

BILL OF RIGHTS COMMITTEE HEARING
June 21, 1972, Room 118 State Capitol
10 AM to Noon, 1 P.M. to 4 P.M.

Mrs. Diana Murphy presided at the hearing and testimony was taken from the following persons relative to Article I, Bill of Rights, and Article VII, Elective Franchise.

John Martin, Committee for Effective Crime Control, submitted a recommended amendment to Article I, to assure citizens the right to keep and bear arms free from fees and taxes.

Byron Starns, Attorney General's Office, stated his office opposes any constitutional provision granting the right to keep and bear arms. He stated the proposed amendment would preclude any handgun legislation by the Legislature whatever.

Jon Willand, Committee for Effective Crime Control, mentioned that the Attorney General has suggested confiscation of 90% to 95% of firearms in the State. He feels the main reliance is on the individual to legitimately defend himself.

Richard Rundbeck, law student at the University of Minnesota, recommended the Constitution provide an individual the right to know and examine his or her record in public or private institutions, and to prohibit dissemination of information relative to reputation unless the person involved is notified or unless a record is kept of the persons to whom information is given.

Franklin Knoll, Executive Director, Minneapolis Urban Coalition Action Council, recommended the amendment of the Constitution with the following language:

"No person may be denied the enjoyment of his or her civil right or be discriminated against in the exercise thereof because of race, color, creed, religion, sex, ancestry, birth, social origin or condition, or political or religious ideas."

He stated the Coalition believes it is long past time for Minnesota to catch up with the spirit and letter of the U.S. Constitution and its Fourteenth Amendment.

Michael Wetherbee, Minnesota Civil Liberties Union, requested the Committee to consider two amendments to the Constitution:

- 1) Art. VII, Sec. 1 (add this sentence at end) "Any person otherwise qualified to vote at a general election shall be qualified to vote in the primary election next proceeding that election."
- 2) Art. VII, Sec. 7, recommended no age restrictions on potential candidates for public office.

The morning hearing was recessed at 11:50 A.M.

Mrs. Murphy called the afternoon hearing to order at 1:05 P.M. the following persons testifying.

Charles Van Heuveln, United Cerebral Palsy, pointed out many areas in which the handicapped person is discriminated against and recommended the Constitution be amended to guarantee equal rights.

Peter Benzian, Minnesota Public Interest Research Group, stated there are over twenty million people in the United States with a physically disabling condition severe enough to interfere with their normal daily activities, approximately 100,000 in Minnesota. He proposed the following amendment which is not confined to the problem of persons with physical and mental handicaps:

- 1) No person shall be denied the equal protection of the laws nor shall the state or any person, firm, institution, corporation or other entity discriminate against any person on the basis of race, color, creed, national ancestry, sex, religious opinion or physical or mental handicap.
- 2) The Legislature shall have power to enforce this Article by appropriate legislation.

Rev. Robert Lovering, pointed out the architectural barriers which deprive the handicapped person of rights others take freely for granted. He stated millions of dollars are spent annually for rehabilitation only for the rehabilitated person re-entering the world to find physical barriers.

Mrs. Lorraine Arvidson, Secretary for United Blind of Minn. Inc., proposed the following equal rights amendment:

"No person shall be denied equal protection of the laws because of physical disability."

She stated the second injury provision of the Workman's Compensation law of our State sometimes stands in the way of obtaining adequate education and employment. She mentioned problems of obtaining individual health and accident policies of insurance, and also the new problem created by the new law of allowing a right turn on a red light following a complete stop.

Robert Lindstrom, Minnesota Epilepsy League, presented information concerning those affected with epilepsy, stating that they have difficulty finding jobs even though 49% of epileptics on medication are completely controlled and 37% of the rest are partially controlled. He stressed they are looking for the natural rights they are entitled to.

Rev. Barbara Andrews, Assistant Pastor of Edina Community Lutheran Church, explained it was impossible for her to attend the hearing by means of public transportation since she is handicapped. She told of refusal of cab companies to give her service, high rates, and the restriction on some companies of serving outside the metropolitan area. She stressed the need for a constitutional amendment to require provision of public transportation for the handicapped.

Gene O'Neil, Executive Director of United Cerebral Palsy of Greater St. Paul, Inc., pointed out several reasons given for the non-hiring of the handicapped even though the applicant is capable and qualified to do the job. He urged the adoption of an Equal Rights for the Handicapped Constitutional Amendment. He stated Illinois and Montana have this provision.

John Du Rand, Executive Director, Occupational Training Center, Inc., recommended amendment of the Constitution to eliminate language which limits the right to vote of the mentally retarded and mentally ill, stating the current language is in violation of Article XIV of the Federal.

Jack Baker, Minnesota Student Association, stated a need for a Constitutional Amendment to guarantee to all people the right to love the individual of one's choice and the right to express that love openly, honestly and proudly. He recommended that Section 16 of Article I be amended to include the words, "jus societatis congeneratae". The section would then read: "The enumeration of rights in this Constitution shall not be construed to deny or impair others retained by and inherent in the people including jus societatis congeneratae...". He stated the phrase is Latin and the most precise to be offered to address the issue at hand.

Mrs. Alice Cowley, stated she is a concerned citizen involved in the struggle for women to gain their rights in determining whether or not to become a parent. She recommended annulment of all laws that affect a woman's right to decide her own reproductive and sexuality, stating that born persons should be guaranteed rights ahead of the unborn or potential life.

Mrs. Darla St. Martin, Women for Universal Human Rights, opposes abortion and recommended a constitutional amendment which would give equal rights to all human beings including the unborn.

Mrs. Joseph Brink, St. Joseph, recommended the State provide funds to educate children in private and church-related schools.

Mr. Thomas Mooney, Minnesota Citizens Concerned for Life, recommended a constitutional provision providing equal protection under the law for children before as well as after birth.

Other written statements received were:

Arlen Erdahl, Secretary of State, stated Sec. 1 of Article VII, needs revision to conform to the U.S. Constitution regarding residency requirements. He feels a 30 day requirement in the precinct sufficient time for the voter to learn of the issues and candidates and necessary time for election authorities to transfer registration or other related matters.

Morris Hursh, State Department of Public Welfare, recommended Section 2 of Article I be amended to read:

Rights and privileges. Sec.2. No member of this State, including those citizens alleged to be mentally disabled or impaired, shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the State otherwise than the punishment of crime, whereof the party shall have been duly convicted.

He further recommended to add a new section as Section 19 to read as follows:

Inviolability of the body. Sec. 19. No person shall be compelled to undergo procedures involving surgery, convulsive electroshock, confinement of person or bodily movements or any procedure causing irreversible physiological effects, unless informed consent of the person or his guardian is given or unless appropriate procedures have been followed to obtain legal approval for their application in each instance.

The hearing was adjourned at 3:45 P.M.