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EXHIBIT 1

Exhibit 1 to Plaintiffs' Post-Trial Brief

Tennessee. Constitutional Convention, 1965.

The State of

TENNESSEE

CONSTITUTIONAL CONVENTION

of

1965

Held At

THE STATE CAPITOL

Nashville, Tennessee

THE JOURNAL AND DEBATES OF THE CONSTITUTIONAL CONVENTION

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STATE OF TENNESSEE

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INTRODUCTION

Six times during the existence of Tennessee as a governmental entity the people have spoken out, demanding a change in the Constitution originally adopted as our basic law in 1796.

The original Constitution provided for the conduct of affairs for 60,000 inhabitants. As populations, commerce and agriculture increased, it became necessary to enlarge on the original document, eliminate certain unworkable or inequitable provisions and, in short, keep the instrument in balance with the times and good sense.

Four unlimited constitutional conventions were convened in the State, including the original and the one following the reconstruction period after the War Between the States. These four conventions were held in 1796, 1835, 1850 and 1870.

From the adoption of the Constitution of 1870 until 1953 the Constitution of the State of Tennessee was untouched. It might have been many more years before a convention would have been called for by the people of Tennessee. However, our Legislature, seeing the need for certain changes in the Constitution and following the precedent of our sister-state Virginia, proposed a limited constitutional convention, which act was ratified by the Supreme Court of Tennessee. The Court sustained the contention that the Legislature has the right to submit to popular majority vote the question of holding a limited constitutional convention to consider specific subjects defined in the statute and set out on the ballot used in the election. The Court reasoned that the people, and not the Legislature, limit the scope of the convention.

This is the third time in our history that amendments to our Constitution have been proposed by a limited convention, the first being in 1953, the second being in 1959.

The Limited Constitutional Convention of 1965 resulted from the passage of Chapter No. 2 of the Public Acts of the Extraordinary Session of the Tennessee General Assembly in 1962, which provided for the calling of a limited constitutional convention to consider certain sections of Article II of the Tennessee Constitution relating to the legislative branch of state government. The Act further provided that, if the convention were approved, the delegates would be elected at the August general election to be held the first Thursday in August, 1964. These delegates were to be elected from the several counties and Floterial Districts having members elected to the State House of Representatives at the time of the passage of the Act. It further provided that the qualifications for delegates to the convention were the same as those prescribed for the House of Representatives.

A majority of the voters approved the Limited Constitutional Convention; and, pursuant to the Act, the delegates, selected by the various counties and districts, assembled in the Chamber of the House of Representatives on the last Monday in July, 1965. After organization, they proceeded to consider the

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matters embraced within the limited call. Following many days of intensive research and deliberation, the delegates by majority vote approved nine proposals to be submitted to the voters of Tennessee for confirmation. They were:

Proposal 1—sets Representatives' terms for two years, Senators' terms for four years and Speakers for both Houses for two years;

Proposal 2—requires apportionment according to population and the United States Constitution every ten years;

Proposal 3—requires Representatives to be apportioned into districts as provided by law;

Proposal 4—requires Representatives to be qualified voter in his district;

Proposal 5—requires the Senate to be apportioned according to population;

Proposal 6—requires Senators to be qualified voter in his district;

Proposal 7—prescribes time for legislative meetings;

Proposal 8—allows County legislative bodies to fill vacancies;

Proposal 9—sets legislative pay and limits legislative expenses.

I feel that the delegates to this Convention represented the apex of statesmanship, ability and sincerity of purpose—qualities which have from the beginning permeated our State's deliberative bodies. Every county and district in Tennessee can truly point with pride to their Representative in the Limited Constitutional Convention of 1965.

The convention, upon the completion of its duties, now leaves to the voters of Tennessee the choice of confirming or rejecting at their pleasure. If confirmed, our Constitution will have been changed six times since 1796.

It is the writer's opinion that our Constitution, to meet the urgency of time, demands certain amendments. However, we should not make drastic and unneeded changes just for the sake of change. I believe that our Legislature, consisting of representative Tennesseans, will at all times meet the needs of their age and unhesitatingly call a constitutional convention if and when deemed necessary; and will be equally vigil in its refusal to call one for petty political reasons or when the manifest best interest of all of the people of the State of Tennessee would be unaffected by its proposals.

In conclusion, I tender my heartfelt appreciation to each of the delegates for their cooperation, tolerance and understanding with their presiding officers. I especially want to thank the Honorable Joe H. Walker, Jr., who so very ably assisted in presiding over the committees as a whole. To the convention, and to the delegates—I humbly appreciate being allowed to serve as your president.

AARON CLIFTON BROWN, *President*
Constitutional Convention of 1965

CONSTITUTIONAL AMENDMENTS PROPOSED BY THE CONVENTION FOR SUBMISSION TO THE PEOPLE

"PROPOSAL (1): SETS REPRESENTATIVES' TERMS FOR TWO YEARS, SENATORS' FOR FOUR YEARS, AND SPEAKERS' FOR TWO YEARS.

"BE IT RESOLVED, That Article II, Section 3, of the Constitution of Tennessee is hereby amended to read as follows:

'Section 3. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people. Representatives shall hold office for two years and Senators for four years from the day of the general election, except that the Speaker of the Senate and the Speaker of the House of Representatives each shall hold his office as Speaker for two years or until his successor is elected and qualified, provided however, that in the first general election after adoption of this amendment Senators elected in districts designated by even numbers shall be elected for four years and those elected in districts designated by odd numbers shall be elected for two years. In a county having more than one senatorial district, the districts shall be numbered consecutively.'"

"PROPOSAL (2): REQUIRES APPORTIONMENT ACCORDING TO POPULATION AND THE U. S. CONSTITUTION EVERY TEN YEARS, ETC.

"BE IT RESOLVED, That Article II, Section 4, of the Constitution of Tennessee is hereby amended to read as follows:

'Section 4. The apportionment of Senators and Representatives shall be substantially according to population. After each decennial census made by the Bureau of Census of the United States is available the General Assembly shall establish senatorial and representative districts. Nothing in this Section nor in this Article II shall deny to the General Assembly the right at any time to apportion one House of the General Assembly using geography, political subdivisions, substantially equal population and other criteria as factors; provided such apportionment when effective shall comply with the Constitution of the United States as then amended or authoritatively interpreted. If the Constitution of the United States shall require that Legislative apportionment not based entirely on population be approved by vote of the electorate, the General Assembly shall provide for such vote in the apportionment act.'"

"PROPOSAL (3): REQUIRES REPRESENTATIVES TO BE APPORTIONED INTO DISTRICTS AS PROVIDED BY LAW.

"BE IT RESOLVED, That Article II, Section 5, of the Constitution of Tennessee is hereby amended to read as follows:

'Section 5. The number of Representatives shall be ninety-nine and shall be apportioned by the General Assembly among the several counties or districts as shall be provided by law. Counties having two or more Representatives shall be divided into separate districts. In a district composed of two or more counties, each county shall adjoin at least one other county of such district; and no county shall be divided in forming such a district.'"

"PROPOSAL (4): REQUIRES REPRESENTATIVE TO BE A QUALIFIED VOTER IN HIS DISTRICT.

"BE IT RESOLVED, That Article II, Section 5, of the Constitution of Tennessee is hereby amended by adding thereto the following additional subsection:

'Section 5a. Each district shall be represented by a qualified voter of that district.'"

"PROPOSAL (5): REQUIRES SENATORS TO BE APPORTIONED ACCORDING TO POPULATION.

"BE IT RESOLVED, That Article II, Section 6, of the Constitution of Tennessee is hereby amended to read as follows:

'Section 6. The number of Senators shall be apportioned by the General Assembly among the several counties or districts substantially according to population, and shall not exceed one-third the number of Representatives. Counties having two or more Senators shall be divided into separate districts. In a district composed of two or more counties, each county shall adjoin at least one other county of such district; and no county shall be divided in forming such a district.'"

"PROPOSAL (6): REQUIRES SENATOR TO BE A QUALIFIED VOTER IN HIS DISTRICT.

"BE IT RESOLVED, That Article II, Section 6, of the Constitution of Tennessee is hereby amended by adding thereto the following additional subsection:

'Section 6a. Each district shall be represented by a qualified voter of that district.' "

"PROPOSAL (7): PRESCRIBES TIME FOR LEGISLATIVE MEETINGS, ETC.

"BE IT RESOLVED, That Article II, Section 8, of the Constitution of Tennessee is hereby amended to read as follows:

'Section 8. The General Assembly shall meet in organizational session on the first Tuesday in January next succeeding the election of the members of the House of Representatives, at which session, if in order, the Governor shall be inaugurated, and it shall remain in session for not longer than fifteen consecutive calendar days during which session no legislation shall be passed on third and final reading. Thereafter, the General Assembly shall meet on the fourth Tuesday in February next, and may by joint resolution recess or adjourn until such time or times as it shall determine. It shall be convened at other times by the Governor as provided in Article III, Section 9, or by the presiding officers of both Houses at the written request of two-thirds of the members of each House.' "

"PROPOSAL (8): ALLOWS COUNTY LEGISLATIVE BODY TO FILL VACANCIES.

"BE IT RESOLVED, That Article II, Section 15, of the Constitution of Tennessee is hereby amended to read as follows:

'Section 15. When the seat of any member of either House becomes vacant his successor shall be elected by the Legislative body of the county of his residence at a meeting duly called for such purpose. Only a qualified voter of the district from which such member was elected may be eligible to succeed him. The term of any Senator so elected shall expire at the next general election, at which his successor shall be elected.' "

"PROPOSAL (9): SETS LEGISLATIVE PAY AND LIMITS OF LEGISLATIVE EXPENSES, ETC.

"BE IT RESOLVED, That Article II, Section 23, of the Constitution of Tennessee is hereby amended to read as follows:

'Section 23. Each member of the General Assembly shall receive an annual salary of $1,800.00 per year payable in equal monthly installments from the date of his election, and in addition, such other allowances for expenses in attending sessions or committee meetings as may be provided by law. The Senators, when sitting as a Court of Impeachment, shall receive the same allowances for expenses as have been provided by law for the members of the General Assembly. The compensation and expenses of the members of the General Assembly may from time to time be reduced or increased by laws enacted by the General Assembly; however, no increase or decrease in the amount thereof shall take effect until the next general election for Representatives to the General Assembly. Provided, further, that the first General Assembly meeting after adoption of this amendment shall be allowed to set its own expenses. However, no member shall be paid expenses, nor travel allowances for more than ninety Legislative days of a regular session, excluding the organizational session, nor for more than thirty Legislative days of any extraordinary session.

'This amendment shall take effect immediately upon adoption so that any member of the General Assembly elected at a general election wherein this amendment is approved shall be entitled to the compensation set herein.'"