you yield the floor, Dr. Nord? Mr. Kelsey.

MR. KELSEY: Mr. Chairman, members of the committee of the whole, I rise to oppose the amendment, representing Macomb county, who have waited long and patiently for their just representation, and it would certainly be normal for me to take this position. Even though the eminent Dr. Pollock's amendment of yesterday, which was adopted, had a built in flaw which would guarantee Kent county, with a population of somewhere in the 50,000s or more less than Macomb, I had no objection and went along with the amendment.

A few months ago, one of the delegates of the majority party put in what he thought was a clever resolution. I refer to the resolution of Delegate Kuhn, to the effect that we vote first and then the lights go on, hoping that it might trip the minority party. Let me say that Dr. Nord may be a little bit more rapid with the slide rule than myself, but I would like to take credit for having a little better political nose. I do smell fish and foul, and I say, when we talk about deadlines, we will soon be close to May 15, and in all sincerity to the majority party members, who have the votes to pass something, that now that they find out it is almost fair, they want to change it. I don't think it is right and I think that we should certainly end debate on this question and vote and move toward a rapid adjournment. (applause)

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Dr. Hannah. The yeas and nays have been ordered. This is a record roll call vote.

MR. MARSHALL: May I ask just one question of Dr. Hannah?

CHAIRMAN HUTCHINSON: If he cares to answer.

MR. MARSHALL: Dr. Hannah, I believe in previous remarks that you made, you stated that it would be all right for Kent county and, possibly, Genesee to get an additional seat on a 6.5 factor but yet, if I understood you correctly,

this would not be okay insofar as Wayne, Oakland and Macomb is concerned. Am I correct?

MR. J. A. HANNAH: I made no statement of what was right or what was wrong. I indicated what was the concern of some of the delegates. I indicated what this amendment does, if you approve it, and what I hope the eventual outcome will be. There was no comment on what was right or wrong.

MR. MARSHALL: May I ask you one further question, if — and in line with your remarks of the possibility of putting something in to take care of Kent county and possibly Genesee — would you not, if that is done or what you contemplate doing, would that not be giving preferential treatment to those 2 counties as opposed to Wayne, Oakland and Macomb?

MR. J. A. HANNAH: The answer, Mr. Marshall, is no. I expect that whatever is done will apply to all counties if there is an entitlement due to an overage over and above whatever their total factors divided by 13 would come to, and I can't conceive that this convention is going to approve anything that isn't equitable and fair for all the counties of the state.

CHAIRMAN HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. Chairman, I think I owe an explanation to those who joined me in the majority in adopting the amendment I proposed yesterday, when I say that I am voting for the Hannah amendment on the distinct understanding that in the place of the amendment which is now stricken there will be replaced something equally good.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Hannah. This is a record roll call vote. Mr. Jones.

MR. JONES: Through the Chair, I should like to ask Dr. Hannah a question.

CHAIRMAN HUTCHINSON: If he cares to answer.

MR. JONES: You have made several references to a substitute language that you would intend to offer to take care of this overage. Do you have a substitute at this time?

MR. J. A. HANNAH: I do not, Mr. Jones, and I have indicated, I think, specifically once, and inferred on other occasions that between now and the time this comes back on second reading, it is my hope and my expectation that there will be included some figure to replace the figure that is now taken out, and certainly, when that comes before this convention on second reading, it will be available and eligible for complete and full discussion, and eventually will have to be approved by this convention.

MR. JONES: I should like to remind the delegates that if they vote for the Hannah amendment, they are voting for a pig in a poke.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Hannah. The yeas and nays have been demanded and have been ordered. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 86

Allen	Hanna, W. F.	Radka
Andrus, Miss	Hannah, J. A.	Rajkovich
Batchelor	Haskill	Richards, J. B.
Beaman	Hatch	Romney
Bentley	Heideman	Rood
Blandford	Higgs	Rush
Bonisteel	Howes	Seyferth
Boothby	Hoxie	Shackleton
Brake	Hubbs	Shaffer
Brown, G. E.	Iverson	Shanahan
Butler, Mrs.	Judd, Mrs.	Sharpe
Conklin, Mrs.	Karn	Sleder
Cudlip	Kirk, S.	Spitler
Danhof	Knirk, B.	Stafseth
Dehnke	Koeze, Mrs.	Staiger
Dell	Lawrence	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McLogan	Turner
Elliott, A. G.	Millard	Tweedie
Erickson	Nisbet	Upton
Everett	Page	Van Dusen
Farnsworth	Perras	Wanger
Figy	Plank	White
Finch	Pollock	Wood
Gadola	Powell	Woolfenden
Goebel	Prettie	Yeager
Gover	Pugsley	

Nays — 45

Austin	Greene	McCauley
Balcer	Hart, Miss	McGowan, Miss
Barthwell	Hatcher, Mrs.	Murphy
Binkowski	Hodges	Nord
Bledsoe	Hood	Norris
Buback	Jones	Pellow
Cushman, Mrs.	Kelsey	Perlich
Dade	King	Sablich
Douglas	Krolikowski	Snyder
Downs	Kuhn	Stopczynski
Elliott, Mrs. Daisy	Lesinski	Suzore
Faxon	Madar	Walker
Follo	Mahinske	Wilkowski
Ford	Marshall	Young
Garvin	McAllister	Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Hannah, the yeas are 86; the nays are 45.

CHAIRMAN HUTCHINSON: The amendment is adopted. Are there any further amendments to the body of the proposal?

SECRETARY CHASE: Mrs. Cushman offers the following amendment:

1. Amend page 1, line 9, after "Sec. a.", by striking out the balance of the section and inserting "The senate shall consist of not less than 39 members elected from single member districts for 4 year terms to be elected at the same time as the governor and serve terms concurrent with that of the governor.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) First: each county with 1/39 or more of the state's population shall be given one senatorial district for each 1/39 of the state's population. Each such county shall be divided by the apportionment commission into single member districts which are compact, uniform in shape, and varying no more than 25 per cent in population, giving consideration to city and township boundaries to the extent possible.

(2) Second: the remaining counties of the state shall be arranged into senatorial districts that are compact, convenient and contiguous by land, and each containing as nearly as possible 1/39 of the state's population, but no district shall contain more than 10 per cent of the state's land area.".

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Mrs. Cushman.

MRS. CUSHMAN: Mr. Chairman and fellow delegates, this amendment, as you will notice, sticks to the majority proposal which we have before us, in that it saves for single member districts 4 year terms, the same term as the governor, and so on. It provides for not less than 39 members, and there is no upper limit in that it may be possible to — well, I mean, it is a little bit difficult to tell exactly how many more you may want.

In arranging the state into senatorial districts, we follow the same procedure as in the present proposal, giving each county with 1/39 or more of the state's population a senatorial district for each 1/39, and dividing these counties into single member districts that are compact, uniform in shape and varying no more than 25 per cent in population, giving consideration to city and township boundaries to the extent possible. And secondly, we divide the remaining counties of the state into senatorial districts that are compact, convenient, contiguous by land, each containing, as nearly as possible, 1/39 of the population, and then this is the consideration of area which I believe is necessary in our senate: no district shall contain more than 10 per cent of the state's land area.

This gives us, in the map which I have before us, 3 districts in the upper peninsula and about the same in the upper half of the lower peninsula, and then the rest of the state is split pretty much on a population basis. It is my belief that the chief reason that we need consideration of area is because of the vast, sparsely populated areas in the northern part of the state. This gives them the consideration that they need without, in my opinion, over emphasizing this as an area factor. This is the reason that I offered it and I think it is the simplest means that I have yet found of giving consideration to area. Thank you.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mrs. Cushman. Mr. Nord.

MR. NORD: I simply would like to say that many parts of this amendment, of course, are good, but the area factor in there is one which I, personally, cannot go along with. Of course, if Mrs. Cushman were to strike the area factor at the end, it would be the exact reverse. But with that area factor included at the end of it, I, personally, would have to oppose it.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, ladies and gentlemen, I urge that the committee vote no on the Cushman amendment.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mrs. Cushman. All those in favor will say aye. Opposed will say no.

The amendment is not adopted. Are there any further amendments to the body of the proposal?

SECRETARY CHASE: Messrs. McAllister, Leibrand, Wood, Boothby, Shanahan, Hoxie and Erickson offer the following amendment:

1. Amend page 1, line 9, after "Sec. a.", by striking out the balance of the section and inserting "The senate shall consist of 83 members, one from each county, as presently constituted. Senators shall be elected by partisan ballots for terms of 4 years. The first of such elections shall be the next general fall election after this constitution becomes effective.".

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Mr. McAllister.

MR. McALLISTER: Mr. Chairman, fellow delegates, when I went to school I had fairly good marks in arithmetic, but during the past day or 2 I've heard all sorts of calculations and, actually, I have become quite confused. I do realize that the present apportionment plan for the senate will give the rural areas less representation and, in effect, will place the full control of the senate in the largely populated and urban areas. I think we can readily get away from this jigsaw puzzle that has been presented here by adopting the amendment that my group proposes. It is true that as far as population is concerned, the rural areas don't compare with your urban areas, but there are a few factors we have overlooked. While the population may not be great and while there may be some sparsely settled areas, there is great wealth in those areas. I can speak only of my own county, particularly, but the per capita wealth in my county, according to my computations, is approximately $8,000 per person. I would say that the wealth, comparatively, is greater than most of the urban areas if not all of them. We have another factor. We have resort areas through all this territory, and these people contribute tremendously to the wealth and prosperity of Michigan because the dollars that they earn and the services they render benefit people from all parts of the state.

The convention here has spent days trying to protect the rights of minorities. It seems the one minority group, if you may call them that, is the rural, outstate Michigan. The upper peninsula and practically all of the counties with the exception of 7 or 8 are in this class.

The United States senate is composed of 2 representatives from each state, whether it is Nevada with 500,000 or New York with 20,000,000. There has never been any thought, as far as I know, of changing this plan, and I believe the theory is that all of these areas should be represented regardless of population.

Our county governments have performed and functioned well. Each county is an independent unit, and in order to have effective representation in Lansing, each county in this state should have someone there to act in its behalf because we all know that when you hire somebody else to do things for you, they don't do them as well as you do them yourself; and if you have a representative from your county, he is going to be interested in that county and he can contribute considerable to the thinking of the legislature and considerable for the benefit of all the people of Michigan. When our state is widely diversified in industry and each particular area of the state has some outstanding industry — your upper peninsula has mines, has timber, it has fishing, it has the resort industry and many other things, it is just as important that Houghton county or Chippewa county be represented individually here at Lansing by one of their people as it is for Wayne county with its millions.

Even the United Nations, which is worldwide, follows a pattern that I ask you people to support here. It doesn't make any difference whether it is Ghana — practically an uncivilized country, or Russia, they both have one representative at the United Nations, and I don't see why Michigan should follow any different policy.

It is my contention that this amendment will not only protect rural Michigan and the smaller counties, but that it will just as effectively support or protect the big cities; Detroit, Saginaw, Flint and these other areas couldn't exist if it weren't for their rural patronage they have. So I say to you folks here that this is not a whim. It is something that I have given consideration and our group has given consideration, and we ask you to support this amendment so that all areas of our state will be adequately represented. I yield the floor to Mr. Leibrand from Bay City.

CHAIRMAN HUTCHINSON: For further presentation of the amendment, the Chair recognizes Mr. Leibrand.

MR. LEIBRAND: Mr. Chairman and members of the committee, the McAllister amendment is identical with Delegate Proposal 1405, originally introduced in this body on November 29, 1961, by 39 members of this convention. I wish to point out some of the merits of the amendment. First, the McAllister amendment is brief. It contains but 43 words, in contrast to section a of the committee proposal which, with its current amendments, contains about 450 words. Second, the McAllister amendment is easy to understand. It can be read in 2 seconds and understood in the same 2 seconds. No electronic computing machine is required to ascertain its present or future effect. You don't even need to take Dr. Nord's slide rule. Any schoolboy or schoolgirl in the balcony can tell you its effect in just a minute. Now, I honestly can't say the same for the committee proposal. Even after 3 days of debate and discussion, I must confess that I don't yet understand fully the import of the committee proposal and I honestly don't believe that there are a dozen members of this convention who do understand it. Third, under the McAllister amendment, senatorial boundaries will be fixed and perpetual. There will be no place whatever for the frequent changing of boundaries by a legislative apportionment commission. Under the committee proposal there will not only be frequent boundary adjustments, but there will also be constant efforts, to benefit one section of the state or another, to change the constitutional apportionment factor from the factor which is now written into it.

As has been pointed out, the McAllister amendment follows the federal pattern of senatorial apportionment of senators. That pattern, based on political units, gives 2 senators to each state irrespective of the population or area of that state. The McAllister amendment gives one senator to each county, irrespective of area or population. I am also informed that many of the New England and Atlantic seaboard states where our republican system of state government was born, since their original organization have apportioned one or the other of their legislative bodies on county and town lines.

Finally, of all the senatorial apportionment plans that have been presented to this convention, we believe the apportionment of senates by counties is least apt to suffer interference by the United States supreme court. This is so because county

lines are fixed. They are fixed, long established lines, so that no one can ever be accused of gerrymandering the districts. I hope that the McAllister amendment will be adopted and I request a record roll call vote on the measure when it comes before the committee.

CHAIRMAN HUTCHINSON: Mr. Leibrand demands the yeas and nays on the pending amendment. Is the demand supported? The demand is supported. The yeas and nays are ordered. The question is upon the amendment offered by Mr. McAllister and others. Mr. Madar, are you seeking recognition?

MR. MADAR: Because my friends would like to have me just let him ride, I will let him ride. I will give Mac a free ride this time, and believe me, it is a free ride, too, Mac.

CHAIRMAN HUTCHINSON: This is a record roll call vote. Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, I am sure it isn't necessary for me to express the hope that the members of this committee will vote no on this amendment. I am not going to take more words than that. I just hope you will vote no.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, I would like to echo the words of Dr. Hannah and state that I believe there are some flaws in the amendment that is before us. I think it doesn't quite make the grade. I believe that — for example, I think the disparity between Keweenaw and Wayne county would be 1,000 to 1. I believe that is somewhat excessive, quite a bit, in fact. I also note that the analogy offered between this system and the federal system is faulty as well. I think it is gravely in error because, in the federal system, there are 2 senators from each state, and here there is only 1 senator from each county and I can't understand why we don't have 2 senators from each county. That would be much more parallel. That is another objection I see to this.

No, I am not going to amend it that way, but I do have an amendment which Mr. Faxon and I are presenting. I don't know whether it has arrived as yet. I would like to ask the Chair and the secretary whether that amendment has yet arrived. It is an amendment to this, a perfecting amendment, you might say.

SECRETARY CHASE: There is none here, Mr. Nord. Oh, there it comes. Messrs. Nord and Faxon offer the following amendment to the amendment:

1. Amend the amendment, at the end thereof, by changing the period to a colon and inserting "Provided however, That for purposes of carrying out the provisions of this section, there shall be 34 counties varying in population no more than 25 per cent according to the last federal decennial census. Following each federal decennial census the apportionment commission shall rearrange the counties in accordance with this section.". (laughter)

MR. NORD: Mr. Chairman, I believe this speaks for itself, and in case it doesn't, I would like to yield to Mr. Faxon who will speak for it.

CHAIRMAN HUTCHINSON: Mr. Faxon.

MR. FAXON: I have felt friendship with Messrs. McAllister and Leibrand and the other distinguished delegates who put in the preceding amendment which we are trying to perfect here, and I don't want it to be said that we are not willing to go along with them on their amendments. We realize that ours haven't too much of a chance by themselves, and I think this clearly perfects it so that we can support it with all our heart and effort, and I urge every delegate to go along with this amendment to the amendment so that we can really reach an accord here which will have the full impact of the joint spirit of all the delegates together. This will do it. Thank you. (laughter)

CHAIRMAN HUTCHINSON: The question is upon the amendment to the amendment now offered by Messrs. Nord and Faxon. All those in favor of the amendment to the amendment will say aye. Oppose will say no.

MR. FAXON: Division, please.

CHAIRMAN HUTCHINSON: A division is requested. Is the demand for a division supported? The demand for division is supported. Division is ordered. On the amendment to the amendment, all those in favor will vote aye, those opposed will vote no. This is not a record roll call. Have you all voted? The secretary will lock the machine and record the total.

SECRETARY CHASE: On the amendment to the amendment offered by Messrs. Nord and Faxon, the yeas are 36; the nays are 73.

CHAIRMAN HUTCHINSON: The amendment to the amendment is not adopted. The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, I have listened in the last few moments here to a discussion. I did not believe that either one of the proponents of this, and I do not want to question their sincerity, but I doubt very seriously if either the proponents of the first amendment or the amendment to the amendment could be real serious about either one of them.

This is a very, very serious matter that we are discussing here. I feel very strongly about this one. It is the most important issue before this convention, insofar as I am concerned. In speaking against the amendment, I would ask our delegates, on this topic particularly, to let's be serious. Let's act in a serious manner. I am not prejudiced at all. I have listened to the discussion here and the explanation with an open and unbiased mind, to what I am convinced was nothing but pure rubbish.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. McAllister.

MR. McALLISTER: Mr. Chairman and fellow delegates, I wish to advise Mr. Marshall, through the Chair, that this is strictly no joke, as far as I am concerned, and I also want to say that there is another little matter which I did not discuss when I was on the floor before, and that is a case involving Mr. Gus Scholle which is now pending in the United States supreme court, and if that case is decided favorably to Mr. Scholle, this amendment becomes much more important than it is right now, because we may have considerable problems, and this particular pattern of this amendment here is not something that is brand new. Either the house of representatives or the senate, in several states of our country, now is elected on this basis. So there is nothing here that is new, nothing that is novel, but it is a definite protection against an adverse decision or a decision in favor of Mr. Scholle, in the case pending in the Supreme Court of the United States. It is my contention that if Mr. Marshall or any of the other delegates here who have spoken about a civil rights commission or about civil rights are really sincere, that this amendment will provide more civil rights for the people of Michigan than anything that is now in the constitution or anything that may be placed in the constitution, because these people will be represented in Lansing on an individual county basis. So I again urge that you support this amendment.

CHAIRMAN HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. Chairman, I just want to briefly make it clear to Delegate McAllister that I was not questioning his sincerity, as such. I doubted whether in any of the previous discussions we were real serious about it. But I should probably be supporting this amendment instead of opposing it, because if there is anything that the court would upset about this apportionment that comes out of this convention, it would be this one, and I might also say to Delegate McAllister that, when you refer to Mr. Scholle as Mr. Scholle, his horns come out. (laughter)

CHAIRMAN HUTCHINSON: The question is upon the amendment. Mr. Madar.

MR. MADAR: I just wanted to bring out one thing and that is this: I wanted Mr. McAllister to know something about our taxes, apparently, and the economic figures of our state. When we start figuring what representation we ought to get by taxes paid to the state, I'd like to remind him that Huron county paid $1,456,410.87 for the years '60-'61. Wayne county, on the other hand, paid out to the state $188,272,166.55.

Why not wipe out those other 82 senators and give them to the city of Detroit and Wayne county where they belong? We are keeping up the state. Let's give them some representation.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. McAllister and others. The yeas and nays have been ordered. This is a record roll call vote. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 14

Boothby	Hodges	Richards, J. B.
Butler, Mrs.	Hoxie	Sablich
Erickson	Leibrand	Shanahan
Figy	Mahinske	Wood
Habermehl	McAllister	

Nays — 107

Allen	Greene	Perlich
Andrus, Miss	Gust	Perras
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka
Blandford	Hatcher, Mrs.	Rajkovich
Bledsoe	Higgs	Romney
Bonisteel	Hood	Rood
Brake	Howes	Rush
Brown, T. S.	Hubbs	Seyferth
Buback	Iverson	Shackleton
Conklin, Mrs.	Jones	Shaffer
Cudlip	Judd, Mrs.	Sharpe
Cushman, Mrs.	Karn	Sleder
Dade	Kelsey	Snyder
Danhof	Kirk, S.	Spitler
Dehnke	Knirk, B.	Stafseth
Dell	Koeze, Mrs.	Stevens
Donnelly, Miss	Kuhn	Stopczynski
Doty, Dean	Lawrence	Suzore
Doty, Donald	Leppien	Thomson
Douglas	Lesinski	Tubbs
Downs	Madar	Turner
Elliott, A. G.	Marshall	Upton
Elliott, Mrs. Daisy	Martin	Van Dusen
Everett	McCauley	Walker
Farnsworth	McLogan	Wanger
Faxon	Millard	White
Finch	Murphy	Wilkowski
Follo	Nisbet	Woolfenden
Ford	Nord	Yeager
Gadola	Norris	Young
Garvin	Page	Youngblood
Goebel	Pellow	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. McAllister and others, the yeas are 14; the nays are 107.

CHAIRMAN HUTCHINSON: The amendment is not adopted. Are there any further amendments to the body of the proposal?

SECRETARY CHASE: Mr. Nord now offers his amendment:

1. Amend page 1, line 9, by striking out all of section a.

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Dr. Nord.

MR. NORD: Mr. Chairman, this is 1 of the 3 amendments which I am offering at this time on the understanding or the assumption, I suppose I should say, that there are no further matters of debate expected to come forward on the entire Committee Proposal 80, and, as I stated earlier, the only object of offering these amendments to strike is to get a vote on the record to find out how many people favor the committee proposal and how many do not. I hope I will not be engaged in any cross examination by Mr. Elliott or any other person, and I hope that no speeches are needed. I believe we can vote on all 3, one after the other, without any debate.

CHAIRMAN HUTCHINSON: Mr. Wanger.

MR. WANGER: In case there is any doubt, Mr. Chairman, I would like to ask for the yeas and nays, and I will look with great interest to see how many people here will vote for no legislature at all.

CHAIRMAN HUTCHINSON: On this particular amendment, the yeas and nays have already been ordered. All those in favor of the amendment now offered by Mr. Nord will vote aye. All those opposed will vote no.

SECRETARY CHASE: The amendment offered by Dr. Nord, which is now pending, is to amend the body of the proposal by striking out all of section a.

CHAIRMAN HUTCHINSON: This is a record roll call vote. The question is upon the amendment. All those in favor will vote aye; those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—38

Balcer	Greene	Murphy
Barthwell	Hart, Miss	Nord
Bledsoe	Hatcher, Mrs.	Norris
Brown, T. S.	Hodges	Pellow
Buback	Hood	Perlich
Dade	Jones	Sablich
Douglas	Kelsey	Snyder
Downs	Leibrand	Stopczynski
Elliott, Mrs. Daisy	Lesinski	Suzore
Faxon	Madar	Wilkowski
Follo	Mahinske	Young
Ford	Marshall	Youngblood
Garvin	McCauley	

Nays — 82

Allen	Hanna, W. F.	Prettie
Andrus, Miss	Hannah, J. A.	Pugsley
Batchelor	Haskill	Radka
Beaman	Hatch	Rajkovich
Bentley	Heideman	Richards, J. B.
Blandford	Higgs	Romney
Bonisteel	Howes	Rood
Boothby	Hoxie	Rush
Brake	Hubbs	Shackleton
Butler, Mrs.	Iverson	Shaffer
Conklin, Mrs.	Judd, Mrs.	Shanahan
Cudlip	Karn	Sharpe
Danhof	Kirk, S.	Sleder
Dehnke	Knirk, B.	Spitler
Dell	Koeze, Mrs.	Stafseth
Donnelly, Miss	Kuhn	Stamm
Doty, Dean	Lawrence	Stevens
Doty, Donald	Leppien	Thomson
Elliott, A. G.	Martin	Tubbs
Erickson	McAllister	Turner
Everett	McLogan	Upton
Farnsworth	Millard	Van Dusen
Figy	Nisbet	Wanger
Finch	Page	White
Gadola	Perras	Wood
Goebel	Pollock	Woolfenden
Gust	Powell	Yeager
Habermehl		

SECRETARY CHASE: On the adoption of the amendment offered by Dr. Nord to strike out all of section a, the yeas are 38; the nays are 82.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment. Mr. Hoxie.

MR. HOXIE: Mr. Chairman, may I make an observation? I am surprised that the amendment wasn't adopted with all the criticism we have heard through these past months of our legislature.

CHAIRMAN HUTCHINSON: The secretary will read the next amendment.

SECRETARY CHASE: Mr. Nord offers the following amendment:

1. Amend page 3, line 13, by striking out all of section b.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, I believe that it might be in order for me to say that perhaps Mr. Hoxie will be surprised again when the constitution is submitted to the people.

But as to the merits of the particular proposal before us, it simply invites those who are in disagreement with the committee proposal to strike it, and I believe no comment beyond that is required. Those who are not satisfied with the committee proposal as to section b are urged to vote yes.

CHAIRMAN HUTCHINSON: On the amendment Mr. Nord demands the yeas and nays. Is the demand supported? The demand is supported. The yeas and nays are ordered. The question is upon the amendment. This is a record roll call vote. All those in favor will vote aye. Those opposed will vote no. Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, I don't think Dr. Nord's statement is exactly correct. A vote no on this proposal at this stage of the proceeding is an expression that you do not want one house of the legislature based on population.

CHAIRMAN HUTCHINSON: Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 40

Balcer	Greene	Murphy
Barthwell	Habermehl	Nord
Binkowski	Hart, Miss	Norris
Bledsoe	Hodges	Pellow
Brown, T. S.	Hood	Perlich
Buback	Jones	Sablich
Dade	Kelsey	Snyder
Douglas	Lesinski	Stopczynski
Downs	Madar	Suzore
Elliott, Mrs. Daisy	Mahinske	Walker
Faxon	Marshall	Wilkowski
Follo	McAllister	Young
Ford	McCauley	Youngblood
Garvin		

Nays — 84

Allen	Hannah, J. A.	Prettie
Andrus, Miss	Haskill	Pugsley
Batchelor	Hatch	Radka
Beaman	Heideman	Rajkovich
Bentley	Higgs	Richards, J. B.
Blandford	Howes	Romney
Bonisteel	Hoxie	Rood
Boothby	Hubbs	Rush
Brake	Iverson	Seyferth
Butler, Mrs.	Judd, Mrs.	Shackleton
Conklin, Mrs.	Karn	Shaffer
Cudlip	King	Shanahan
Danhof	Kirk, S.	Sharpe
Dehnke	Knirk, B.	Sleder
Dell	Koeze, Mrs.	Spitler
Donnelly, Miss	Kuhn	Stafseth
Doty, Dean	Lawrence	Staiger
Doty, Donald	Leibrand	Stamm
Elliott, A. G.	Leppien	Stevens
Erickson	Martin	Thomson
Everett	McLogan	Tubbs
Farnsworth	Millard	Turner
Figy	Nisbet	Upton
Finch	Page	Van Dusen
Gadola	Perras	Wanger
Goebel	Plank	White
Gust	Pollock	Wood
Hanna, W. F.	Powell	Yeager

SECRETARY CHASE: On the adoption of the amendment of Dr. Nord to strike out all of section b, the yeas are 40; the nays are 84.

CHAIRMAN HUTCHINSON: The amendment is not adopted. Are there any further amendments to the body of the proposal?

SECRETARY CHASE: Mr. Nord offers an amendment, page 4, beginning on line 26, by striking out all of section c.

CHAIRMAN HUTCHINSON: On the amendment the Chair recognizes Mr. Nord.

MR. NORD: Again, Mr. Chairman, I simply repeat: those who are not satisfied with section c should vote yes, meaning they wish to strike it, and I urge those to vote yes.

CHAIRMAN HUTCHINSON: Mr. Nord demands the yeas and nays. Is the demand supported? The demand is supported. The yeas and nays are ordered. The amendment will again be read.

SECRETARY CHASE: Mr. Nord has offered an amendment:

1. Amend page 4, line 26, by striking out all of section c.

CHAIRMAN HUTCHINSON: Mr. Higgs.

MR. HIGGS: Could we have the board cleared?

CHAIRMAN HUTCHINSON: Will the delegates please clear the board? Mr. Finch.

MR. FINCH: Mr. Chairman, I don't believe we ever had section c explained as of yesterday. I was wondering if maybe it should be done for the record?

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Dr. Nord to strike section c. All those in favor will vote aye. Those opposed will vote no. This is a record roll call vote. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 41

Austin	Garvin	Nord
Balcer	Greene	Norris
Barthwell	Hart, Miss	Pellow
Binkowski	Hatcher, Mrs.	Perlich
Bledsoe	Hodges	Sablich
Brown, T. S.	Hood	Snyder
Buback	Jones	Stopczynski
Dade	Kelsey	Suzore
Douglas	Madar	Walker
Downs	Mahinske	Wilkowski
Elliott, Mrs. Daisy	Marshall	Yeager
Faxon	McCauley	Young
Follo	McGowan, Miss	Youngblood
Ford	Murphy	

Nays — 81

Allen	Hanna, W. F.	Prettie
Andrus, Miss	Hannah, J. A.	Pugsley
Batchelor	Haskill	Radka
Beaman	Hatch	Rajkovich
Bentley	Heideman	Richards, J. B.
Blandford	Higgs	Romney
Bonisteel	Howes	Rood
Boothby	Hoxie	Rush
Brake	Hubbs	Shackleton
Butler, Mrs.	Iverson	Shaffer
Cudlip	Judd, Mrs.	Shanahan
Danhof	Karn	Sharpe
Dehnke	King	Sleder
Dell	Kirk, S.	Spitler
Donnelly, Miss	Koeze, Mrs.	Stafseth
Doty, Dean	Kuhn	Staiger
Doty, Donald	Lawrence	Stamm
Elliott, A. G.	Leibrand	Stevens
Erickson	Leppien	Thomson
Everett	Martin	Tubbs
Farnsworth	McLogan	Turner
Figy	Millard	Upton
Finch	Nisbet	Van Dusen
Gadola	Page	Wanger
Goebel	Perras	White
Gust	Pollock	Wood
Habermehl	Powell	Woolfenden

SECRETARY CHASE: On the adoption of the amendment of Dr. Nord to strike out section c, the yeas are 41; the nays are 81.

CHAIRMAN HUTCHINSON: The amendment is not adopted. Are there any further amendments to the body of the proposal?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN HUTCHINSON: If not, it will pass.

Committee Proposal 80, as amended, is passed. (applause)

SECRETARY CHASE: Item 3 on the calendar, from the committee on legislative organization, by Mr. John Hannah, chairman, **Exclusion Report 2046,** A report recommending the exclusion of article V, sections 2, 3 and 4.

Following is Exclusion Report 2046 as read by the secretary, and the reasons submitted in support thereof:

The committee on legislative organization recommends that article V, sections 2, 3 and 4 of the present constitution be excluded from the new constitution.

Mr. John Hannah, chairman of the committee on legislative organization, submits the following reason in support of Exclusion Report 2046:

These sections are being eliminated because they are being covered in a new series of sections reported as Committee Proposals 79 and 80.

CHAIRMAN HUTCHINSON: The question is upon the passage of the exclusion report. All those in favor will say aye. Opposed will say no.

Exclusion Report 2046 is passed. Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, I should like to express appreciation on behalf of all the members of the committee on legislative organization for your patience and goodwill through the consideration of this very difficult problem and the understanding that you have given us in the consideration of our report. We missed our schedule a little. We hoped we might get through last evening. We actually thought we would get through by noon today. We missed it by a few hours, and for that we beg your indulgence. Thank you very much. (applause) I now move that the committee rise.

CHAIRMAN HUTCHINSON: Dr. Hannah moves that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion prevails.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a committee proposal and an exclusion report on which the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities. The committee of the whole has made several amendments thereto, reports the same back with the recommendation that it do pass.

[The following are the amendments adopted by the committee of the whole:

1. Amend page 1, line 10, after "36" by striking out "nor more than 40".

2. Amend page 1, line 11, after "terms" by striking out "concurrent with the term of office of the governor.", and inserting "to be elected at the same time as the governor and serve terms concurrent with the term of office of the governor.".

3. Amend page 1, line 21, after "state's" by inserting "land".

4. Amend page 2, line 6, after "factors" by striking out all of lines 7, 8 and 9 and inserting a period.

5. Amend page 2, line 11, after "shall" by inserting "thereafter".

6. Amend page 2, line 23, after "be" by inserting "as nearly equal as possible but".

7. Amend page 3, line 3, by striking out "rectangular" and inserting "uniform in shape".]

PRESIDENT NISBET: Pursuant to rule 41, **Committee Proposal 80,** as amended by the committee of the whole, is accepted and referred to the committee on style and drafting.

Following is Committee Proposal 80 as amended and referred to the committee on style and drafting:

The committee recommends that the following be included in the constitution:

Sec. a. The senate shall consist of not less than 36 members, elected from single member districts for 4 year terms to be elected at the same time as the governor and serve terms concurrent with the term of office of the governor.

For the purpose of electing senators after the official publication of the results of the federal decennial census in 1970 and every 10 years thereafter, each county shall be assigned an apportionment factor according to the following formula: the percentage of the state's population as shown by the last regular federal decennial census computed to the nearest 1/100 of 1 per cent shall be multiplied by 4 and there shall be added thereto the percentage of the state's land area computed to the nearest 1/100 of 1 per cent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) First: counties with 13 or more apportionment factors shall be entitled to one senatorial district for each 13 apportionment factors.

(2) Second: the remaining counties of the state shall thereafter be arranged into senatorial districts that are compact, contiguous by land and as rectangular in shape as possible, having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible existing senatorial districts at the time of each reapportionment shall not be changed unless there shall be a failure to comply with the above standards.

(3) Third: counties entitled to 2 or more senate districts shall be further subdivided into single member districts so that the population of any district shall be as nearly equal as possible but not less than 75 per cent nor more than 125 per cent of the ratio of representation determined by dividing the population of the county by the number of senators to which it is entitled and each district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Until the reapportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution, as amended, shall remain intact except that each of the counties of Genesee, Macomb and Oakland shall be divided into 2 senatorial districts and Wayne county into 8 senatorial districts. In all counties having more than one senatorial district, the apportioning commission shall redistrict the same.

Sec. b. The house of representatives shall consist of 110 members elected for a 2 year term from single member districts apportioned on a basis of population as hereinafter provided. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than 7/10 of 1 per cent of the population of the state shall be a separate representative area. Each county having less than 7/10 of 1 per cent of the population of the state shall be combined with another county or counties to form a representative area of not less than 7/10 of 1 per cent of the population of the state. Any county which shall be isolated under the initial allocation as herein provided shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one seat.

After the assignment of one representative to each of the representative areas, the remaining house seats shall

be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to 2 or more representatives shall be divided into single member representative districts as follows:

(1) The ratio of representation for each representative district shall be determined by dividing the population of the representative area by the number of seats to which it is entitled. Each district within each area shall contain not less than 75 per cent nor more than 125 per cent of that area's ratio of representation.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. c. In counties having more than one representative or senatorial district, the territory annexed or merged to a municipality shall become a part of the contiguous representative or senatorial district of the municipality with which it is combined, upon the effective date of the annexation or merger: Provided however, The foregoing shall not apply to any annexation or merger across county lines.

No legislator shall be deemed to have vacated his office by virtue of the above section.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Exclusion Report 2046,** A report recommending the exclusion of article V, sections 2, 3 and 4; reports this back to the convention without amendment with a recommendation that it do pass.

PRESIDENT NISBET: The report of the committee of the whole is accepted and **Exclusion Report 2046** is referred to the committee on style and drafting.

For Exclusion Report 2046 as referred to the committee on style and drafting, see above, page 2178.

SECRETARY CHASE: That completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: **Unfinished business.**

SECRETARY CHASE: Under the postponement order of April 3, the report of the committee of the whole relative to **Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers, allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. The committee proposal was reported from the committee of the whole with several amendments with the recommendation that the amendments be adopted and the proposal, as thus amended, do pass. The report was postponed until the conclusion of the reports on the committee on legislative organization from the committee of the whole.

For last previous action on the report, see above, page 2075.

PRESIDENT NISBET: The question is on concurring in the amendments adopted by the committee of the whole. The secretary will read.

SECRETARY CHASE: Amendment 1.

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is on concurring in the amendment. Those in favor will say aye. Those opposed, no.

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Amendment 2:

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is upon concurring in the amendment. Those in favor will say aye. Opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 3:

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is upon concurring in the amendment. The Chair recognizes Mr. Wanger.

MR. WANGER: Mr. President, I move that the convention do not concur in this amendment.

PRESIDENT NISBET: Mr. Wanger, those who are opposed to the amendment will vote no. Those who are in favor will vote aye.

MR. WANGER: Mr. President, speaking to this amendment — which was adopted, as I recall, by a narrow majority of the committee during a prolonged session — in examining this language, which is on page 844 of your journal, you can see that it is primarily legislative in nature. It was supported by people who, by their own admission, were concerned with one particular profession and I suggest did not make a sufficiently detailed analysis or case even on the basis of that profession alone for including such a restriction in our constitution.

As the business of the people of the state of Michigan becomes more specialized in this modern age and as the number of recognized professions in the state becomes larger, it is going to become increasingly more important to give the legislature complete latitude with regard to the subject of licensing those professions which it is determined by policy of the state should be licensed. I suggest that putting such a provision into the constitution will impede the legislature in effectively or most effectively carrying out that policy, and, therefore, I urge you not to support this particular amendment.

PRESIDENT NISBET: The question is upon concurring in the amendment. Those in favor will vote aye. Opposed will vote no. The Chair is in doubt. Mr. Stevens.

MR. STEVENS: May I have the amendment read again, please?

PRESIDENT NISBET: The convention will be in order. The secretary will read the amendment.

SECRETARY CHASE: This is amendment 3.

[The amendment was again read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: Those in favor of the amendment will vote aye. Those opposed will vote no.

MR. KUHN: Mr. President, in order to save time I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? A sufficient number up. The yeas and nays have been demanded. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 78

Allen	Finch	McAllister
Andrus, Miss	Follo	Murphy
Austin	Ford	Nisbet
Balcer	Goebel	Page
Barthwell	Gover	Perlich
Batchelor	Greene	Powell
Beaman	Hanna, W. F.	Prettie
Bentley	Hannah, J. A.	Pugsley
Blandford	Hart, Miss	Radka

there is disagreement among the members of the apportionment commission. Do I understand then the language here, in view of that contingency, is suggestive of this: that the various members of the apportionment commission then submit their respective plans to the court for appraisal of the plan most nearly in accordance with the constitutional standards and the court then issues an order?

MR. DEHNKE: The court then what?

MR. NORRIS: Issues an order.

MR. DEHNKE: The court determines which of the plans complies most accurately with the requirements of the constitution and returns it to the commission for the order to be made by the commission, according to the language of the proposal.

MR. NORRIS: It comes back then to the commission?

MR. DEHNKE: Yes. The commission is subject to mandamus action by the court if it fails to comply with the order of the court.

MR. NORRIS: My point then is this: is this review by the court not in the nature of an advisory action and not an adversary or justiciable controversy, and do we run into a question as to whether the action contemplated here becomes one that is capable of the proper exercise of the judicial power by the court?

MR. DEHNKE: I don't see any reason to fear any such complications. I've said previously that one of the traits of a good lawyer is a lively imagination, Dr. Norris, and you're a good lawyer. (laughter) That may be the answer to some of these questions. (laughter)

MR. NORRIS: I hope we don't have to resolve that in court, Judge.

VICE PRESIDENT HUTCHINSON: Mr. Hanna of Muskegon.

MR. W. F. HANNA: Mr. President and Dr. Norris, I'd like to further amplify Judge Dehnke's answer to you. We made it in this manner so that deliberately, after the court gave its opinion and directed the commission, the order became appealable back to the court if an elector felt that it was not proper. If we leave it to the court to order, then, in effect, there is no appeal but to the federal courts. We wanted the commission to enter the order so that it did become appealable back to the court by this elector.

MR. NORRIS: Mr. President.

VICE PRESIDENT HUTCHINSON: For what purpose does the gentleman rise? He has spoken once on the question.

MR. NORRIS: A point of observation.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of Committee Proposal 79. Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, this is one that I believe we should vote against, and not because I'm against the principle of the commission and a review by the court. However, this does have a factor in it that is not based on a one man, one vote concept. I know when we get into the question of legislative organization, we will get into the legal aspects of the matter and I do not want to do that at this point. However, with the United States supreme court reviewing what state bodies do — and I assume that means the convention as well — for that reason alone, I do not want to go on record voting for anything that violates what I consider the equality construction of the fourteenth amendment that the United States supreme court is leaning toward. Therefore, it is with reluctance that I am going to vote against the entire proposal because of that aspect in it.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of Committee Proposal 79. As many as are in favor will vote aye. Those opposed will vote nay. The voting has commenced. Have you all voted? If so, the secretary will lock the machine and record the vote. All right. You may still vote. Please record your votes. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—95

Allen	Habermehl	Rajkovich
Andrus, Miss	Hanna, W. F.	Richards, J. B.
Anspach	Hannah, J. A.	Richards, L. W.
Batchelor	Haskill	Romney
Beaman	Hatch	Rood
Blandford	Heideman	Rush
Bledsoe	Higgs	Sablich
Bonisteel	Howes	Seyferth
Boothby	Hoxie	Shackleton
Brake	Hubbs	Shaffer
Butler, Mrs.	Hutchinson	Shanahan
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	King	Stafseth
Dehnke	Kirk, S.	Staiger
Dell	Knirk, B.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leibrand	Thomson
Doty, Donald	Leppien	Tubbs
Durst	Martin	Turner
Elliott, A. G.	McLogan	Tweedie
Erickson	Millard	Upton
Everett	Mosier	Van Dusen
Farnsworth	Page	Wanger
Figy	Perras	White
Finch	Plank	Wood
Gadola	Powell	Woolfenden
Goebel	Prettie	Yeager
Gover	Pugsley	Youngblood
Gust	Radka	

Nays—35

Austin	Ford	McGowan, Miss
Balcer	Hart, Miss	Murphy
Barthwell	Hatcher, Mrs.	Norris
Binkowski	Hodges	Ostrow
Bradley	Hood	Perlich
Brown, T. S.	Jones	Snyder
Buback	Kelsey	Stopczynski
Douglas	Krolikowski	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	Marshall	Young
Follo	McCauley	

SECRETARY CHASE: On the passage of Committee Proposal 79, the yeas are 95; the nays are 35.

VICE PRESIDENT HUTCHINSON: **Committee Proposal 79** passes and is referred to the committee on style and drafting.

For Committee Proposal 79 as rereferred to the committee on style and drafting, see above, page 2799.

The Chair recognizes the delegate from Ingham, Mr. Jones.

MR. JONES: Mr. President and fellow delegates, I rise for the purpose of offering a preferential motion which is on the secretary's desk. I would ask the secretary to please read it.

SECRETARY CHASE: Mr. Jones moves that **Committee Proposal 80,** of legislative organization, be passed over until we reconvene on August 1 in view of the United States supreme court decision on this matter; and further, that the select committee appointed by the president, make every effort to get this matter before the state supreme court for a speedy decision so that when we reconvene on August 1, this matter may be considered by the convention with the full knowledge of our state supreme court action before we make a final decision and adjourn sine die. On this motion, he demands the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Jones demands the yeas and nays. Is the demand supported? The demand is supported. The yeas and nays are ordered. The Chair recognizes Mr. Jones on his motion.

MR. JONES: Mr. President and fellow delegates, I have offered this motion for the following reasons: I feel that we would be doing the people of our state a great disservice to adopt a legislative apportionment plan which could later be declared invalid by court decision. Also, this has been offered because the majority of the people who favored calling this

constitutional convention did so to gain relief from a grossly inequitable system of representation. And, thirdly, the delegates to this convention would be remiss if they did not agree to take into account the further direction on apportionment which will shortly be forthcoming from our own state supreme court. In this last reason I might also refer to some of the pleas of Republican delegates to this convention that urge that if the Democrats, the minority party, were to gain relief on this apportionment matter, this direction would have to come from the courts. Therefore, I think it's time that we did let the courts act in this matter. Thank you.

VICE PRESIDENT HUTCHINSON: On the motion to postpone, the Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. President and fellow delegates, I do not think anything would be gained by taking the action proposed here. We don't know how soon definitive decisions are coming down. I see no reason why we should not proceed with our deliberations here and then, if any decisions are rendered previous to our final adjournment, we'll still be in a position to reconsider the matter accordingly.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Jones to postpone action upon Committee Proposal 80 until August 1. The yeas and nays have been ordered. Mr. Young.

MR. YOUNG: Mr. President and fellow delegates, I believe the supreme court ruling in the Tennessee case, followed closely by the remanding of the case of Scholle vs. Hare to the Michigan supreme court together constitute what might well develop into one of the most historic decisions of our supreme court within the past 100 years. Because of procrastination and outright refusal on the part of the various states, our supreme court has been forced to move into the so called political thicket of apportionment of state legislatures. It is very interesting to note, in passing, that it is the inflexibility of those who cry the loudest about the dangers of federal encroachment that forces this severe action by our supreme court. It might well be said that they got what they asked for.

Now for us in this convention, in the face of this historic court decision, to proceed blithely on our way as if nothing had happened, elevating swamps and tree stumps into a representative equation with people is to play footloose and fancyfree with our constitutional responsibilities to the people of Michigan. For us to ignore the significance of this decision as it relates to our deliberations in regard to apportionment represents a reckless gamble with the $2 million and the 7 months of debate that have been invested in this convention. It would constitute a serious blow to the hopes and aspirations of the voters of this state as expressed in their vote to call this convention. I urge you to give serious consideration to this motion and to vote yes.

VICE PRESIDENT HUTCHINSON: On the motion to postpone, Dr. Hannah.

MR. J. A. HANNAH: Mr. President and members of the convention, I am not an attorney. Judge Dehnke has stated well the attitude of the majority members of your committee on legislative organization. There is nothing that would prevent this convention, when it returns for its final adjournment in August, in the event that there is some decision of the court that would indicate that reconsideration is desirable, to take that action at that time. For us to fail to act now would vitiate months of work on the part of a great many people that have come up with a very good apportionment proposal.

I am not going to answer the arguments made by Mr. Young at this point. I am going to reserve that opportunity until we are talking about Committee Proposal 80, in the event that you turn down this motion, as I hope you will. I am going to say at that time and I want to say it now: that instead of apologizing for the proposal that is before you for approval on second reading this afternoon, every member of this convention can be very proud of what is before you. It is very good indeed. No apologies need to be made for it, and we will go into the details of it in a few minutes. I urge that you vote no on Mr. Jones' motion.

VICE PRESIDENT HUTCHINSON: On the motion to postpone, Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I rise to urge a yes vote on the Jones motion. I see no reason to rush into this; to take action that might be undone at a later date by court decision. We were told by the majority members of the committee on legislative organization at the time the Tennessee case came down that it was their opinion that the Tennessee case did not have any direct bearing upon the Michigan case and, on the contrary, the federal supreme court has now ruled favorably, or at least remanded the Michigan case back to the state supreme court.

I have all the respect in the world for Judge Dehnke's legal opinion. But I, over a long period of years, have had contact with numerous attorneys in my business life and I have found that you can talk to 6 attorneys on a topic or a subject and get 6 different opinions. Therefore, I would not want to accept just Judge Dehnke's opinion. If I could have the opinion of some attorneys who might be on the opposite side of this question from Judge Dehnke, it would carry more weight with me.

I see no point, as was pointed out by one of the previous speakers, in jeopardizing the $2½ million that has been spent on the constitutional convention. It has been said by some that it is our task, not the task of the court. I don't agree with that. And I would point out that our supreme court interprets the federal constitution. This body does not interpret the constitution. As a matter of fact, we voted contrary to the federal constitution in this convention when we had the search and seizure issue before this constitutional convention. I see no harm in postponing further consideration on this question, pending a decision by the state supreme court; out of this decision might come some guidelines which we could follow in order to have a provision that met the constitutional requirements.

Now, in answer to our distinguished committee chairman — whom I also have the utmost respect for — Dr. Hannah, I cannot agree completely with the statements that he made where he praises this proposal, because any proposal that equates 15 acres to 1 human being does not, in my opinion, meet the test of equality, and any legislative organization scheme that equates the vote of another individual 4, 5, 6 or 10 times, as the case might be, more than mine, again, I do not think meets the test of equality. And I see no reason to hasten into this when it can be postponed and then in the meantime we might have a guideline to go by. I urge a yes vote on the Jones amendment. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that further debate on this motion be limited to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes, all those in favor will say aye. Opposed will say no.

The motion prevails. The Chair recognizes Mr. Boothby.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, as I understand the logic of the Jones amendment on which Mr. Marshall has just spoken, it is indicated that in their opinion the matter of apportionment is in a state of flux as far as the courts are concerned. If this is true, I would have serious doubts as to whether the matter would be resolved by August 1 for the reason that even the Michigan supreme court, on this particular question, has recently been reversed by the United States supreme court. That fact being true, it would appear as though we would not have a final decision until the United States supreme court decided whether the Scholle case, as finally decided by the Michigan supreme court, was in accordance with the federal constitution. I would, therefore, amend the Jones amendment to read that we postpone the final decision on this amendment until after the highest court in the land has decided the question in the Scholle case.

VICE PRESIDENT HUTCHINSON: Mr. Boothby offers an amendment to the motion to postpone to a time after the highest court in the land has decided the question.

MR. GADOLA: If I understand our rules right, we must adjourn to a time certain —

VICE PRESIDENT HUTCHINSON: We're not adjourning —

MR. GADOLA: — or we have to defer to a time certain; isn't that true?

VICE PRESIDENT HUTCHINSON: We are not adjourning.

MR. GADOLA: No, but we are deferring to a time certain under the rules, and his is not a time certain.

VICE PRESIDENT HUTCHINSON: It is a time that can be ascertained, Judge.

MR. GADOLA: It could be ascertained but we'd probably all be dead by that time. (laughter) I also, on the Jones amendment, want to say that there is no absolute proof that we'll be here August 1. We haven't so voted yet. We don't know whether we'll be here August 1 or not.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Hubbs.

MR. HUBBS: Mr. President, I rise on a matter of accuracy only at this particular point. I understand that the legislature had appropriated precisely $2 million for the work of the convention. Now, this morning I can quote almost verbatim the fact that Mr. Marshall referred to $2½ to $3 million having been spent. A few minutes ago he said $2½ million. Now I'd like to know where Mr. Marshall got this other $½ million to $1 million that he is talking about having been spent. If he is spending money that I don't know about or is getting it from some other place, I'd like to know about that too. (laughter)

VICE PRESIDENT HUTCHINSON: The delegate is not speaking to the question.

MR. MARSHALL: Was a question asked, Mr. President?

VICE PRESIDENT HUTCHINSON: I understood Mr. Hubbs was asking a question but it was not pertinent. It was irrelevant and the Chair does not think that the limited time should be consumed —

MR. MARSHALL: I would just answer: Macy doesn't tell Gimbel.

MR. WALKER: Point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Walker, what is your point of order?

MR. WALKER: Mr. President, I do not believe that the motion is in order at this time. It is definite that the supreme court has remanded the Scholle vs. Hare case back to the — Mr. Van Dusen was attempting to prompt me here and I appreciate his attempt — supreme court of the state of Michigan. We do not know or have any indication that it will go to the supreme court of the United States, which I imagine is the highest court in the land. Therefore, this thing would be so nebulous that we cannot make any judgment on it at all at this time.

VICE PRESIDENT HUTCHINSON: Mr. Boothby.

MR. BOOTHBY: Mr. President, I can cure that problem. Instead of saying "until decided by the highest court in the land," I would amend that to say when the Scholle case reaches its final determination. The reason I say that is because there is an appeal period in which the Scholle case may be appealed to the United States supreme court. If that goes by before there is an appeal to the United States supreme court, then the highest court decision would be the state supreme court decision.

VICE PRESIDENT HUTCHINSON: The time for debate has expired. The question is upon the amendment offered by Mr. Boothby to the motion. Mr. Boothby's amendment to the motion is to postpone further consideration of Committee Proposal 80 until the Scholle case is finally determined. All those in favor of Mr. Boothby's amendment will say aye. Opposed will say no.

The amendment is not adopted. The question recurs upon the motion made by Mr. Jones to postpone further consideration of Committee Proposal 80 until August 1, upon which the yeas and nays have been ordered. All those in favor of the motion to postpone will vote aye. Those opposed will vote no. The voting has commenced. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—38

Austin	Ford	Murphy
Balcer	Hart, Miss	Norris
Barthwell	Hatcher, Mrs.	Ostrow
Binkowski	Hodges	Perlich
Bledsoe	Hood	Sablich
Bradley	Jones	Snyder
Brown, T. S.	Kelsey	Stopczynski
Buback	Krolikowski	Suzore
Douglas	Lesinski	Walker
Downs	Madar	Wilkowski
Elliott, Mrs. Daisy	Mahinske	Young
Faxon	Marshall	Youngblood
Follo	McCauley	

Nays—94

Allen	Hanna, W. F.	Pugsley
Andrus, Miss	Hannah, J. A.	Radka
Anspach	Haskill	Rajkovich
Batchelor	Hatch	Richards, J. B.
Beaman	Heideman	Richards, L. W.
Blandford	Higgs	Romney
Bonisteel	Howes	Rood
Boothby	Hoxie	Rush
Brake	Hubbs	Seyferth
Butler, Mrs.	Hutchinson	Shackleton
Conklin, Mrs.	Iverson	Shaffer
Cudlip	Judd, Mrs.	Shanahan
Cushman, Mrs.	Karn	Sharpe
Danhof	King	Sleder
Dehnke	Kirk, S.	Spitler
Dell	Knirk, B.	Stafseth
DeVries	Kuhn	Staiger
Donnelly, Miss	Lawrence	Stamm
Doty, Dean	Leibrand	Sterrett
Doty, Donald	Leppien	Stevens
Durst	Martin	Thomson
Elliott, A. G.	McAllister	Tubbs
Erickson	McLogan	Turner
Everett	Millard	Tweedie
Farnsworth	Mosier	Upton
Figy	Page	Van Dusen
Finch	Perras	Wanger
Gadola	Plank	White
Goebel	Pollock	Wood
Gover	Powell	Woolfenden
Gust	Prettie	Yeager
Habermehl		

SECRETARY CHASE: On the motion of Mr. Jones, the yeas are 38; the nays are 94.

VICE PRESIDENT HUTCHINSON: The motion does not prevail. The secretary will read Committee Proposal 80.

SECRETARY CHASE: **Committee Proposal 80,** A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities. Replaces article V, sections 2 and 3.

VICE PRESIDENT HUTCHINSON: The delegate from the fourteenth district, Dr. Hannah.

MR. J. A. HANNAH: Mr. President, because of the length of this proposal, unless there is objection, I would move that it be considered read.

VICE PRESIDENT HUTCHINSON: Is there objection to the consideration of this proposal as read? The Chair hears no objection. It is so ordered.

Following is Committee Proposal 80 as reported by the committee on style and drafting and considered read. (For text as referred to said committee, see above, page 2178.):

Sec. a. The senate shall consist of not less than 36 members, TO BE elected from single member districts AT THE SAME TIME AS THE GOVERNOR for 4 year terms [to be elected at the same time as the governor and serve terms] concurrent with the term of office of the governor.

NOTWITHSTANDING ANY OTHER PROVISION IN THIS CONSTITUTION, THE STATE SENATORS SHALL BE ELECTED AT THE GENERAL ELECTION IN 1964 TO SERVE FOR 2 YEAR TERMS BEGINNING ON THE

Explanation—Matter within [ ] is stricken, matter in capitals is new.

FIRST DAY OF JANUARY NEXT SUCCEEDING THEIR ELECTION. THE FIRST 4 YEAR ELECTION UNDER THIS CONSTITUTION SHALL BE HELD AT THE GENERAL ELECTION IN 1966.*

IN DISTRICTING THE STATE for the purpose of electing senators after the official publication of the TOTAL POPULATION COUNT [results] of [the] EACH federal decennial census [in 1970 and every 10 years thereafter], each county shall be assigned an apportionment factor [according] EQUAL to [the following formula:] THE SUM OF ITS [the] percentage of the state's population as shown by the last regular federal decennial census computed to the nearest 1/100 of [1] ONE per cent [shall be] multiplied by 4 and [there shall be added thereto the] ITS percentage of the state's land area computed to the nearest 1/100 of [1] ONE per cent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) [First:] Counties with 13 or more apportionment factors shall be entitled to one senatorial district for each 13 apportionment factors.

(2) [Second:] The remaining counties of the state shall thereafter be arranged into senatorial districts that are compact, contiguous by land and as rectangular in shape as possible, having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible existing senatorial districts at the time of each reapportionment shall not be changed unless THEY FAIL [there shall be a failure] to comply with the above standards.

(3) [Third:] Counties entitled to 2 or more senate districts shall be further subdivided into single member districts. [so that] The population of [any district] SUCH DISTRICTS shall be as nearly equal as possible but SHALL not BE less than 75 per cent nor more than 125 per cent of [the ratio of representation] A NUMBER determined by dividing the population of the county by the number of senators to which it is entitled. [and] Each SUCH district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

THE STATE SHALL BE DISTRICTED FOR THE PURPOSE OF ELECTING SENATORS IN ACCORDANCE WITH THE PROVISIONS OF COMMITTEE PROPOSAL 80, SECTION A, AFTER THE OFFICIAL PUBLICATION OF THE TOTAL POPULATION COUNT OF THE 1970 DECENNIAL FEDERAL CENSUS. Until the reapportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution, as amended, shall remain intact except that each of the counties of Genesee, Macomb and Oakland shall be divided into 2 senatorial districts and Wayne county into 8 senatorial districts. [In all counties having more than one senatorial district,] The [apportioning] APPORTIONMENT commission shall redistrict [the same] ALL COUNTIES HAVING MORE THAN ONE SENATORIAL DISTRICT.*

Sec. b. The house of representatives shall consist of 110 members elected for [a] 2 year [term] TERMS from single member districts apportioned on a basis of population as hereinafter provided. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than 7/10 of [1] ONE per cent of the population of the state shall CONSTITUTE [be] a separate representative area. Each county having less than 7/10 of [1] ONE per cent of the population of the state shall be combined with another county or counties to form a representative area of not less than 7/10 of [1] ONE per cent of the population of the state. Any county which [shall be] IS isolated under the initial allocation as herein provided shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one [seat] REPRESENTATIVE.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to 2 or more representatives shall be divided into single member representative districts as follows:

(1) [The ratio of representation for each representative district shall be] THE POPULATION OF EACH DISTRICT SHALL BE AS NEARLY EQUAL AS POSSIBLE BUT SHALL NOT BE LESS THAN 75 PER CENT NOR MORE THAN 125 PER CENT OF A NUMBER determined by dividing the population of the representative area by the number of [seats] REPRESENTATIVES to which it is entitled. [Each district within each area shall contain not less than 75 per cent nor more than 125 per cent of that area's ratio of representation.]

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. c. In counties having more than one representative or senatorial district, the territory IN THE SAME COUNTY annexed TO or merged WITH [to] a [municipality] CITY BETWEEN APPORTIONMENTS shall become a part of the contiguous representative or senatorial district [of] IN the [municipality] CITY with which it is combined[,] upon the effective date of the annexation or merger[:]. [Provided however, The foregoing shall not apply to any annexation or merger across county lines.]

No legislator shall be deemed to have vacated his office by virtue of the above section.

*This paragraph proposed to be moved to schedule and temporary provisions.

VICE PRESIDENT HUTCHINSON: On the proposal the Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. President, if it is agreeable, I should like to make an introductory statement and then submit, on behalf of the committee, a substitute section a, which is in the hands of the secretary. And because of its length he may want to read it, although copies have already been placed on the desks of all the delegates.

VICE PRESIDENT HUTCHINSON: The secretary will read the substitute. Dr. Hannah, do you desire to make a statement ahead of the submission of the substitute?

MR. J. A. HANNAH: Yes. If it is agreeable, I would.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. J. A. HANNAH: Mr. President and ladies and gentlemen of the convention, when we introduced this subject on first reading, there was a fairly extended presentation of the problem which exists in this state. We have in the back of the chamber certain charts prepared by our committee. You have had many of them placed on your desks earlier. I think it is not important that we explain them at this time. I should like to point out what they are and the fact that they are in the back of the room so that you will know that if you want to turn to them for further information you will have the opportunity to do so. Over at my right are charts that show the representative disticts as they now exist. I wonder if we could ask one on the pages just to hold up the chart on representative districts so that it might be seen. Delegates, perhaps, are cheaper than the pages. (laughter)

These figures are so small that you can't see them, but they're the same figures you've seen before. I shall only point out that if you have an opportunity to study this chart, you'll find, of course, that there are gross inequalities in

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the populations of the representative districts of this state and that these inequities are not confined to inequities between the size of districts in Wayne county or southeastern Michigan and those in outstate areas. I'm not going to bore you with the details where there are districts within Wayne county that are 3 or 4 times as large as other districts within the same county.

If we leave that one and turn to the next one, Mr. Sleder, you'll see the chart that shows the present senatorial districts. You will recall that the senatorial districts were frozen in the present constitution by constitutional amendment in 1952 and if you could see these figures you would notice that the 7 senatorial districts in Wayne county range from 1 district with 647,000 people to 2 districts that have less than 300,000 people in them. Why don't we just drop this one because we're not going to spend much time on these charts.

Then if you'll turn to the charts over in the far corner, we'll look at the representative districts as they exist in Wayne county and the city of Detroit. Reference will be made later this afternoon when we are considering Committee Proposal 80 with reference to the shape of representative districts. You will notice the peculiar shape of some of these districts and you know that in Wayne county the districts run 2 or 3 representatives per district, with the exception of the districts of Hamtramck and Highland Park. Now we may see the other chart beyond. This chart shows the representative districts in Wayne county outside the city of Detroit, and here you have Highland Park and Hamtramck with approximately 40,000 people in those districts and the largest district — and I can't see the figure but, as I recall, it's something like 190,000 or one district with about 5 times the population of others.

Now if we'll leave those and look at the charts beginning at the far side over here, gentlemen, there is a map that shows the population of this state in 1960, by counties. And if you're interested in the population of a specific county, the population is shown on that chart. Mr. Shanahan points out that there is an error in the figure for Charlevoix county, and that is just an error in copying the chart. As I understand it, the figure is either 10,000 too large or to small. Which is it, Mr. Shanahan?

MR. SHANAHAN: The figure on the charts — most of them — is 3,421. Ten thousand people may not mean very much to Wayne county but it means an awful lot to Charlevoix county. It should be 13,000.

MR. J. A. HANNAH: That's a clerical error in making the first chart. The next one shows the 1970 population estimates. These happen to be Consumer Power figures. There are other figures that are somewhat different from these estimates, but in general, the disagreement is not great. Some counties are guessed by certain demographers which grow more rapidly or less rapidly than the Consumers Power company estimates. If you want to study this chart, this will give you the figures on which you can make your guesses as to what the population is going to be in any county of the state in 1970, based on these figures.

Now, the next chart. When we begin to talk about our formula for apportioning the senate, we're going to be talking about apportionment factors. One of the measures is a factor based on the percentage of the land area that each county is of the total land area of the state. That figure does not vary and the chart that is now being held up gives this figure for every county in the state. You can ascertain what the land area of your county is and that factor will stay fixed.

The next chart gives the percentage that the population of each county is of the total state population in 1960, and so you can do your own calculations. I think that one shows that Wayne county in 1960, when the census was taken April 1, had 34.08 percentage of all of the people of Michigan living in that county, and up in Keewenaw county I believe it's 3/100 of one per cent of the people in the state living in that county.

The next chart — we'll have to back up one — is on the 1970 population figures. We don't need to pick it up. Two charts back — we'll just make reference to it — if you're interested in what the percentage of the population of the state, each county's figure, will be in 1970, that's the second figure on that chart. So if you want to do your own guessing, you can take the population figure. You'll notice the population is the larger figure, and then the smaller figure is the percentage of what that population will be of the estimated total population in the state in 1970. All right, now we'll move along rapidly.

Maps are a mistake because, of course, this apportionment commission which you have just authorized, if it is approved by the people, will actually draw the district lines. The question is going to be asked in a few minutes on the basis of estimated population for 1970, what will the senatorial districts look like? I don't know what they'll look like. This is one way that the state might be districted. Our research people drew the districts on the basis of the recommendation that will be before you in a few minutes, and this is one way that the district lines might be drawn.

The next chart shows what the districting is likely to be if the constitution is approved, with the provision in it that we hope you're going to approve this afternoon. The house of representatives could be based on districts looking like this one. This is based on the figure approved by you on first reading, with any county or group of counties with 7/10 of one per cent of the state's population constituting a district, getting one representative, and the difference between that number and 110 divided among the districts on the basis of equal proportions. That's what the districting might be in 1964, after the apportionment commission has acted. Then the question was asked before as to what would happen if the 7/10 factor was omitted and if the apportioning of the house of representatives was based on straight population. If you'll drop that map and pick up the next one, this is what our staff indicates the districting might look like if the 7/10 of one per cent factor wasn't included in the formula. If you will pick up the next chart, the last one, this analyzes the difference between the 2. These are the figures that were presented to you 2 or 3 weeks ago when this matter was up before.

The top corner of the state, above the red line, in 1960 had 3.93 per cent of the state's population, with 110 house seats they are entitled to 4. Under the committee proposal before you again this afternoon, they will get 5. If the 7/10 factor was eliminated, they would get 4. In the northern part of the lower peninsula, north of the Muskegon-Bay line, there resided, in 1960, 6.10 per cent of the state's population. They are entitled to 7. Under the committee proposal they would get 8. Under a straight population basis they would get 6. The 5 most populous counties of the state: Wayne, Oakland, Macomb, Genesee and Kent in 1960 had in them 57.51 per cent of the state's population. They would be entitled to 63 representatives out of 110. The committee proposal gives them 62. If you were to work it out on a straight basis, adhering to county lines, they would get 64. The rest of the lower half of the state, with 32.5 per cent of the state's population, would be entitled to 36. Under the committee proposal they'd get 35. Under the straight population they would get 36. Now, all of these charts and figures will be under discussion a little later, I'm sure, when we come to the proposals.

I should like to review for you what happened when this was before you in committee of the whole. You will recall that the committee recommendations provided that after an apportionment factor was determined for each county — and you will recall again that this factor is the sum of the percentage of the state's land area that a county is, plus 4 times the percentage of the population contained in that county at the last decennial census. You add the figures together and you come up with the apportionment factor. With 38 senators, if you divide 500 apportionment factors by 38 — and there will always be 500, regardless of the population — there will be 400 factors based on population, 100 on area — if you will divide 500 by 38 you will come up with 13.1 plus. The proposal before you provided originally that any county with 13 apportionment factors, of course, obviously would be entitled to at least one. They would certainly be entitled to as many senators as the apportionment factors were multiples of 13. Because of the

problems in districting, the recommendation before you originally was that any county that had as many as 10 factors might qualify for a seat; that the counties that were grouped together so that there were multiple county districts, the average would have to be 13, but the minimum could be 10 and the maximum could be 16.

Then, when we got to the matter of the counties entitled to more than one senator, the committee report recommended that any county with 19.5 apportionment factors should be entitled to the second senator. And that was obviously to take care of Kent county that has had 2 senators for decades. There was a good deal of debate. Professor Pollock proposed an amendment that we substitute words that would have the effect that whenever any county had 6.5 apportionment factors beyond the multiple of 13, they would get an additional senator. That was tentatively approved. This greatly concerned some of our people because they saw in this the possibility that there might be several senators qualify for a second or a third or a ninth or a tenth seat with 6.5 factors and less than 13, because there are only 500 altogether; whatever the deficiency below the multiple of 13 that this multiple county district got in the way of senators, of course, these factors would have to be picked up somewhere else. And some of our people could see that there was the possibility, although it was remote, that there might be 2 or 3 additional senators given to the populous counties that would have the effect of reducing the appropriate senatorial representation for the smaller counties going into the multicounty districts. And so it was stated before this convention that if lines 7, 8 and 9 were taken out—the so called Pollock amendment—that between first and second reading, there would be drafted a provision that would adequately take care of the problem of the counties entitled to several senators. Now we come to the provision before you, which is the committee substitute for section a. But before we have this read and it is before you for debate, I want to now make my statement with reference to area representation.

The committee, after a good deal of thought, came to the conclusion—and I am sure the committee was correct—that the best interests of this state are going to be served if one house of the legislature is apportioned on some basis other than straight population. The committee decided that it would be the senate that would be apportioned on some basis other than straight population. It then gave consideration to what factors should be given consideration: obviously area was one factor. The suggestion was made that it would be appropriate to take into consideration economic interests because of the diversity of interests in some areas. And there were other suggestions. Finally, because of the difficulty of identifying anything but area, the committee concluded that area and population were the only factors that it could recommend to this convention.

Then the question came as to what emphasis would be placed on area. And at this point, after a good deal of thought by all members of the committee, I think we concluded that the fairest proposition would be to come to you recommending that there be a definite number of senators allocated on area; and you will recall that this was a statement I made before. My proposal to our committee was that we be objective and fair and forthright about it; and I proposed that we divide the state into 4 geographic areas approximately equal in population, but vastly different in area: the upper peninsula, the northern half of the lower peninsula, southwest Michigan, southeast Michigan and that we allocate 8 senators on an area basis, 2 to each region. And then we faced the problem of how to allocate the seats within the region. And of course we came to the conclusion that the only way that you could allocate the seats within the region would be on the basis of population. And if we were to follow that proposal, which was a personal proposal, it had the effect, in southeastern Michigan, of putting the area senators into Wayne county because that's where the people are. And that wasn't the reason for the area senators in the first place.

Then Mr. William Hanna devised the formula which we presented to you before and again today, and that was the one that we come up with a factor per county, with 20 per cent of the factor in each county based on area and 80 per cent of the factor in each county based on population. And that's the one before you.

Now we come to the supreme court decision and the contention of many people that there is something basically wrong with the recommendation we have before you. I submit that it's a mistake for anyone in this convention, or out, to pretend that the senate representation is based on population, because it isn't based on population. It's based 80 per cent on population and 20 per cent on area because it is a fact that it is fairer and more nearly in the best interests of the state to make certain that there are a reasonable number of senators representing that vast geographic area in the upper peninsula, a reasonable number representing that vast area in the northern half of the lower peninsula. So I make no apologies. There is nothing I have seen—I am not a lawyer—I have read the complete statement of the justices of the United States supreme court, all 150 pages, I have read the statement issued by the supreme court last Monday, with Mr. Harlan's dissent. I've heard nothing on the floor of this convention about Mr. Harlan's dissent. I've heard all the discussion about the 3 lines which remanded the Scholle case to the state supreme court. But if you'll read Mr. Harlan's longer dissent, he points out that in his view there is no similarity at all between the Tennessee case and the Michigan case. He points out the fact that our senatorial districts, which alone are at issue, were established by a vote of all of the people in 1952. And everything that lawyers that I have confidence in have told me indicates to me that if the state court or the federal court finally bases its decision on equity, it will conclude that the formula before you this afternoon, with 80 per cent emphasis on population and 20 per cent on area, is equitable, is fair, and should stand up in the courts. Whether it will or not, I do not know.

Later on in the discussion Mr. William Hanna will give you some authoritative figures on where Michigan will stand among all the states in the union if all you take into consideration is population, and we'll be very high indeed. Now, Mr. President, I would suggest we ask the secretary to read the substitute Committee Proposal 80 and we place this matter before the convention.

VICE PRESIDENT HUTCHINSON: The secretary will read the committee substitute for section a of Committee Proposal 80.

SECRETARY CHASE: Mr. J. A. Hannah, on behalf of the committee on legislative organization, offers the following substitute for section a of Committee Proposal 80:

Sec. a. The senate shall consist of 38 members, to be elected from single member districts at the same time as the governor for 4 year terms concurrent with the term of office of the governor.

Notwithstanding any other provision in this constitution, the state senators shall be elected at the general election in 1964 to serve for 2 year terms beginning on the first day of January next succeeding their election. The first 4 year election under this constitution shall be held at the general election in 1966.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest 1/100 of one per cent multiplied by 4 and its percentage of the state's land area computed to the nearest 1/100 of one per cent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties are entitled shall be distributed among

such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there shall be a failure to comply with the above standards.

(3) Counties entitled to 2 or more senate districts shall be further subdivided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 per cent nor more than 125 per cent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

The state shall be districted for the purpose of electing senators in accordance with the provisions of Committee Proposal 80, section a, after the official publication of the total population count of the 1970 decennial federal census. Until the reapportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution, as amended, shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into 2 senatorial districts and Wayne county into 8 senatorial districts in accordance with this constitution.

VICE PRESIDENT HUTCHINSON: The question is upon the substitute for section a of Committee Proposal 80, upon which the Chair recognizes Mr. William Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, as the chairman of the committee mentioned to you on first reading, as the committee of the whole finished with this proposal, we had the problem of trying to make sure that those counties with more than 13 apportionment factors received their fair number of senators and that the balance of the state or those counties with less than 13 apportionment factors per county received their fair share. From our study in the legislative organization committee, and from all the testimony that was given before congress, before this committee and this convention, before the Alaskan and New Jersey and Hawaiian constitutional conventions, the fairest way to apportion seats among a group is to do it by the method of equal proportions, which is the fairest method of testing the relative right or entitlement to a second senator. Having been faced with this problem, the committee went to work on the problem presented as a result of the amendments under second reading and having determined that we would have a senate of 38 members, we then analyzed this proposition and you have this effect.

Now and in 1970 there are 5 counties that have 13 or more apportionment factors. Those 5 counties have 48.34 per cent of the total apportionment factors of the state. They would be entitled to 18.37 senators, or a total of 18 out of 38. The other 78 counties, those having less than 13, totaled together have 51.66 per cent of the apportionment factors of the state, or 19.63 of 38 senators, or computed to the nearest whole number, 20 senators. Having determined that the 5 counties who now have—and insofar as we know, based upon the 1970 census—will have, 18 senators, we then assign to each one of those counties one senator, and we divide the remaining senators, or, to wit, the number 13, by the method of equal proportions, which is the fairest method known to man of dividing it between these several classes. The 20 senators to which the other counties of the state are entitled, the 78 counties as it works out, will be divided in such a manner that the average apportionment factor per senator must be 13, but they may have not less than 10 or more than 16. This is because as these counties fall, it is not always possible to get them exactly at 13. There will always be some discrepancy. This same discrepancy follows, whether you use apportionment factors or population or any other figure, and it is obvious that this is a fair method. We believe this is the fairest method to allocate all the senators, once you determine a fixed number.

The other change in the committee proposal, of course, is the fact that we have now fixed the membership of the senate. I believe this is psychologically advantageous in that the public will know that there will always be 38 senators, not 36, 38, 39, 40 or possibly 42. But this does assure that the application of the 80-20 formula works no disfavor to either the metropolitan counties, so called, or to the so called outcounties of the state of Michigan. It is the fairest that human nature can possibly devise and the fairest application of the 80-20, and I urge its adoption.

VICE PRESIDENT HUTCHINSON: There is an amendment to the substitute. The secretary will read the amendment.

SECRETARY CHASE: Mr. King offers the following amendment to the committee substitute for section a:

1. Amend the substitute, page 1, line 1, [paragraph 1] after "consist of" by striking out "38" and inserting "40"; and on page 2, line 4, [paragraph 4, subparagraph 1] after "counties with" by striking out "13" and inserting "12.5"; and on line 13, [paragraph 4, subparagraph 2] after "less than" by striking out "13" and inserting "12.5"; and on line 20, after "possible" by striking out "13" and inserting "12.5".

VICE PRESIDENT HUTCHINSON: On the amendment, the Chair recognizes Mr. King.

MR. KING: Mr. President and fellow delegates, if I might, I would like to start out by directing a few questions to Mr. William Hanna with regard to this fairest method known to man. I would like to start out by asking him, according to the 1970 projected figures—I believe they're Consumer Power figures that you're using—how many senators would Kent county be entitled to and how many factors would they have.

MR. W. F. HANNA: Mr. President, Mr. King, to the best of our knowledge, Kent county, based upon the Consumers Power predictions, will have 19.99 apportionment factors in 1970 and under the 38 man senate, it would appear that they would be entitled to 2 senators.

MR. KING: And would you answer the same question with regard to Genesee county?

MR. W. F. HANNA: Genesee county would have 21.09 apportionment factors and would be entitled to 2 senators.

MR. KING: Now, sir, would you answer the same question with regard to the county of Oakland?

MR. W. F. HANNA: Oakland county would have 47.54 factors and would be entitled, in a 38 man senate, to 3 senators.

MR. KING: And this is the fairest method known to man?

MR. W. F. HANNA: The method of equal proportions is the fairest method known to man. Kent county is entitled to its second senator under the method of equal proportions before Oakland is entitled to its fourth senator out of a 38 man senate.

MR. KING: Would you be good enough to tell me, in the event that there were 39 senators, where the thirty-ninth senator would go under these 1970 projections?

MR. W. F. HANNA: Under 39 senators, the additional senator would go to Oakland.

MR. KING: And would you be kind enough to tell us where the fortieth senator would go if we had 40 senators, as called for in my amendment?

MR. W. F. HANNA: The effect of your amendment, Mr. King, is quite clear. There would be one more senator added to the 78 counties outstate and there would be one more senator added to the 5 major counties, and that senator would go to Oakland.

MR. KING: Thank you.

MR. W. F. HANNA: Under a 40 man senate, Oakland would have 4; Wayne, Macomb, Genesee and Kent remain the same. Under a 38 man senate, Oakland has 3 senators and the other counties remain the same.

MR. KING: Thank you. It would appear, fellow delegates, that under this fairest method known to man, 47.5 factors entitles you to 3 and less than 20 entitles you to 2. I am wondering if collectively 144 of us can't devise a more fair formula. I would suggest, respectfully, that by increasing the number of senators from 38 to 40 and lowering the requirement from 13 down to 12.5 as an average standard number of factors required by any county or group of counties to entitle itself to one senator, we have therefore perhaps devised even a fairer method. It seems to me that we have elected to cut off at a most inopportune time.

Now, I don't question the fairness of the equal proportions formula. But like so many fair formulas, when applied to a given set of facts, they do not work out fairly at all. And I suggest to you, ladies and gentlemen of this convention, that that is precisely what has happened here. For example, compared to Wayne county, the average number of factors per senator in Wayne county would be 13.8 and in Oakland almost 16. It seems to me that we went a long way in the house apportionment plan to create a house based as nearly as possible on population. We may have missed it by 1 or 2, and I submit that 1 of those 2, by the luck of the wheel, the turn of the dice, just happens to have come out of Oakland county. Once again, the dice have rolled against us and we find that once again it is Oakland county that has to take it on the chin.

I submit, and my brief figuring of the problem mathematically has indicated that this is the case, that 38 happens to be probably the most inequitable cutoff point, the most discriminatory cutoff point that could be devised by man; that 39, 40 or perhaps any other number so far that I've worked with would be more equitable. The disparity between less than 20 factors, meaning 2 senators, and more than 47.5, meaning 3 senators, is significant. For that reason, I would request support for my amendment, which would increase the size of the senate to 40. I think that the one extra senator in the metropolitan areas is significant, worthwhile; and I would even venture to say that we could find a pretty good man to fill that post. I also feel that the one extra senator in the outstate regions would add significantly to the deliberations and decisions down through the years of our senate. I would respectfully urge support of my amendment.

VICE PRESIDENT HUTCHINSON: On the King amendment, Mr. Hanna.

Mr. Hodges, for what purpose does the gentleman rise?

MR. HODGES: I'll yield to Mr. Hanna.

VICE PRESIDENT HUTCHINSON: Mr. Hanna has the floor.

MR. W. F. HANNA: Mr. President and fellow delegates, with regard to the King amendment, this was considered and several votes were taken within our committee. The arguments for settling on 38 are these: first, we are proposing a 38 man senate to go into effect immediately upon adoption of this constitution, and therefore, to add 2 more in 1970 seems a little incongruous; and, second, we were faced with the physical properties of the present senate and considered the proposal, which we understand will come before this body, to increase the salaries and compensation of legislators. Feeling that we could not justify to the court or to the people a substantial increase in cost, and because of the physical limitations of the present senate chambers, our committee voted for the 38. That is our committee's position and those are the reasons for the adoption of 38 instead of 40.

VICE PRESIDENT HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. President and fellow delegates, I am somewhat sympathetic to Mr. King's predicament, but it feels good once in a while seeing somebody else's ox gored on this apportionment picture. This is exactly what is being done.

There is a story that should be told in regard to this matter, which could probably be called the Kent county story, in relationship to this whole apportionment thing through the various phases of this convention. I would point out that originally, in the majority proposal, Kent county was to be guaranteed 2 senators. The original proposal baldly did this by a contrived device. Now, I submitted an amendment, as you might remember, to say that Kent county shall always have 2 senators. The only difference between that and the committee proposal at that time was a language difference because they set it up to do just that. Dr. Pollock offered an amendment to this, showing the blatant unfairness of it and it carried this convention. At that point in time we were then taken down to the committee and several members were aghast because there was a possibility at that time, under the Pollock amendment, that Wayne county might get a tenth senator. There had been references made in the committee and around this convention by many people that Wayne county shall never have 10 senators. But it was also equally adamant that Kent county should maintain their 2 senators. This was thrown out. The convention was then told that we would come up with something different, and something different, indeed, was this changing of the factors to the formula. The only differences between the factors and the formula, as pointed out, and what we have now in equal proportions as pointed out by our own research staff is this: under the factors, Wayne county would get 10 senators and Kent county 1 senator; and under equal proportions, we could then guarantee Kent county a second senator, and that Wayne county should only have 9 senators.

An interesting thing happened in our committee yesterday when again we took up this proposition, and a subcommittee of that committee recommended, because of the supreme court decision, we give it immediate effect rather than wait the 10 years. This was refused to be done by members of the committee because with the 38 formula, Kent county would not be guaranteed a second senator. This was the only reason we did not put it into immediate effect by a majority on that committee. Many people indicated that if they moved the figure to 40 to guarantee, under the 1960 population situation, that Kent county could keep a second senator, they would give this immediate effect. Instead, they voted to hold this off 10 years, when, under the 1970 proposed census as Consumers Power figures indicate, Kent county will again be entitled to a second senator under this formula. This entire thing has been done blatantly and without consideration of the urban areas, save one, and that is Kent conuty. And the flag still stands that Kent county shall always have 2 senators.

I sympathize with Mr. King's predicament, but if he is going to move that, let's move up to some more equity. Why not show that the next 3 senators in line would be from Wayne county; that the tenth, eleventh and twelfth senators would be added to Wayne county? Let's move this figure up to 44 or 46 and we might start equalling a little equity. I submit I am not in favor of making this thing more palatable by throwing in another sponge for Oakland county when the rest is not being considered, and for this reason I oppose the amendment, as I oppose the entire thing.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I understand you have one more speaker?

VICE PRESIDENT HUTCHINSON: One more speaker.

MR. VAN DUSEN: I move to limit further debate on this amendment to 5 minutes.

VICE PRESIDENT HUTCHINSON: The question is on the motion of Mr. Van Dusen. All in favor will say aye. Opposed will say no.

The motion prevails. The Chair recognizes Mr. Yeager.

For what purpose does the gentleman from Oakland, Mr. Walker, rise?

MR. WALKER: I would like to ask a division vote and a record roll call, Mr. President.

VICE PRESIDENT HUTCHINSON: On what?

MR. WALKER: On the motion of Mr. Van Dusen. I was trying to attract the Chair's attention. This again appears to be a gag rule and I think—

VICE PRESIDENT HUTCHINSON: A motion limiting debate is not debatable but you move—

MR. YEAGER: Point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: What is the point, Mr. Yeager?

MR. YEAGER: I believe that you had recognized me when Mr. Walker stepped in front of me.

VICE PRESIDENT HUTCHINSON: That is correct, but

Mr. Walker demands the yeas and nays, as I understand it, upon the motion. Did you ask for the yeas and nays or a division?

MR. WALKER: I asked for a division vote and the yeas and nays, sir.

VICE PRESIDENT HUTCHINSON: One or the other.

MR. WALKER: The yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Walker demands the yeas and nays upon the motion to limit debate to 5 minutes. Is the demand supported?

MR. YEAGER: Point of order, Mr. President. I did not yield to Mr. Walker and the Chair had recognized me to speak.

VICE PRESIDENT HUTCHINSON: The Chair will entertain a demand for yeas and nays because there is no intervening business yet. Is the demand for the yeas and nays supported? The demand is supported. As many as are in favor of limiting debate to 5 minutes upon this amendment of Mr. King's will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

[Mr. Bentley, having previously been excused, reentered the chamber and took his seat.]

The roll was called and the delegates voted as follows:

Yeas—76

Allen	Gover	Prettie
Andrus, Miss	Gust	Pugsley
Batchelor	Habermehl	Richards, J. B.
Beaman	Hannah, J. A.	Richards, L. W.
Bentley	Hatch	Romney
Blandford	Higgs	Rood
Bledsoe	Iverson	Rush
Bradley	Judd, Mrs.	Seyferth
Brake	Karn	Shackleton
Conklin, Mrs.	Knirk, B.	Shaffer
Cudlip	Kuhn	Shanahan
Danhof	Lawrence	Sharpe
Dehnke	Leibrand	Sleder
Dell	Leppien	Spitler
DeVries	Martin	Stafseth
Doty, Dean	McCauley	Stamm
Doty, Donald	McGowan, Miss	Stevens
Durst	McLogan	Thomson
Elliott, A. G.	Millard	Turner
Farnsworth	Mosier	Tweedie
Figy	Page	Upton
Finch	Perras	Van Dusen
Follo	Plank	White
Ford	Pollock	Wood
Gadola	Powell	Yeager
Goebel		

Nays—34

Austin	Heideman	Norris
Balcer	Hood	Perlich
Brown, T. S.	Hoxie	Sablich
Buback	Jones	Snyder
Cushman, Mrs.	King	Staiger
Douglas	Liberato	Stopczynski
Downs	Madar	Suzore
Elliott, Mrs. Daisy	Mahinske	Walker
Faxon	Marshall	Wanger
Hart, Miss	McAllister	Wilkowski
Haskill	Murphy	Youngblood
Hatcher, Mrs.		

SECRETARY CHASE: On the motion to limit debate on the amendment of Mr. King to 5 minutes, the yeas are 76; the nays are 34.

VICE PRESIDENT HUTCHINSON: The motion prevails. The Chair recognizes Mr. Yeager.

MR. YEAGER: Mr. President, ladies and gentlemen of the convention, I will take considerably less than 5 minutes. I didn't think I'd ever find myself agreeing with Mr. Hodges on the question of an amendment on apportionment, but I do. Mr. King has put in an amendment here which I don't think has been thoroughly analyzed. He is naturally concerned about his own county of Oakland, but I don't believe he has analyzed the rest of the state in comparison with the formula that he is advocating. If we lower the average factor from 13 to 12.5, as his amendment suggests, it then changes the analysis of all of the rest of the districts that we have previously done. I could not vote for this without knowing what that analysis would show in the rest of the districts.

I wonder how he arrived at the figure of 40. Why not 42? Maybe Wayne would get 1 or 2 extra seats out of this. Why not 39? I submit you just can't change these figures without knowing what the absolute result would be, and I don't think it's been analyzed. I therefore urge the defeat of this amendment and support for a carefully worked out committee proposal.

MR. KING: Mr. President, will the gentleman yield for questions or is he only asking questions in a rhetorical manner?

VICE PRESIDENT HUTCHINSON: I think he was asking them in a rhetorical manner. I would call your attention to the fact that you and Dr. Hannah are the 2 speakers left on the list. Dr. Hannah.

MR. J. A. HANNAH: Mr. President, ladies and gentlemen, I should only like, on behalf of the committee, to urge that you vote no on the King amendment for the reasons that have already been well stated by William Hanna and Mr. Yeager. The committee gave consideration to all possible numbers, 36, 38, 40, 42, and finally concluded for good reasons that 38 was the best possible number, and I urge that we stay with the committee recommendation.

VICE PRESIDENT HUTCHINSON: Mr. King.

MR. KING: Mr. President, when we handled this item on first reading, the chairman of the committee said that opportunity would be afforded for full and complete debate. Do I take it that you are now ruling that I can speak twice on this amendment? Because I have no desire to violate the convention rules.

VICE PRESIDENT HUTCHINSON: You are the mover of the amendment, Mr. King, and so are entitled to speak twice.

MR. KING: Thank you. In answer to Mr. Yeager's questions, before I spoke on the amendment, I very carefully asked our expert on reapportionment, Mr. Hanna, what would be the effect of adding a thirty-ninth senator, what would be the effect of adding a fortieth senator. He has worked this out. He has taken into consideration the fact that there would be 12.5 average factors required instead of 13. It is obvious from the analysis that I made — you indicate that 41 might go to Wayne county, the forty-first senator. Perhaps that is so, but in my presentation I carefully pointed out that 47.5, the number of factors projected for Oakland county in 1970, divided by 3 is very near to 16; 124 factors, which is projected for Wayne county in 1970, divided by 9 is 13.8. There has always got to be a cut off point. My only point is that 38 is perhaps the most injudicious cut off point that one could possibly find. I have, as I indicated, done some preliminary mathematics on the problem and have reached that conclusion. Now, if anyone wishes to refute that and tell me where a more injudicious cut off point could be found, I would be glad to hear about it.

It's this sort of thing, gentlemen, which is going to afford an opportunity to the courts of this state and this country to step into this problem and turn aside what otherwise is a very fair and fine formula for apportionment of the senate. And for that reason, I submit that we ought to move to 40 instead of 38. Now, if I were only interested in Oakland county, I could suggest that we move to 39, but I don't think that's fair. That picks up one more metropolitan senator and does not pick up a senator for the outstate regions. If I were concerned only with Oakland county, obviously that's what I would do. If I were concerned only for the metropolitan areas of this state, that's what I would obviously do. I have no desire to upset the balance that this committee has worked out as being fair and equitable. And I'm perfectly content to add one senator in the metropolitan areas and one in the outstate region. Now, perhaps if you went to 45 or 46, you could add 3 in the metropolitan areas and 3 in the outstate regions. I haven't considered that. But the difference between 38 and 40 is —

VICE PRESIDENT HUTCHINSON: Time has expired, Mr. King.

MR. KING: Thank you.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. King. All those in favor will say aye. Opposed will say no.

The amendment is not adopted. The question recurs upon the substitute for section a of Committee Proposal 80, to which there is an amendment offered.

SECRETARY CHASE: Mr. Walker offers the following amendment to the substitute:

1. Amend the substitute, page 1, line 1, [paragraph 1] after "shall consist of" by striking out "38" and inserting "37"; and on page 3, line 17, [paragraph 5] after "of" by striking out "Kent,"; so that the language on the third page would read:

> Until the reapportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution, as amended, shall remain intact except that upon the adoption of this constitution each of the counties of Genesee, Macomb and Oakland shall be divided by the apportionment commission into 2 senatorial districts and Wayne county into 8 senatorial districts in accordance with this constitution.

VICE PRESIDENT HUTCHINSON: On the amendment the Chair recognizes Mr. Walker.

MR. WALKER: Mr. President, ladies and gentlemen, I don't think it's necessary to take a lot of the convention's time and possibly we can avoid a possible gag rule that might be imposed. I think it is obvious that I don't think there is any fairness in protecting the county of Kent as a sacred cow in our constitution, and if this were adopted, it would make for a little more equitable apportionment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment — Mr. Walker —

MR. WALKER: I would ask the yeas and nays, Mr. President.

VICE PRESIDENT HUTCHINSON: — upon which Mr. Walker demands the yeas and nays. Is the demand supported?

SECRETARY CHASE: Fourteen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number. The yeas and nays are not ordered. The Chair recognizes Mr. T. S. Brown on the amendment.

MR. T. S. BROWN: Mr. President, speaking, I believe, for the minority members on the committee on legislative organization, we do not support the Walker amendment for the reason that it is not in context with the total amendment that is now being offered.

VICE PRESIDENT HUTCHINSON: The question is upon the Walker amendment. All those in favor will say aye. Opposed will say no.

The amendment is not adopted. The question is upon the committee substitute for section a of Committee Proposal 80. All those in favor —

MR. DOWNS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Am I in order to speak on the substitute amendment now?

VICE PRESIDENT HUTCHINSON: You are in order, Mr. Downs.

MR. DOWNS: Since there is just the opportunity to speak once, I shall try not to abuse it by speaking too long. I shall try to get across the idea of what is behind this.

We've had apportionment factors discussed. We've had 80 per cent discussed and 20 per cent discussed and equal proportions discussed and unequal proportions discussed and Kent county discussed and county lines discussed. But the final test on any apportionment system is what that system does to people, and once we've cleared away all the talk about 20 acres equalling one man, or 19.8 acres of downtown real estate equalling 19.8 acres of swamp equalling one man, we come down to this fact: that this proposal, according to the figures on the maps, as I construe them, would provide, in 1970, senatorial districts, one of which would have 365,000, the largest; and the smallest would be 86,000; and the others would range in between there. That means that it would take 4 people in the district of 365,000 to equal 1 person in the district of 86,000. And I do not know what kind of arithmetic can equate that with the equal protection clause of the fourteenth amendment to the United States constitution, or with the concept that all men are created equal. I want to point out that neither house is based strictly on population, because in the house there is a provision that county lines shall not be divided and, for some reason, the factor of 7/10 comes in, so in some cases 7/10 of people equals about almost 1.4 and the differential there can be 2 to 1; so in neither house do we have people based on equality of population.

Now, since our convention has met, there has been much discussion about the historical cases before the United States supreme court on this matter. There have been predictions on this floor as to what they would be. I am glad to say that I did not make any categorical predictions. But I will say this: that the reapportionment cases — the Tennessee one, the Alabama one, the Scholle vs. Hare one — in my judgment, historically, stand in significance with the Dred Scott decision, the difference being that whereas the Dred Scott decision tried to rigidify a system of human relationships that was only changed by a civil war, the supreme court now, in saying that equal protection includes the right to vote on an equal basis, regardless of geographical location, is taking the last final historical thrust forward to extend the ballot equally throughout the United States. And remember, as a nation we started where first there were property requirements and men only could vote, and then there were even religious tests at one time. As each one of those requirements has been removed we've had a system that is more democratic and more responsive to the needs of the people.

Now I, for one, will vote against this amendment because it attempts to freeze in something besides people in a basic constitutional document. And it's unfortunate that this body itself is not represented on a one man, one vote basis. Perhaps if it were, we would be more consistent with the fourteenth amendment principle. Now, I do not say just what the courts ultimately will say the fourteenth amendment says, but I will point out to the delegates that at no time has the United States supreme court or any other court said that one man, one vote is unconstitutional. It is true the courts have not yet made that mandate or requirement but, certainly, the historical thrust, the trend is in that direction. I feel strongly that that is the historical trend this convention should be with and if we, by convention action, rigidify or offer our support to anything other than a one man, one vote concept, I feel we are standing in the way of progress and I, for one, will vote against that and instead rely upon the United States supreme court and our legal tradition. It is particularly important that, in almost 100 year commemoration of the civil war, this year the United States supreme court has extended the concept of equal protection of the laws to voters regardless of geographical location. I urge defeat of this substitute and hope that the delegates will agree with me on this point. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. T. S. Brown.

MR. T. S. BROWN: Mr. President, fellow delegates, speaking, I feel, for the last time on this particular problem, I cannot but echo the words of Tom Downs a few moments ago. We members of the minority party on the apportionment committee have spoken to you many times, many hours in regard to this problem. I think the net result of everything as far as we're concerned is that Committee Proposal 80, as now substituted, represents a classical syllogism in that if you accept the basic premise, then all else is true. And the same thing occurs when you are asked to become a member of a religion. The people will say there is a cornerstone to our religion which you must accept on faith. There is no reason for it. It's just the way things are. We can't prove it, we can't validate it, but this is what we believe. And if you once get past that point and you're into the syllogism, then everything else seems to be equal, as do the varieties of the proposals in the substitute Committee Proposal 80. But a syllogism is basically false. It will not stand because the initial premise is false and that initial premise in this case is that area is entitled to recognition. Where the 1952 amendment froze in

area by districting, this does the same thing by freezing in area in an artificial and arbitrary ratio.

I think, for the purpose of clarifying a statement I made when we tackled this matter in committee of the whole, that we are actually all building a record for our Michigan supreme court to act upon within the next few days; I think that the stand of the Democratic party in this convention has been and always will be as follows: we adhere to the principle of one man, one vote. We are not concerned with the form in which this principle is manifested as long as it is manifested. If you will recall, back in the days when we were discussing this matter in committee of the whole we had 4 or 5 completely different variations on this same theme, all of which would have been acceptable to us. So we were not pursuing blindly a particular course. We're not so much concerned with how the bricks in the building are laid out as long as the building is solid and does represent a certain acceptable principle. Now, if it does not, the building will not stand and you only fool yourselves if you think that the Michigan supreme court and the federal supreme court are going to buy the initial premise in this syllogism.

I think actually we're standing in the wings as understudies in a very large and vast sociological play. The real actors are dealing with our courts; they're dealing with the Michigan supreme court and the U. S. supreme court and we, as understudies, are not taking an active part in this. And also, as understudies, I think we're very poor reflections of what is actually going on in the state. I do feel that ultimately the trend which Mr. Downs has just indicated will prevail and I think that what we're doing by going ahead blindly now, especially when action is so close at hand, is simply indicating for all time the utter hopelessness of the considerations we've had here during the course of this winter.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I understand there are 4 speakers seeking recognition. I would move to —

VICE PRESIDENT HUTCHINSON: Five now.

MR. VAN DUSEN: Five? Well, in view of the importance of this subject, I would move that we limit further debate on this amendment to 30 minutes.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Van Dusen to limit further debate upon this amendment to 30 minutes. All those in favor will say aye. Opposed will say no.

The Chair believes the motion does not prevail by voice volume.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: A division is demanded. Is it supported? There is sufficient support. All those in favor of the motion to limit debate will vote aye.

MR. HODGES: Mr. President.

VICE PRESIDENT HUTCHINSON: For what purpose does the gentleman rise?

MR. HODGES: I'm not sure. Parliamentary inquiry. Would it be a preferential motion to move to amend to an hour? We're talking about the most serious thing before this convention and I think we're treating it rather cavalierly to be cutting debate off.

VICE PRESIDENT HUTCHINSON: The amendment is in order. It is not debatable. The question is upon the amendment of Mr. Hodges to the amendment of Mr. Van Dusen, upon which a division has been requested and supported. All those in favor of the amendment to limit debate to one hour will vote aye. Those opposed will vote no.

MR. PLANK: Point of order, Mr. President. I believe a division was asked on the half hour, not the hour.

VICE PRESIDENT HUTCHINSON: We've already started the vote so it will be a division vote. All those in favor of one hour will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the amendment to limit debate to one hour, the yeas are 54; the nays are 70.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. The question recurs upon the motion of Mr. Van Dusen to limit debate to 30 minutes, upon which a division has been ordered. All those in favor of limiting debate —

MR. DOWNS: I request a recorded roll call vote.

VICE PRESIDENT HUTCHINSON: The yeas and nays are demanded. Is the demand supported? It is supported. The yeas and nays are ordered. As many as are in favor of limiting the debate upon the substitute to 30 minutes will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—81

Allen	Hanna, W. F.	Radka
Andrus, Miss	Hannah, J. A.	Rajkovich
Anspach	Haskill	Richards, J. B.
Batchelor	Hatch	Romney
Beaman	Higgs	Rood
Bentley	Hoxie	Rush
Blandford	Hubbs	Seyferth
Bledsoe	Iverson	Shackleton
Brake	Judd, Mrs.	Shaffer
Butler, Mrs.	Karn	Shanahan
Conklin, Mrs.	King	Sharpe
Cudlip	Kirk, S.	Sleder
Danhof	Knirk, B.	Spitler
Dehnke	Krolikowski	Stafseth
Dell	Lawrence	Staiger
DeVries	Leibrand	Stamm
Doty, Dean	Leppien	Sterrett
Doty, Donald	Martin	Stevens
Durst	McLogan	Thomson
Elliott, A. G.	Millard	Turner
Erickson	Mosier	Tweedie
Farnsworth	Page	Van Dusen
Figy	Plank	Wanger
Finch	Pollock	White
Gadola	Powell	Wood
Goebel	Prettie	Woolfenden
Habermehl	Pugsley	Yeager

Nays—43

Austin	Hart, Miss	Murphy
Balcer	Hatcher, Mrs.	Norris
Barthwell	Heideman	Ostrow
Binkowski	Hodges	Perlich
Boothby	Hood	Perras
Bradley	Howes	Richards, L. W
Brown, T. S.	Jones	Snyder
Buback	Kelsey	Stopczynski
Cushman, Mrs.	Kuhn	Suzore
Douglas	Liberato	Upton
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	Marshall	Young
Follo	McCauley	Youngblood
Ford		

SECRETARY CHASE: On the motion to limit debate on the pending substitute to 30 minutes, the yeas are 81; the nays are 43.

VICE PRESIDENT HUTCHINSON: The motion prevails, and debate is limited to 30 minutes. The Chair recognizes Mr. Pollock.

MR. POLLOCK: Mr. President, if I can try to introduce a little reason in the midst of all of the obfuscating partisanship which seems to be cluttering up the convention atmosphere, I should like to do so for just a couple of minutes. I see no reason for getting excited about this on partisan lines. I think there has been an honest effort made here to work out a reasonable substitute and I'm happy to give my support to the committee substitute.

I have studied the substitute carefully. I am convinced that it offers the best possible method of applying the basic apportionment formula which the convention has decided to accept. As I see it, the substitute has the following advantages: in the first place, it remedies defects in the earlier language. It should be obvious that we badly need a solution to what might be called the Kent county dilemma. On the one hand it's clear that Kent and Genesee counties should be entitled

to 2 seats in the senate. If they receive only one each they'll be the most under represented counties in the state. On the other hand, it is also vital that we avoid discriminatory provisions which might ultimately cause a successful judicial challenge of the whole apportionment plan. The original committee proposal contained just such an arbitrary classification. It would have given Kent and Genesee extra seats, but would have done so in an arbitrary and discriminatory manner. That's why I found it necessary to introduce an amendment which would have applied the same method of dealing with apportionment factor remainders to all counties.

You will recall that after my amendment was adopted some delegates became alarmed because they thought — quite wrongly, I believe — that my amendment would have given some undue advantage to the metropolitan counties. My objective, of course, was only to insure that an equitable and constitutional plan was substituted for what I think most delegates now realize was a defective arrangement. However, in the interest of harmony and the development of a sound plan, I voted for the William Hanna amendment which struck out my amendment after Dr. Hannah assured the convention that in his view, this would only be an interim arrangement. You will recall that in the discussion of the John Hannah amendment no delegate defended the language which was then adopted as a permanent part of the constitution.

If we should now fail to agree on a new amendment, the result will be a gross distortion of the 80-20 formula and the most blatant discrimination against the 5 largest counties. But such a plan has not been proposed and, therefore, that danger is by. Two, the equal proportions plan is the best available method. The substitute would bring symmetry to our legislative apportionment. We've already decided to use equal proportions in the house. The method can be as readily applied to apportionment factors as to population, and it's a fully tested and a widely accepted technique. In the third place, the substitute would treat all counties alike. The original committee proposal, in effect, set up one rule for Wayne, Oakland and Macomb counties, another for Kent and Genesee, and still a third one for the smaller counties. This substitute will go far toward assuring that the districts will be relatively equal in apportionment factors. Finally, the substitute, I believe, removes the danger of judicial attack.

As I said before, the interim language adopted in committee of the whole was vulnerable to judicial attack. It seems to me that a careful reading of the United States supreme court decision in Baker against Carr indicates that arbitrary, unreasonable and invidious classifications for apportionment purposes may be successfully attacked as violative of the fourteenth amendment. On the other hand, I see no reason to believe that the courts will act against the state merely because some weight is given to nonpopulation considerations in the apportionment scheme.

We've adopted the apportionment factors plan. As you all know, I had some reservations about that plan. But I believe that it will be accepted by the courts as a rational and reasonable plan so long as it is applied as it is in this substitute in a nondiscriminatory fashion. The substitute does nothing more than to give full application to the apportionment factors idea. If it's adopted — and I hope it will be — subsequent legal action against our apportionment plan will have to be based ultimately on the one man, one vote argument, that is, that straight population should be the only basis of apportionment in both houses. And I see no likelihood that the courts will take such a position in the foreseeable future. I trust, therefore, you will vote for the committee substitute.

VICE PRESIDENT HUTCHINSON: Judge Dehnke.

MR. DEHNKE: Mr. President and fellow delegates, just to set the record straight, I'd like to say that I made no statement to the effect that the Tennessee case decision was of no importance to this state. I merely stated, as Dr. Pollock has just detailed, that it did not hold that population must be the sole or controlling factor; and if we may rely on just a summary of what they intended to hold, it indicated definitely the contrary. And I have made no prophecies as to the likelihood of the nature of future decisions—I'm not one of those who has a pipeline to the courts and I'm thankful to all the other delegates to this convention that they have spared the feelings of the 6 retired circuit judges here by not mentioning the subject of the unpredictability of judicial decisions.

I'd like to remind us that the Scholle case deals not with anything this convention has done or proposes to do. It deals directly only with the apportionment setup the people provided in the year 1952. Whether or not it affects our problem will depend upon the language that may be used in deciding that other issue.

One other point I'd like to make in order to have the record clear: area, as we have been discussing it, does not include merely square miles. We've talked about a great many other things. We've talked about difficulties in means of communication that we run into when we have large districts, especially with scattered populations; we've talked about economic interests which differ from area to area; we've talked about social relationships which differ from area to area; and we've talked about adequate and effective participation of all types and groups of people in state government and others of that kind that might be mentioned. All these are comprehended in the term that we put together as area. Thank you.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Hodges.

MR. HODGES: Mr. President and fellow delegates, I'm sure that this plan was originally conceived in all honesty and sincerity because I know the individual who proposed it to be an honorable man. But I would submit that its development has been one of hypocrisy. This so called formula of 20-80 has been worked and reworked with the 1970 projected census in hand to come out with the desired result. I mentioned before the language of our research staff, and this is quoting from it:

> The substitution of equal proportions for major fractions has a practical effect of giving Kent a second seat and 9 seats for Wayne. If major fractions were used to allot the same number of seats, Wayne would receive 10 seats and Kent 1.

Now, I raise this, Mr. President, not because I am concerned that Wayne has 10 seats, or Kent county has 1 seat or 2 seats. That isn't the point. The point is on the opposite side, the emotional fever that developed in this convention to guarantee for all time Kent's 2 senators and that Wayne county shall never have 10 senators. This was the practical effect and we built a facade to come out with a conclusion that we knew ahead of time. I only hope, for the sake of those that have conceived this plan, that Consumers Power is right in the projection, because in 1970, if there is any differential, there are going to be very many sorry people of this convention, because this entire thing was projected on what they anticipate will be the end result to guarantee and assure for all time a senate which they feel is palatable to them.

Mr. Downs pointed out the ratio formula. In the next 10 years the ratio will be 6 to 1, and after 10 years it will be 4¼ to 1. We are still saying in this state that we feel that one man in one place in this state is worth 4 men in another place. You talk about 80-20, and this is what is going to be sold to the people. But it isn't 80-20. It means that one man is worth 4 other men in another part of this state. And still the most important ratio, the most important significant one, is this: that 40 per cent of the population of this state shall have 52 per cent of the representation. In other words, 40 per cent will control the legislature of this state. This is the important factor, not 80-20; not formulations or anything else. Just minority control continued ad infinitum for the history of this constitution of the state of Michigan. I submit that we in the minority cannot go along with the constitution while we are now, at long last, expecting to get equity in the courts of this state and this nation, and be told that we should be very happy to accept one that says our people are ¼ as good as people in another part of this state. This is what this fight has been about for the last 50 years in this state. This is what it will continue to be about until we get what we think is justice in this cause. You cannot say that 6 to 1 or 4 to 1 is equitable by any standard or any measure. All we have done is try to make as little differential between what we have now and what we will have to,

hopefully, assure that some court will not strike this down. I do not believe it will meet this test. I urge all those interested in the cause of good and just apportionment for the people of this state and that everybody's vote is entitled to equal weight, to vote down the majority report.

VICE PRESIDENT HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. President, on behalf of the committee, I would like to answer the arguments made by Mr. Hodges, Mr. Downs, et al. I'd like to give you the consideration that went on in our committee. First, the Tennessee case: the Tennessee case is a case where they have not apportioned according to their constitution. The Alabama case is in the same light. The Scholle case is different, but does not pass on what we're doing here at the convention. The question really becomes one of whether you treat and are going to say that the only criterion is masses and numbers of people as against individuals. In the larger counties, such as my own of Muskegon, we are able to work through organizations. As I move north into the outstate area, we do not have chambers of commerce, PTAs, unions making as effective use of their organizations and representation as is possible. The legislator must deal with small groups of individuals, or absolute individuals.

The minority has expressed a great faith in one man, one vote. It has, for as long as I know, objected to the faith placed in this one man, one vote as expressed by the '52 amendment. Now, Mr. Hodges raises the question of equal proportions versus major fractions. I think Mr. Hodges has studied this problem well enough to know that if we go to major fractions then we again must have a flexible number of senators and must avoid the so called Alabama paradox which he would create. I submit to you, a fixed number by equal proportion is the best mechanical and most fair mechanical method that we know of in applying the formula, as has been cited by Dr. Pollock. I wish this convention would realize that to accept the version of Mr. Hodges and Mr. Downs, every board of supervisors in Michigan —or in New York, Pennsylvania and those other states that have boards of supervisors—would be illegal. Many city councils, including the councils of the cities of Chicago and New York, would have to fall because they do not follow that principle.

I recently made an analysis after receiving a reprint of the New York Times dated Wednesday, March 28, which compared legislatures of the states. I would like to point out what I believe are some significant facts: under the committee proposal as to the house, which Mr. Downs has passed upon, only 2 legislatures out of the 50 states are more akin to population than the Michigan legislature would be under the committee proposal. With regard to the senate, only 7 senates are more akin to population than our senate would be under the committee proposal. This means that if you accept the Downs criticism and the Hodges criticism of Committee Proposal 80, 43 senates out of the 50 are unconstitutional. And I submit to you that the supreme court will never find 43 of the present state senates unconstitutional.

Of those states that have senates more nearly attuned to population, only one state has a house equal to or approximating the committee proposal in the house. The only state that falls in that category is Oregon. And if you will examine the Oregon constitution, you will find that they provide for moiety in both the house and the senate. I am satisfied that neither Mr. Hodges nor Mr. Downs nor the people they represent would accept moiety as applied to either the house of representatives or the senate. But I submit to you, when they say that the committee proposal as to the house does not meet the test of the United States supreme court and the federal constitution, they are then saying that 48 of the present lower houses of the state legislatures of the United States aren't constitutional. And of the 2 that would meet their constitutional tests, Alaska starts off upon the adoption of the constitution with their house seats nearly equal in population, but provides that they may go down to a half ratio before there has to be any alternative; so it's a matter of a very short time and probably one census before the Alaskan legislature would fall out of their test. This leaves only Oregon and Michigan as the 2 best apportioned houses of representatives by the definition of Mr. Downs and Mr. Hodges.

I submit to you that if they will examine cold facts—to expect the supreme court to say that our senate will fall, and because they say our senate will fall as we propose it, 43 out of the other 50 senates will also fall, together with all the city councils and all the boards of supervisors—they must foresee the consternation. And even those people who support their view most widely by proposed federal legislation would allow a greater discrepancy than we have allowed in the state of Michigan under the committee proposal.

VICE PRESIDENT HUTCHINSON: Mr. Norris.

MR. NORRIS: Mr. President, I rise to speak against the substitute. I suggest to you that the net distillation of the majority report is that Michigan is doing business at the same old stand and that the state of Michigan is still asking the committee chairman and the author of this particular formulation of the majority report: so help me Hanna. (laughter)

I think that we have a problem to which the minority, I think, addresses itself in this sense: there is no question that the courts moving ahead here and addressing themselves to a problem which has been thrust upon them by the inadequate solutions of the various states of the union is going to make some progress in terms of causing a more responsive legislature to be adopted by the various states, including Michigan. And I think that there has been some bunching in this direction as a result of the action of the courts in Baker vs. Carr and Scholle vs. Hare, thus far. I think the people of the state of Michigan owe Mr. Scholle a distinct debt of gratitude for casting a cloud upon this convention so that we were more responsive to our constitutional duty in making suggestions that would at least recognize the inadequacies of the 1952 so called balanced legislature. It is one of the observations of the famous Frenchman, de Tocqueville, that sooner or later every political question in the United States shapes up as a legal question, and the courts have addressed themselves to this legal question.

I am not prepared to say that in all particulars the substitute of the majority is infirm constitutionally, on the basis of being an invidious discrimination. I think there are infirmities and they may very well be challenged in the court and they may very well be sustained in the challenge, particularly on the point that Mr. King made earlier of the unequal application of the so called equal proportions formula, point 2, which was underscored by Dr. Pollock.

I am not so sure, however, that the courts will compel, in the long run, the kind of formula that we will need to make for a responsive government in Michigan. I am not so sure, either, that we have thus far found the political formula for a more responsive legislature. I think we have to recognize that there isn't here a question of leaving everything to the courts or leaving everything to this body. The fact is that a political question in a democracy can only be resolved by a growing, increasing, consciousness of the people themselves as to what is involved. I don't think, as yet, there has been a recognition by all the people of this state as to why population ought to be the criterion for representation. And I think that there is an apprehension on the part of some people that when population is the basis, there is a disproportionate weight in the legislative council to the southeastern area of Michigan.

I submit to you that if population were the basis, as suggested by the minority, that there would indeed be a more responsive need met by the legislature for the needs of the people in the rural areas and the small areas than the people from the rural areas and small areas now feel is the case. I don't think that all the housing needs of the people in the rural area and the farm area are being met today. I don't think that all the medical care needs of all our farm population in this state are being taken care of today. I don't think that the best farm policy has been adopted by our legislature. I think that we have a long way to go with regard to meeting the needs of the people who are primarily supporting the majority report. And I submit that if population were the basis for representation, there would be a greater sensitivity — if you will, a seismographic sensitivity — to these people which has not been the fact as of today. I think unless the people of our state recognize that population as a criterion for representation would mean a more responsive legislature

to the needs of every person in every part of the state, no matter where he lives — that when that is recognized, then there will be, in my judgment, a solution which will be reached, and thus far we have not reached it. We're counting too much on the courts, in my judgment, and we're counting too much on the formula that is emerging from this convention thus far.

This convention was called because of payless paydays, because of treasury deficits, because of the curtailment of essential services in the state and because of the veto power in the state senate over essential conduct of the government. I don't see that the majority proposal overcomes these handicaps. Michigan is still where it was prior to this convention and it will be there for some time unless the people of this state take matters in a different course in order to arrange a different result. To be sure, the frustrations of our people and the $2 million investment that they have in this convention may mean an affirmative view of this majority proposal, but I submit that it's a short run point of view.

Our president of our convention admonished us that we should look at this convention with the view of a Madison, of a Jefferson, and those people took a long run view and we have to take a long run view of the proposals now before us. I don't see that we've substantially or materially altered the balanced legislature formula in political result. And I think that in political result Michigan is doing business at the same old stand. I don't think that we're rendering the kind of distinct service that's necessary to the people of this state to get Michigan off of government by deadlock and government by stalemate. We will be in that situation after this convention adjourns with the majority report having been adopted. I am most distressed by this conclusion, but I must reluctantly subscribe to it and I cannot let this debate go by without registering the views which I have, Mr. President.

I think that what is involved here is more than merely arriving at some arithmetical formula of presumed equity. What is involved here is whether or not we will develop in the United States, and in the various local forms of government, that kind of adequate instrument by which a self governing people can meet the problems, the ever increasing problems of an industrial age in which we find ourselves in Michigan. Indeed, if you will, the issue of the survival of this nation and the state is involved in whether we can develop that kind of adequate governmental instrument that meets the needs of the people. We have fallen short of that promise. I hope that history will judge us kindly. I don't think it will.

VICE PRESIDENT HUTCHINSON: Mr. Faxon.

MR. FAXON: Mr. President, I'll try to be very brief because I know that time is running out and I think one point or just a couple ought to be commented on. I think the major thing is that in a day as modern as this, when we have the best means of transportation and communication, we suddenly, for the first time in the constitutional conventions, hear of area as a separate factor for representation. Now, I am very sympathetic to the fact that we have in the past made some recognitions of this but we have done so in the house with the more numerous seats. The house of representatives has had some recognition of sparsity because it's the larger house and they've done so in the form of moiety. They have never done so in the senate because it's the smaller house and therefore it wouldn't be the best place for this kind of representation.

Now, I cannot sympathize with the comments that none of the previous speakers made when he said that people aren't as well organized outstate as they are instate. I guess he meant by that, in the cities. From my observations here and other areas of the state, I think the people in the outstate areas are very well organized. I think they are very vocal. I think their local school boards, their local township officials have done an admirable job in representation of their points of view. But I cannot see how, in the twentieth century, after all the improvements have been made, when we talk about going to the moon, we can suddenly say that there is difficulty in representing an area that can be crossed by car in a matter of hours, an area that has now full means of radio and television and telephone, an area that is readily accessible to all the mass media of transportation and communication, suddenly becomes an area that is being under represented because of the fact that there is a certain degree of sparsity. If the people here are sincerely interested in giving some representation to where there is sparsity of population, that representation ought to be kept in the house, where the more numerous members can be more advantageously placed with regard to the whole state.

Now, I would ask you to consider the fact that when this country was first settled it was always people who were the basis for representation. They did not represent the western part of the Virginia colony because there wasn't anyone there. Now we are faced with a problem of population that is not proportionately distributed throughout the state, as was the case in 1850. If we are really concerned with this, we ought to focus our attention on the house with the greater number of seats and keep the senate where it has traditionally been in the past, where it has been in this state, in particular, a senate based upon the population of the state. I'll conclude with that.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the adoption of the substitute for section a of Committee Proposal 80. Mr. Leibrand.

MR. LEIBRAND: Have the yeas and nays been demanded?

VICE PRESIDENT HUTCHINSON: They have not. Mr. Leibrand demands the yeas and nays. Is the demand supported? The demand is supported. Sufficient number up. The yeas and nays are ordered. The question is upon the substitute for section a of Committee Proposal 80. All those in favor will vote aye. Those opposed will vote no. The voting has commenced. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 84

Allen	Habermehl	Pugsley
Andrus, Miss	Hanna, W. F.	Rajkovich
Anspach	Hannah, J. A.	Richards, J. B.
Batchelor	Haskill	Richards, L. W
Beaman	Hatch	Romney
Bentley	Heideman	Rood
Blandford	Higgs	Rush
Boothby	Howes	Seyferth
Brake	Hoxie	Shackleton
Butler, Mrs.	Hubbs	Shaffer
Conklin, Mrs.	Iverson	Shanahan
Cudlip	Judd, Mrs.	Sharpe
Cushman, Mrs.	Karn	Sleder
Danhof	King	Spitler
Dehnke	Knirk, B.	Stafseth
Dell	Kuhn	Staiger
DeVries	Lawrence	Sterrett
Doty, Dean	Leppien	Stevens
Doty, Donald	Martin	Thomson
Durst	McLogan	Turner
Elliott, A. G.	Millard	Tweedie
Erickson	Mosier	Upton
Everett	Page	Van Dusen
Farnsworth	Perras	Wanger
Figy	Plank	White
Gadola	Pollock	Wood
Goebel	Powell	Woolfenden
Gover	Prettie	Yeager

Nays — 42

Austin	Hart, Miss	McCauley
Balcer	Hatcher, Mrs.	McGowan, Miss
Barthwell	Hodges	Murphy
Bledsoe	Hood	Norris
Bradley	Jones	Ostrow
Brown, T. S.	Kelsey	Perlich
Buback	Kirk, S.	Sablich
Douglas	Leibrand	Snyder
Downs	Lesinski	Stopczynski
Elliott, Mrs. Daisy	Liberato	Suzore
Faxon	Madar	Walker
Finch	Mahinske	Wilkowski
Follo	Marshall	Young
Ford	McAllister	Youngblood

SECRETARY CHASE: On the adoption of the committee substitute for section a, the yeas are 84; the nays are 42.

VICE PRESIDENT HUTCHINSON: The substitute for section a is adopted. Mr. Downs.

MR. DOWNS: Mr. President, the question is now upon the substitute; is that correct?

VICE PRESIDENT HUTCHINSON: We have some further amendments to the committee proposal, Mr. Downs.

MR. DOWNS: Is this Committee Proposal 80?

VICE PRESIDENT HUTCHINSON: Yes.

MR. DOWNS: I wish to be in line to speak, but not on the amendments.

SECRETARY CHASE: Mr. John Hannah, on behalf of the committee on legislative organization, offers the following amendment:

1. Amend page 4, line 6, [section c, paragraph 1] after "part of" by striking out "the" and inserting "a"; and on line 8, after "merger" by changing the period to a comma and inserting "as determined by ordinance of the city certified to the secretary of state."; so that the language in section c will read:

> In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined upon the effective date of the annexation or merger, as determined by ordinance of the city certified to the secretary of state.

VICE PRESIDENT HUTCHINSON: On the committee amendment, the Chair recognizes Dr. John Hannah.

MR. J. A. HANNAH: Mr. President and ladies and gentlemen of the convention, this amendment presented to you as recommended by the committee, was instigated originally by the committee on style and drafting. The committee on style and drafting pointed out to our committee that without this language section c did not clarify what it was expected to clarify. The import of section c is to provide that when a city annexes territory adjacent to it the territory annexed is to become a part of the legislative district of the city, the only exception being that if a member of the legislature, representing the district of which the annexed area was formerly a part, lives in the annexed territory he does not lose his seat until the completion of his term.

The committee on style and drafting pointed out that it is possible that a city with more than one senatorial district or more than one representative district might annex territory to it with the annexed territory contiguous to more than one legislative district. That left open, then, which of the districts in the city the new territory was to become a part of. The proposed language is one of the alternatives suggested by Professor Joiner and the effect of it will be that if this unlikely circumstance should arise, then the governing body of the city to which the new territory is annexed would determine the legislative district to which the new territory is to be attached, only with the requirement that after they have taken the required action by appropriate ordinance, they will certify to the secretary of state which of the legislative districts the new area is to be attached. The committee recommends that the convention approve this amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the committee amendment. All those in favor will say aye. Opposed will say no.

The committee amendment is adopted. Are there any further amendments to the body of the proposal? Mr. Hannah.

MR. J. A. HANNAH: The committee on style and drafting made certain changes in sections b and c. They are word changes that are concurred in by the committee on legislative organization and we recommend their approval.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I have spoken to Mr. Hodges, Mr. Downs and Miss Hart, and a debate limit of 30 minutes for the remainder of the proposal is agreeable to them. I hope it will be to the convention, and I would so move.

VICE PRESIDENT HUTCHINSON: The question is on the motion of Mr. Van Dusen. All those in favor will say aye. Opposed will say no.

The motion prevails. The question is upon the passage of the proposal. Mr. Wanger.

MR. WANGER: Mr. President, I desire to ask a question of one of the members of the committee on legislative organization about section c. Would that be in order at this time or would section b be in order?

VICE PRESIDENT HUTCHINSON: The question is upon the whole proposal, Mr. Wanger.

MR. WANGER: I would like to ask, then, why section c should be included in the constitution. I appreciate that annexation across legislative district lines can occasionally require, under our present law, some inconvenience in perhaps redrawing precincts and perhaps making special changes on voting machines and ballot printing. But it also seems to me that this committee proposal means that every time you annex across legislative district lines you're going to have politics enter into the problem of annexation and it will be a type of politics that has not been there before. In those cases where the annexing area is evenly divided politically and the area to be annexed is perhaps heavily weighted in favor of one party or the other, this political problem might be a very weighty factor in the question of annexation. I suggest that this would be an evil and we should not create a situation where this type of a political consideration would be effective in the very serious, legitimate problems of annexations to cities.

VICE PRESIDENT HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. President and members of the convention, this matter was introduced as a result of testimony by election officials, who pointed out that in cities that have had substantial annexations, there are many uncertainties and confusions that develop in connection with elections; and it was particularly pointed out in the little community of East Lansing, which has recently taken in fractions of Lansing township and Meridian township in different legislative districts, with the people in these newly annexed areas staying in the old districts so that it's been very confusing and difficult for them to carry on their elections. This has been true in Grand Rapids and Kalamazoo and elsewhere. I would yield to Mr. Blandford to answer this question more fully.

VICE PRESIDENT HUTCHINSON: Mr. Blandford.

MR. BLANDFORD: Mr. President, I feel that Dr. Hannah has pretty well covered it. As you well know, the present constitution states that territory annexed to an existing city shall remain in its present representative district until the next apportionment. And as he has stated, this clause has resulted in great confusion in cities that have had annexation. Presently, when areas join a city through annexation or merger, the people residing in the annexed area are immediately eligible to vote in the city elections. However, they do not join the senatorial or representative district of a city they have annexed or merged with, but remain in their original legislative districts. The result is a great amount of confusion.

I can speak, of course, from personal experience in the city of Grand Rapids, where we've had some annexations recently. Originally, the second and third wards of Grand Rapids voted in one representative district and one senatorial district. Presently these same people now vote in 3 representative districts and 2 senatorial districts. In other words, neighbors voting for the same commissioners, mayors and so on vote for different state senators and state representatives. Representatives from the municipal clerks association testified before our committee that the present system greatly complicated election procedures. In line with that, I'd like to read a letter that I received from Frank Niederstadt, who is the city clerk of the city of Saginaw. He says — I'll read the middle paragraph:

> It is my belief that this provision would have no effect whatever on annexation, but it would materially help in the election procedures. An example which has occurred here: about 80 acres of land were annexed to the city of Saginaw in 1957. This area had about 10 residents; 7 of them were registered voters and, under present laws, it has been necessary in every election at which representatives to the state legislature are elected to set up separate ballots or a voting machine to take care of these people who retain their status in representative district 2 of Saginaw county until the next apportionment by the board of supervisors which will not occur until 1963.

Of course, he's assuming the present constitution.

> We have never had more than 4 votes cast under this special procedure. The people in the area have complained to me repeatedly about not being able to vote for the city representative to the legislature and particularly on the city representative to con con.

I think, briefly, that pretty well points up the problem. It was the feeling of the clerks that testified before our committee that the annexed area should become a part of the legislative districts of the annexing city immediately upon the effective date of annexation rather than waiting 8 or 10 years until the next reapportionment. Accordingly, the committee wrote this provision into its recommendation with the following 2 restrictions: the first restriction was that the provision does not apply when these annexations cross county lines. This was necessary, of course, to preserve the county line requirement in our representative senatorial districts. The second restriction, which Dr. Hannah mentioned, is that this provision would not unseat a member of the legislature living in the annexed area for the remainder of the term for which he was elected.

The legislative organization committee feels this provision will result in less confusion among city and township voters and will greatly assist in removing some of the complications of holding elections. Accordingly, we recommend its inclusion in Committee Proposal 80 and sincerely recommend the affirmative vote of this convention.

VICE PRESIDENT HUTCHINSON: Mr. Wanger still has the floor.

MR. WANGER: I would direct a further question, if I might, through the Chair, to Delegate Blandford. He has very well pointed out how this section works out some of the mechanical inconveniences and the confusion among those voters in annexed areas who don't take the bother to call up their city clerk and ask where their district line is drawn, or go look at a map. Admittedly, these are arguments of some weight, but you've neglected the argument and the question which I've raised; namely, the serious implications which could arise over issues of annexation when the areas are so politically divided that the political makeup of the legislative district might be switched or affected or reversed under this section. That would clearly make it a very partisan political issue, bring partisan politics into annexation in those cases in which it admittedly could arise. Now, don't you think that that is a serious evil in those cases where it would arise? And don't you think that that evil outweighs the mechanical benefits of this part of the committee proposal?

MR. BLANDFORD: Through the Chair to Mr. Wanger, I can only speak from experience on this, Mr. Wanger. We've had some annexations in the Grand Rapids area — I believe about 11 of them in the last few years — and I cannot recall where politics entered into the situation whatsoever. It's chiefly water services, sewer services, attending our city high schools and things like that that have a bearing upon annexation. The question of the political makeup of the area that was being annexed or the political makeup of party lines of the area that they were annexed to has never entered into any annexations that we've had in our area. This is one of these "if-come" questions. It's possible that sometime it might. You can't say it never will. But all I can say is that the experience that we've had in annexation, it never has entered into the picture.

MR. WANGER: Mr. President, I would briefly conclude by thanking Delegate Blandford and by saying that past experience in this case is obviously no guide because under our law, as it exists now and has been, annexation does not affect the lines of the representative and senatorial districts. Under this plan it would.

[Vice President Romney assumed the Chair.]

VICE PRESIDENT ROMNEY: Delegate Jones.

MR. JONES: Mr. President, fellow delegates, I rise to urge a no vote on Committee Proposal 80, and I do so because I feel that this proposal has a built in guarantee that we will continue to have unequal representation in our respective legislative districts. As I read this proposal, I note that you can have as few as 10 apportionment factors to qualify for a senate seat, or you may have as many as 16 and still reach the requirement of one senate seat. This amounts to a deviation of 60 per cent between the district having the minimum number, 10, and the district having the maximum number, 16.

Secondly, it has also been pointed out by the proponents of this proposal that area amounts to only 20 per cent by the factor computation whereas population amounts to 80 per cent. However, I should like to point out that in some of the senatorial districts in our state under this formula, when you get through computing the apportionment factors, you will find out that some of these districts have from 50 to 60 per cent of the senatorial district being based on land area. Now, this to me does not get to the point of providing as nearly as possible equal representation. Therefore, I urge the delegates to vote against Committee Proposal 80.

VICE PRESIDENT ROMNEY: Delegate Richards, of Marquette.

MR. L. W. RICHARDS: Mr. President, I believe I'd be remiss if I did not rise first to answer some of the statements that have been made by our good friends from the opposing party referring to some of the stumpland and swamps, and I can't help but believe they definitely have reference to our good U.P. That disturbs me considerably. I think that all of the U.P. delegates here are in a very awkward position.

I had voted for the committee proposal on the strength that I do not believe we can come up with anything better at the present time. I think the committee has done a fine job. And yet, I'd like to retain what we have. We would lose 2 representatives by this proposal. It disturbs me to think that some of these delegates once again feel this one man, one vote situation is the only thing that does concern the state of Michigan.

I want you to recognize the fact that the economy of the U.P. is a very rough situation. We need the representation we have. I'd also like to call attention to the fact that the minority group — if this has gone along party lines — that at the present time they have 9 of the 10 representatives of the Democratic party from the U.P. And I'd like to state that I've been proud of all of our legislators that have come down from the U.P. both now and in the past when we did have a lot more Republicans. And I want you to know that they have contributed to this state. I know that they have introduced legislation that's been beneficial to all of the state of Michigan. And when you individuals are only thinking of the one man, one vote situation, not concerned with the economy and the welfare of the U.P. and you sit here and contend that your interest is in the state of Michigan as a whole, I don't think you're fair in your proposition.

We in the U.P. do not ask for much. But please don't take any more than you're taking away from us now. I would not vote for this if I thought we could get any more. But I'm trying to hold the line for it. And, Mr. President, if you could grant me permission, I'd like to be able to put my reason for my voting in writing at the end of this.

VICE PRESIDENT ROMNEY: There is no objection. It is so ordered. Delegate Judd.

MRS. JUDD: Mr. President, I'd like to make a point with respect to section c on the annexations. I'm willing to grant that it causes a great deal of confusion, both on the part of the voter and on election law administration. However, I do believe that there is a great deal to what Delegate Wanger said. We have sufficient ill feeling and conflict generated in the annexation problem as it is without adding the conflict that would come from the question of legislative apportionment.

Secondly, there is no provision in this for the reapportioning of the city and the remaining part of the county as a result of adding the annexed areas to the city. And with some of the sizes of the annexed areas that we have had, this would cause a very real malapportionment which, as Delegate Blandford says, might last 8 to 10 years.

In my opinion, the real remedy for the election administration confusion lies not in this question of legislative apportionment, but in new annexation laws to prevent annexations by bits and pieces and jagged shapes, such as we have to date. If they come in in large regular areas, the problem of election administration can be handled. This is a legislative remedy and it can be handled, can be remedied whenever the legislature makes up its mind to act.

Mr. President, I would like to ask if the question can be divided so that we can vote separately on section c.

VICE PRESIDENT ROMNEY: We cannot, Mrs. Judd. Under a former ruling it cannot be divided. There is an amendment pending to strike out section c. Delegate Knirk.

MR. KNIRK: President Romney and delegates, I'd like to make a few comments here. I notice this afternoon, from many of the comments of some of the delegates, that because of the very outstanding individual in the galleries — and I am sure she was only here for the purpose of passing the time of day and talking about the nice weather outside — many of the people and delegates here get up before the press, before radio commentators, television and so forth and make some wonderful oratory. I think we've had just about all the oratory that's needed. I'm certain that the commentators and writers have had enough information to put forth and I certainly hope that the very distinguished visitor in the gallery this afternoon has discussed the weather with many of the people here.

I would like to bring to your attention that the plan that's been proposed here by the legislative organization committee is absolutely outstanding in America, and as has been indicated by Bill Hanna, our house plan will set this state as a model for the rest of the states. Only one other, as he indicated, the state of Oregon, comes in the same area as far as determining population as a criteria for apportionment. I think that our senate plan is one of the soundest and the most rational apportionment plans that you have in the country, and I, as a layman, do not fear in any way, shape or form a contest before the United States supreme court on this issue. I do feel that there might be some reasons in our own state supreme court — which I will not discuss here, as they're my personal opinions on that, their thinking — but I think that when this is brought before the United States supreme court it will be upheld, if it ever becomes contested. And I think you should note that our senate plan will also place this state among the top 1/3 of the 50 states.

I certainly hope that on this particular historic day, whether you be for or against what has happened in the state of Michigan — and I might say, because it happened at, I think, 10:22 this morning, we had indicated the possibility of an income tax. About 11:00 o'clock, or shortly thereafter, we indicated a real forward step in having the government of Michigan have something to do, or at least more to do with civil service — and I think as the climax of this historic day that we might just as well have 3 strikes, 3 good ones, and the third one being that the delegates here at this convention absolutely support Committee Proposal 80 that's under consideration.

You know, sometimes we get misled by whether or not the people have been offered what is desirous for them. I think that Delegate Norris raised my dander as a farmer when he indicated in his remarks — and I would invite him to come down to the farm sometime where we could spend a day or 2 just to visit on this — but I would like to bring to his attention that a major farm magazine in the past 2 months conducted a poll on what the present administration has offered for farmers; only 4 per cent of the people out of 50,000 responses within a week's time, were in favor of such a program and 54 per cent of the people wanted no part of government in farming. I think, Delegate Norris, that's another issue that doesn't have much to do with apportionment, but I think we get misled often-times with what the people want. I think what has been offered, the people will buy and support, and should support it, and it's for the best interests of this state and will represent all segments, and all segments of our state will have a voice in government, and the senate, particularly, is the only area in which the minority groups in this state can be heard. And I certainly urge and I hope, as I stated earlier, the press, radio and television people have got plenty to write about and I don't know why, gentlemen and ladies, that we pursue this course any longer. And I hope we can get on and vote.

VICE PRESIDENT ROMNEY: Delegate Martin.

MR. WALKER: Point of convention privilege, Mr. President.

VICE PRESIDENT ROMNEY: Delegate Walker, did you say you had a point of convention privilege?

MR. WALKER: I believe it would be, Mr. President, in reference to Mr. Knirk's words there. I think that we all know who Mr. Knirk was referring to and that would be Mary Ellen Reardon who represents the school teachers. Would you stand up, Miss Reardon? (applause)

VICE PRESIDENT ROMNEY: Delegate Marshall.

MR. FORD: Mr. President.

VICE PRESIDENT ROMNEY: Delegate Ford.

MR. FORD: I don't want to be disrespectful to the Chair but I think you're showing Mr. Marshall undue preference here in recognizing him ahead of other people who had the floor.

VICE PRESIDENT ROMNEY: Delegate Marshall had requested the floor some time ago.

MR. FORD: I wouldn't under any circumstances suggest that you were —

VICE PRESIDENT ROMNEY: Delegate Marshall had requested the floor —

MR. MARSHALL: Delegate Ford, with you as the township attorney and the attorney for the Taylor township water and sewer commission and I as one of your employers, I wouldn't interfere too much while I'm on the floor. (laughter)

Mr. President and delegates, I think Mr. Walker disposed of the distinguished guest. I've seen the people in the gallery this afternoon myself and they're all citizens of the state of Michigan and as such, I think they're all distinguished. We're always happy to have distinguished guests in the gallery.

I rise to urge a no vote on this proposal. Delegate Blandford spoke at some length in regard to the annexation problem, in giving it immediate effect, that we shouldn't wait until 1970 to do this. And I would point out that the committee proposal, while it is not equitable, while it does not meet what I believe to be the test of equality, yet, it's extended until the 1970 census, which could mean 1971 before it could be effected. I raise the question that, if we're going to kick the people around for 10 more years, why not kick them around for 25 more years, or 30 years, or 2,000?

In answer to Delegate Richards — I have a lot of respect for Delegate Richards — I would only point out that I, too, recognize and understand the economic problems confronting the U.P. And I also realize the high percentage of unemployment in the U.P. But I would point out to you — and I have to point this out because you raised the question in discussing it as it related to this proposal before this convention — time and time again your representatives from the U.P. have come to the legislature and introduced bills. One in particular, one of your senators on several occasions has introduced the mine safety code bill, and it's been constantly defeated in a malapportioned senate by the conservative representatives from the sparsely settled areas. And I would also like to point out to you, Delegate Richards, one other factor — and then I will relinquish the floor — that would have been very important to a section of this state that has approximately 20 per cent unemployed in many sections, and that was when a malapportioned legislature refused to enact the enabling legislation that would have brought into this state $25 million and would have brought the children of unemployed workers under the ADC program. This is what a malapportioned legislature can do for the economic depressed areas, I think.

VICE PRESIDENT ROMNEY: Delegate Leibrand.

MR. LEIBRAND: Mr. President, fellow delegates, I feel obligated to vote no on Committee Proposal 80 but for reasons far different from those advanced by the minority members of this convention. To conserve time, I ask leave to file in writing with the secretary the reasons for my vote.

VICE PRESIDENT ROMNEY: Granted. The secretary will read.

SECRETARY CHASE: Mr. Wanger has filed the following amendment:

1. Amend page 4, beginning on line 4, by striking out all of section c.

VICE PRESIDENT ROMNEY: Delegate Wanger.

MR. WANGER: Mr. President, members of the convention, this amendment was thought out before the committee amendment to section c, which added the words "determined by ordinance of the city" and since my previous questions on the floor, it has been suggested that this new language leaves this question of changing the legislative district to the discretion

of the city council and does not operate automatically as before. I would like to direct a question to the chairman of the committee, Dr. Hannah, if that is the case and the intent of the committee in this amendment.

VICE PRESIDENT ROMNEY: Dr. Hannah.

MR. J. A. HANNAH: That is correct, Mr. Wanger. I would like to yield to Judge Dehnke as an attorney to comment on this one.

VICE PRESIDENT ROMNEY: Judge Dehnke.

MR. DEHNKE: Mr. President and fellow delegates, Mr. Wanger, there is one sentence in the proposal that I think explains why it's necessary to have this provision in the constitution and in this part of the constitution, and that is the last sentence, "No legislator shall be deemed to have vacated his office by virtue of the above section." That's what led to the inclusion of this in the proposal. We have a situation sometimes—or could have—where a member of the legislature might be a resident of the area annexed to some city and the claim might be raised that inasmuch as he no longer resided in the district in which he was elected, he had vacated his office. This relates to composition, organization of the legislature, and that sentence alone, I think, makes it necessary to keep this section c in. Aside from that, it's a matter of discretion with the city council as to the arrangement that shall be made as to the apportionment. They don't need to act unless they think it's advisable from every standpoint of public policy.

I don't think we can anticipate all the arguments and considerations that might be brought into a question of annexation. This does not deal with the procedure for annexation. It merely takes care of problems that sometimes are raised after annexation in connection with the representation of that area in the legislature.

VICE PRESIDENT ROMNEY: Delegate Wanger.

MR. WANGER: Mr. President, upon the assurance and explanations of Delegate Hannah and the judge, I've discussed with Mrs. Judd, who wished to join me on this amendment, and at this time I withdraw the amendment.

MR. ROMNEY: The amendment is withdrawn. The vote is upon Committee Proposal 80. All those in favor will vote aye. Mr. Downs.

MR. DOWNS: Point of order. When Mr. Hutchinson was in the Chair, I had asked to be put on the list to speak. I said I didn't want to speak on the pending amendment but on the final proposal itself.

VICE PRESIDENT ROMNEY: Very good, Delegate Downs. The Chair didn't have a note to that effect.

MR. DOWNS: If there are speakers ahead of me, I do not want to speak in their place.

VICE PRESIDENT ROMNEY: There are no speakers at this point.

MR. DOWNS: Mr. President, fellow delegates, we have had a long day on this. I again urge a no vote and want to bring out some other factors that I don't think have been touched upon too clearly, and this is the effect of not having equal apportionment of the people of the state of Michigan. I think, first of all, it affects the people directly in trying to solve problems, whether it's mine safety, aid to families of unemployed or others, or industrial problems; that very often bills are defeated by the majority of the legislators who represent a minority of the people, and the majority of the people are represented by a minority who cannot pass a motion. I would just cite, for example, in our own convention, without going into the merits, on many of our close 68 to 64 votes, I would guess that if we broke that down among the number of people represented, we would find that the 64 minority actually represented more people than the 68 majority.

I think a second problem is the built in conflict within the government. There has been much discussion on this floor: why can't the legislature get along with the governor? Or why can't the governor get along with the legislature? The phrasing of the question often depends on the party of the person asking it. But the issue is a deeper one, and those of us who were over at the state senate last night, I think, saw examples. And I am not, again, reflecting on any individual, but say that when we have a governor who is elected on a one man, one vote basis and a legislature elected on another basis, we have a built in conflict between the legislature and the governor that is not healthy or wholesome for the legislature, the governor or, most of all, the people of the state of Michigan. This carries over to tax assessments, tax raising, as well as expenditures of money. And particularly to my friend from the upper peninsula — and I refer to our good friend, Delegate Richards — this aim is in no sense to penalize the people of the upper peninsula. I firmly believe that if voting records are examined, you will find, for example, Delegate Binkowski from Detroit was the first delegate in this convention to carry the ball — and a legislature elected on another basis, we have a built in inac bridge. But I think you will find the delegates from under represented industrial areas have consistantly voted for the needs, economically, industrially and educationally, of that part of the state.

And finally, on the legal questions, Delegate Bill Hanna has raised questions that I am sure at least, I, for one, do not pretend to answer. I do not know if the United States supreme court will declare that every state legislature and every board of supervisors and every city council elected on a system of wards unequal in population is unconstitutional. I do not know that. But what I do know is that there has been this historical legal breakthrough, where the United States supreme court has said that the matter of equality of voting is a justiciable question and the court has jurisdiction over this. The direction is clear and I, for one, hope that this convention will vote with the stream of progress and not to divert that stream. So I plead with the delegates in the hopes of the basic equality we are dedicated to, that we vote no on this and hope by third reading we can come up with a completely equitable basis. Thank you.

VICE PRESIDENT ROMNEY: Time has expired. The vote is on Committee Proposal 80. Those in favor will vote aye and those opposed will vote no. Delegate Richards.

MR. L. W. RICHARDS: Are we voting on the proposal?

VICE PRESIDENT ROMNEY: We are voting on the complete proposal, Committee Proposal 80, as amended. Those who favor it, vote aye; and those opposed, nay. Have you all voted? Has everyone voted? If everyone has voted, the secretary will record the vote.

Mr. Heideman.

MR. HEIDEMAN: I should like permission to make a written statement with my brother delegate, Leslie Richards, in explanation of my vote.

VICE PRESIDENT ROMNEY: Permission granted.

The roll was called and the delegates voted as follows:

Yeas — 81

Allen	Hannah, J. A.	Rajkovich
Andrus, Miss	Haskill	Richards, J. B.
Batchelor	Hatch	Richards, L. W.
Beaman	Heideman	Romney
Bentley	Higgs	Rood
Blandford	Howes	Rush
Brake	Hoxie	Seyferth
Butler, Mrs.	Hubbs	Shackleton
Conklin, Mrs.	Iverson	Shaffer
Cudlip	Judd, Mrs.	Shanahan
Danhof	Karn	Sharpe
Dehnke	King	Sleder
Dell	Knirk, B.	Spitler
DeVries	Kuhn	Stafseth
Doty, Dean	Lawrence	Staiger
Doty, Donald	Leppien	Stamm
Durst	Martin	Sterrett
Elliott, A. G.	McLogan	Stevens
Erickson	Millard	Thomson
Everett	Mosier	Turner
Farnsworth	Page	Tweedie
Figy	Plank	Upton
Gadola	Pollock	Van Dusen
Goebel	Powell	Wanger
Gover	Prettie	White
Habermehl	Pugsley	Wood
Hanna, W. F.	Radka	Yeager

Nays — 45

Austin	Ford	McAllister
Baginski	Hart, Miss	McCauley
Balcer	Hatcher, Mrs.	McGowan, Miss
Barthwell	Hodges	Murphy
Binkowski	Hood	Norris
Boothby	Jones	Ostrow
Bradley	Kelsey	Perlich
Brown, T. S.	Kirk, S.	Perras
Buback	Krolikowski	Sablich
Cushman, Mrs.	Leibrand	Snyder
Douglas	Lesinski	Stopczynski
Downs	Liberato	Suzore
Elliott, Mrs. Daisy	Madar	Walker
Faxon	Mahinske	Wilkowski
Follo	Marshall	Young

SECRETARY CHASE: On the passage of Committee Proposal 80, as amended, the yeas are 81; the nays, 45.

VICE PRESIDENT ROMNEY: **Committee Proposal 80, as** amended, is passed.

Following is explanation of vote submitted by Mr. Boothby:

I voted no on Committee Proposal 80 which is concerned with legislative apportionment for the following reasons:

1. I firmly believe that if one house of a legislative body is apportioned on a population basis the other house should be based on some other factor rather than both being weighed primarily in favor of population.

2. A lawmaking body must never be so constituted as to allow an unchecked majority the power to impose on the individual citizen, hastily drafted, ill considered and tyrannical legislation.

3. Under the present apportionment plan the 5 metropolitan counties of the state will, by 1970, have majority control of the house and neary 50 per cent control of the senate. The other 78 counties would lose any effective voice in state government. This in my opinion violates the concept of a balanced legislature which the people of the state emphatically adopted as recently as 1952.

4. I must keep my promises to the people that intrusted in me the responsibility of representing them.

Following is explanation of vote submitted by Messrs. Heideman and L. W. Richards:

We would like to take this opportunity to express our reason for supporting Committee Proposal 80.

We know that this proposal was the best that could be attained from the majority of delegates to the convention.

Following is explanation of vote submitted by Mr. Leibrand:

On April 25 I voted against committee substitute section a and amended Committee Proposal 80. I did so for several reasons. This proposal created a house of representatives based entirely on population. It created a senate based 80 per cent on population and only 20 per cent on area. In my opinion, much greater emphasis should have been given to area. This opinion is based on the following factors:

1. The Constitution of the United States, which established the basic pattern for all state constitutions, allots 2 senators to each state, irrespective of its population. Proponents of Committee Proposal 80 based their plea for reapportionment on disparities in population between state senatorial districts. As I recall the debate, the greatest disparity in Michigan was about 12 to 1. In the federal system, senatorial population disparities between states such as New York and states such as Nevada and Alaska run as great as 90 to 1. Yet no one has even suggested a change in the federal pattern which has served the nation well for 173 years. I believe this convention would have done better to move towards the federal pattern rather than to move away from it.

2. More than half of the population of Michigan is concentrated in 3 or 4 southeastern Michigan counties. Outstate Michigan has become a population minority. Committee Proposal 80 makes it not only possible but probable that these counties will shortly control both houses of our legislature. This convention has gone a long, long way to provide constitutional protection to minority races and creeds. Committee Proposal 80 takes away most of the constitutional protection that we outstate population minorities have at the present time.

3. As recently as 1952, the people of Michigan, by a majority of half a million votes, adopted the present senatorial apportionment system which Committee Proposal 80 will destroy. I don't believe that there has been enough change in public sentiment in less than 12 years to justify this convention in defying such a recent mandate from the people.

4. The convention seems greatly desirous of creating a legislative branch safe from judicial interference from either the United States supreme court or the Michigan supreme court. No one knows or can even guess at this time whether the 80 per cent population 20 per cent area formula created by Committee Proposal 80 will satisfy the courts.

5. A method of apportionment that has existed since before the American revolution, and has never to my knowledge been upset by the courts, is that of allotting one senator or one representative to each county. On April 5, I joined with 6 other delegates in offering an amendment to Committee Proposal 80 (journal, page 878). The amendment would have allotted one senator to each county. This would have produced a balanced legislature, with the house based entirely on population and the senate based entirely on area. Those delegates who profess to be most concerned about court interference combined with those delegates representing many outstate areas to defeat the amendment by a vote of 107 to 14.

I, personally, could not go back home to my constituents in a multicounty or outstate senatorial district and tell them I had voted against a senator from each county.

Following is explanation of vote submitted by Mr. McAllister:

I voted against Committee Proposal 80 because it gives urban Michigan complete control of the legislature and further it is not constitutional in view of the decision in the Scholle case.

VICE PRESIDENT ROMNEY (continuing): It will be referred to the committee on style and drafting.

Following is Committee Proposal 80 as amended and rereferred to the committee on style and drafting:

Sec. a. The senate shall consist of 38 members, to be elected from single member districts at the same time as the governor for 4 year terms concurrent with the term of office of the governor.

Notwithstanding any other provision in this constitution, the state senators shall be elected at the general election in 1964 to serve for 2 year terms beginning on the first day of January next succeeding their election. The first 4 year election under this constitution shall be held at the general election in 1966.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest 1/100 of one per cent multiplied by 4 and its percentage of the state's land area computed to the nearest 1/100 of one per cent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed

to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties are entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there shall be a failure to comply with the above standards.

(3) Counties entitled to 2 or more senate districts shall be further subdivided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 per cent nor more than 125 per cent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

The state shall be districted for the purpose of electing senators in accordance with the provisions of Committee Proposal 80, section a, after the official publication of the total population count of the 1970 decennial federal census. Until the reapportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution, as amended, shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into 2 senatorial districts and Wayne county into 8 senatorial districts in accordance with this constitution.

Sec. b. The house of representatives shall consist of 110 members elected for 2 year terms from single member districts apportioned on a basis of population as hereinafter provided. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than 7/10 of one per cent of the population of the state shall constitute a separate representative area. Each county having less than 7/10 of one per cent of the population of the state shall be combined with another county or counties to form a representative area of not less than 7/10 of one per cent of the population of the state. Any county which is isolated under the initial allocation as herein provided shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to 2 or more representatives shall be divided into single member representative districts as follows:

(1) The population of each district shall be as nearly equal as possible but shall not be less than 75 per cent nor more than 125 per cent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. c. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined upon the effective date of the annexation or merger, as determined by ordinance of the city certified to the secretary of state.

No legislator shall be deemed to have vacated his office by virtue of the above section.

VICE PRESIDENT ROMNEY (continuing): Delegate Van Dusen.

MR. VAN DUSEN: Mr. President, after our 7 hour session yesterday afternoon it was called to my attention that our staff doesn't have the same freedom that we have. It is my thought that, because we have emerging problems and eminent domain still before us, we probably ought to work, if possible, until 6:00 o'clock. And I would at this time move for a 5 minute recess so that the staff can take a break.

VICE PRESIDENT ROMNEY: Those in favor say aye. Opposed.

The motion prevails and we will have a 5 minute recess.

[Whereupon, at 4:55 o'clock p.m., the convention recessed; and, at 5:00 o'clock p.m., reconvened.]

The convention will please be in order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

MR. A. G. ELLIOTT: Mr. President.

VICE PRESIDENT ROMNEY: Delegate Elliott.

MR. A. G. ELLIOTT: Mr. President, I move that the convention resolve itself into committee of the whole for the purpose of taking up matters on the order of general orders.

VICE PRESIDENT ROMNEY: Those in favor of the motion say aye. Opposed?

The motion prevails and Delegate Elliott will preside.

[Whereupon, Mr. A. G. Elliott assumed the Chair to preside as chairman of the committee of the whole.]

CHAIRMAN A. G. ELLIOTT: The committee will come to order. The secretary will read.

SECRETARY CHASE: From the committee on emerging problems, by Mr. Millard, chairman, **Committee Proposal 127,** A proposal for a section on atomic energy.

Following is Committee Proposal 127 as read by the secretary, and the reasons submitted in support thereof:

The committee recommends that the following be included in the constitution:

Sec. a. THE LEGISLATURE MAY PROVIDE BY STATUTE AND BY COOPERATION WITH OTHER STATES AND THE UNITED STATES, FOR THE REGULATION, DEVELOPMENT AND UTILIZATION OF ATOMIC ENERGY.

Mr. Millard, chairman of the committee on emerging problems, submits the following reasons in support of Committee Proposal 127:

With the introduction of this suggested section on atomic energy, the committee on emerging problems proposes to the convention that the state of Michigan take cognizance of the vast and growing importance of atomic energy to our state and nation. As yet, no state constitution incorporates any proposition dealing specifically with atomic energy, but it can hardly be doubted that a matter as fundamental as this will, in the future, be made the subject of numerous state constitutional provisions.

As the members of the convention are well aware, general jurisdiction over the subject of atomic energy is at the present time under the primary authority of the government of the United States, under federal statutes

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Explanation—Matter within [ ] is stricken, matter in capitals is new.

PREAMBLE
I. DECLARATION OF RIGHTS
II. ELECTIONS
III. GENERAL GOVERNMENT
IV. LEGISLATIVE BRANCH
V. EXECUTIVE BRANCH
VI. JUDICIAL BRANCH
VII. LOCAL GOVERNMENT
VIII. EDUCATION
IX. FINANCE AND TAXATION
X. PROPERTY
XI. PUBLIC OFFICERS AND EMPLOYMENT
XII. AMENDMENT AND REVISION
SCHEDULE AND TEMPORARY PROVISIONS

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I
DECLARATION OF RIGHTS

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3.	Right of Assembly and Petition	15– 2
4.	Freedom of Worship	15– 3
5.	Liberty of Speech and Press	15– 4
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7.	Civil Power Supreme	15– 6
8.	Quartering of Soldiers	15– 7
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11.	Searches and Seizures	15–10
12.	Habeas Corpus	15–11
13.	Appearance in Person or by Counsel	15–12
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15.	Former Jeopardy; Bailable Offenses	15–14
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23.	Enumeration of Rights not to deny others	15– 1

Article I
Declaration of Rights

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of race, COLOR, religion, sex or national origin. The legislature shall implement this section by appropriate legislation. This SECTION shall not be construed to [prevent] PROHIBIT reasonable [classification] LEGISLATION for the protection of women.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express[,] and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be [passed] ENACTED to restrain or abridge the liberty of speech or of the press.

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall

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ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be ENACTED [passed].

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding[,] any narcotic drug, [any] firearm, bomb, explosive[,] or any other dangerous weapon, seized by A [any] peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. [Any] A suitor in any court of this state [shall have] HAS the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be [deemed to be] waived in all civil cases unless demanded by one of the parties in THE [such] manner [as shall be] prescribed by law. In all civil [actions in circuit courts] CASES TRIED BY 12 JURORS a verdict shall be received when 10 jurors [shall] agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of[,] or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of [2] TWO witnesses to the same overt act[,] or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II
ELECTIONS

Sec.		Com. Proposal
1.	Qualifications	58a
2.	Legislature may exclude certain persons from voting	58b
3.	Presidential electors, residence	58c
4.	Elections, Place and Manner	58d
5.	Elections, Time	58e
6.	Expenditure of Money	58f
7.	Board of Canvassers	58h
8.	Recall	58g
9.	Initiative and Referendum	118b

Article II
Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state [6] SIX months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence[,] or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than [6] SIX months and may waive residence requirements [of] FOR FORMER citizens of this state who have

removed [t]herefrom. The legislature [may provide the manner of voting by such persons but] shall not permit voting by any [such] person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place [,] and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of [persons who are] candidates for the same office WHO [and] have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, OR AS OTHERWISE PROVIDED IN THIS CONSTITUTION, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year[,] or on such other date as MEMBERS OF THE CONGRESS OF THE UNITED STATES ARE REGULARLY ELECTED [may hereafter be provided by the Constitution of the United States or by congress for election of members thereof].

Sec. 6. Whenever any question is REQUIRED TO BE submitted BY A POLITICAL SUBDIVISION to [a vote of] the electors which involves THE INCREASE OF ANY AD VALOREM TAX RATE LIMITATION FOR A PERIOD OF MORE THAN FIVE YEARS, the direct expenditure of public money, OR the issue of bonds, [or the increase of any ad valorem tax rate for a period of more than 5 years,] only [persons having the qualifications of] electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. All ELECTORS IN THE DISTRICT OR TERRITORY AFFECTED [persons having the qualifications of electors] may vote on all other questions. [involving an increase in any ad valorem tax rate and on borrowing by this state.]

Sec. 7. A board of state canvassers [consisting] of [4] FOUR members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting [at] IN the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. THE SUFFICIENCY OF any statement of reasons or grounds procedurally required shall be [deemed to pose] a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds AND MUST BE INVOKED IN THE MANNER PRESCRIBED BY LAW WITHIN 90 DAYS FOLLOWING THE FINAL ADJOURNMENT OF THE LEGISLATIVE SESSION AT WHICH THE LAW WAS ENACTED. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than [8] EIGHT percent for initiative and [5] FIVE percent for referendum of the total vote cast for all candidates for governor at the last preceding general election AT WHICH A GOVERNOR WAS ELECTED shall be required.

NO LAW AS TO WHICH THE POWER OF REFERENDUM PROPERLY HAS BEEN INVOKED SHALL BE EFFECTIVE THEREAFTER UNLESS APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON AT THE NEXT GENERAL ELECTION.

[The] ANY law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

If the law so [petitioned for] PROPOSED is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next [ensuing] general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next [ensuing] general election.

Any [act] LAW submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No [act] LAW

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initiated or adopted by the people shall be subject to the veto power of the governor, and no [act] LAW adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or [3/4] THREE-FOURTHS of the members elected to and serving in each house of the legislature. [Acts] LAWS adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If [2] TWO or more measures approved by the electors at the same election conflict, THAT [the measure] receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III
GENERAL GOVERNMENT

Sec.		Com. Proposal
1.	Seat	10a
2.	Division of Powers	21a
3.	Great Seal	18a
4.	Militia	19a
5.	Inter-Governmental Agreements	128a
6.	Internal Improvement	101a
7.	Laws remain in effect	44a
8.	Advisory Opinions	96k

Article III
General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into [3] THREE branches: legislative, executive[,] and judicial. No person [belonging to] EXERCISING POWERS OF one branch shall exercise powers properly belonging to another branch[,] except [in] AS [cases] expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be [prescribed] PROVIDED by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, ANY GOVERNMENTAL AUTHORITY or any combination thereof may enter into agreements[,] for the performance, financing or execution of their respective [governmental] functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution.

Any other provision of this constitution [to the contrary] notwithstanding, an officer or employee of the state or OF any [municipal corporation or other subdivision or agency] SUCH UNIT OF GOVERNMENT OR SUBDIVISION OR AGENCY thereof may serve on or with any governmental body ESTABLISHED FOR THE PURPOSES SET FORTH IN THIS SECTION [as a representative of the state or any municipal corporation or other subdivision or agency thereof, or for the purpose of participating or assisting in the consideration or performance of joint or cooperative undertakings or for the study of governmental problems,] and shall not be required to relinquish his office or employment by reason of such service. The legislature [by statute] may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements [authorized] PROVIDED by law.

Sec. 7. [All law not repugnant to this constitution,] THE COMMON LAW AND THE STATUTE LAWS NOW IN FORCE, NOT REPUGNANT TO THIS CONSTITUTION, shall remain in force until [changed, repealed or in the case of statutes they have expired because of limitations contained therein] THEY EXPIRE BY THEIR OWN LIMITATIONS, OR ARE CHANGED, AMENDED OR REPEALED.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court [up]on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV
LEGISLATIVE BRANCH

Sec.		Com. Proposal
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2.	Senate, Number, Term, Districts	80a
3.	Representatives, Number, Term, Districts	80b
4.	Legislative Districts, merger	80c
5.	Island Areas	
6.	Legislative Apportionment Commission	79a
7.	Legislators, qualifications, removal	32a
8.	Ineligibility of certain persons for office	112a
9.	Legislators, ineligibility for certain appointments	120a
10.	Conflict of interest	115a
11.	Legislators, privileges	33a
12.	Legislators, compensation	28a
13.	Legislature, time of convening	116a
14.	Senate and House, quorums	34a
15.	Legislative Council	102c
16.	Legislature, powers, rules	102a
17.	Legislature, committees	102b
18.	Legislature, journals, protest	114a

19. Legislature, elections, recorded vote . 117a
20. Legislature, open public meetings ... 103a
21. Legislature, consent to adjourn 103a
22. Bills 35a
23. Style of laws 29a
24. Laws, object and title
First sentence 121a
Last sentence 105a
25. Laws, revision 121a
26. Bills, requirements for passage
First sentence 105a
Remainder 104a
27. Acts, immediate effect 121a
28. Bills, subjects at special session 105a
29. Local or special acts, referendum 119a
30. Appropriations for local purposes ... 41a
31. General appropriations, priority 46b
32. Tax laws, title 53a
33. Bills passed, approval and veto by governor 70a
34. Referendum on certain bills 113a
35. Publication of laws 24a
36. Revision of laws, compilation 108a
37. Administrative rules, suspension 123a
38. Filling vacancies 122a
39. Continuity of government 122a
40. Liquor Control Commission 27a
41. Lotteries 100a
42. Ports and port districts 87a
43. Banking and trust company laws 5a
44. Jury in civil cases 99a
45. Indeterminate sentences 106a
46. Prohibition against death penalty 20a
47. Chaplains 111a
48. Resolution of public disputes 109a
49. Regulation of employment 110a
50. Atomic energy 127a
51. Public Health 126a
52. Natural resources 125a
53. Auditor General 78a

Article IV
Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Sec. 2. The senate shall consist of 38 members[,] to be elected from single member districts at the same [time] ELECTION as the governor for [4] FOUR-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest [1/100] ONE-ONE HUNDREDTH of one percent multiplied by [4] FOUR and its percentage of the state's land area computed to the nearest [1/100] ONE-ONE HUNDREDTH of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties [are] IS entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment FACTORS of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there [shall be] IS a failure to comply with the above standards.

(3) Counties entitled to [2] TWO or more senate districts shall be [further sub]divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for [2] TWO-year terms from single member districts apportioned on a basis of population as [hereinafter] provided IN THIS ARTICLE. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than [7/10] SEVEN-TENTHS of one percent of the population of the state shall constitute a separate representative area. Each county having less than [7/10] SEVEN-TENTHS of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than [7/10] SEVEN-

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TENTHS of one percent of the population of the state. Any county which is isolated under the initial allocation as [herein] provided IN THIS SECTION shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to [2] TWO or more representatives shall be divided into single member representative districts as follows:

(1) The population of [each] SUCH districtS shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined upon the effective date of the annexation or merger[,]. THE DISTRICTS WITH WHICH THE TERRITORY SHALL BE COMBINED SHALL BE [as] determined by ordinance of the city certified to the secretary of state.

[No legislator shall be deemed to have vacated his office by virtue of the above section.] NO SUCH CHANGE IN THE BOUNDARIES OF A REPRESENTATIVE OR SENATORIAL DISTRICT SHALL HAVE THE EFFECT OF REMOVING A LEGISLATOR FROM OFFICE DURING HIS TERM.

Sec. 5. ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY LAND TO THE COUNTY OF WHICH THEY ARE A PART.

Sec. 6. A commission on legislative apportionment is hereby established consisting of [8] EIGHT persons, [4] FOUR of whom shall be selected by the state organizations of each of the [2] TWO political parties whose candidates for governor received the highest vote at the last general election AT WHICH A GOVERNOR WAS ELECTED preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, [4] FOUR of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following [4] FOUR regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until [2] TWO years after the apportionment [plan] in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever [Re]apportionment or districting OF THE LEGISLATURE is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds [necessary] to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to DISTRICT AND apportion[, and district,] the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of [all of] the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted BY THE COMMISSION and published as provided in this section.

Upon the application of any [qualified] elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the apportionment commission to perform their duties, may review any final plan adopted by the commission, and shall make orders amending such plan if it fails to comply with the requirements of this constitution.

Sec. 7. Each senator and representative MUST [shall] be a citizen of the United States, at least 21 years of age, and AN [a qualified] elector of the district he represents[,] . [and] The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office under the United States or this state or a political subdivision thereof, except notaries public and officers of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected TO [a member of] the legislature shall receive any civil appointment within this state from the governor, except notaries public, [from the governor and senate,] from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for [5] FIVE days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

Sec. 12. The annual salary of the members of the legislature shall be not less than $9,000[.], AS PROVIDED BY LAW. Members of the legislature shall be entitled to REIMBURSEMENT FOR [2] TWO round trips home EACH [per] month while the legislature is in session, and expenses in connection with the work of interim committees. [No] ChangeS in salary or expenses shall beCOME effective [during the term of office for which the legislature making the change was elected] ONLY WHEN LEGISLATORS COMMENCE THEIR TERM OF OFFICE AFTER A GENERAL ELECTION except and only to the extent of a general salary reduction in all other branches of STATE government.

No person serving in the legislature shall receive at any time for his services as a member of the legislature any additional fees, compensation or financial benefits from the state or its political subdivisions. This section shall not be construed to [deny] AFFECT retirement benefits [to those] OF legislators [eligible to receive] WHICH HAVE [these benefits at] ACCRUED PRIOR TO the [time] EFFECTIVE DATE OF this constitution [becomes effective].

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at [12:00] TWELVE o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at TWELVE [12:00] o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over WITH THE SAME STATUS to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate [adequate] funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall PERIODICALLY [from time to time] examine and recommend to the legislature revision of the various laws of the state.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee

Explanation—Matter within [ ] is stricken, matter in capitals is new.

from the further consideration of any measure. Each house shall BE THE SOLE judge of the qualifications, elections and returns of its members, and may, with the concurrence of TWO-THIRDS [2/3] of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered IN [upon] the journal, with the [yeas and nays] VOTES AND NAMES of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall [keep a recorded] BY roll call vote RECORD THE VOTE AND NAME [by yeas and nays] of all action on bills and resolutions taken in the committee. Such vote shall be available FOR [to] public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless security otherwise requires. The [yeas and nays] RECORD OF THE VOTE AND NAME of the members of either house VOTING on any question shall be entered in the journal at the request of [1/5] ONE-FIFTH of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments [recommended to the senate for confirmation] SUBMITTED TO THE SENATE FOR ADVICE AND CONSENT shall be [taken by yeas and nays and] published BY VOTE AND NAME in the journal.

Sec. 20. The doors of each house shall be open unless the public security otherwise requires.

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than [3] TWO INTERVENING CALENDAR days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation [by the legislature] shall be by bill and may originate in either house.

Sec. 23. The style of the laws shall be: The People of the State of Michigan enact.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least [5] FIVE days. Every bill shall be read THREE [3] times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of [all] the members elected to and serving in each house. On the final passage of [all] bills, the voteS AND NAMES OF THE MEMBERS VOTING THEREON shall be [by yeas and nays and] entered in the journal.

Sec. 27. No act shall take effect [or be in force] until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by TWO-THIRDS [2/3] of the members elected to and serving in each house [of the legislature] and by a majority of the electors voting thereon in the district [to be] affected. Any act repealing local or special acts [in effect as of the effective date of this constitution] shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of TWO-THIRDS [2/3] of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current FISCAL year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the gen-

eral appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If TWO-THIRDS [2/3] of the members elected TO and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by TWO-THIRDS [2/3] of the members elected TO and serving in that house. The vote of each house shall be [determined by the yeas and nays, and the names of the members voting for and against the bill shall be] entered in the journal WITH THE VOTES AND NAMES OF THE MEMBERS VOTING THEREON. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except A BILL appropriatING MONEY [ion bills], may [be referred by the legislature to the qualified electors. No bill so referred shall] PROVIDE THAT IT WILL NOT become [a] law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The [speedy] PROMPT publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall [hereafter] be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting [in the interim] between sessions to suspend until the end of the next regular legislative session any rule or regulation [promulgated by] OF an administrative agency PROMULGATED when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be [deemed] vacant and the manner of filling vacancies[,] where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state CAUSED by enemy attack on the United States, the legislature MAY [shall have the power to such extent as it deems advisable (1) to] provide by [legislative enactment] LAW for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices[,]; and ENACT [(2) to adopt by legislative enactment such] other [legislation] LAWS [as may be] necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any [elective] vacancies in [any] ELECTIVE officeS temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission[,] which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. [and] THE LEGISLATURE may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house [of the legislature].

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as [a] punishment for crime and for the detention and release of per-

Explanation—Matter within [ ] is stricken, matter in capitals is new.

sons imprisoned or detained [on] UNDER such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of DETENTION OR confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes [in] CONCERNING public [employment] EMPLOYEES, except THOSE IN THE state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety[,] and general welfare of the people. The legislature shall provide for the protection of the air, water[,] and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be [an administrator and] a certified public accountant [duly] licensed to practice in this state, to serve for a term of [8] EIGHT years. He shall be ineligible for appointment or election to any other [paid] public office in this state FROM WHICH COMPENSATION IS DERIVED while serving as auditor general and for [2] TWO years following the termination of his service. He may be removed for cause at any time by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house [of the legislature]. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those [herein] specified IN THIS SECTION.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the [universities and colleges] INSTITUTIONS OF HIGHER EDUCATION to be solely responsible for the control and direction of all expenditures from the institutions' funds.

[The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.]

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V

EXECUTIVE BRANCH

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Article V
Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the EXECUTIVE BRANCH OF state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders AND SUBMITTED TO THE LEGISLATURE. THEREAFTER the legislature shall have 60 CALENDAR days of a regular session, or a full session if of shorter duration, to disapprove [these] EACH executive order[s]. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, [these] EACH order[s] shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive [other than an elective official,] is the head of a principal department, UNLESS ELECTED OR APPOINTED AS OTHERWISE PROVIDED IN THIS CONSTITUTION, he shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor] and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, [the members thereof,] unless elected or appointed as otherwise provided in this constitution, THE MEMBERS THEREOF shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor]. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after [adoption] THE EFFECTIVE DATE of this constitution shall not exceed [4] FOUR years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions[,] which are [greater] LONGER than [4] FOUR years shall not be further extended except as provided in this constitution.

Sec. 4. At no time shall an examining or licensing board of a profession INCLUDE [be composed of] less than a majority of members of that profession. Temporary commissions or agencies for special purposes with a life of no more than [2] TWO years may be established by law and need not be allocated within a principal department.

Sec. 5. Appointment by and with the advice and consent of the senate when used in this constitution or [in statutes] LAWS in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 [legislative] SESSION days after the date of such appointment. [If the] ANY appointment [is] not disapproved within such period [of time the appointment] shall stand confirmed.

Sec. 6. [When the senate is not in session, the governor shall fill a vacancy] VACANCIES in any office, appointment to which requires advice and consent of the senate, [by appointment which may be disapproved by the senate in the manner provided for other] SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. [appointments requiring such advice and consent.] A person [who] WHOSE APPOINTMENT has been disapproved by the senate shall not be eligible for [another] AN interim appointment to the same office.

Sec. 7. Each principal department shall be under the supervision of the governor[,] unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty[,] or right by any officer, department[,] or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 8. Single executives heading principal departments and the chief executive officers of

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principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 9. The governor shall have power and it shall be his duty[,] to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or FOR any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the [causes of] REASONS FOR such removal or suspension to the legislature. [if in session or otherwise at its next session.]

Sec. 10. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a [judicial] LEGISLATIVE OR JUDICIAL officer, until he is REINSTATED [acquitted] or[, if convicted,] until the vacancy is filled in the manner prescribed by law or this constitution [for such office].

Sec. 11. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 12. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 13. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations [provided] PRESCRIBED by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 14. The governor may convene the legislature on extraordinary occasions.

Sec. 15. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 16. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 18. The governor [shall have power to] MAY disapprove any distinct item or items APPROPRIATING MONEYS in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 19. No appropriation shall be [deemed] a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures AUTHORIZED BY [of any bodies receiving] appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures [established] PRESCRIBED by law. The governor['s power to reduce expenditures shall not apply to] MAY NOT REDUCE EXPENDITURES OF the legislative and judicial branches or FROM [to those services for which] funds CONSTITUTIONALLY DEDICATED FOR SPECIFIC PURPOSES. [are mandated by this constitution.]

Sec. 20. The governor, lieutenant governor, secretary of state and attorney general shall be elected FOR FOUR-YEAR TERMS at the general election in each alternate even-numbered year. [They shall serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.]

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

VACANCIES IN THE OFFICE OF THE SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR.

Sec. 21. [No person shall] TO be eligible for the office of governor or lieutenant governor [who shall not have] A PERSON MUST HAVE attained the age of 30 years, and [who shall] have [not] been [4 years next preceding his election] a registered elector in this state FOR FOUR

YEARS NEXT PRECEDING HIS ELECTION.

Sec. 22. The governor, lieutenant governor, secretary of state[, state treasurer] and attorney general shall each receive the compensation [prescribed] PROVIDED by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 23. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 24. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He [shall] MAY perform [additional] duties [as] requested of him by the governor[.], BUT NO POWER VESTED IN THE GOVERNOR SHALL BE DELEGATED.

Sec. 25. In case of the conviction of the governor on impeachment, his removal from office, his resignation, or [the] HIS death, [of the governor or governor-elect, the powers and duties of the office shall vest, in the following order of precedence, in the person elected at the last election to the office of] THE lieutenant governor, THE ELECTED secretary of state, THE ELECTED attorney general, and such other persons designated by law[, who] shall IN THAT ORDER be governor [after the commencement of their term] for the [residue] REMAINDER of the governor's term.

IN CASE OF THE DEATH OF THE GOVERNOR-ELECT, THE LIEUTENANT GOVERNOR-ELECT, THE SECRETARY OF STATE-ELECT, THE ATTORNEY GENERAL-ELECT AND SUCH OTHER PERSONS DESIGNATED BY LAW SHALL BECOME GOVERNOR IN THAT ORDER AT THE COMMENCEMENT OF THE GOVERNOR-ELECT'S TERM.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability [as determined herein], the powers and duties of the office of governor shall devolve in order of precedence [upon such persons] until the absence or inability giving rise to the DEVOLUTION [devolvement] of powers ceases.

The inability of the governor[, governor-elect] or person[s serving] ACTING as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 26. The legislature shall provide that the salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

Sec. 27. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as [shall be prescribed] PROVIDED by law.

The state highway commission shall consist of [4] FOUR members, not more than [2] TWO of whom shall be members of the same political party. They shall be appointed by the governor BY AND with the advice and consent of the senate for [4] FOUR-year terms, no [2] TWO of which shall expire in the same year AS PROVIDED BY LAW.

The state highway commission shall appoint AND MAY REMOVE a state highway director, who shall be a competent highway engineer and administrator. He shall be the PRINCIPAL [chief] executive OFFICER of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 28. There is hereby established a civil rights commission which shall consist of [8] EIGHT persons, not more than [4] FOUR of whom shall be members of the same political party, who shall be appointed by the governor, with the advice and consent of the senate, for [4] FOUR-year terms not more than [2] TWO of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of [race] religion, RACE, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have [the] power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Explanation—Matter within [ ] is stricken. matter in capitals is new.

ARTICLE VI
JUDICIAL BRANCH

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Article VI
Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice[,] which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a [2/3] TWO-THIRDS vote of the members ELECTED TO AND SERVING IN [of] each house.

Sec. 2. The supreme court shall consist of [8] SEVEN justices [to be] elected at non-partisan elections as provided by law. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.] The term of office shall be [for 8] EIGHT years and not more than [3] TWO terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner [as provided] PRESCRIBED by law[,]. [except] Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice AS [in the manner and for the term] provided by [the] rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as [shall] MAY be [deemed] necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of [the funds] MONEYS appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of [9] NINE judges who shall be nominated and elected [on a] AT non-partisan ELECTIONS [basis] from districts, and in the manner, prescribed by law. The supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be [altered] CHANGED by law.

Sec. 9. Judges of the court of appeals shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be [as provided] PRESCRIBED by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. [A] SESSIONS OF THE circuit court shall be held at least [4] FOUR times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges [n]or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. THE circuit court[s] shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions[,] in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court[s] may fill [any] A vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF APPROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLATURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. ONE OR MORE judges of probate AS PROVIDED BY LAW shall be nominated and elected at non-partisan elections in the counties or the probate districtS in which they reside and shall hold office for [a period] TERMS of [6] SIX years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that NOT all terms will [not] expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or [by] the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a [county or] circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court[s] shall receive an annual salary as provided by law. In addition to the salary received from the state, [treasury,] each circuit judge may receive from any county in which he regularly holds court [such] AN additional salary as [may be] determined from time to time by the board of supervisors of the county. In any county where [such] AN additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and [shall] each SHALL have a common seal. [Except as otherwise authorized by this constitution,] Justices and judges of [the] courts of record [of this state shall] MUST be PERSONS WHO ARE licensed to practice law in this state. [and] No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a JUSTICE OR judge removes his domicile beyond the limits of the territory from which he was elected, he shall [be deemed to] have vacated his office.

Explanation—Matter within [ ] is stricken, matter in capitals is new.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service [as a judge] and for one year thereafter.

Sec. 22. Any elected judge of [a] THE court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner [provided] PRESCRIBED by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election AS PROVIDED BY [according to] law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. SUCH PERSONS SHALL BE INELIGIBLE FOR ELECTION TO FILL THE VACANCY.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge[,] who is a candidate for nomination or election to the same office[,] the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of [2/3] TWO-THIRDS of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in [such] THE resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace shall be abolished at the expiration of [5] FIVE years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction and powers within this period shall be as provided by law. Within [such] THIS [5] FIVE-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election[,] and salary of the judges of such court or courts, and by what governmental units the JUDGES [same] shall be paid, shall be provided by law, subject to the limitations contained in this Article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as [otherwise] provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or [body] AGENCY existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights [,] or licenses, shall be subject to direct review by the courts as [shall be] provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law[,]; and, in cases in which a hearing is required, whether the same are supported by competent, material[,] and substantial evidence on the whole record[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges[,] and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII
LOCAL GOVERNMENT

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Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

Explanation—Matter within [ ] is stricken, matter in capitals is new.

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

Sec. 18. IN EACH ORGANIZED TOWNSHIP there shall be elected for [a] termS of not less than [2 years] TWO nor more than [4] FOUR years as [provided] PRESCRIBED by law [in each organized township] a [township] supervisor, a [township] clerk, a [township] treasurer, and[,] not to exceed [4 township] FOUR trustees, whose legislative and administrative powers and duties shall be [prescribed] PROVIDED by law.

Sec. 19. No ORGANIZED township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall FIRST have BEEN APPROVED BY [first received the affirmative vote of] a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;] . [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt[,] and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to [pass] ADOPT resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall [be deemed to] limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals[,] and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power[, and] OR light without its corporate limits [to] IN an amount not [to exceed] EXCEEDING 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services[,] outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines [without] OUTSIDE the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat [and] OR power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall FIRST have been approved by [3/5] THREE-FIFTHS of the electors voting thereon. No city or village may sell any such public utility unless the proposition shall FIRST have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as [authorized] PROVIDED by law, for any public purpose.

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII
EDUCATION

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Article VIII
Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to race, creed, religion, color[,] or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

Explanation—Matter within [ ] is stricken, matter in capitals is new.

have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[.] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision, [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX
FINANCE & TAXATION

Sec.		Com. Proposal
1.	Tax for State Expenses	50a
2.	No Surrender of Tax Power	54a
3.	Uniform Rule of Taxation	51a
4.	Non Profit Corporation	51a
5.	Assessment, rate of	52a
6.	Limits on Ad Valorem Taxes	56a
7.	No graduated tax	51a
8.	Sales Tax limit	39a
9.	Gasoline and Motor Vehicle Taxes, Use, Exceptions	38a
10.	Sales Taxes, Distribution of	39a
11.	School Aid Fund	39b
12.	Evidence of Indebtedness	23a
13.	Public Bodies, Borrowing of	49a
14.	State Pledge Full Faith and Credit	23b
15.	Additional Borrowing	23b
16.	School Bonds	23d
17.	Payments from Treasury	37b
18.	Prohibition on Credit to Private Concerns	23c
19.	Stock, Interest of State in	37d
20.	State Depositories	37a
21.	Annual Accounting of Public Moneys	37c, 78a
22.	Adjustment of Claims	74a
23.	Financial Records; open and public	37c–1
24.	Pensions, State Obligations	40a

Article IX
Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended[,] or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property held by a non-profit corporation, association, or legal entity and used and occupied exclusively for religious, educational, charitable or burial grounds purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those PUBLIC SERVICE businesses [whose property is now] assessed by the state AT THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, and of other property as designated by the legislature, and for the [levy] IMPOSITION and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes [levied against] IMPOSED UPON REAL AND TANGIBLE PERSONAL property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of [said] property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and FOR the townships and FOR school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. The limitations established [herein] BY THIS CONSTITUTION or by county vote may be increased to an aggregate of not to exceed 50 mills, OR MORE IF PROVIDED BY LAW, on each dollar of [such] valuation, [except as otherwise provided by law,] for a period of not to exceed 20 years at any one time, [by the vote of] IF APPROVED BY a majority of the [qualified] electors, QUALIFIED UNDER [as defined in] Article II, [hereof] SECTION 6 OF THIS CONSTITUTION[,] VOTING ON THE QUESTION [of any such taxing authority voting thereon].

The foregoing limitations shall not apply to [(a)] taxes [levied] IMPOSED for the payment of principal and interest on bonds or other evidences of indebtedness[,] or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be [levied] IMPOSED without limitation as to rate or amount[,]; or [(b)] TO taxes [levied] IMPOSED for any other purpose by any city, village, charter county, charter township or other charter authority the tax limitations of which are provided by charter or by general law.

Explanation—Matter within [ ] is stricken, matter in capitals is new.

In any school district which extends into [2] TWO or more counties, [there may be levied and collected for school purposes throughout the district] property taxes at the highest rate available in the county which contains the greatest part of the area of the district MAY BE IMPOSED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. [At no time shall] The legislature SHALL NOT [levy] IMPOSE a sales tax on retailers at a rate of more than [4] FOUR percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed DIRECTLY OR INDIRECTLY on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of [the] necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes [upon the privilege of selling] IMPOSED ON RETAILERS ON TAXABLE SALES AT RETAIL OF tangible personal property [at retail] shall be used exclusively for assistance to cities, villages and townships, on a population basis as provided by law. IN DETERMINING POPULATION the legislature may exclude [from population] any portion of the total number of persons who are wards, patients or convicts [of] IN any tax supported institution.

Sec. 11. There shall be established a state school aid fund. The legislature may [from time to time] dedicate [certain] tax revenues to this fund which shall be used exclusively for the support of public education and [for] school employees' retirement systems, [in a manner] AS provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which [it] would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as [last] FINALLY equalized [by the state], or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall LEND [loan] the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall LEND [loan] to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28, Article X, of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such [a] levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be [usable] USED for financing unfunded accrued liabilities.

ARTICLE X
PROPERTY

Sec.		Com. Proposal
1.	Married Women	63a
2.	Eminent Domain	67a
3.	Homestead Exemption	12a
4.	Escheats	74a
5.	State Lands	129a
6.	Alien Rights	43a

Article X
Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law.

Sec. 3. A homestead in the amount of not less than $3,500[.00] and personal property of every resident of this state in the amount of not less than $750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

Explanation—Matter within [ ] is stricken, matter in capitals is new.

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI
PUBLIC OFFICERS AND EMPLOYMENT

Sec.		Com. Proposal
1.	Oath of Office	25a
2.	Terms of Office	61a
3.	Extra Compensation	62a
4.	Custodian of Funds, Accounting	55a
5.	Classified Civil Service, creation	22a
6.	Civil Service Commission	22a
7.	Commission to make rules and fix compensation	22a
8.	Increases in Compensation	22a
9.	May abolish positions	22a
10.	Commission to recommend increases to governor and legislature	22a
11.	Commission to receive appropriations	22a
12.	Violations of Civil Service Article	22a
13.	Civil Service, Local Government, county	76a, 81m
14.	Impeachment	42a, 42b, 42c, 42d
15.	Removal of Elected Officers	42e

Article XI
Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["]I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability.["] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village, township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII
AMENDMENT & REVISION

Sec.		Com. Proposal
1.	By Legislature	64a
2.	By Petition of Electors	65a
3.	Constitutional Convention	66a

Explanation—Matter within [ ] is stricken, matter in capitals is new.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.		Com. Proposal
1.	Attorney general to recommend necessary laws	44d
2.	Writs, actions, claims, etc. remain effective	44b
3.	Officers continue their duties	44c and 71g
4.	Terms of officers elected November, 1962	68b
5.	Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6.	Senate Apportionment	80
7.	Supreme Court, reduction to seven justices	91a
8.	Judges of Probate, eligible for re-election	96f
9.	Overlapping terms for judiciary	96j
10.	State Board of Education	47a
11.	Boards of Control	98c
12.	Educational Boards	
13.	Initial allocation	71b
14.	Contractual obligations remain in force	6a
15.	Mackinac Bridge refunding	23b
16.	Constitution submitted to people, when	68a
17.	Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,]AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: ["] Shall the revised constitution be adopted? ( ) Yes. ( ) No. ["] All votes cast at THE [this] election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. [Should] IF the revised constitution so submitted receiveS more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January OF THE YEAR FOLLOWING ITS ADOPTION [,1963, except as otherwise provided in this constitution].

Explanation—Matter within [ ] is stricken, matter in capitals is new.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

VICE PRESIDENT HUTCHINSON: The article has been read. The question is upon the passage of the article and the secretary has some amendments.

SECRETARY CHASE: Messrs. Nord, Hodges, Norris, Austin, Faxon, Sablich, Marshall, T. S. Brown, Greene and Mrs. Daisy Elliott offer the following amendment:

1. Amend article IV, section 2 (first column, line 47) after "Sec. 2.", by striking out the balance of the section and inserting "The senate shall consist of 38 members elected for two-year terms from single member districts which shall be convenient, compact, and contiguous. Each district shall contain, as nearly as may be, an equal number of persons, but in no case shall the districts vary in numbers of people more than 15 percent above or below the ratio of population determined by dividing the total population of the state by 38.".

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, might I ask Mr. Nord approximately how long he'd like for his presentation on this?

MR. NORD: Ten minutes would be sufficient.

MR. VAN DUSEN: Then, Mr. President, I would move to limit debate on this amendment to 15 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit debate on this amendment to 15 minutes. All those in favor will say aye.

MR. MADAR: Mr. President, I wanted to amend that to make it 20 minutes. Why not be fair about it?

VICE PRESIDENT HUTCHINSON: Mr. Madar moves to amend the motion to limit debate to 20 minutes. All those in favor will say aye. Opposed will say no.

The amendment of Mr. Madar does not prevail. Mr. Van Dusen moves to limit debate to 15 minutes. All those in favor will say aye. All those opposed will say no.

The amendment prevails. The Chair recognizes Mr. Nord.

MR. NORD: Mr. President, I presume that you said that the motion prevailed rather than the amendment. Am I correct?

VICE PRESIDENT HUTCHINSON: Thank you, Mr. Nord. The Chair intended to say so. (laughter)

MR. NORD: Well, if the amendment prevails, I'm satisfied as well. (laughter) Of course, that would shorten the discussion, but I would like to point out to the delegates what is in this amendment since it is difficult to read it on the wall. It simply provides a straight population basis for the senate, with 38 members — the same number of members as proposed by the report before us from style and drafting — and it provides that they shall have equal numbers in each district as nearly as may be, plus or minus 15 per cent from the ratio of population. That is all that is provided and I believe it is easy to understand what it is. It is one man, one vote, based on population with 38 members elected for 2 year terms from single member districts.

Now, Mr. President, I don't have any intention to describe in any detail why this should be adopted. I would simply point out to the convention that, according to most persons who hoped for a convention, at least one house should be on population. This being the first house to come before us finally, I have asked the delegates to consider that this house should be on population. I would state further that the history of the state of Michigan indicates that this is the house — the senate — which has always been on a population basis according to every constitution and every deliberative body prepared to determine this question, starting from 1787 up to 1908. The tradition always was population in the senate.

I will point out further that it is my belief, on the basis of approximately 6 to 8 lawsuits that have already been decided, at least partly, within the last month or so, that on that basis we can anticipate that reapportionment of this type is required in the state of Michigan. We can anticipate that the apportionment that now exists in the senate will be declared unconstitutional by the Michigan supreme court. We can anticipate it. We can also anticipate the same thing for the provision that is before us from the style and drafting committee for the reason that it arbitrarily selects something having no basis in representation, namely, area. It is my conviction that the provision which I am asking you to strike is an unconstitutional provision. I have some experience in the matter; it is not pure guesswork on my part and it is my professional conviction that the provision that we have in the present constitution and also the one that is proposed to us is unconstitutional, but the one that I am proposing to you, of course, is purely constitutional.

I will close then, Mr. President, simply by stating again that this provides population in one house, and I challenge the convention to come out with a constitution which provides for at least one house on population, with no ifs, ands or buts whatsoever.

VICE PRESIDENT HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. President, before speaking on this I'd like to ask Dr. Nord a couple of questions.

VICE PRESIDENT HUTCHINSON: You may proceed if he cares to respond.

MR. W. F. HANNA: Mr. President, Dr. Nord, as I read your amendment, you would: 1, ignore county lines in establishing senatorial districts?

MR. NORD: That is right.

MR. W. F. HANNA: Mr. President, Dr. Nord, from your presentation, is it your contention that this is in keeping with the present constitution as it has been used over the years?

MR. NORD: I'm not clear on what you mean by the present constitution. You mean the 1908 constitution?

MR. W. F. HANNA: The 1908, prior to the 1952 amendment.

MR. NORD: The 1908 constitution, so far as I know, does not require either of the 2 things that I have. One, it does not require — well, it does not require 15 per cent, up or down. There is no specific amount provided in the 1908 constitution, but cases that have been decided indicated that a 2 to 1 ratio was too much. On that basis, it is my opinion that county lines could be adhered to under the 1908 constitution. But I have not provided for that because I don't think it's necessary to do so.

MR. W. F. HANNA: Mr. President, Dr. Nord, one further question then. You said that the supreme court had ruled, the cases had ruled that 2 to 1 was too great. Isn't it true that the decision was that a greater than 2 to 1 ratio was too great?

MR. NORD: Yes. I stand corrected. That is right.

MR. W. F. HANNA: Mr. President and fellow delegates, the argument as to whether or not the cases decided by the supreme court require this kind of apportionment, I believe, are somewhat fallacious. First, the decision indicates that they recognize a discrepancy in population greater than provided here when you try to adhere to the subdivision lines of political subdivisions of a state. Second, I call to your attention the step backward here in providing for 2 year terms rather than 4 year terms for the senate. Third, I submit to you that it is a political impossibility to have a senate district clearly identified with political machinery unless it follows existing political subdivision lines. This would allow one precinct, or one city block, or one house to be put with another district which it is not a part of for any other electoral process. And I submit to you that this would require a special state census in order to accomplish this end. To go this far is to go much farther than is practically necessary or practically possible without also going back to the old constitutional language that provided for a state census because you would have to have a state census to comply with it. I submit to you that the old constitution did not require the senate to be on population. It merely said the senatorial districts should be arranged or rearranged. It did not require that they be on a population basis.

What the committee has attempted to do is to equate and prevent a district from being so large that, for all practical purposes, the people there have no representation. Certainly, government is dependent upon the will of the majority, but it is also much dependent upon effective political representation, which means that a district can become so large that it is

physically impossible for the people and their representative to ever discuss or meet or have a meeting of the minds on legislation. If you study this problem as applied to Michigan, you will find that our senate, as provided by the committee proposal, is more akin to population, despite its safeguards, than are 40 other senates. No other state with a senate so apportioned as proposed by the committee can also say that their house is as close to population, except the state of Oregon.

I submit to those Democrats who are present that Oregon provides for moiety in both houses and I am sure that they would not want to say that if you apply moiety to both houses as we do in Michigan that we would have a representative legislature. And yet, this is what happens in the state of Oregon when you apply moiety in both the senate and the house. I submit to you that it is a political impossibility to achieve what Dr. Nord and his cosponsors want to achieve.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Nord and others. All those in favor will say aye.

MR. NORD: The yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Nord demands the yeas and nays. Is the demand supported?

SECRETARY CHASE: Twenty-nine.

VICE PRESIDENT HUTCHINSON: Sufficient number up. The yeas and nays are ordered. The question is upon the amendment offered by Mr. Nord, Hodges and others, which has been read. The yeas and nays have been ordered. All those in favor of the amendment will vote aye. Opposed will vote no. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—34

Austin	Garvin	McCauley
Baginski	Greene	McGowan, Miss
Balcer	Hart, Miss	Murphy
Barthwell	Hatcher, Mrs.	Nord
Binkowski	Hodges	Norris
Bradley	Jones	Ostrow
Brown, T. S.	Krolikowski	Sablich
Buback	Lesinski	Stopczynski
Douglas	Madar	Suzore
Downs	Mahinske	Wilkowski
Elliott, Mrs. Daisy	Marshall	Young
Faxon		

Nays—91

Andrus, Miss	Hannah, J. A.	Prettie
Anspach	Haskill	Pugsley
Batchelor	Hatch	Radka
Beaman	Heideman	Rajkovich
Bentley	Higgs	Richards, J. B.
Boothby	Howes	Richards, L. W.
Brake	Hoxie	Romney
Brown, G. E.	Hubbs	Rush
Butler, Mrs.	Iverson	Seyferth
Conklin, Mrs.	Judd, Mrs.	Shackleton
Cushman, Mrs.	Karn	Shaffer
Danhof	King	Shanahan
Dehnke	Kirk, S.	Sharpe
Dell	Koeze, Mrs.	Sleder
DeVries	Kuhn	Spitler
Donnelly, Miss	Lawrence	Stafseth
Doty, Dean	Leibrand	Staiger
Doty, Donald	Leppien	Stamm
Durst	Martin	Sterrett
Elliott, A. G.	McAllister	Stevens
Erickson	McLogan	Thomson
Everett	Millard	Turner
Farnsworth	Mosier	Tweedie
Figy	Page	Upton
Finch	Pellow	Van Dusen
Gadola	Perlich	Wanger
Goebel	Perras	White
Gover	Plank	Wood
Gust	Pollock	Woolfenden
Habermehl	Powell	Yeager
Hanna, W. F.		

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Nord and others, the yeas are 34; the nays, 91.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Messrs. Nord, Hodges, Norris, Austin, Faxon, Sablich, Marshall, T. S. Brown, Greene and Mrs. Daisy Elliott offer the following amendment:

1. Amend article IV, section 3 (column 2, line 45) after "Sec. 3.", by striking out the balance of the section and inserting "The house of representatives shall consist of 115 members elected for two-year terms from single member districts which shall be convenient, compact, and contiguous. Each district shall contain, as nearly as may be, an equal number of persons, but in no case shall the districts vary in numbers of people more than 15 percent above or below the ratio of population determined by dividing the total population of the state by 115.".

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I would move to limit debate on this amendment to 15 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit debate upon this amendment to 15 minutes. All those in favor will say aye. Opposed will say no.

The motion prevails. The Chair recognizes Mr. Nord on the amendment.

MR. NORD: Mr. President, I won't spend any time discussing it because the language is identical except for the number. The house of representatives is supplied now with 115 members, according to this amendment. Again, it's plus or minus 15 per cent. The house is to be as nearly equal in population as may be, plus or minus 15 per cent.

Whatever remarks were made before about the senate apply exactly here. And again I will challenge the convention to do at least something which we can recognize, namely, to come up with a provision for at least one house which has the words "equal population" in it somewhere, and not only the words, but the fact and the deed and the result. If you don't want the senate to be on population, we certainly should have the house on population. This provides it. There is no escape from it in this language and I simply challenge the convention to come out with at least one house on population. If you don't want it to be the senate, let it be the house.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. Mr. Nord.

MR. NORD: The yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Nord demands the yeas and nays on the amendment. Is the demand supported? Sufficient number up. The yeas and nays are ordered. The question is upon the amendment offered by Messrs. Nord, Hodges and others. The yeas and nays have been ordered. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—36

Austin	Faxon	McCauley
Baginski	Garvin	McGowan, Miss
Balcer	Greene	McLogan
Barthwell	Hart, Miss	Murphy
Binkowski	Hatcher, Mrs.	Nord
Bradley	Hodges	Norris
Brown, T. S.	Jones	Ostrow
Buback	Krolikowski	Sablich
Cushman, Mrs.	Lesinski	Stopczynski
Douglas	Madar	Suzore
Downs	Mahinske	Wilkowski
Elliott, Mrs. Daisy	Marshall	Young

Nays—90

Allen	Hanna, W. F.	Prettie
Andrus, Miss	Hannah, J. A.	Pugsley
Anspach	Haskill	Radka
Batchelor	Hatch	Rajkovich
Beaman	Heideman	Richards, J. B.
Bentley	Higgs	Richards, L. W.
Blandford	Howes	Romney
Boothby	Hoxie	Rush
Brake	Hubbs	Seyferth
Brown, G. E.	Iverson	Shackleton

Figy	Page	Van Dusen
Finch	Perras	Wanger
Gadola	Plank	White
Goebel	Pollock	Wood
Gover	Prettie	Woolfenden
Gust	Pugsley	Yeager
Hanna, W. F.		

SECRETARY CHASE: On the amendment offered by Mr. Binkowski, the yeas are 34; the nays are 82.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. That completes the amendments to this article on the secretary's desk. Mr. Downs.

MR. DOWNS: Mr. President, fellow delegates, there are no more amendments and we're now on the adoption of the entire article; is that correct?

VICE PRESIDENT HUTCHINSON: That is correct, Mr. Downs.

MR. DOWNS: I rise near the hour of midnight in trepidation, fellow delegates, but I shall try to be very brief. I rise, announcing I am going to vote no on the entire article and urging other delegates to do the same. I shall not make a long speech but I want to make one or two points on what we've done, so the delegates will knowingly and very clearly know what has transpired, particularly on the key item of apportionment.

I wish to point out that under this provision neither house is based on population. And I do not say this in a fringe or flaky manner. I have asked the research department of this convention to prepare maps on how the apportionment system would work out. I am told this is a possible apportionment plan and there are other possibilities. However, I asked for one that would be as reasonable construction as possible.

In the senate in 1970, and not before, there would be a reapportionment and the smallest district in population would be 86,000; the largest would be 3 in Oakland county, each averaging 365,000 votes. In other words, it would take 4 voters in Oakland county to equal 1 voter in the 86,000 area. That is the senate. And this ties in with advice and consent. Then in the matter of the house, Monroe county, according to the 1960 figures, would be the largest, with 101,000, and the counties of the presiding delegate, Allegan and Van Buren, have the distinction of having an average of 53,062, in other words, practically a 2 to 1 difference. It would take 2 citizens from Monroe county to equal 1 citizen's vote in Allegan county. I point this out to try to dramatize that neither house is on population, and if anybody came to this convention pledged to have at least 1 house on population, I hope those delegates will join with me in voting no on this section in the hope that we'll have something done by third reading.

I do also wish to point out that by the time we come back on August 1, there may be additional supreme court decisions. I just have the newspaper report and if I keep talking long enough, I'll be able to have a special delivery letter with some of the further details. But I understand that not only Georgia threw out the county unit system, but in Maryland, their frozen senate, somewhat similar to Michigan's, has also been thrown out by the court there on the concept of equal protection of the laws. I will not now move that we postpone consideration until further court action is taken. I remind us again that the Michigan case, Scholle versus Hare, was remanded by the United States supreme court and is back in the hands of the Michigan state supreme court. I feel that our progress here is going to come from the judicial branch, unfortunately, rather than branches like this which, by themselves, are not created on a one man, one vote concept. I do urge the delegates to understand these factors in arriving at the conclusion. There are other points of this article that we have discussed — some facetiously; some seriously. But I wish to emphasize that the main reason that I am urging a no vote on this article IV, section 2, is that I think that it is not only wrong to deny the one man, one vote concept, but I believe it is running contrary to the historical thrust of the court decisions. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. McAllister.

MR. McALLISTER: Mr. President and fellow delegates, the hour is getting late. I cannot vote for this article. The committee that proposed this apportionment setup does not seem to be able to explain just what counties are going to be where. In fact, when the committee can't explain it to my satisfaction, I certainly can't vote for something of that kind.

It appears to me from the Tennessee case, the Scholle case, your Georgia case in the federal court, and your Maryland case, that we are doing something here that is just what Mr. Downs would like to have us do. And I do support his position. But I don't think this article should be passed if there is a possibility that the Michigan supreme court will rule on this case before August 1. It appears to me that what we are really going to have here is a senate and a house, both on a population basis. And at the present time I can't see where rural Michigan has any representation, either in the house or senate, under this plan. And in view of that fact, I cannot vote for it.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, I've listened with what, for me, is unusual patience to the repeated dolorous pronouncements of the delegate from Detroit to the effect that he intends to vote no on one article after another. I will not attempt to surmise his real reason for acting in this negative and wholly destructive manner. He can answer to his own conscience and whatever forces in his party or elsewhere to which he so loyally responds.

I can only say that it is, to me, utterly incomprehensible how any delegate — I say any delegate; not merely the leader of the minority party — can sit here for 7½ months in the give and take of debate and decision and then, at the end of our deliberations, recommend a no vote on issues in which he shared responsibility as a delegate and, as often as not, won his own points. By what kind of extraordinary wisdom or insight does he or any other delegate or delegates think that his or their views are so superior to the slowly agreed majority view that they warrant this extraordinary procedure which, to me, is utterly destructive in its result of trying to throw together a shadow constitution or at least shadow articles in place of the carefully mature articles of this proposed constitution? I say, Mr. President, that this tactic — obviously partisan and nonpublic in nature — is unworthy of any delegate and, in my opinion, deserves condemnation on this floor. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. DOWNS: I rise to a point of personal privilege —

MR. VAN DUSEN: Mr. President.

MR. DOWNS: — Mr. President.

VICE PRESIDENT HUTCHINSON: You may state it, Mr. Downs.

MR. DOWNS: I believe that the former speaker — and I am not going to question his motives — did attack my motives, did attack me personally, and as such, I have the right to respond.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. DOWNS: All right. I wish to apprise the convention that this is the first time I have, to my memory, risen on a matter of personal privilege on the floor of the convention. To my knowledge, I have never knowingly attacked any individual on the floor of this convention, nor have I questioned any delegate's motives. I may have disagreed with the judgment or conclusion and I have always, I hope, respected the right of other delegates to question my judgment and my conclusion; and I hope have shown no bitterness or malice when any individual delegate, for his reasons, has seen necessary to vote contrary to what I have wished or expressed.

I wish to say that when I campaigned for this office there were several very clear points I went to the constituents in my district on and offered myself as a candidate. One was that I did not want to see any backward steps in this constitution that's being developed. I specifically refer to civil service, and will touch on that when we get into it. On the apportionment matter, I simply say that this does not represent one man, one vote in either house. I campaigned, and I can show clippings and speeches ad nauseam where I campaigned on the concept of one man, one vote. Whether or not that is right or wrong is not the issue before this convention. The issue is that as a delegate, as a candidate I campaigned on that. I said I would fight for that. I have fought for that. And if I am defeated

on this, I feel no moral obligation to support something that is less than that on which I campaigned. If, on the other hand, I were to compromise basic principles — and I'm not talking about modifications of day to day operations — I would feel that that was not justifiable. How other delegates answer to themselves is their prerogative and their business and I do not intend to answer that on this floor. I do hope, as we mature and develop here, we'll have a chance to review this more thoroughly and compare item by item.

I'm a little surprised at all those points that I've won in debate. I enjoyed the conversation and fellowship but I think it would take a rather small adding machine to suggest the number of significant suggestions I've made that the convention has adopted. And I express no resentment or bitterness at the convention for having seen fit to adopt suggestions other than mine. I hope I have shown no rancor; I have felt no rancor. I apologize for taking this time of the convention this late at night. I want the delegates to know that I came here in a spirit of friendship. I feel that has been increased and I hope we do nothing or say things which we individually would later wish had been left unsaid. Thank you for your patience. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, we do seem to be straying from the point. I would move that further debate on this article of the constitution terminate at 12:00 midnight.

VICE PRESIDENT HUTCHINSON: It being now 11:58, Mr. Van Dusen moves to terminate debate at 12:00 o'clock midnight. All those in —

MR. MADAR: Mr. President, I'd like to amend that so that they could speak. There have been several delegates that have tried to get recognition.

VICE PRESIDENT HUTCHINSON: There are 4.

MR. MADAR: That's right. Approximately that. And I move that we give them 10 minutes.

VICE PRESIDENT HUTCHINSON: Each one?

MR. MADAR: No, sir, 10 minutes for the 4.

VICE PRESIDENT HUTCHINSON: Mr. Madar moves that debate be terminated in 10 minutes. All those in favor will say aye. Opposed no.

The motion does not prevail.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: All right. A division is called for upon that. Is the demand for a division supported?

SECRETARY CHASE: Eleven.

VICE PRESIDENT HUTCHINSON: The demand is supported. All those in favor of limiting debate at 12:10 will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the motion to limit debate to 10 minutes, the yeas are 63; the nays are 48.

VICE PRESIDENT HUTCHINSON: The motion prevails.

MR. A. G. ELLIOTT: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Elliott.

MR. A. G. ELLIOTT: Is a motion necessary to require that this time be divided equally between those that wish to speak? If so, I move.

VICE PRESIDENT HUTCHINSON: Between those who wish to speak?

MR. A. G. ELLIOTT: Yes.

VICE PRESIDENT HUTCHINSON: There are 4 and the Chair will request the 4 speakers to limit themselves to not more than 2½ minutes each. Mr. Wanger is next recognized.

MR. WANGER: Mr. President, fellow delegates, very briefly I'd like to comment on what Delegate Downs has urged the delegates at this convention to do. He has urged every delegate here to vote no on this article, in other words, to vote for nothing. He has offered no substitute, nothing to present to the people by way of any improvement whatsoever in this area of our constitution. And it seems to me very, very clear that such a vote is the most apparent and the grossest kind of irresponsible action for any delegate to take at this state of a constitutional convention.

I am not going to observe upon the motives of any delegate except to say this: I think that for those few delegates at the convention who have already publicly made expressions that they intend to fight the adoption of any revised constitution which we propose, that no observation on their motives is necessary because their vote on the board speaks for itself.

VICE PRESIDENT HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. President, ladies and gentlemen, Mr. Downs has recommended that you vote no on this article primarily because of the apportionment provisions. I would remind you that you have had 21 able persons on this committee who worked long and diligently. They have come up with recommendations which you have approved on first and second reading which the formula — you know what it is — I am only going to, for the record, make it perfectly clear that the recommendations as they appear here apportion the senate seats 80 per cent on population, 20 per cent on area.

Mr. Downs takes the extreme, the very large district in the upper peninsula that will have small population and the 3 most populous districts in Oakland county for his comparison. In the house of representatives he has taken the extreme because in grouping the counties that are not entitled to a single representative, you are left with Allegan and Van Buren counties that are thrown together and then when we come to apportion the difference in the number of seats between those counties that have one or more, and 110, it happens that they get the second seat. This is the extreme. Actually, the house of representatives, as you well know, is as near as you can come to exact population with the exception of a single representative. You could just change one and it comes as close as you can — it's as close as you can come up with a workable formula.

I should dislike, this late at night when you're all tired, any of you to feel that the statement that Mr. Downs has made, that neither house of the legislature reflects population, is correct. We have done very well indeed. I've said before I am very proud of what our committee has come up with and what you are about to approve. We need no apologies for the apportionment portion of the article before you and I urge you to approve it.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I was going to answer Delegate Pollock but it seems to me that Delegate Downs took care of that rather well himself. I only wish that Delegate Pollock had been as consistent on this question as Delegate Downs has been. He had some very unkind things to say about the provision himself. He equated it as 19 acres equaling 1 man, among other statements, and I can dig them out. This is not a one man, one vote principle. It does not meet the equality —

I do not think we should question the motives of those delegates. We have our own opinions, our own desires. We try to reflect the viewpoints of the people we represent. I urge a no vote on the article, too.

I've heard Dr. Hannah, on several occasions on the floor of this convention, over and over again, talk about how we do not have to apologize to any one for the provision that has come out of this convention. Let me tell you that if I voted for the provision I would have to apologize to the 680,000 people in my senatorial district that has only one senator. I think that we should understand, as Delegate Downs pointed out, that neither house of the legislature is going to be on a straight population basis. And there were alternatives. I think Dr. Pollock said we were taking a negative approach. We did all of the giving and no taking. And there were offers to accept proposals in the committee. Dr. Pollock himself offered one which we agreed to accept as a compromise proposal. Dr. Pollock himself, for reasons best known to him, a day or two later decided to revise his proposal. Then it was no longer acceptable to the minority on that committee. And we could go on and on and point out the facts here, and I'm willing to let the people of the state of Michigan decide whether or not they've got an equitable apportionment.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, how much time is left for the debate? Am I the last speaker?

VICE PRESIDENT HUTCHINSON: You are.

MR. NORD: How much time is left, sir?

VICE PRESIDENT HUTCHINSON: It looks like 2 minutes to the Chair.

MR. NORD: That is fine. Thank you. I rose earlier. I asked for recognition because I didn't think that Mr. Downs would have an opportunity to reply to the attack on him. Since that has been covered, I will simply attempt to close the debate.

I would like to point out that as to Dr. Pollock's remarks relating to whether or not this is a satisfactory legislature, that when Dr. Pollock appeared before the committee on legislative organization, he started out by saying — and I applauded him and I told him that I would join with him — he said the legislature is so bad that we must start from scratch; we cannot have a patched job. He appeared later before us with a specific proposal. At that point I was not satisfied with it. I asked him, "Dr. Pollock, is this starting from scratch, or is it a patched job?" He said, "It's a patched job." We didn't approve of it. Nevertheless, we were forced to accept it at the end because, of all of the proposals we would find that were put in by the Republicans, that was the best; even though it was a patched job, we tried to accept it. He has retreated from that position. Then he attacked the proposal that you had before you and broke it down so that was worthless. Now he has rebuilt it so that it looks good.

I intend to vote against this. I think everyone understands I intend to vote against this section. I would vote against the entire constitution on the basis of either this section or the one I spoke on before. Both of these, I believe, are unconstitutional. The one about search and seizure, I believe, is clearly unconstitutional. And this one about the senate apportionment is certainly unconstitutional as to the next 10 years, and beyond that my opinion is that it is unconstitutional as well. But even if it were not unconstitutional, it is unjust. There is no reason for me to support it; there is every reason for me not to support it. And with that view, I can't see how anyone can quarrel with my doing what my conscience dictates. And I explained my conscience for 4 hours on the floor. There is no secret why I will vote against this. And when I vote against these 2 sections that have to do with apportionment, they are the heart of the entire constitution to me.

Either you have an effective democratic legislature or you have nothing. You have no state government. We have virtually no state government now in this state. We wanted to cure it. If you vote no on this, we will come back with other proposals. We've been putting in proposal after proposal; we will not quit. Just try it. If you don't believe us, vote no on this and see whether that means that there is no constitution. Vote no and we will stay here until kingdom come until we get something that is agreeable. You're not left with no alternative. Just because you put something on the ballot doesn't mean that anyone is obligated to vote for it and it doesn't mean that anyone here must support it.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the passage of article IV. All those in favor of article IV will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 83

Allen	Gover	Pugsley
Andrus, Miss	Gust	Radka
Anspach	Hanna, W. F.	Rajkovich
Batchelor	Hannah, J. A.	Richards, J. B.
Beaman	Haskill	Richards, L. W.
Bentley	Hatch	Romney
Blandford	Heideman	Rush
Brake	Higgs	Seyferth
Butler, Mrs.	Howes	Shackleton
Conklin, Mrs.	Hoxie	Sharpe
Cudlip	Hutchinson	Sleder
Cushman, Mrs.	Iverson	Spitler
Danhof	Judd, Mrs.	Stafseth
Dehnke	Karn	Staiger
Dell	King	Stamm
DeVries	Kirk, S.	Sterrett
Donnelly, Miss	Kuhn	Stevens
Doty, Dean	Lawrence	Thomson
Doty, Donald	Leppien	Turner
Durst	Martin	Tweedie
Elliott, A. G.	McLogan	Upton
Erickson	Millard	Van Dusen
Everett	Mosier	Wanger
Farnsworth	Page	White
Figy	Plank	Wood
Finch	Pollock	Woolfenden
Gadola	Powell	Yeager
Goebel	Prettie	

Nays — 37

Baginski	Hart, Miss	Murphy
Balcer	Hatcher, Mrs.	Nord
Barthwell	Hodges	Norris
Binkowski	Jones	Ostrow
Boothby	Krolikowski	Pellow
Bradley	Leibrand	Perlich
Brown, T. S.	Lesinski	Perras
Buback	Madar	Sablich
Douglas	Marshall	Stopczynski
Downs	McAllister	Suzore
Elliott, Mrs. Daisy	McCauley	Wilkowski
Faxon	McGowan, Miss	Young
Garvin		

SECRETARY CHASE: On the passage of article IV, as amended, the yeas are 83; the nays are 37.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article IV, as** amended, is passed.

For sections 1, 2, 3, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 19 through 53 of article IV as passed, see above, page 3051.

Following is section 4 of article IV, as amended and passed:

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined upon the effective date of the annexation or merger if provided by ordinance of the city. The districts with which the territory shall be combined shall be determined by said ordinance certified to the secretary of state.

No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Following is section 6 of article IV, as amended and passed:

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

Article I

Declaration of Rights

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article II
Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III
General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

Article IV
Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senate districts shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the apportionment commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Sec. 7. Each senator and representative must be a citizen of the United States, at least 21 years of age, and an elector of the district he represents. The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office under the United States or this state or a political subdivision thereof, except notaries public and officers of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for five days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall periodically examine and recommend to the legislature revision of the various laws of the state.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

Sec. 20. The doors of each house shall be open unless the public security otherwise requires.

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

Sec. 23. The style of the laws shall be: The People of the State of Michigan enact.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

Article V
Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI
Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this Article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII
Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the university of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

Article IX
Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature, and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

Article X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. The amount of compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than $3,500 and personal property of every resident of this state in the amount of not less than $750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

Article XI
Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursments for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

dence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

committee on style and drafting as offered and considered read, including the additional changes made by said committee on August 1. (For text as referred to said committee, see above, page 3275):

1. Amend article II, section 6 (column 2) line 49, after "electors" by striking out "which involves" and inserting "for"; and after "increase of" by striking out "any" and inserting "the"; and line 50, after "limitation" by inserting "imposed by Section 6 of Article IX"; and line 51, after "or" by inserting "for".

2. Amend article II, section 9 (column 2) line 8, after "electors" by striking out "or three-fourths of the members elected to and serving in each house of the legislature.", and inserting "unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature.".

3. Amend article III, section 5 (column 2) line 36, after "subdivision" by inserting "thereof".

4. Amend article IV, section 2 (column 1) line 24, after "assigned" by striking out "an apportionment factor" and inserting "factors".

5. Amend article IV, section 2 (column 2) line 1, after "two or more" by striking out "senate districts" and inserting "senators".

6. Amend article IV, section 3 (column 2) line 54, after "population" by inserting a comma.

7. Amend article IV, section 6 (column 1) line 14, by striking out "persons" and inserting "electors"; and line 24, after "party.", by striking out "One member of the commission shall be selected by each political party organization from each of the following four regions:", and inserting "One resident of each of the following four regions shall be selected by each political party organization:"; and line 27, after "(1)" do not capitalize "the"; and after "(2)" do not capitalize "the"; and line 31, after "(3)" do not capitalize "southwestern"; and line 35, after "(4)" do not capitalize "southeastern".

8. Amend article IV, section 6 (column 2) line 38, after "state or the" by striking out "apportionment".

9. Amend article IV, section 8 (column 2) line 56, after "public and" by striking out "officers" and inserting "members".

10. Amend article IV, section 17 (column 2) line 10, after "committees.", by striking out the sentence which reads, "Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee.", and inserting "On all actions on bills and resolutions in each committee, names and votes of members shall be recorded.".

11. Amend article IV, section 33 (column 2) line 1, after "If he" by striking out "does not approve" and inserting "disapproves".

12. Amend article IV, section 37 (column 2) line 36, after "Sec. 37.", by striking out the entire section which reads, "The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.", and inserting "The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.".

13. Amend article V, section 2 (column 1) line 4, after "full" by inserting "regular".

14. Amend article V, section 5 (column 1) line 43, after "Sec. 5.", by striking out the entire section which reads, "At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.", and inserting "A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.".

15. Amend article V, section 18 (column 1) line 31, after "submit" by striking out "any".

16. Amend article V, section 25 (column 2) line 24, after "vote" by inserting a comma; and line 25, by striking out "except in case of equal division.", and inserting "unless they be equally divided.".

17. Amend article V, section 28 (column 1) line 10, after "same year" by inserting a comma.

18. Amend article VI, section 1 (column 2) line 2, by striking out "other".

19. Amend article VI, section 3 (column 2) line 20, by striking out "other".

20. Amend article VI, section 4 (column 2) line 28, after "hear" by striking out the comma.

21. Amend article VI, section 8 (column 1) line 2, after "appeals" by striking out "may".

22. Amend article VI, section 18 (column 2) line 38, after "increased" by striking out the comma.

23. Amend article VI, section 26 (column 1) line 52, do not capitalize "article".

24. Amend article VI, section 28 (column 2) following line 16, by striking out the entire second paragraph [This paragraph added by amendment on May 11, see above, page 3240; for section as amended, see above, page 3275] which reads:

"No appeal may be taken to any court from a decision of the state tax commission fixing the value of described property for property tax purposes or determining an appeal from a decision of the county tax allocation board.", and inserting a new paragraph to read as follows:

"In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.".

25. Amend article VII, section 31 (column 2) line 36, after "alley" by striking out the comma.

26. Amend article VIII, section 4 (column 1) line 40, capitalize "University".

27. Amend article VIII, section 8 (column 2) line 56, after "programs" by striking out the comma; and line 58, after "mentally" by striking out the comma.

28. Amend article VIII, section 9 (column 1) line 6, after "counties,", by striking out "cities and townships" and inserting "townships and cities".

29. Amend article IX, section 11 (column 2) line 60, after "for" by striking out "the support of public education" and inserting "aid to school districts, higher education".

30. Amend article XI, section 5 (column 2) line 8, after "tion" by inserting "or creation".

31. Amend article XI, section 7 (column 2) line 51, after "elected" by inserting "thereto"; and after "serving" by inserting "therein".

32. Amend article XII, the title (column 1) after "Amendment" by striking out "&" and inserting "and".

33. Amend article XII, section 3 (column 2) line 41, after "bers.", by striking out "The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office.", and inserting "To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office.".

34. Amend the schedule, section 5 (column 1) line 58, after "general" by striking out the comma; and line 59, after "two" by inserting a hyphen, so that it will read "two-year".

35. Amend the schedule, section 6 (column 2) line 12, after "1908 constitution" by inserting "as amended in 1952".

36. Amend the schedule, section 6 (column 2) line 15, after "shall be" by striking out "divide" and inserting "divided".

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that the report be adopted. Those in favor will say aye. Opposed, no.

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963.".

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka
Binkowski	Hatcher, Mrs.	Rajkovich
Blandford	Heideman	Richards, J. B.
Bledsoe	Higgs	Richards, L. W.
Bonisteel	Hood	Romney
Boothby	Howes	Rood
Bowens	Hoxie	Rush
Bradley	Hubbs	Sablich
Brake	Hutchinson	Seyferth
Brown, G. E.	Iverson	Shackleton
Brown, T. S.	Jones	Shaffer
Buback	Judd, Mrs.	Shanahan
Butler, Mrs.	Karn	Sharpe
Conklin, Mrs.	Kelsey	Sleder
Cudlip	Kirk, S.	Snyder
Cushman, Mrs.	Knirk, B.	Spitler
Danhof	Koeze, Mrs.	Stafseth
Dehnke	Krolikowski	Staiger
Dell	Kuhn	Stamm
DeVries	Lawrence	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Dean	Leppien	Stopczynski
Doty, Donald	Lesinski	Suzore
Douglas	Liberato	Thomson
Downs	Madar	Tubbs
Durst	Mahinske	Turner
Elliott, A. G.	Martin	Tweedie
Elliott, Mrs. Daisy	McAllister	Upton
Erickson	McCauley	Van Dusen
Everett	McGowan, Miss	Walker
Farnsworth	McLogan	Wanger
Faxon	Millard	White
Figy	Mosier	Wilkowski
Finch	Murphy	Wood
Follo	Nisbet	Woolfenden
Ford	Nord	Yeager
Gadola	Norris	Young
Garvin	Ostrow	Youngblood

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the **final passage of the constitution as amended** this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo	Perras	Woolfenden
Gadola	Plank	Yeager
Goebel	Pollock	

Nays—43

Austin	Greene	Nord
Baginski	Hart, Miss	Norris
Barthwell	Hatcher, Mrs.	Ostrow
Binkowski	Hood	Pellow
Bledsoe	Jones	Perlich
Bowens	Kelsey	Sablich
Bradley	Krolikowski	Shanahan
Brown, T. S.	Leibrand	Snyder
Buback	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	McAllister	Young
Ford	Murphy	Youngblood
Garvin		

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)

PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

> It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.
>
> Sincerely,
> Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints,** as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people.** We will take up the **report of the committee on public information.** Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

CONSTITUTION
OF THE
STATE OF MICHIGAN

as finally adopted
by the Convention
August 1, 1962

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I

Declaration of Rights

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II

Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV

Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Sec. 7. Each senator and representative must be a citizen of the United States, at least 21 years of age, and an elector of the district he represents. The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office, employment or position under the United States or this state or a political subdivision thereof, except notaries public and members of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for five days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall periodically examine and recommend to the legislature revision of the various laws of the state.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

Sec. 20. The doors of each house shall be open unless the public security otherwise requires.

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

Sec. 23. The style of the laws shall be: The People of the State of Michigan enact.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V
Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

ARTICLE X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than $3,500 and personal property of every resident of this state in the amount of not less than $750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

Stephen S. Nisbet

Stephen S. Nisbet, *President*

Fred I. Chase

Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

What the Proposed New State Constitution Means to You

- **A report to the people of Michigan by their elected delegates to the Constitutional Convention of 1961-62.**

Lansing, Michigan

August 1, 1962

Article IV

LEGISLATIVE BRANCH

Legislative power, where vested.

Sec. 1. The legislative power of the State of Michigan is vested in a senate and *a* house of representatives. ****

No change from the first clause of Sec. 1, Article V, of the present constitution. The remaining language of the existing section is revised and transferred to Article II (Elections) since it relates to the initiative and referendum.

Senators; number; terms; districts.

Sec. 2. The senate shall consist of 38 members *to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.*

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

This is a revision of Sec. 2, Article V, of the present constitution increasing the number of state senators from 34 to 38, increasing senators' terms from two to four years and providing the formula for the apportionment of senate seats. Senators are to be elected from single-member districts and their terms are to be concurrent with the governor's term.

Senatorial districts are to be apportioned on a formula which gives weight to both area and population. The apportionment formula calls for the assignment to each county of an apportionment factor computed as follows:

1. The percentage of the total state population in the county multiplied by four; plus,

2. the percentage of the state land area in the county.

The sum of these two figures is the county's apportionment factor. There are a total of 500 apportionment factors in the state as a whole – 400 or 80 per cent based on population and 100 or 20 per cent based on area.

In arranging the senate into districts, the apportionment commission is first to assign seats to counties with 13 or more apportionment factors, as a class. This class of counties will be assigned senators in the proportion that the apportionment factors of the class bears to the total apportionment factors of the state, computed to the nearest whole number. After each of these counties has been allocated one senator, the remaining seats to which this class of counties is entitled will be distributed among them by the method of equal proportions applied to the apportionment factors.

Second, the apportionment commission is to arrange the remaining counties having less than 13 apportionment factors into single-member senate districts, each containing as nearly as possible 13 apportionment factors and not less than 10 nor more than 16. The districts are to be compact, contiguous by land, following county boundary lines, as nearly rectangular in shape as possible, and to the extent possible follow existing senate district boundaries if they meet other requirements.

A county entitled to two or more seats is to be divided by the apportionment commission into single-member districts that each contain not less than 75 per cent nor more than 125 per cent of a ratio determined by dividing the population of each county by the number of seats to which it is entitled. To the extent possible, these districts are to follow city and township boundaries and be as nearly uniform as possible in shape.

Representatives; number; term; districts.

Sec. 3. The house of representatives shall consist of 110 members *elected for two-year terms from single member districts apportioned on*