

THE CLERKS ON THE BALLOT..

Chapter 958 of the Laws of 1971, Regular Session, Sec.2 provides:
SCHEDULE AND QUESTION. ..the proposed amendment shall be submitted to the people at the
1972 general election. The question proposed shall be:

"Shall Article VI of the Constitution of the State of Minnesota
be amended to provide for the organization and conduct of the
judicial power of the state, authorizing the discipline and re-
moval of judges, permitting the legislature to provide for the
assumption of the jurisdiction of the probate court, and providing
for the appointment of the clerk of district court?

Yes _____
No _____ "

Approved June 7, 1971.

That is the question! The Clerks have long treasured their existence as a constitutional office. The last ten words of the proposal to be considered by the voters at the general election this fall could change for all time the stature of the office within the framework of the Courts. Because of the irreversible possibility, the change itself should be faced, considered, reconsidered and some clear-cut decisions made by each Clerk and by the Association representing the Clerks.

Change is contemplated to improve what exists or remove the unsatisfactory by one means or another. So, when the office of Clerk of District Court is being considered for this change it has to mean that the present system does not work! We were assured without equivocation or exception by Justice Robert Sheran that we were doing a fine job as Clerks and that he had no criticism, constructive or otherwise to offer.

As the Clerks questioned parts of the County Court Act, Sen.Thorup, tired and frustrated by long, long hours of legislative "doing" came to a late-hour meeting with the Clerks and without delay informed the Clerks he was sick of their challenges and questioning on legislation and that a constitutional change making us appointive would change all that! Maybe we deserved that, but it seems that the hard work on legislation done by our Association in the past has improved the laws that were passed rather than made them worse. Sometimes the process of getting the best laws passed necessarily involves lots of challenges and questions and suggestions. Perhaps it's a good thing that ours has been a thinking Association, not just a following Association.

We must hear the real reasons for wanting the change made, and how it could be an improvement..not just the remark, "It's coming and you can't stop it." That's not a reason and we deserve to know WHY, WHO, and WHAT THEN..

The influence of this Association has made a difference in Minnesota. What the thinking of this Association finally is on this No.1 question will have an impact on the result of that vote on those last ten insignificant, and perhaps overlooked, words. Even though we retain our individual privilege to speak our own opinions if they differ from the majority vote of the Association, as an Association's voice the majority will speak.

For the many years I have enjoyed membership in the Association I have known men of real stature, facing tall problems, and with great strength, making their decisions known with dignity and force. I shudder to think of any of you as heirs to the offices of these men of the past, being reduced to the size of filing clerks and secretaries, shorn of your position as public officials in the state, subject to the political spoils system and more aware of those who appointed you, than of those you should serve--the people who pay you.

Those Clerks who favor appointment must give their reasons clearly for we need to hear them. We need to think well on this question..for it is our last chance to consider it.