

The Permanent Plan

With the temporary plan approved, legislators went to work on a constitutional amendment proposing a "permanent" formula to submit to the people, if passed by the 1965 Assembly, as a substitute for the 1904-1928 formula. This time they were at ease. There was no Governor's veto to worry about, for his signature was not required on proposed amendments. Some thought there was no further threat of court action either, but others disagreed.

Still in the majority, the rural bloc served early notice it would not be as lenient on the population factor as in the temporary plan. But the urban bloc noted that 1965 legislators would be more representative of the people and, therefore, in a position to kill any formula considered inequitable — and so, too, would the people.

Every argument heard in the temporary plan debate was rehashed many times as the permanent plan was being forged, until it became obvious the two chambers would never agree without again going to conference. When the debate opened, however, and even as it raged, Governor Hughes advised the Assembly to recess, delaying any action until the United States Supreme Court handed

down guidelines, expected by mid-summer. Some wanted to heed his advice, but Republican leaders decided against it, prompting the Governor to observe that the people would not accept less of a population factor in the permanent plan than in the temporary plan. Regardless of sentiments on this question, members generally seemed to be agreed that the number of seats in the permanent plan should be less than the 183 in the temporary plan and, if possible, less than the present 158. From there, they went separate ways.

First action came March 30 when the Senate voted 43 to 7 to send the House a proposal for a 47-seat Senate, based largely on area, and a 100-seat House, based largely on population. Two days later the House returned it, after voting 80 to 26 to increase the 100-seat House to 112-115. But the Senate voted 36 to 14, on April 2, to restore the 100-seat House. This set the stage for what may have been the only time in history the House ever was unanimous against anything, with members refusing, 101 to 0, to accept the 100-seat House provision. But the Senate, as expected, insisted on it, 26 to 24, and the proposal was sent to the first of these three conference committees:

First: Senators John Walker of Williams, Vance and Schroeder, Republicans, and O'Malley, Democrat. Representatives Marvin Smith of Paullina, Stanley and Millen, Republicans, and Eveland, the Democratic floor leader.

Second: Senators Jacob Grimstead of Lake Mills, J.

Louis Fisher of Osceola and Shaff, Republicans, and Jake Mincks of Ottumwa, Democrat; Representatives Max W. Kreager of Newton, Paul Knowles of Davenport and Nelson, Republicans, and Nielsen, Democrat.

Third: Senators A. V. Doran of Boone, Nolan and Van Eaton, Republicans, and Brown, Democrat; Representatives John Camp of Bryant, Keith Vetter of Washington and Scherle, Republicans, and Harley J. Palas of Farmersburg, Democrat.

Appointed April 2, the first committee worked over the weekend and on April 6 compromised on a proposal for a Senate of 47-53 seats, with no more than 40% and no less than 38% of the people electing 50% of the members, and for a House of 112-115 seats with 50% of the people electing 50% of the Representatives. County lines could not be crossed to create districts, something the Senate had insisted on, but the House had rejected, earlier. The compromise was short-lived. The House got it first and killed it, 70 to 36.

When the second committee failed to agree, the third started to work on April 7, with the outlook dark, indeed. But the next day the committee reported a compromise proposing this formula:

SENATE: 50 seats with 18 assigned to counties with 50% of the population and 32 to the remaining counties, which would be formed into 32 districts, none with more than three counties, so arranged that a majority of Senators (26) would be elected by no less than 36% of the population.

HOUSE: 114 seats with 57 assigned to big counties containing 50% of the population and with those entitled

to two or more seats divided into the number of districts equal to its number of seats, each district with a population varying no more than 10% from the average; the remaining 57 seats assigned on a population basis to the remaining counties with crossing of county lines permitted whenever a county's population varied 30% or more from the average.

ENFORCEMENT: Legislature would reapportion its own seats every 10 years or the Iowa Supreme Court would do it.

Final debate on this compromise started at 6:05 p.m., April 8, in the House, which passed it at 8:40 p.m., 69 to 37. The Senate immediately took up the bitter debate and passed the proposal at 10:45 p.m., 36 to 14. By 11 p.m., legislators were on the way home.

The next day both Governor Hughes and his Republican opponent, Attorney General Hultman, opened fire. The Governor called it "a nightmare of galloping malapportionment," while the Attorney General said he had "grave reservations" about it. Both said it would not pass inspection by the 1965 legislature, by the court, or by the people.

Newspapers generally criticized it, one calling it the "Swiss Cheese" plan because "it is so full of holes." State organizations were unhappy; some said it went too far, others not far enough.

And so another episode closed in the continuing effort to define fair apportionment and how to implement it, with the final chapter yet to be written.