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Message of Governor Karl F. Rolvaag
Vetoing Senate File 2
Extra Session, 1966 Legislature
May 11, 1966

It is with deep disappointment and reluctance that I herewith return Senate File 2 without my approval. A careful and detailed analysis of this bill leads to the inescapable conclusion that it does not provide a fair and adequate system of legislative districting for the citizens of Minnesota.

As I pointed out in my letter of May 9 to the Senate Majority Leader asking that the bill be studied further and improved before being passed, "the only principle to which this bill adheres consistently is that of political expediency."

This bill breaks county lines unnecessarily, perpetuates inequalities of population, dilutes the representation of growing suburban areas, drastically rearranges existing districts, distorts the character of many others, and creates grotesquely-shaped gerrymanders.

A Broad Perspective

On April 25, in my address to the joint session of this Legislature, I pointed out that as Governor of all of the people of Minnesota, I have an obligation which transcends political and partisan differences and extends beyond the boundaries of any legislative district.

I repeat that statement today.

My obligation as Governor of all the people requires that I approach the problem of reapportionment from a broad perspective. It is not only a question of rural concern versus urban concern, suburban versus core cities, Republican versus DFL, Liberal versus Conservative, House versus Senate; it is a matter, rather, of all working together to secure the most equitable possible redistricting for all.

A few incumbent legislators, who may find lifetime election security under this bill, have urged me to approve it. Others strongly recommend a veto. The easy course would be to allow it to become law without my signature. One cannot--should not--substitute ease and convenience for responsibility.

The judgment of the Governor cannot be based on partisan or personal considerations. Regardless of the fact that my decision may prove to be politically unpopular in many circles, my responsibility clearly is to insure fairness to all our citizens. As part of the legislative process, it is my duty to exercise my independent judgment of the merits of this legislation.

Our Minnesota Supreme Court, in upholding the right of the Governor to veto reapportionment legislation, declared last November:

"...where political judgment and discretion are used to formulate law there is, in the nature of things, a hazard that the decision of a simple majority, opposed by the chief executive, may have been unwise or hasty or, in rare cases, arbitrary or unreasonable. The fact that legislators themselves are directly affected by apportionment does not reduce this hazard. So it is, that if a qualified veto serves a useful purpose in any situation, the reasons for it seem most compelling where

apportionment is involved." (Emphasis added.)

The exercise of independent judgment by the executive on the subject of legislative apportionment has a long and noble history. In fact, the first use of the presidential veto power by President George Washington was his veto of a congressional apportionment bill.

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Let us examine the nature of Senate File 2 as it emerged from the Conference Committee.

It is generally recognized that preserving the integrity of counties and municipalities is a desirable objective in any apportionment plan. The extent to which this objective may justify deviation from a strict standard of population equality remains a subject of legal debate. Distinguished leaders of the Minnesota Senate argued that the maintenance of county lines was important enough to warrant population deviations as great as 17 percent. The bill passed by the Senate scrupulously sought to avoid the splitting of counties. While concern has been expressed at the size of population deviations in the Senate bill, no one has questioned the desirability of preserving counties where this can be accomplished without creating substantial inequalities of population.

'Partisan Gerrymandering'

The United States Supreme Court in its historic decision in Reynolds v. Sims warned that, "Indiscriminate districting, without any regard for political subdivision or natural or historical boundary lines, may be little more than an open invitation to partisan gerrymandering."

"Indiscriminate districting" and "partisan gerrymandering" are found throughout the plan which finally emerged from the Conference Committee and which was hastily pushed through both houses. Let me give just a few examples.

The Bipartisan Reapportionment Commission plan, the bill passed by the House, and Senate File 2 as originally passed by the Senate all preserved the county lines between Freeborn and Mower Counties. Yet Senate File 2 in its final form moves four townships and one village out of Freeborn County into the Mower County district. The excuse for this violation of county lines is that the Freeborn-Waseca County district was 5.85 percent above the ideal and the Mower County district was 4.82 percent below. But this difference of population is less than the differences which Senate File 2 creates within the City of Minneapolis alone. It is apparent that the real reason for violating this county line was a desire to improve the chances of re-election of an incumbent. The pleas of the Senator from Freeborn County in favor of the principle of preserving the integrity of county units were ignored.

A Slice of Goodhue

Goodhue County provides another example of unjustified cutting of county lines. The Commission plan, the House bill, and the Senate bill all left Goodhue County intact. The bill now before me cuts a slice out of Goodhue County without any apparent reason.

The Commission plan, the House bill, and the Senate bill all left Scott County within one district. But this bill cuts Scott County among three Senate districts

and puts Shakopee, the Scott County seat, into the district with Carver and McLeod Counties.

Under Senate File 2, Olmsted County is dismembered and portions are assigned to four different Senate districts. In the Commission plan and the Senate bill, Olmsted was divided between only two Senate districts.

Pattern of Discrimination

A second major objection to this bill is that it creates inequalities of population without reasonable explanation except the apparent desire for political advantage. Within the City of Minneapolis, Senate File 2 establishes districts which vary from 3.26 percent below the ideal to 8.74 percent above. The under-represented districts are primarily DFL--and the over-represented districts are largely GOP, a consistent pattern of political discrimination within this single city.

One also can detect a pattern of under-representation in most of the rapidly growing areas of the state. Even using the 1960 census figures, Rochester and St. Cloud are under-represented. The district proposed for suburban Dakota County would have an excess population of more than 11 percent using the 1960 figures. (And in the years since 1960, this area has grown another 50 percent!)

Representation for suburban Hennepin County and Anoka County is diluted by the fact that part of Hennepin is combined with Wright County and parts of Anoka County are combined with four other counties. These divisions of Hennepin and Anoka result from obvious efforts to use population from these counties to create districts for incumbent legislators from neighboring rural counties.

The bill which I am herewith returning to you drastically rearranges existing districts for purely political reasons. The 34th district in Minneapolis provides a classic example.

In St. Paul, Senate File 2 rearranges a long-established pattern. The present 45th South and 45th North districts are completely redrawn in order to improve the re-election chances of an incumbent. The excuse offered for this action is that the bill follows one of the alternatives contained in the Bipartisan Commission report. But this was not the primary recommendation of the Commission for St. Paul, and this alternative was included in the Commission report only as part of an overall compromise, the other parts of which have been ignored by the Legislature.

A Headless Dog and a Water Pump

Examples of gerrymandering are scattered throughout the plan, two of the most obvious being the 38th district in Minneapolis and the division of House districts in Kandiyohi and Swift Counties--the headless dog and the Kandiyohi water pump.

The haste with which Senate File 2 was rushed through the Legislature is further evidenced in the unfortunate fate which befell six townships in the northwestern corner of Beltrami County. The Bipartisan Commission had combined this isolated area with neighboring territories to the west. This is the only direction from which the area can be reached conveniently. The Commission logically followed the community of interest requirement. By contrast, Senate File 2 places these six townships in a representative district which has the bulk of its population, and its incumbent representative, more than 100 air miles away in International Falls. It will mean a round trip of 325 highway miles for him to meet with these new constituents.

Prophecy Fulfilled

Clearly, the standards of fairness and equity have not prevailed and the bill in its present form is inadequate. In my address to the opening joint convention of this extra session, I said:

"The Legislature would be making a disastrous mistake to abandon, or seriously alter, this plan (of the Bipartisan Reapportionment Commission) for the sake of political advantage. Selfish political maneuvering will only prolong this session, increase the cost to taxpayers, and delay the solution of the reapportionment problem."

Unfortunately, this warning went unheeded. My prophecy has been fulfilled—at least of this writing.

Instead of taking advantage of the work of the Bipartisan Reapportionment Commission, the Legislature plunged into the political thicket in a frantic search for partisan prizes. In their haste, legislative leaders first brought out a Senate bill which omitted House districts. Next the Conference Committee came up with a plan which contained an extra senator. Finally, the ten Conservatives on the Conference Committee hastily reported a so-called "compromise" which merely compromised their own differences by taking many of the worst features of the House and Senate bills. In putting together this final bill, its designers didn't count 5,403 persons in Dakota County, but they refused to recognize or correct this error when it came to light during final debate.

Asks Climate of Compromise

Throughout this time I have patiently refrained from publicly criticizing the Legislature's behavior. I had hoped that voicing my objections to the Senate and House conferees and other members of the Legislature privately, rather than to the press, might encourage a climate of compromise. For awhile, it seemed that such a climate did exist. But the conferees did not renew initial discussions, and instead proceeded on a course which has led to this present impasse.

Nevertheless, I remain optimistic about the prospects for a satisfactory solution.

If we approach the problem in a reasonable fashion, we can expeditiously resolve our dilemma. From my previous conversations with Conservative leaders over the past several weeks, I believe that most of them are sincerely interested in achieving agreement on a good reapportionment bill. Evidence of a willingness to compromise was revealed in the Conference Committee's revision of the districts in suburban Hennepin County and the determination to recess rather than to adjourn sine die.

We cannot founder and we cannot give up. We carry a sacred trust to the people of our state and to the philosophy of a democratic society. While some time has been lost, it is not too late for us to draw a plan that will permit our system of representative government to proceed without the imposed action of the courts.

I earnestly ask that we work together in performing this task. My door is open—as it has been all along. Let us sit down and reason together. Let us look closely at what has already been accomplished. Let us identify the places where it can be made better, where inequities or errors of hasty judgment may be righted, where compromise