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Lee Nance
Herald Times

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IU's Wallace Lists Changes Anticipated In Constitution



DR. LEON WALLACE

1/14/68

By LEE NANCE
H-T City Editor

Dr. Leon Wallace of Bloomington, a member of a commission reviewing Indiana's constitution, hopes that document adopted in 1851 can be updated—someday it may be as modern as the state's 1816 constitution.

Dr. Wallace, 939 S. High St., for 15 years was dean of Indiana University's School of Law and now holds the school's Charles McGuffey Hepburn chair.

He is one of 34 members of an Indiana Constitutional Revision Commission which met for the first time Thursday and was named to the commission's 11-member rules and procedures committee.

Co-chairmen for the full "blue-ribbon" commission are former governors Harold Handley, a Republican, and Matthew Welsh, Democrat.

Wallace "basically agrees" with the chairmen's statement Thursday that the present Hoosier constitution should be modernized by amendments rather than by calling a constitutional convention. That's not because a thorough revision isn't needed—Wallace thinks the constitution "needs many major changes and a great deal of tidying up"—but he's also familiar with the lack of success constitutional

conventions have had in neighboring states in recent years.

And, Dr. Wallace isn't kidding when he suggests all members of the commission should read Indiana's 1816 constitution.

"Indiana's original constitution was a pretty good document; much better in many respects than the present constitution which was adopted in 1851 to replace it."

Many of today's suggested changes were incorporated in that first constitution. "It permitted the state to borrow, which some people feel should be allowed; it provided for meetings of the legislature each year, sure to come up in our discussions; it had no time limits on sessions of the General Assembly; and the 1816 constitution provided for the appointment of most state officials such as the attorney general and treasurer by the governor, one of the most common suggestions today when we talk about updating the present constitution."

Not that the 1816 document was perfect for today's Indiana. It didn't provide any method for amendments and had legislators elected for only one year terms.

Dr. Wallace will study proposed changes before making specific recommendations of his own. But major areas he has a "hunch" will be discussed include:

—Ways of giving cities and counties greater independence and home rule. "Everybody advocates this and everybody has different ideas of how it should be accomplished."

—Legislative apportionment. "This constitution still says apportionment must be based on a census of males over age 21—the mechanics obviously need reworking."

—Legislative sessions. "There is considerable sympathy for annual sessions, or for longer sessions."

—Taking the courts out of politics. An amendment providing for the appointment of state supreme and appellate judges passed the last session but a further review should be made "in cooperation with the Indiana Judicial Study Commission."

—School financing. "This is sure to be studied; what proposals will be made is difficult to predict."

—Permitting the state to borrow. "There's been comment on this for years but I'm not at all sure there will be any overwhelming sentiment to make changes. This has kept legislatures from going overboard in spending, as happened in Indiana in 1836—one of the things that brought about the replacement of the 1816 constitution."

Dr. Wallace is confident a "conscientious effort" will

be made by the commission to improve many areas of the constitution. "It has largely been ignored in the 20th century except for piecemeal changes."

The commission was appointed by the Indiana Legislative Council under authority granted by the 1967 legislature. Under present law, the commission is to report its suggestions to the council by September of this year but Dr. Wallace says there is a general feeling the job can't be completed by that time. If so, the commission's existence probably will be extended.

"There are many areas to consider—I wouldn't be surprised if suggestions are made to change county government, perhaps to combine the functions of the board of commissioners and county councils. Certainly there is much 'tidying up' to do—for example the constitution says all bills must be read in full three times although the legislature has ignored this for years."

Also serving on the 34-member commission are Dr. Elvis J. Stahr, president of Indiana University, and Dr. James B. Kessler, professor of government at IU's Bloomington campus. Speaking at the group's organizational meeting Thursday was Dean William B. Harvey of the IU School of Law, who offered the assistance of the law school.