

"Buy North Dakota Products"

ORGANIZATIONAL SESSION

JOURNAL of the CONSTITUTIONAL CONVENTION



FIRST DAY

Bismarck, April 6, 1971

At the hour of ten o'clock a.m., on the 6th day of April, 1971, being the day and hour designated by law for the convening of the organizational session of the Constitutional Convention of the State of North Dakota, the delegates elect of the Constitutional Convention assembled in the House Chamber of the State Capitol Building at Bismarck, North Dakota, and were called to order by the Governor of North Dakota, the Hon. William L. Guy.

Prayer was offered by The Reverend James M. Butler, Pastor, First Presbyterian Church, Bismarck.

"Father of us all, in you those who face awesome tasks, and confess their need, find unfailing resource. Strengthen these people for the days ahead. Give strength to their bodies, and perspective to their minds, and keep their motives clear.

"Enable them to work together with the warm personal regard of people who understand that no one man knows best; that vital, saving truth is poured from the crucible of love and conflict.

"Here may hope and heritage meet. Teach us to respect the past, yet not to be enslaved by it; to be alert to the present, yet not dismayed at its passing perplexities; to be sensitive to the future, yet not fearful of it. There will be the clamour of many claims and many voices, above them, help us to be responsive to your own. You have a will for us, always. You are the true author of our human story.

"May those who work together have the blessing and support of a responsible and receptive public, who realize that prayer and encouragement may after all be better servants of our common good, than carping and criticism.

"And may these labors provide a framework in which love and justice may flourish, and life be abundant. Keep from it, anything that would perpetuate ancient prejudice and inequality, or exploit the weak, or beget ill-will, or deprive us of rightful liberties, or look carelessly upon any precious element of our inheritance.

"May it give stability to our economic life; strength to our moral life, and unity to our social life. May it be the means of protecting and furthering that freedom of man that best survives when it acknowledges its bondage to thee.

"Lord God, from the depth of our being and our common life, we ask that these things may be so. Help us. Amen."

The Eagle Scouts of Bismarck made the presentation of Colors, followed by the Pledge of Allegiance, led by Scout Tim Ehli.

Governor Guy appointed Barbara King Temporary Secretary of the Convention, and Roy Gilbreath, Chief Clerk.

Governor Guy then appointed Supreme Court Justice Ralph Erikstad Temporary Parliamentarian.

Hon. Ben Meier, Secretary of State, was introduced, and made the following statement of certification.

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"I, BEN MEIER, Secretary of State, do hereby certify that the attached list is, according to the records of my office, a true and correct list of the names and addresses of those duly elected as Delegates to the Constitutional Convention at the general election held November 3, 1970."

DELEGATES TO THE CONSTITUTIONAL CONVENTION
ELECTED AT GENERAL ELECTION, NOVEMBER 3, 1970
PREPARED BY
SECRETARY OF STATE

District	Names	Addresses
1st District	Mrs. Frank (Elvira) Jestrab	Williston
	Frank Wenstrom	Williston
2nd District	Mrs. Arthur (Ailsa) Simonson	Crosby
	Myron J. Wallin	Crosby
3rd District	Elmer Cart	Minot
	Henry Sullivan	Mohall
4th District	Clare Aubol	New Town
	Gary Lerberg	Parshall
5th District	John Decker	Minot
	Dick Dobson	Minot
	Sylvan Hubrig	Minot
	Lynn W. Aas	Minot
	Wayne Sanstead	Minot
6th District	C. W. "Bill" Baker	Minot
	J. K. Benson	Upham
7th District	Larry Rosendahl	Westhope
	Stanley Saugstad	Minot
8th District	Kyle Miller	Bantry
	Earl Chase	Washburn
9th District	Donnell Haugen	Roseglen
	Clarence A. Larsen	Agate
10th District	Eugene Nicholas	Bisbee
	Earl Bassingthwaite	Sarles
11th District	Don Quam	Langdon
	H. Jackson Fiedler	Cavalier
12th District	Grant Trenbeath	Neche
	S. F. Hoffner	Esmond
13th District	Robert D. Hartl	Rugby
	Myron Birkeland	New Rockford
14th District	Thomas Roney	Carrington
	Alvin (Bud) Berg	McClusky
15th District	Stanley J. Kwako	Heaton
	Fred Hoghaug	Devils Lake
16th District	Neil Thompson	Devils Lake
	Arden Burbidge	Park River
17th District	Robert Burke	Grafton
	Terry Devine	Lakota
18th District	Joseph S. Lamb	Michigan
	Stella H. Fritzell	Grand Forks
	Edward K. Lander	Grand Forks
	George Longmire	Grand Forks
	Lloyd Omdahl	Grand Forks
19th District	George Unruh	Grand Forks
	Wayne Worner	Grand Forks
20th District	J. P. Griffin	Larimore
	James Hougen	Larimore
20th District	Ralph Diehl	Hillsboro
	Mrs. Lloyd (Irene) Sondreal	Buxton

District	Names	Addresses
21st District	Francis Butler	Fargo
	James R. Dawson	Fargo
	Frederick B. Scheel	Fargo
	Warner Litten	Fargo
	Ralph Maxwell	West Fargo
	John D. Paulson	Fargo
	Mrs. Charles J. Stanton	Fargo
22nd District	Mrs. Mart (Lois) Vogel	Fargo
	Harry George Poulson	Wheatland
23rd District	George Sinner	Casselton
	Mrs. Lyle (Helen) Bender	Cooperstown
24th District	Tom Brakke	Aneta
	Muriel P. Wicks	Valley City
25th District	Eugene Huckle	Valley City
	Perry H. Engstrom	Wahpeton
26th District	Wallace E. Warner	Wahpeton
	LeRoy Erickson	DeLamere
27th District	Nicholas Schmit	Wyndmere
	Mrs. Agnes Geelan	Enderlin
28th District	Theodore Kessel	LaMoure
	James O. Billey	Ellendale
29th District	Mrs. Betty Daniels	Oakes
	R. E. Meidinger	Jamestown
30th District	John McElroy	Sydney
	David Nething	Jamestown
31st District	Kenneth Urdahl, Sr.	Jamestown
	Gail Hernet	Ashley
32nd District	William E. Kretschmar	Venturia
	Robert C. Fallgatter	Steele
33rd District	Kenneth Ketchum	Linton
	Joseph Byrne	Bismarck
34th District	Vance K. Hill	Bismarck
	James K. O'Toole	Bismarck
35th District	William R. Pearce	Bismarck
	I. E. "Esky" Solberg	Bismarck
36th District	Robert Tudor	Bismarck
	Darold Benz	Beulah
37th District	Rudolph Hildebrand	Hazen
	William Kelsch	Mandan
38th District	William G. Engelter	Mandan
	William Braxmeyer	Solen
39th District	Ernest Peters	Lark
	Ralph Christensen	Watford City
40th District	Mrs. Clarence Rude	Watford City
	Mrs. Gilman (Bea) Peterson	New England
41st District	A. L. (Tony) Binek	Dickinson
	Ted Hardmeyer	Mott
42nd District	Kenneth Knudson	Taylor
	Earl C. Rundle	New England
43rd District	Allen R. McIntyre	Hettinger

A poll of the delegates indicated all present except Wayne Worner, Grand Forks, District 18; William Braxmeyer, Solen, District 35, and Francis Butler, Fargo, District 21.

Alvin C. Strutz, Chief Justice, North Dakota Supreme Court, administered the following oath to the delegates elect:

"I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of North Dakota; and that I will faithfully discharge the duties of the office of dele-

gate to the Constitutional Convention to the best of my ability, so help me God."

Governor Guy announced that the Governor's 1971 Band had presented a concert prior to the Call to Order. This band is the Mandan High School Concert Band, under the direction of Ernest B. Borr.

A musical selection was presented by the Governor's Chorus, the Valley City High School Chorus, under the direction of John J. Reed.

Governor Guy then made the following Charge to the Convention:

"We, the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this constitution."

So states the Preamble of North Dakota's Constitution adopted on October 1, 1889, when 27,441 voters said "yes" and only 8,107 said "no."

This document, now over 80 years old, goes on to say, "All men are by nature equally free and independent and have certain inalienable rights, among which are those enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; and pursuing and obtaining safety and happiness."

It then goes on and states further, "All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require."

We are meeting in an historic convention today to begin to exercise the people's right to alter or reform government if the public good may require.

I congratulate you for receiving the confidence of your peers in being elected to represent them as you carry out your responsibility to ponder and then, by your decisions, shape the future for unborn generations.

There has been considerable interest expressed in the workings of this first Constitutional Convention in North Dakota since statehood.

There is no question that you delegates make up an exceptionally qualified and prestigious representative cross section of the people of our state, and as such we can place great confidence in your fairness and profound consideration of what is required to chart the road to our state's future.

There have been curious suggestions in some quarters that you Constitutional Convention delegates should not be touched by outside influence. You should not be swayed by political consideration. You should not be led by special interests. But rather you should cloister yourselves so as to remain untainted until a finished document is completed!

How tragic it would be if this were the way this Constitutional Convention were to consider its responsibility. What a sterile and uninvolved result we will have if you do not listen to all kinds of voices!

Rather than turning in toward yourselves and ignoring the state about you, this Constitutional Convention should turn itself outward soliciting and welcoming all manner of counsel, advice and thoughts from special interests, organizations, branches of local and state government, minorities, economic experts, social authorities, political officials, indeed all who have a point of view which is a legitimate part of the montage that is North Dakota.

Only if everyone feels he or she has had access to the working of this convention can we expect popular support from the public.

North Dakota is one of 50 states in a democratic representative form of government known as the federal system. The federal system is so constituted that the state can renew and reform themselves as changing times require.

Many have noted with alarm the seeming encroachment of the national level of our government into what has traditionally been regarded as state and local affairs. Perhaps there is justification for apprehension about the growing influence of national government in our lives.

However, it is also painfully true that quite often national government moves in because of citizen demand to do things that state or local government cannot or will not do. Too often state, county and city governments cannot respond to citizen demand to fill voids because of the restricting chains of an antiquated state constitution designed to serve people of a bygone era.

This is true of our state constitution. The delegates who framed that early document gathered to launch this part of Dakota Territory into statehood at a time before automobiles — before airplanes — before radio and television — before computers, and before the block houses of our Indian forts had given way to the incredibly destructive intercontinental ballistic missiles now buried deep in silos in our prairies.

Just as those men in our first Constitutional Convention could not foresee the future, it is impossible for us to accurately dream of what can be expected in the decades ahead. However, the lessons of the past 80 years are here to teach us if we are willing to learn.

We should, through experience, be able to substantially improve, in the next ten months, that which was the product of forty-four days work in 1889.

What is today? Today is the yesterday of tomorrow. Tomorrow will always be inevitable. Let us not fear each future generation's ability to make its own decisions through the legislative process of reform and renewal.

You and I in 1971 should refrain as much as possible from the arrogance of prejudging what is best for our children's children. We should not hand down a complex state constitution which embodies the same kind of trivia and inflexible restrictions that have brought us together today.

Section 3 of the North Dakota Constitution states, "The state of North Dakota is an inseparable part of the American union and the constitution of the United States is the supreme law of the land."

As Americans then, we enjoy the protection of that simple living document which guides our nation. The less encumbrance we impose upon ourselves in addition to that of the Constitution of the United State, the more flexibility we give ourselves to meet changing needs at the local and state levels.

There will be temptations to view the constitution only on the basis of what it might do for or to individuals, organizations or special interests prominent in this state today. To yield to those temptations would immediately date your work like the built in obsolescence of a Detroit designed automobile.

The delegates of this Constitutional Convention elected in a democratic manner represent remarkably well the profile of the North Dakota public. There are, however, some minorities and some special interests who are not as well represented as are majorities and many other special interests.

I caution you to be aware of this fact. The fruit of your labor must be acceptable to a majority of North Dakotans that could well be made up of many minorities.

There will have to be a genuine effort made to secure final approval for a new North Dakota Constitution at the polls in 1972, or all of what we do now will be for naught.

There will be those voters who, for different reasons, may reject all or part of your decisions. If there are many objections voiced to the separate parts of your finished work, then the document as a whole will suffer.

As you seek broad acceptance of your work, you will become painfully aware of the need for minority support as well as the support of majority interests. But now it is time to start to work.

Maurice Maeterlinck said, "At every crossing on the road that leads to the future, each progressive spirit is opposed by a thousand men appointed to guard the past."

You then will find yourself at this crossing on the road. Will you be a progressive spirit moving toward the future or will you be one of the thousand appointed to guard the past?

The North Dakota Hymn was presented by the Governor's Chorus.

Governor Guy announced nominations were now opened for Convention President.

Delegate Rundle: "I feel that the new delegates should have the privilege of taking part in all the deliberations of this body from the beginning, including taking part in the election of the officers of the convention. I move that the vacancies existing in the ranks of the delegates be now filled in the following manner: one nominating and one seconding speech of not to exceed five minutes each be allowed for each candidate; that the voting be by secret ballot and that the first candidate receiving 50 votes be declared elected provided, however, that if only one candidate is nominated he or she may be declared elected by voice vote. After the new delegates are elected they shall be sworn in immediately."

Motion was seconded by Delegate Unruh.

Delegate Paulson moved to amend the motion to substitute open ballot for secret ballot, which motion was seconded by Delegate Dobson.

ROLL CALL

The question being on the amendment to the motion, the roll was called and there were ayes, 23; nays, 72; absent and not voting, 3.

Those voting in the affirmative were:

Bender	Dobson	McIntyre	Schmit
Berg	Hardmeyer	Nething	Simonson
Brakke	Hildebrand	Paulson	Sinner
Burbidge	Hubrig	Poulson	Tudor
Byrne	Ketchum	Sanstead	Warner
Decker	Litten	Scheel	

Those voting in the negative were:

Aas	Engstrom	Knudson	Quam
Aubol	Erickson	Kretschmar	Roney
Baker	Fallgatter	Kwako	Rosendahl
Bassingthwaite	Fiedler	Lamb	Rude
Benson	Fritzell	Lander	Rundle
Benz	Geelan	Larsen	Saugstad
Billey	Griffin	Lerberg	Solberg
Binek	Hartl	Longmire	Sondreal
Birkeland	Haugen	McElroy	Stanton
Burke	Hernett	Maxwell	Sullivan
Cart	Hill	Meidinger	Thompson
Chase	Hoffner	Miller	Trenbeath
Christensen	Hoghaug	Nicholas	Unruh
Daniels	Hougen	O'Toole	Urdahl
Dawson	Huckle	Omdahl	Vogel
Devine	Jestrab	Pearce	Wallin
Diehl	Kelsch	Peters	Wenstrom
Engelter	Kessel	Peterson	Wicks

Absent and not voting:

Butler	Braxmeyer	Worner
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The motion failed.

ROLL CALL

The question then was on the motion of Delegate Rundle. Roll was called and there were ayes, 94; nays, 1; absent and not voting, 3.

Those voting in the affirmative were:

Aas	Engelter	Kretschmar	Roney
Aubol	Engstrom	Kwako	Rosendahl
Baker	Erickson	Lamb	Rude
Bassingthwaite	Fallgatter	Lander	Rundle
Bender	Fiedler	Larsen	Sanstead
Benson	Fritzell	Lerberg	Saugstad
Benz	Geelan	Litten	Scheel
Berg	Griffin	Longmire	Simonson
Billey	Hardmeyer	McElroy	Sinner
Binek	Hartl	McIntyre	Solberg
Birkeland	Haugen	Maxwell	Sondreal
Brakke	Hernett	Meidinger	Stanton
Burbidge	Hildebrand	Miller	Sullivan
Burke	Hill	Nething	Thompson
Byrne	Hoffner	Nicholas	Trenbeath
Cart	Hoghaug	O'Toole	Tudor
Chase	Hougen	Omdahl	Unruh
Christensen	Hubrig	Paulson	Urdahl
Daniels	Huckle	Pearce	Vogel
Dawson	Jestrab	Peters	Wallin
Decker	Kelsch	Peterson	Warner
Devine	Kessel	Poulson	Wenstrom
Diehl	Ketchum	Quam	Wicks
Dobson	Knudson		

Those voting in the negative were:

Schmit

Absent and not voting:

Butler Braxmeyer Worner

Governor Guy then read the following letter of resignation.

February 15, 1971

North Dakota Constitutional Convention
Bismarck, North Dakota 58501
c/o Governor William Guy, President Pro-Tem
North Dakota Constitutional Convention

Convention Delegates:

During the period between the election of Constitutional Convention delegates and the organizational meeting scheduled for the first Monday in April, I have taken a position which will not permit me to represent the 18th District of the State of North Dakota at the Constitutional Convention.

As prescribed in section three of the law providing for the calling and conduct of the Constitutional Convention, I am submitting my resignation to the Convention. It is my understanding that vacancies in the position of delegates shall be filled by appointment of the convention and from the same district in which the vacancies occur.

I am extremely disappointed that I will not be able to work with you in the development of a document which will better serve the needs of North Dakotans over the next many years. I certainly want to extend my very best wishes to each of you for success in this challenging endeavor.

Sincerely,
Superintendent of Schools
Wayne Worner

Solen, North Dakota
March 16, 1971

Honorable William L. Guy
Governor, State of North Dakota
State Capitol Building
Bismarck, North Dakota

Dear Governor Guy:

I, William Braxmeyer, do hereby resign as a delegate to the State Constitutional Convention.

Due to health problems I feel that I will be unable to fulfill my duty as a delegate to the State Constitutional Convention.

Sincerely,
William Braxmeyer

Nominations were then open to fill the vacancy in the delegation from the 18th District occasioned by the resignation of Wayne Worner.

Delegate Unruh: "Mr. Chairman, Ladies and Gentlemen:

"I am not going to take five minutes. I am going to propose the name of a fine lady from Grand Forks, Mrs. Loran Hendrickson. She was born in Colorado Springs, Colorado. She taught school, and thirty years later and after three children, she returned to the University of North Dakota to receive her Masters Degree. She has been active in the League of Women Voters, the Y.W.C.A. Board, and her best qualification is that she was next in line from the standpoint of getting votes. She was a nominee and ran just behind the Number Six candidate in our district. Our delegation met and felt this was fair, and we are happy to nominate Mrs. Loran Hendrickson."

Delegate Longmire: "Mr. President and Delegates:

"I am pleased and honored to second the nomination of Elynor Hendrickson to fill the vacancy of Wayne Worner as nominated by Senator Unruh. She is well qualified by training, experience, dedication and devotion to her responsibilities, and has the time to devote to the duties of this office. I assure this convention if she is elected, she will be one of the most devoted delegates we have in the convention. I am pleased to second her nomination."

Delegate Litten moved that nominations be closed for replacing the delegate in District 18, and the secretary be instructed to cast a unanimous ballot for Mrs. Hendrickson. Joe Byrne seconded the motion which carried unanimously.

Nominations were then open to fill the vacancy in the delegation from District 35.

Delegate Peters: "Mr. Chairman, Fellow Delegates:

"First of all I want to express my sympathy to Mr. Braxmeyer for the illness that caused him to resign as a delegate to the Constitutional Convention. It is my hope and the hope of all of the delegates that Mr. Braxmeyer may regain his good health in the near future.

"At this time I want to nominate Albert Rivinius as a delegate to the Constitutional Convention caused by the resignation of Mr. Braxmeyer. Mr. Rivinius was born and raised in Grant County. He has been married for 36 years. He has been a businessman in Elgin for 20 years, a Supervisor of the Grant County Soil Conservation Service, and a city official for eighteen years, and mayor of Elgin for eight years. During this time the city ordinances were revised and approved. He has been an active church member and a member of the North Dakota League of Cities, and President of the Lions Club. In the 35th District in the November election, Mr. Rivinius ran third in a field of six candidates of which two were to be elected. This implies to me that it is the desire of the people of the 35th Legislative District that Mr. Rivinius be chosen to fill the vacancy caused by the resignation of Mr. Braxmeyer. I ask that you consider the people's wishes. Mr. Rivinius will serve not only the people of the 35th District, but all the people of North Dakota regardless of race, creed or color to the best of his ability."

Delegate Binek: "Mr. Chairman:

"I have known Mr. Rivinius for many years. He was born in the same town I was. Elgin is a nice town. He has been connected with city affairs, and I have been a city commissioner for nine years now. I have run across him at many conventions. He is a fine fellow, and the fact that the people of his District elected him the Number Three man must be considered. I think that he should be the candidate to our Constitutional Convention, and it is with great pleasure that I second Mr. Rivinius's nomination."

Delegate Dobson: "Mr. Chairman:

"I rise to place in nomination the name of David Gipp to fill the vacancy in the 35th District. The manner of filling vacancies provides that we fill the vacancy from the District in which the vacancy occurs. We need not necessarily consider the candidates who ran last November. There were four districts where there were no unsuccessful candidates. We want to look at the situation in the 35th District. The election was extremely close between the third place candidate and the sixth place candidate. There was a range of only 176 votes between third and sixth place. Dave Gipp came in a strong fourth.

"This is a three-county district encompassing Sioux, Grant and part of Morton. The voters in that District last November elected a petition candidate, Mr. Peters from Lark in Grant County, and a commission candidate Mr. Braxmeyer from Sioux County. Mr. Gipp was a commission nominee and he resides in Sioux County, and by seating him we would be abiding by the wishes of the voters of that district. David Gipp has circulated among you delegates letters setting forth his background and qualifications. Mr. Chairman and distinguished delegates, for the reason that David Gipp would make a highly qualified member of this body, for the reason that this young man would make an able, industrious and intelligent representative to this Convention, and for the reason that I believe the seating of Mr. Gipp would make this great convention more representative of all of North Dakota and all of the people of this state, I nominate David M. Gipp to fill the vacancy in the delegation from the 35th District."

Delegate Byrne: "Mr. Chairman:

"I would not be my father's son if I did not rise to support the nomination of David Gipp. I am hopeful that the convention will adopt Delegate Dobson's nomination and elect Mr. Gipp. Until last evening I had not met either one of the gentlemen aspiring to this vacancy. They are both fine gentlemen. The fact that this is a multi-county district is important, and it is important that the people in each county be represented here in this convention. Originally there was one from Grant and one from Sioux. I do hope to appeal to you to keep this in mind as an important fact that we should show consideration in having Sioux County represented in this Convention."

There being no further nominations, nominations were closed.

Delegate Engelter moved that each of the two candidates be given two minutes to address the convention. The motion was duly seconded and carried unanimously.

Governor Guy appointed Delegates Longmire and Sinner to escort candidates Rivinius and Gipp to the rostrum.

Mr. Rivinius: "Governor Guy, Ladies and Gentlemen, Delegates to this Constitutional Convention:

"I have very few words to say to you. The votes of the people back home are the ones that should be considered, as Delegate Peters from the 35th District has pointed out to you."

Mr. Gipp: "Governor Guy, Members of the Delegations to this Constitutional Convention:

"I would like to thank Mr. Dobson and Mr. Byrne for the nomination. In brief I would like to state that I have a deep and sincere

interest in the Constitutional Convention. I expressed this among the groups of people in Sioux, Morton and Grant Counties.

"I think one of the principal concerns I have as an individual is that I am a citizen of this State of North Dakota, that I am also a citizen of the Standing Rock Sioux Tribe, and a citizen of the United States. As such I perhaps live under three different constitutions. I am sincerely interested in what happens to the type of Constitution we have in North Dakota. Indeed, I have a number of questions of what kind of relationships are developed in the new constitution, and how these relationships will be facilitated. It is for these reasons I request your consideration in electing me to this Constitutional Convention."

Governor Guy announced the election would be by secret ballot and appointed Chief Clerk Roy Gilbreath and Delegates Peters and Dobson to serve as the Teller Committee for this election.

The tellers' report was read by Governor Guy, indicating 78 votes for David Gipp and 17 votes for Albert Rivinius, and David Gipp was declared the legally elected delegate from the **35th District**.

Delegates Unruh and Dobson were appointed to escort Delegates Hendrickson and Gipp to the rostrum, where they were administered the oath of their office by Chief Justice Strutz.

Delegate Paulson moved that the following rules be adopted prior to the election of a permanent president:

Rule 1. Selection of President. The first order of business of the convention shall be the selection of a president who shall be elected by roll call vote of a majority of all the delegates.

Rule 2. Duties of President. The president shall be the chief executive of the convention and all other officers and employees shall be subject to his general supervision. He shall preside at sessions of the convention and of the committee of the whole, and exercise the usual powers and perform the usual duties of a presiding officer. He shall appoint the secretary, chief clerk, sergeant at arms, parliamentarian, chief records clerk and such other officers and employees as the convention shall deem necessary.

Rule 3. Appointment of Select Committee on Committees. The first duties of the president shall be to appoint the chairman and members of a select committee on committees consisting of 11 to 15 members, which committee shall immediately convene and report as promptly as possible to the convention its recommendations as to the number and type of standing committees of the convention. He shall also appoint a rules committee of 11 to 15 members which shall recommend as soon as possible a set of temporary rules under which the convention shall operate until it can submit a set of permanent rules to be approved by the convention.

Delegate Litten seconded the motion.

Governor Guy announced that he intended to take four separate votes on the motion of Delegate Paulson, with the Rule No. 2 to be voted on first, then voting on Rule No. 3 of the motion and that Rule No. 1 be separated into two parts.

Delegate Geelan moved to amend Rule No. 2 by deleting the word "secretary" in the last sentence. This motion was seconded by Delegate Maxwell.

Delegate Cart moved to amend the amendment to delete all of the last sentence of Rule No. 2, which motion was seconded by Delegate Nothing.

ROLL CALL

The question being on the amendment to the amended motion, roll was called and there were 50 ayes, 46 nays, 2 absent and not voting.

Those voting in the affirmative were:

Aas	Dobson	Kelsch	Nicholas
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Aubol	Engstrom	Kessel	Pearce
Baker	Erickson	Ketchum	Poulson
Bender	Fallgatter	Knudson	Quam
Berg	Fiedler	Kretschmar	Roney
Binek	Hardmeyer	Kwako	Rundle
Birkeland	Hartl	Larsen	Sanstead
Brakke	Haugen	Litten	Saugstad
Burbidge	Hernett	Maxwell	Solberg
Byrne	Hildebrand	Meidinger	Trenbeath
Cart	Hoffner	Miller	Tudor
Decker	Hougen	Nething	Vogel
Devine	Hubrig		

Those voting in the negative were:

Bassingthwaite	Geelan	McIntyre	Sinner
Benson	Gipp	O'Toole	Sondreal
Benz	Griffin	Omdahl	Stanton
Billey	Hendrickson	Paulson	Sullivan
Burke	Hill	Peters	Thompson
Chase	Hoghaug	Peterson	Unruh
Christensen	Jestrab	Rosendahl	Urdahl
Daniels	Lamb	Rude	Wallin
Dawson	Lander	Scheel	Warner
Diehl	Lerberg	Schmit	Wenstrom
Engelter	Longmire	Simonson	Wicks
Fritzell	McElroy		

Absent and not voting:

Butler	Huckle
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Delegate Paulson then explained that he had submitted these rules to facilitate action by the Convention, and inasmuch as this had not been the result, he requested permission to withdraw his motion with the consent of the person seconding the motion, which was granted, and the motion was withdrawn.

Delegate Rundle moved that in the election of a permanent president, there be one nominating speech limited to five minutes, one seconding speech limited to five minutes, that the vote be by secret ballot, and the first candidate receiving fifty votes would be declared elected. Delegate Haugen seconded the motion.

Delegate Longmire moved that the motion be amended to provide for two seconding speeches, not to exceed three minutes. This motion was seconded by Delegate Litten.

The question was on the motion to amend the motion of Delegate Rundle.

ROLL CALL

Roll was called and there were 95 ayes; 2 nays, and 1 absent and not voting.

Those voting in the affirmative were:

Aas	Engelter	Ketchum	Rosendahl
Aubol	Engstrom	Knudson	Rude
Baker	Erickson	Kretschmar	Rundle
Bassingthwaite	Fallgatter	Kwako	Sanstead
Bender	Fiedler	Lamb	Saugstad
Benson	Fritzell	Lander	Scheel
Benz	Geelan	Larsen	Schmit
Berg	Gipp	Lerberg	Simonson
Billey	Griffin	Litten	Sinner
Binek	Hardmeyer	Longmire	Solberg
Birkeland	Hartl	McElroy	Sondreal
Brakke	Haugen	Maxwell	Stanton
Burbidge	Hendrickson	Meidinger	Sullivan
Burke	Hernett	Miller	Thompson
Byrne	Hildebrand	Nething	Trenbeath

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Cart	Hill	Nicholas	Tudor
Chase	Hoffner	O'Toole	Unruh
Christensen	Hoghaug	Omdahl	Urdahl
Daniels	Hougen	Pearce	Vogel
Dawson	Hubrig	Peters	Wallin
Decker	Huckle	Peterson	Warner
Devine	Jestrab	Poulson	Wenstrom
Diehl	Kelsch	Quam	Wicks
Dobson	Kessel	Roney	

Those voting in the negative were:
McIntyre Paulson

Absent and not voting:
Butler

The question then was on the main motion to proceed with the nomination of a permanent president, with one nominating speech not to exceed five minutes, and two seconding speeches not to exceed three minutes, and the vote be by secret ballot.

ROLL CALL

Roll was called and there were 94 ayes, 3 nays, and 1 absent and not voting.

Those voting in the affirmative were:

Aas	Engelter	Ketchum	Rosendahl
Aubol	Engstrom	Knudson	Rude
Baker	Erickson	Kretschmar	Rundle
Bassingthwaite	Fallgatter	Kwako	Sanstead
Bender	Fiedler	Lamb	Saugstad
Benson	Fritzell	Lander	Scheel
Benz	Geelan	Larsen	Schmit
Berg	Gipp	Longmire	Simonson
Billey	Griffin	McElroy	Sinner
Binek	Hardmeyer	McIntyre	Solberg
Birkeland	Hartl	Maxwell	Sondreal
Brakke	Haugen	Meidinger	Stanton
Burbidge	Hendrickson	Miller	Sullivan
Burke	Hernett	Nething	Thompson
Byrne	Hildebrand	Nicholas	Trenbeath
Cart	Hill	O'Toole	Tudor
Chase	Hoffner	Omdahl	Unruh
Christensen	Hoghaug	Pearce	Urdahl
Daniels	Hougen	Peters	Vogel
Dawson	Hubrig	Peterson	Wallin
Decker	Huckle	Poulson	Warner
Devine	Jestrab	Quam	Wenstrom
Diehl	Kelsch	Roney	Wicks
Dobson	Kessel		

Those voting in the negative were:
Lerberg Litten Paulson

Absent and not voting:
Butler

Delegate Hoffner moved that the House stand recessed subject to the call of the chair, which motion was duly seconded and carried.

Benediction was given by Rt. Rev. William F. Garvin of Cathedral of the Holy Spirit, Bismarck.

"O Lord Our God, if ever we needed Your Blessing and Your Guidance, it is now — as this Constitutional Convention begins its work, standing upon the threshold of a new era for the State and People of North Dakota, an era fraught with so many wonderful and dangerous opportunities. We pray that you will bless these delegates chosen by the people of our state, for You know them, their needs, their motives, their fears. Lord Jesus put Your arm

around them to give them strength, speak to them to give them wisdom greater than their own. May they hear Your voice, and seek Your guidance. May they always remember that You are concerned about what is said and what is done here, and may they always have a clear conscience before You. Bless them with courage, that they may fear no man.

"Bless each of them according to their deepest need, and use them for the welfare of this State, the needs of our People, and the increase of Your glory among men.

"We ask you this through Jesus Christ, Our Lord, Amen."

The Convention stood recessed until 1:30 p.m.

Convention reconvened with Governor Guy presiding.

Delegate Nething rose on a point of parliamentary procedure and inquired whether a majority or plurality would be required for election of the permanent president. Governor Guy ruled that a majority of the delegates, or fifty votes, would be required.

Delegate Hougen moved that when nominations are completed for permanent president, each nominee be given an opportunity to address the assembly, which motion properly seconded, carried.

Governor Guy introduced Delegate Byrne:

Delegate Byrne: "Mr. Chairman, Governor Guy, Fellow Delegates:

"I am placed in a position which is somewhat unusual, knowing who some of the candidates are for the position of President. Four of them are particularly close friends of mine personally, and I would preface my remarks by mentioning to you my very high regard for them and my deep respect for the many years I have known them, and know them to be fine gentlemen.

"I have been most impressed with the activity of this group of delegates, their attitude and very fine bi-partisan approach, knowing of the great job ahead of us.

"I wish to place in nomination my very good friend William R. Pearce of Bismarck. Bill Pearce's father homesteaded near Mott, North Dakota, in 1907. He was born August 9, 1910, in Lafayette, Indiana, where his mother had temporarily returned to that state. He attended high school in Mott, and later attended the University of Kentucky. He was admitted to the Bar in North Dakota in 1934. Very typically of many people who have been exposed to North Dakota lasses, he married a native girl from Mott — the very lovely Jean Murray. They were married in 1936. In 1939 and 1940 he was State's Attorney for Barnes County. He was then Assistant Attorney General from 1941 through 1944, after which time he went into private practice in Bismarck, and is still practicing in a very fine firm in this city. He is the recipient of the Order of Coif, an honorary legal degree in North Dakota, and has been Chairman of the Board of Trustees of Bismarck Junior College for over 18 years. He has been a member of the Bismarck School Board about nine years. At the present time he is President of the State Bar Board, and has been for the last ten years.

"Now, I have mentioned the other individuals who are candidates for this position. I have reviewed the convention structure of the States of Illinois, Arkansas and Maryland, as three recent examples. Their structural success — and in the case of Illinois their success at the polls — in Arkansas and Maryland circumstances that we do not face here kept them from success at the polls. In each instance, the president of the convention was a renowned, well known constitutional lawyer. In Arkansas, it was a legal professor renowned in the field of constitutional law, and in the State of Illinois, a lawyer well known in the field of constitutional law and research. The same can be said of Maryland. I mention this to you, and in visiting with some of the people who have been in contact with me, they have pointed out to me — and this is without any criticism that during the

plenary session, the great need of one versed in constitutional law to be presiding over this group who by his primary knowledge of the law will be able much better than I as a lay person to anticipate the various needs of action to properly meld the work we are sure to accomplish. I feel with all due respect to each of the other candidates, this is a very serious and important factor for us all to accept. I wish to again say that I am pleased and proud to place in nomination the name of William R. Pearce for President of the Constitutional Convention of the State of North Dakota. Thank you very much."

Delegate Kelsch: "Mr. Chairman and Delegates:

"I rise to second the nomination of William R. Pearce as President of this Constitutional Convention. I urge your consideration of this candidate because I know he is unusually capable, unusually knowledgeable and unusually articulate. He has the time, ability and honesty to serve the demands of this burdensome office. Each one of us could be proud to have him represent us as our President."

Delegate O'Toole: "Mr. Chairman.

"I wish to further second the nomination of Mr. William R. Pearce, and it certainly gives me great honor to do this. I have seen his honesty, leadership, sincerity and integrity in our community, and his success. There is very little I can add to what the other two gentlemen have said."

Governor Guy introduced Delegate Longmire.

Delegate Longmire:

"Mr. Chairman and Delegates to the Convention:

"You and I have committed ourselves to a very historical assignment in our State. During the next few months all of us will be extremely busy. The delegate we choose as our President will be the busiest of all. The success of the Convention will depend a great deal on the efforts and commitment of our President.

"We have several qualified people who have made themselves available if chosen for this important position. It is my honor to place in nomination one who will serve us well if elected.

"What are some of the qualifications which we need to consider in choosing our President?

- (1) Does he have the time to devote to the demanding duties of President? The delegate I am about to nominate has indicated he will devote his full time to convention business if required.
- (2) Is he qualified by way of background, training, and experience for this important assignment?

"I can think of no one better qualified in this connection — five sessions in the N. D. State Senate, one term as Lieutenant Governor, member of the Williams County Park Board since 1957, are a few of his public offices. The list of his executive offices in which he has served is too long to name for you. Here are a few:

Secretary-Manager Williston Chamber of Commerce

Secretary-Treasurer Upper Missouri Cattlemen's Association

State President North Dakota Reclamation Assn.

State President North Dakota Wildlife Federation

State President of North Dakota Easter Seal Society

Director North Dakota Water Users Assn.

Member of Board of Commissioners Williston Housing Authority

"His business experience is just as broad. It consists of farming, banking, oil, building and loan association officer, and public relations.

"His church and civic activities have been just as varied. This delegate is native born. He has devoted his entire life in service to our state. He is as much a part of North Dakota as the grain, the snow and the rolling prairies.

"(3) Does he have the patience a presiding officer must have?

"In serving with him as a State Senator and under him while he was presiding as the President of that Chamber, I never saw him lose his cool even once. All of you know that debate can get rather heated in that body at times. He was always calm and judicious in his rulings. Everyone on both sides of the aisle was treated fairly. He presided as a statesman and not as a tricky politician. Many has been the time I have seen him come to the aid of a new inexperienced Senator who had a good idea but who did not know the mechanics of making the proper motion.

"Finally, can he lead us successfully to the promised Land when our work has been completed?

"His state-wide campaigns and his acquaintances throughout the State will place him second to none in this category. Those who know him trust him. People correlate with his honesty, his sincerity, and his integrity.

"All categories of people who touch our lives can be grouped into three.

- (a) Those few we would prefer to forget,
- (b) The bulk that we remember very kindly,
- (c) Those very few that stand out as tall oaks above the others.

"Ladies and gentlemen this distinguished citizen stands tall among those whose lives he has touched. He'll lead us through the difficult days ahead. He will lead us to victory when our work has been completed.

"It is an honor for me to place in nomination for the office of President of this Convention — Senator Frank Wenstrom of Williston."

Delegate Jestrab: "Mr. President, Delegates, Ladies and Gentlemen:

"It is my great pleasure to second the nomination for the office of President of this Constitutional Convention, my good friend and fellow delegate from district one — Frank A. Wenstrom.

"He is a respected former Lt. Governor, which post he served with distinction.

"He is currently a member of the State Senate from our district.

"From his early years in the Carrington area, he came to Williston in 1938.

"He has been and still is very active in the agricultural, banking and business affairs of his community, and indeed his state.

"Although he is a busy person, he has time to be involved in many important things.

"He manages to give unstintingly of his time and talents to charitable causes. At present, among his other activities, he is president of the Easter Seal Society of North Dakota.

"His broad experience, his intelligence, his fairness, his calm temperament, his good judgment, his ability, his perseverance, his devotion to duty, and his prestige would make Frank Wenstrom the ideal chairman of this North Dakota Constitutional Convention.

"Thank you."

Delegate Hoffner: "Mr. Chairman:

"I would like also to second the nomination for Frank Wenstrom for President of this important Convention. Mr. Longmire has mentioned his qualities — what is needed to be a successful President. He needs to be a leader, he needs to be a good presiding officer. Frank has proven to be both of these, and what is important is the temper of the Convention which depends on the presiding officer, and those of you who know Frank Wenstrom know that the temper will be real good with Frank Wenstrom at the helm. A man needs to be an individual who can communicate both with the delegates

and also with the public, and the temper of the convention also sets the temper of the general public, and this is very important as has been mentioned, when this document or documents that we come out with are presented to the people. Frank Wenstrom is a man who is fair, honest, sincere, and I second the nomination of Frank Wenstrom as President of this convention."

Governor Guy introduced Delegate Solberg:

Delegate Solberg: "Mr. Chairman:

"I am pleased to place in nomination the name of a native North Dakotan for the Presidency of the Constitutional Convention now being organized.

"The man in whose favor I speak recognized as early as January of 1971, that leadership would be required to prepare a document that would be satisfactory to the electorate of North Dakota. My candidate recognized that all of a sudden people throughout North Dakota awakened to the fact that they have voted to hold a Constitutional Convention in this State in 1972. He felt that he could not recall any incident pertaining to government that had caused such a stir among the electorate.

"He knew that many felt that this is a job that perhaps could be done by making a few changes in the existing Constitution and setting straight some of the language that to many seemed ambiguous and irrelevant. He knew that there were many who might feel that a completely new document needed to be written. He also believed that many areas of the Constitution as we have it today might be rather verbose and would need some careful rewriting and that many parts of the existing Constitution might be necessary to preserve because of their interrelationships with existing statutes.

"In this connection, he believes we must be aware of the need to recognize the fact that a Constitution does not solve political problems but perhaps designates who is to solve the problems. It does not prescribe compromise but determines what is needed in the area of creating a good compromise in the intent of lawmaking. It must avoid all ambiguous language and should be written in a clear, concise and simple manner. The style of the Constitution should avoid many areas that could become technically unsolvable. The Constitution should establish a premise of recognition that it is a compact with the people of North Dakota. That it merely should define the branches of government and the delegation of power thereto.

"I sincerely believe that the Constitutional Convention in its organizational period should make sure that it understands the purpose for gathering as delegates to a Constitutional Convention. That the document they are to correct or rewrite will set forth necessary limitations of power but it must also create a structure of government so that there will be no legislation written into the document but that the processes for creation of statute, interpretation of statute, and enforcement of statute can be done without being deterred by constitutional verbage."

"Roland E. Meidinger was born in Fredonia, North Dakota. He was graduated from the University of the Pacific, Stockton, California, with a B. S. Degree in Economics and Business. He is the president of R. E. Meidinger Company, Inc., a real estate and insurance firm in Jamestown. He also is the president of the Stutsman County State Bank, Jamestown.

"He has worked in life insurance, banking, automobile and truck sales, and finally now in real estate, farm management and general insurance.

"He is presently a Trustee of Jamestown College, a Trustee of First Methodist Church, and Chairman of the Finance Committee. He is a Director of the Central Dakota Nursing Home. He is a Past President of Rotary, a past president of the Greater North Dakota

Association, and past director of the Jamestown Chamber of Commerce.

"Rollie Meidinger was one of the organizers of the North Dakota Dairy Show. He was one of the founders and a former director of Upper Midwest Research and Development Council.

"He is a member of the Elks, Masons and Shriners.

"His political career includes having served in the North Dakota Senate from 1953 to 1965, and was Majority Floor Leader in 1957. He was Senate Caucus Chairman in 1961 and 1963, and President Pro Tem in 1963. From 1963 to 1968, he was Republican National Committeeman for North Dakota."

Delegate Litten: "Mr. Chairman, Fellow Delegates:

"As every previous speaker has stated, we are indeed fortunate to have so many well qualified candidates for President of this Convention. I feel privileged to second the nomination of an individual who has dedicated more than one-third of his life to public service in North Dakota. By any standard of comparison, Roland Meidinger is at the top. His broad experience in so many fields and positions of leadership he has held, the confidence that he has inspired through the years in many people, and his ability, to get along with other people are just a few of the fine qualities he possesses. I like to think that Roland Meidinger stands a little above the rest. He has the enthusiasm, the knowledge and time to steer the important business we have ahead of us in this convention if we are to succeed. I urge you to cast your ballot for Roland Meidinger, and it is my privilege to be able to second his nomination."

Delegate McElroy: "Mr. Chairman, Fellow Delegates:

"Mr. Litten stole my opening line. With so many good candidates from which to choose, I personally favor Roland Meidinger a little bit more. I have lived in Jamestown with him for twenty years, and I have seen him accumulate so very much background in business and public service, and I have seen how effective he is in getting the job done. I probably should add that I have a selfish interest for seeing him elected chairman — it would eliminate a little competition in Jamestown. I am very pleased to second the nomination of Roland Meidinger."

Governor Guy introduced Delegate Trenbeath:

Delegate Trenbeath: "Mr. Chairman:

"First I wish to give you delegates a brief and quick resume about the man who has made such an outstanding contribution to his community and the State of North Dakota through his participation in public affairs. It is this lifetime of activity that gives him a wealth of experience for the task of convention president.

"Stanley Saugstad is a native of the Minot, Ward County area, son of a pioneer family and lives on and operates the family homestead. Stan is a family man with four children ranging in age from 17 through 28. His wife is the former Arlene Loehrke of Bismarck.

"After finishing his grade and high school education, he went on to Minot State Teachers College. He then taught school for a few years and in this period acted as a principal and superintendent in the Wilton Public School.

"To further his education he attended North Dakota State University at Fargo and served on the Entomology staff until 1940.

"He then went back to operate the home farm in 1943 until the present time along with extensive land management and appraisal work.

"Throughout his life Stan has maintained a strong interest in the history and traditions of North Dakota, and is presently Vice President of the State Historical Society and serves on the Board of Directors.

"As for his government service, he has been a township supervisor and clerk for ten years and a member of the local school board for twelve years. He served seven sessions in the North Dakota House of Representatives and was named Speaker of the House in the 1963 session.

"To this could be added a long list of other achievements.

"A few weeks ago I was looking over the list of elected delegates to see just how many I knew. I realized I was acquainted with only about fifty percent of the names.

"At that time it struck me that one of these people had to be selected and elevated to the office of our President. Certainly, any one of you delegates has the capability of being President. Otherwise, you would not have been selected as a delegate. And, just as surely, those nominated here today will be excellent selections, and each would do an outstanding job.

"But, when we select a leader for this position — for one of the most important state conventions in this century — we should search for leadership that possesses some special qualifications.

"We might place leaders in two classifications. In some situations we could be looking for a person who always has the new ideas, the one that is always leading the parade, the executive type that is the driving force, the bulldozer, so to speak, who gets the organization work done even by twisting arms sometimes.

"Then there is the other classification. Where the qualities of leadership come about by constant and quiet work, a person who never lends a deaf ear to a viewpoint of others, shows compassion for all, who acquires his following and successful organization through his ability to work with anyone. And probably most important of all in this particular circumstance, he should be a person who has never been strongly identified in a political party role, or too closely associated with a particular economic segment or social group.

"It is the latter classification I am interested in. These are the qualities I believe we need in the person we select here today.

"These are the qualities of the nominee I wish to present to you. To me, he typifies the North Dakota setting, a piece of the prairie sod, and by that I mean a man with a rural background. Yet he has had successful ventures and a familiarity in the field of education, many businesses, and numerous organizations, a great deal of governmental experience at the rostrum in this Chamber. He can and will devote all the time necessary to do the good job and sell the finished product, so I have the great pleasure and honor of placing the name of Stan Saugstad in nomination for the office of Convention Presidency, and I hope you agree with this selection."

Delegate Peterson: "Mr. Chairman:

"I am sort of snowed under with rhetoric. Stan Saugstad doesn't need a lot of rhetoric. He is the type of man we need as the President of this group. He should be a man not identified with too many groups or a noisy type of person. I feel it is a distinct privilege to second the nomination for Stan. He is a quiet man. He willingly accepts responsibility, and the position of the President of the Convention calls for a leader who can preside with the same fairness and maintain a neutral approach. He needs good judgment, and he is the kind of man who will be able to maintain harmony and discipline. He is a former teacher and his background would provide guidance — not for private gain but for public good."

Delegate Nicholas: "Honorable Governor Guy and Delegates to the Convention:

"I come before you as a young man interested in the future of North Dakota. As the youngest elected delegate to this position, it is a privilege to second the nomination of Stanley Saugstad. He is a past Speaker of the House of Representatives. I feel as Presi-

dent of this Convention, he would be on familiar ground in dealing with parliamentary procedure. He is a forceful public speaker, but not over-powering. He gets the message across in a fashion acceptable to all. This quality will be important after the plenary work of the convention is completed also, since the President will be looked upon as the chief spokesman for the product of this convention. I urge you to give consideration to Stanley Saugstad, delegate from the 7th District, as President of this Constitutional Convention. He will be a conscientious president, and will represent the effort we all will make."

Governor Guy then requested that the nominees come to the rostrum for the purpose of addressing the Assembly briefly.

Governor Guy introduced Delegate William R. Pearce.

Delegate Pearce: "Mr. Chairman, Fellow Delegates:

"There being no precedent that I know of for this kind of a talk, in this as in so many other things, we will have to invent our own. The occasion cries out for oratory, but I doubt if I hear any delegate crying out for oratory. I have no plans on how this convention should be run. I do not think anyone will run the Convention. The promise I have in connection with this matter is that I was selected as a delegate. I think three things are qualifications for the President of this Convention, but they are the same qualifications that you all have to have too. First, I think patience is important. I think today demonstrates that we will need patience. As time goes on, diligent action will be required. The third qualification is perhaps the most important of all because it includes those two and we all will have to have in great quantity profound respect for the opinions of others. I conceive of this as a deliberate body — a body that will consider the opinions of all the people, and I am sure they will be presented to us. I hope they will be, and I thoroughly agree with what Governor Guy said this morning that we cannot conceive and write the Constitution in an ivory tower. We must ask the people to come in because it is their Constitution, and not ours alone, and obviously our function is to write the Constitution that the people of the state want. I will do my best to help. Thank you."

Governor Guy introduced Delegate Frank Wenstrom.

Delegate Wenstrom: "Thank you, Governor Guy, Ladies and Gentlemen, Fellow Delegates of the Convention:

"It is real difficult to stand up and face the lights and try to say something that is in any way in line with the nice things that have been said about us, but I do think there are a few things that are really necessary for the presiding officer in this Convention. Number One is desire — he has to have the desire to be a presiding officer. Secondly, he is going to have to have the desire to see the job done. I do not believe that any of us by the slightest bit of our imagination signified any place along the line this was going to be an easy job. I am satisfied it is not going to be easy. It is going to require a lot of work, and each of us in our candidacy for the presidency of this Convention fully realizes that fact.

"There has to be one other requirement that is very vital, and that is enthusiasm. I think each of us, especially the officers in the Convention have to have, and have to be able to instill in other members, the enthusiasm to proceed to go forward and to get the job done.

"May I further add that when we do arrive at the goal and this work of the Convention is completed, we will be less than half way through. I think that is the time that really the big work of the group starts, because from that time forward we are going to have to convince the man on the street — the voter — that what we have done is the best for the people of North Dakota, and that we have drawn a Constitution whereby our people can move forward for days to come.

"Thank you so much."

Governor Guy introduced Delegate Roland Meidinger:

Delegate Meidinger: "Governor Guy, Distinguished Candidates, Fellow Delegates:

"I cannot stand very tall because I didn't grow that way. I don't ride tall in the saddle either because I didn't grow that way. I have won some foot races, and I take some satisfaction in that.

"I have had a long and continuing interest in constitutional reform and revision, starting with the forty-two reports of the Legislature about governmental reorganization. Experience in the North Dakota Senate convinced me of the need for certain reforms. I have been actively engaged in trying to pass certain legislation, and in the 1966 campaign I worked three counties for Constitutional Revision, and I have a letter from Governor Guy stating it was too bad we lost, and not to feel too badly about it. I wrote to him and told him I had failed in more constitutional reform measures than anyone else. Coming up to this recent one, I raised more than my quota and turned it over to the League of Women Voters. So in this regard, my work has been consistent.

"I see the Presidency of the Convention as an administrative and judicial job. I have had considerable experience in organizing business, and organizations that have a high rate of success. I have been chosen by my peers on many occasions to preside over meetings, both in the Senate and other organizations that I belong to. I have always been fortunate in being elected to lead, and I had to carry on in doing a good job. I have received every honor that the North Dakota Senate can bestow on one of its members. I have presided over the Senate. I have presided over the caucuses for various sessions, so as a presiding officer I believe I have won my spurs. I shall appreciate your support.

"Thank you for your attention."

Governor Guy introduced Delegate Stanley Saugstad.

Delegate Saugstad: "Governor Guy, Fellow Delegates and Distinguished Guests:

"I am also one of the candidates for the Presidency of the Constitutional Convention. The Governor outlined very excellently the problems involved in the actual re-writing and re-drafting of the Constitution so we do not need to dwell on that. My own feeling is that in order to achieve the greatest support and to learn what the people of the state think about our Constitution, and what is needed to be done, we will necessarily have to hold a number of hearings over the state. That is, within the limitations of our time and budget.

"I also believe that in making committee assignments, we must be careful to be fair, so we have fair representation both geographical and by political philosophy.

"I also appreciate the fact that there will be multitudinous chores. First of all there is the problem of the actual drafting of the constitution and what goes in it, and there are a number of mechanical details that must be taken care of in this interim period, and some one must be responsible.

"I believe also that we must pay a great deal of attention to the actual draftsmanship that goes into writing this Constitution. Many of us who have had experience in the Legislature know and appreciate the fact that good draftsmanship is difficult to achieve to obtain the simplicity and clarity of meaning. A part of our success here will depend on the image we create by hard work, tolerance and harmony. I believe that we can create that image that we need to sell ourselves and product to this state.

"I thank you."

Governor Guy appointed the following as a tellers committee for the election of the president: Delegates Byrne, Longmire, Tren-

beath and Solberg. Delegate Trenbeath requested that he be relieved of this assignment, and did not choose to select a replacement.

The results of the first ballot were:

Delegate Wenstrom	39
Delegate Pearce	24
Delegate Saugstad	23
Delegate Meidinger	11

The results of the second ballot were:

Delegate Wenstrom	46
Delegate Pearce	24
Delegate Saugstad	23
Delegate Meidinger	4

Delegate Nething moved that the Convention recess for twenty minutes, which motion was duly seconded.

ROLL CALL

Roll was called and there were ayes, 38; nays, 58; absent and not voting, 2.

Those voting in the affirmative were:

Aas	Fallgatter	Kwako	Poulson
Baker	Hartl	Lerberg	Rundle
Burbidge	Hernett	McElroy	Sanstead
Burke	Hill	Maxwell	Saugstad
Cart	Hubrig	Meidinger	Scheel
Decker	Huckle	Miller	Solberg
Devine	Kelsch	Nething	Stanton
Dobson	Kessel	O'Toole	Trenbeath
Engelter	Ketchum	Paulson	Vogel
Erickson	Kretschmar		

Those voting in the negative were:

Aubol	Diehl	Lamb	Rude
Bassingthwaite	Engstrom	Lander	Schmit
Bender	Fiedler	Larsen	Simonson
Benson	Fritzell	Litten	Sinner
Benz	Geelan	Longmire	Sondreal
Berg	Gipp	McIntyre	Sullivan
Billey	Griffin	Nicholas	Thompson
Binek	Hardmeyer	Omdahl	Tudor
Birkeland	Hendrickson	Pearce	Unruh
Brakke	Hildebrand	Peters	Urdahl
Byrne	Hoffner	Peterson	Wallin
Chase	Hoghaug	Quam	Warner
Christensen	Hougen	Roney	Wenstrom
Daniels	Jestrab	Rosendahl	Wicks
Dawson	Knudson		

Absent and not voting:

Butler	Haugen
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The motion failed.

Delegate Meidinger requested that his name be withdrawn as a candidate on the succeeding ballot, and his withdrawal was accepted by Governor Guy.

The results of the third ballot were:

Delegate Wenstrom	52
Delegate Pearce	24
Delegate Saugstad	21

Governor Guy announced that Delegate Frank Wenstrom was the duly elected President of the Constitutional Convention.

Governor Guy appointed Delegates Kelsch, Jestrab, Litten and Peterson to escort President Wenstrom to the rostrum.

President Wenstrom: "Governor Guy, Distinguished Guests, Fellow Delegates, Ladies and Gentlemen:

"Let my first words be those of gratitude to all delegates for having named me your President. It is a great honor.

"I accept the results of this election with both humbleness and pride. I realize full well the responsibilities and the importance of this position, yet I cherish this opportunity to serve.

"I enter upon my new duties with a deep sense of humility; with great appreciation for the attendant responsibilities of the office; yet with a feeling of anxiety lest my abilities fail to keep pace with my eagerness to render the service you expect, and, to which you are entitled.

"Let me say a few words regarding my worthy, yet friendly, opponents in this now completed presidential campaign. I have stated many times of my high regard for my fellow Convention Delegates; especially those who were candidates opposing me in this friendly contest. Over the years I have learned to know and admire these men; admire them for their many abilities and their sterling personal qualities. Each possesses the qualities of leadership and would have been an excellent presiding officer.

"Each is also to be commended for the high level on which our little campaign was carried out. Because I know these men so well, I am confident that their loss at the polls here today, will in no way dampen their enthusiasm for the work of the convention; it will only tend to spur them on to ever higher goals; ever greater accomplishments.

"It has been said, and I believe rightly so, that no one ever won an election strictly on his own. I am satisfied that this again holds true today. To my many friends, both old and new, who worked and spoke out in my behalf, a sincere and heartfelt thank you. Without you I could not have won.

"This period in our lives is often referred to as 'trying days'; days when all the qualities of leadership are put to a severe test. Therefore, I am under no illusions. While I am very happy over this wonderful expression of confidence in me, I do also fully realize that the work of the ensuing year is going to become increasingly difficult.

"Earlier this morning we all took the oath of office, stating our willingness to carry out the duties of the office to which we have been elected to the best of our abilities. This I shall endeavor to do with, I trust, the assistance and cooperation of all the delegates to this Convention.

"I will, God willing, apply myself to the task at hand."

Delegate Sinner moved that the President appoint a temporary committee on procedure, made up of seven delegates which committee will meet immediately to prepare an overall plan for additional officers needed, for permanent committees and for a procedure to follow in selecting them, and for this committee to make a report to the Convention as soon as possible. The motion was seconded and carried unanimously.

Delegate Litten suggested a rising vote of thanks be extended to Governor Guy for the impartial and efficient manner in which he conducted the session today, which action was taken.

President Wenstrom appointed the following to the temporary committee on procedure: Delegates Maxwell, Geelan, Byrne, Pearce, Saugstad, Meidinger and Hubrig.

Delegate Warner moved that a Committee be appointed to escort Governor Guy from the rostrum, which motion duly seconded, carried unanimously.

President Wenstrom appointed Delegates Hoffner and Paulson to escort Governor Guy from the rostrum.

President Wenstrom declared a one hour recess.

The Convention reconvened pursuant to recess taken, with President Wenstrom presiding.

The temporary committee on procedure made the following report:

COMMITTEE REPORT

Mr. President:

In response to your request, the Committee on Temporary Procedure has met and makes the following recommendations:

The Convention elect a first and second vice president.

The Convention elect a Secretary of the Convention.

The following substantive committees are recommended:

1. Preamble and Declaration of Rights
2. Executive Branch
3. Legislative Branch
4. Judicial Branch
5. General Provisions
6. Local Government
7. Finance and Taxation
8. Suffrage and Elections
9. Education.

Procedural Committees:

1. Fiscal Committee
2. Rules Committee
3. Language and Structure
4. Public Information

The President shall select the committees and chairmen, and the number of members of the committees to be left to the discretion of the President.

Delegate Maxwell moved the adoption of this report.

The motion to adopt the Committee Report was seconded.

Delegate Cart moved that the committee report be amended to substitute the following committees for those listed on the committee report:

ARTICLE I — Declaration of Rights, Sections 1 thru 24, full convention of delegates.

ARTICLE II — Legislative Department, Sections 25 thru 70, also Articles XIV and XV Impeachment and Future Amendments and any amendments related thereto. Committee of 13 members.

ARTICLE III — Executive Department, Sections 71 thru 84 and Article XIII, Militia Sections 188 thru 193, Committee of 11 members.

ARTICLE IV — Judicial Department, Sections 85 thru 120 and Article XVI, Compact with United States Sections 203 thru 205 and amendments related thereto. Committees of 13 members.

ARTICLE V — Elective Franchise, Sections 121 thru 129 and Article XVII, Miscellaneous, Committee of 11 members.

ARTICLES VI and VII — Corporations, Public and Private Sections 130 thru 146, Committee of 11 members.

ARTICLES VIII and IX and XIX — Education and Public Land, Sections 147 thru 165 and Sections 215 and 216, also Article 54 of Amendments and other amendments related thereto, Committee of 13 members.

ARTICLE X — County and Township Organizations. Committee of 13 members.

ARTICLES XI and XII — Taxation and Public Debt, Sections 174 thru 187 and amendments related thereto, Committee of 13 members.

Delegate Cart's motion to amend was seconded, which motion failed.

In response to a question from Delegate Rundle, President Wenstrom announced that each delegate would be appointed to serve on more than one committee.

Delegate O'Toole then moved to amend the motion of Delegate Maxwell to adopt the report on the temporary committee on procedure to add to the proposed substantive committee on Education the words "Health and Welfare". This motion was seconded, and failed to carry.

Delegate Sanstead then moved that the Committee Report of the temporary committee on procedure be amended to read as follows:

"Mr. President:

It is recommended that the President appoint the following six temporary committees of at least 15 members each, based on a delegate preference list:

1. **Committee on Budget** which shall prepare a proposed budget.
2. **Committee on Permanent Committees** which shall propose the title, scope and number of substantive and procedural committees and the manner of selection of said committees.
3. **Committees on Rules** which shall propose rules for the operation of committees and the plenary session.
4. **Committee on Credentials, Offices, Elections and Vacancies** which shall hear matters involving credentials and shall propose the convention offices and the manner of election to such and shall propose rules for filling vacancies.
5. **Committee on Public Information** which shall propose methods for handling public information and public and press relations.
6. **Committee on Employment** which shall propose employment offices and duties, salary range, employment policies and method for securing necessary staff.

Each committee chairman shall be appointed by the President, and each committee with due dispatch shall present to the convention its written recommendations.

Delegate Hernettt seconded Delegate Sanstead's motion to amend, which motion prevailed.

The question then was on the motion of Delegate Maxwell to adopt the Committee Report as amended, which motion was duly seconded and prevailed.

Delegate Pearce moved that Delegate Francis Butler's absence today be excused, which motion was seconded and prevailed.

President Wenstrom requested that committee preference slips be turned in to the desk before leaving the chamber today.

President Wenstrom declared the Convention recessed until 10 a.m., Wednesday, April 7, 1971.

ROY GILBREATH, Chief Clerk