Eugene G. Wanger

Interviewed by Bill Ballenger and Dennis Cawthorne

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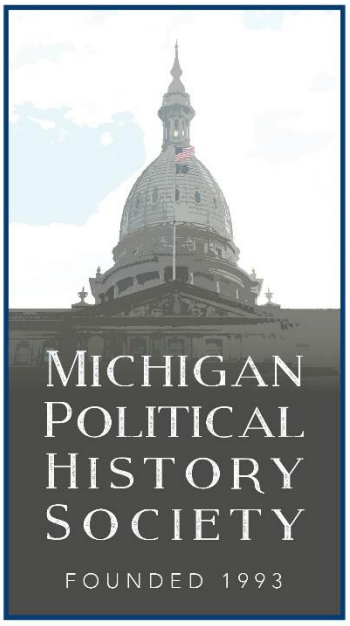

Bill Ballenger:

This is another in a series of interviews by the Michigan Political History Society for the James J. Blanchard Living Library.

Mr. Delegate, Eugene G. Wanger, esquire, counselor, but most people call you Gil. How did you get the name Gil from everybody who's ever known you when your name is Eugene G. Wanger?

Eugene G. Wanger:

Well, it's a nickname from my middle name, which is a scotch middle name, Gilkison. So my father, who was also named Eugene, thought that it just wouldn't be a good idea for two people to always answer when somebody asks for Gene so they nicknamed me, Gil.

Bill Ballenger:

Makes total sense to me. Now, let's get to history, okay? And you got a lot stored up that you're going to share with everybody. What was the political climate in Michigan in the late 1950's leading up to the Constitutional Convention? I mean, were the people of the state eager to have a constitutional convention in your opinion?

Eugene G. Wanger:

Well sort of, they were just coming out of a pretty strong recession and it had hit the automobile industry pretty hard, of course, here in Michigan. And the people were concerned, I think, about the fact that the state's finances weren't being handled too well. In fact, the state had missed paying its employees for a brief period, which became known as "the payless pay days." And also, there was a feeling that the executive branch of our state government, it wasn't organized very well at all, that it had grown up, which it had like a patchwork quilt over the last century with a patch of an agency being put on here, one there so that the governor had very little control over a lot of it. And if some problem, some trouble, came up, he wouldn't always be able to get the information.

And they felt that really in our state, we ought to have a situation where if there's a state problem comes up, the governor ought to be able to call somebody and say, "Get me the facts on my desk tomorrow morning or hit the bricks." Well, of course, none of that was happening. And then in the background of this was the fact that a few years before there'd been what we called the little Hoover commission. Now it was a takeoff on the national Hoover commission on how the federal government was organized, but we did it. It had done a very large job just a few years before. Most people didn't know about it, I'm sure, but those people who paid attention did understand something about it and it had a lot of recommendations for change in our state government.

So that gave the whole idea, kind of an intellectually respectable background for those who knew. And then there also, as I remember, there was sort of a sub rosa feeling among some pretty important influential, knowledgeable people that Michigan really, really needed to have an income tax. Didn't have one before. The old Constitution didn't exactly say you could not have an income tax, but it was pretty iffy about it. So there was a feeling there and they had some economists write some books about this, about Michigan's economy and why an income tax would be a good idea. So there were some influential people pushing for it for that reason, although from the public's point of view it was little bit below the surface.

Bill Ballenger:

Yeah, well G. Mennen Williams, the governor, I mean he was pushing for an income tax.

Eugene G. Wanger:

Yeah, yeah. But it wouldn't have happened if it hadn't of been for three nonpartisan citizens groups that took the leadership in getting the convention called on top of this background.

Bill Ballenger:

And they were?

Eugene G. Wanger:

Legal Women Voters of Michigan, Junior Chamber of Commerce of Michigan, and a group started and led by George Romney, who then was president of American Motors Corporation called Citizens for Michigan. If those groups had all three of them been working hard for it, it never would've happened.

Video playing:

Although amended 69 times in some 50 years, the 1908 Constitution was still adequate in the opinion of many. On the first day, the Convention unanimously elected a president. Compromise became a byword of Convention activity. The elected president had previously opposed the calling of Con Con. But with commendable candor to the press, he explained his change of views.

And when the call went out for the election last spring, I had a feeling that this could be accomplished by other methods. I think we all realized there were some changes needed to be made, but we did have an amendment process that had been used. Consequently, many of us did not vote for the convention. However, the most people did, so the convention was held. When I came to Lansing for the convention, I think I very quickly changed my mind, that I had been an error in my estimate of the need.

The elected secretary was a revered figure from Michigan Senate. Three vice presidents were elected, one representing the minority party. Within tradition, the Michigan delegates were free to establish their own manner of working their own procedures, their own bylaws. These they did in short order. Seating was made alphabetical without regard to political party. 99 Republicans, 45 Democrats were elected. In these faces, the lines of many races deepen their childhoods to culture of five continents, a true cross section of democratic America. During the months of deliberation, they used all of their training and experience to bring to the people of Michigan an up to date and modern Constitution. It's difficult to see a Constitution being built. It is not all, "I am for it, I am against it," yays and nays. It is thinking and feeling in action. We can be proud of the ability and the humanness of these, our representatives. The work went on almost continuously. Teachers brought their classes. The state watched their convention at work. The convention delegates labored here for seven and a half months and produced the new Constitution. The nation two recognized the importance of the procedure.

Responsibilities best exercised by the people of the state can be returned to them in all 50 states and Michigan can lead the way.

Dennis Cawthorne:

Well, tell me Gill, how did it happen that you decided to run to be a delegate and tell us a little bit about your campaign, and I know that one of your primary opponents was actually the much older retired state superintendent of public instruction. So tell us a little bit about your own campaign and how you decided to run.

Eugene G. Wanger:

Well, I had been a political science major in college, and I was very interested in the subject. In fact, if I'd been able to master French and German really well, I think I would've become a professor of political science. But back then, in order to get a top degree, PhD degree in political science, you had to know French and German. And I didn't. I knew a little bit about French, but not enough. So I was really interested, I was practicing law just out of law school here in Lansing and the convention idea came up and I was participating and when it was called, I knew this is a once in the lifetime thing. So I thought, "I'm going to run." And I did. And there were two delegates selected out of the city of Lansing. And I was one of those two who were on the Republican ticket, Lansing was Republican then, and got to the convention.

Bill Ballenger:

Well, okay, wait. Before we get to that, how did you campaign? What did you do? Did you go door to door? Did you put up billboards?

Eugene G. Wanger:

Oh, a lot of door to door and advertising. My campaign expenses were, I think it was under $400 for the whole. Or I had to go through a primary, including the former superintendent of public instruction.

Bill Ballenger:

Clare Taylor.

Eugene G. Wanger:

Yeah. Clare Taylor. Well, I knew him because we were in rotary club together later, but yeah.

Bill Ballenger:

Did he campaign?

Eugene G. Wanger:

Well, I can't remember. He certainly wasn't very vigorous. There were a couple of other older people campaigning or on the ballot, but some of them just had the feeling they'd been there so long, everybody knew them, they'd get shooed right in. Well, it didn't happen that way. And so I was very happy to be elected.

Bill Ballenger:

Did you just have to finish in the top two to get elected?

Eugene G. Wanger:

Yes, we did.

Bill Ballenger:

Okay.

Eugene G. Wanger:

And I was one of the top two.

Bill Ballenger:

Okay. So you get in and you find that you're the youngest Republican delegate in the whole convention. I mean, was that daunting to you? Were you worried?

Eugene G. Wanger:

That's true and I still am.

Bill Ballenger:

Well that's for sure. You had a game plan and you stuck to it. But seriously, I mean, all these eminent figures with great seniority, big names from around the state and here you are, what were you like 28 at the time?

Eugene G. Wanger:

Yes.

Bill Ballenger:

So did that daunt you at all? Were you a little bowled over?

Eugene G. Wanger:

Well, I knew after, when we got going and could compare the birth dates and there wasn't any rush to do that, but I knew I was the youngest one there, Republican, but one of my fellow delegates, also a Republican, stood up and announced to the group that he was the youngest Republican delegate there. So I thought, "I know that I'm a couple months younger than he is," but I thought, "I don't know that it's going to do me a lot of good to get up and make this guy feel bad." And not only that, even if he hadn't done it, I wouldn't have done it because I didn't think it would help me get anything done. So I kept my mouth shut.

Bill Ballenger:

That's pretty... That's smart.

Dennis Cawthorne:

Very wise on your part.

Bill Ballenger:

Very smart.

Dennis Cawthorne:

I am curious, do you recall who that delegate was?

Eugene G. Wanger:

I do. Lee Boothby from Niles... Or not Niles, from Berrien County.

Dennis Cawthorne:

Yes. And he subsequently ran for a number of offices without success.

Eugene G. Wanger:

That's right. That's right. But later he ended up being the national attorney for the Seventh Day Adventists. He was number one attorney in Washington. Yeah. That's how he ended his career.

Dennis Cawthorne:

So he did pretty well for himself in the final analysis.

Eugene G. Wanger:

Well, yes, he did. Sure.

Bill Ballenger:

Well, it sounded like he was fine mind for the law, but not as shrewd a politician as you.

Eugene G. Wanger:

Well, I don't know that that's true, but anyway, that's just what occurred to me at the time.

Dennis Cawthorne:

Well, when the convention then convened, there were no rules in advance. So how did the delegates organize themselves? And also, as sort of part of that, I know within the Republican contingent, which was a lopsided majority, that there was tension between the Romney and the conservative group.

Eugene G. Wanger:

Well, yes.

Dennis Cawthorne:

So, what can you tell us about the basic organization of the convention?

Eugene G. Wanger:

Well, the organization was based on the advice of a very distinguished parliamentarian who had retired after 30 year service in the Michigan Senate named Fred I. Chase, and he knew all of this backwards and forwards without even thinking about it. So with his advice, the convention who had picked the president and so on, they presented the format, which actually was what you would expect a good deliberated assembly to have. And that's the way that was done. Now, as you mentioned, a lot of the delegates, in fact two thirds of the delegates, were Republicans, and that was a huge majority and it didn't fit the population pattern of Michigan at all. The parties were about equally divided in terms of voters and in fact, it could have been that the Democrats had more voters than the Republicans at that time.

Dennis Cawthorne:

That's correct.

Eugene G. Wanger:

For some reason, labor sat on its hands and that was part of the reason why there weren't more Democrats elected, or maybe as we Republicans at the time thought, they just realized, of course, that Republicans were the ones to do this. But however, here we were two thirds, we really controlled everything-

Dennis Cawthorne:

In fact, there were Republican delegates out of the city of Detroit.

Eugene G. Wanger:

Yeah. Oh, there were several Republicans out of the city of Detroit. Oh, yeah. So anyway, we decided that since there were two thirds of us were the Republicans, one third Democrats of every committee, two thirds of every committee was going to be Republican and one third's going to be democratic. And we were going to have three vice presidents, two of them Republican, one of them democratic so that it was as nearly as we could make it was going to be absolutely fair in terms of getting ourselves organized.

And then we figured out that we had to divide up into committees, which we did. And then we figured, "Well, we've got to have ways to get information to these committees." So we had what in the legislature is called bills, but with us, we called them delegate proposals. And I remember I submitted more of those than any other Republican delegate, as it happened. And so we got going and most of us were on two committees and I was on two, usually it was one was a substantive committee for each delegate and then there were procedural committees, public relations committee, administrative committee, those are all procedural rules and resolutions.

Bill Ballenger:

Before we get to talking about committees, was there a lot of tension between the Republicans and Democrats as delegates that you sensed from the very beginning or over time in the convention?

Eugene G. Wanger:

Not until the last couple of months.

Bill Ballenger:

Okay. First, everybody was amicable, "We're all going to get along," but then as issues arose, the battle lines were drawn?

Eugene G. Wanger:

Well, the Democrats made very significant contributions to what went into the Constitution, especially in the beginning, they were very good about that. They had some very, very able people. And towards the end of the convention, it became rather clear that George Romney, who was a delegate at the convention was likely to run for governor. And so at that time, the democratic party became very critical of lots of things that they hadn't been so critical of before and when the convention finally adopted the Constitution to go on the ballot for the people, they waged a tremendous campaign to defeat the new Constitution, their rationale being that it didn't give them 100% of one man, one vote, and that had been their single biggest issue. Although the convention really did give him half a vote, in fact, more than half a vote, but no, it didn't go completely one man, one vote.

Bill Ballenger:

We'll get to that in a few minutes, but let me just ask you, back to committees, did you get on the committees you wanted to get on?

Eugene G. Wanger:

Yes.

Bill Ballenger:

And how important was that committee structure throughout the convention?

Eugene G. Wanger:

The convention, I thought it was perfectly done. There was one committee later created called the Committee on Emerging Problems, which was a committee to try to handle a few things that came up and nobody was sure where they should go. But yes, we had an article in the Constitution on the judiciary. So we had a judiciary committee. We had a lot of finances in the Constitution, so we had a finance committee. We had, of course the executive branch, we had an executive branch committee and we had an apportionment committee and that, of course, one man, one vote. That was the real deal. And it was the single most important committee in the convention, politically speaking. They got John Hannah to be chairman of it, who was the president of Michigan State University and highly regarded. And he didn't want it, as I found out later, John didn't want this. He wanted to be head of the education committee because that was something he knew something about you see.

Well, he did a wonderful job with this apportionment committee. They said one of the members who was democratic, they asked one of the Republicans, "Do you believe in one man, one vote?" And he said, "At least." But anyway, there was a compromise worked out, which turned out to be unacceptable to the democratic party, which was run by big labor at that time. And so the question was lingering in our minds, at least in the minds of the Republicans, is there any possibility that this has something to do with Romney going to run for governor and discrediting anything connected with him in order to defeat him? Well, who knows?

Bill Ballenger:

What about the committees you got on?

Eugene G. Wanger:

I was on two. Legislative powers was the one I was a substantive committee I was on. It turned out we had more proposals come before us and we handled more sections than any other committee at the convention and then I was on rules and resolutions. And I wanted that because I knew something about parliamentary procedure. Somehow I had picked it up in college and then later, and I thought, well, I'd like to be on that. And so those were the two committees that I served on. Parliamentary procedure was chaired by Dick Van Dusen, whose name will resonate with you guys because he is a very distinguished lawyer, died way too young. But he was with one of the big law firms in Detroit and was a close associate, it turned out later, of Governor Romney. My substantive committee was chaired by one of the few old retired legislators. His name was Thomas Jefferson Hocksey, he was the most professional, thoroughly good political chairman I have ever observed.

Bill Ballenger:

No kidding.

Bill Ballenger:

He was a master at running the committee. And of course we had two thirds Republicans, one third Democratic, and he was very fair. In fact, I told him once how much I admired because he just knew how to do it. He'd been there in the legislation for years and years and came from St. Louis, Michigan.

Bill Ballenger:

No kidding?

Bill Ballenger:

Yeah.

Bill Ballenger:

Twin city of Alma.

Dennis O. Cawthorne:

Now you are most prominently associated with inserting into the new constitution, a prohibition against capital punishment. And I guess I'm interested to know why you were so devoted to that issue, especially since Michigan had not exercised capital punishment in 125 years. Tell us more about how you became excited about that issue.

Bill Ballenger:

Well, excitement at the time, perhaps, isn't quite the right word. I thought it should be in the constitution because at that time we'd been without the death penalty for murder and lesser crimes for 115 years. And I thought if we've managed to do it that long, it's about time it ought to go on the constitution. I mean, just as a matter of nailing it down historically and although I had no idea what was coming down 10 years later, but I knew that there is some risk after a notorious murder in Michigan that efforts would be made maybe to bring the death penalty back.

And I checked out the history in the state library and they had a vertical file on it, but it gave some of the details on that. So I put in a proposal on that, along with my others and, in fact, it was the only proposal on the subject that was put in. And far as I know, the subject could never come up in the campaign or anything, but I thought, well, let's do this. And so, as it turned out, it came by surprise, it came before the committee I was on.

Bill Ballenger:

Legislative?

Eugene G. Wanger:

The legislative powers committee. Should have been declaration of rights, but over there it was run by Jim Pollock of the University of Michigan, the most distinguished delegate in the whole convention, and they transferred it over to us. And so we debate it and talked and I had some argument research that I had done on the subject. In fact, I wouldn't have done it if it hadn't been for a nifty article I picked up

when I was in law school at the University of Michigan and tore out and put it in the file. So we discussed it and we decided to do it. And turns out, I was the one that actually wrote the language. We weren't quite sure what to say so I actually did write the language and it passed the convention with only three dissenting votes.

Dennis O. Cawthorne:

Wow. Amazing.

Bill Ballenger:

That's what I going to ask. In other words, there really wasn't much resistance to the idea. Once you brought it up and started talking about it, people pretty much fell in line and supported it.

Eugene G. Wanger:

Well, I organized the debate where committee comes out with a proposal and then organizes what it can in a way, a floor debate. And we were just the most fortunate thing. First of all, on the guy we had lead it, fellow named Frank Millard, who'd been Attorney General of Michigan before and was one of the very conservative guys there, but he was absolutely against a death penalty. And so that was helpful. And then also, and it was timing and just luck. We had had a very arduous debate about a subject I didn't understand that came up before this and there were some heated debate about it. I can't remember the subject now, but I thought now, what is this all about? Why are we having all this? I don't see any controversy here. Well, anyway, the point is that those people who felt that they really had to get up and say something, they were all tired out.

Bill Ballenger:

Well, being in the legislature, as Bill and I were, we understand that.

Eugene G. Wanger:

Yeah. And so I was just fortunate that I was on pins and needles all during the debate about when is somebody going to get up and do this and do that and throw the whole thing into a cocktail. And we had Al Bentley who was one of the delegates from Owosso, very wealthy man by today's standard peanuts. But back then, very wealthy guy who had been Congressman in Michigan at large, when there was an apportionment stall. And in Congress he'd been shot and nearly killed on the floor of the United States Congress by some Puerto Rican nationalist. So he was very well known, very famous. He was not, however, an intellectual. He wasn't dumb, but his ideas just didn’t work.

So anyway, we are in the middle of this capital punish debate and Al has a question and he says, what about this death penalty for espionage and stuff on the federal floors and being shot and so forth? He said, if we pass this, is this going to be against the death penalty for that? And Frank Millard came right back and said, “oh no, Al, no. Crimes against patriotism should be punished by death. That's satisfied Al and he sat down and we went on.

Dennis O. Cawthorne:

Great response.

Bill Ballenger:

Fantastic.

Eugene G. Wanger:

I loved Al. I mean, he was so nice and to me personally. Particularly after the convention, he sat a long ways away from me on the floor.

Bill Ballenger:

Yeah. Well, speaking of after the convention, how did you feel the convention went? Do you feel it accomplished everything you hoped it would when you ran for it? Was it a success?

Eugene G. Wanger:

Well, almost. I thought it did a tremendously good job. In fact, I wrote a couple of articles saying, so during the campaign, one was from Michigan Education Journal, one for the State Bar Journal. I thought there was one thing that I was disappointed about as far as I can recall, just one. And that was, I didn't think we gave enough power to the new auditor general. One of my proposals led to the creation of our present state auditor general, and I felt he should have had more power. I felt he should have had the power to be able to set minimum standards for annual reports for every executive branch organization.

Bill Ballenger:

One of the things the convention did was remove the Auditor General as an elected statewide office and make it appointed by the legislature. Was that part of your thinking and was that a good rule?

Eugene G. Wanger:

Oh, yes. So several officers, there was a feeling that Michigan Ed, what was referred to as a bed sheet ballot, too many people elected State Treasurer, the Superintendent of Public Instruction, and State Highway Commissioner. And these offices really ought to be appointed offices and so that's the way that went. Auditor General, personally, he was highly regarded State Treasurer. Sandy Brown, I think,he was very highly regarded. There wasn't any question in the public mind or in our minds in the convention, we got to get rid of these guys, none of that. But that is what we did.

Bill Ballenger:

Were you pretty confident that this would pass when it was on the ballot? I think it was April 1st?

Dennis O. Cawthorne:

April 1st, 1963.

Bill Ballenger:

Yes.

Bill Ballenger:

Did you go out and campaign for it? I know George Romney did. You say the Democrats were really against it at this point, how did that campaign go? Were you surprised at the result, which was extremely close?

Eugene G. Wanger:

I thought it was pretty iffy and I worked very hard on the campaign. I was, in fact, on the State Board of Citizens for Michigan and we did a lot of work there, a lot of work with the JCs and all, but we had also a campaign organization, which was connected with the Republican party which was doing everything it could too. And if the campaign had gone another week or two, we probably would've lost it because the Democrats just, and particularly through big labor, just kept pushing and pushing it as hard as they could. So it was iffy, we had to recount afterwards. In fact, I was in charge of the recount on our side for Ingham county, but there are hardly any votes changed in a recount and so we won.

Dennis O. Cawthorne:

How, in your view, has this constitution worked out? Has it proven it's worth and value and what do you think about what's happened over the years?

Bill Ballenger:

Well, you're not asking that question of a completely unbiased observer.

Dennis O. Cawthorne:

Yes, yes.

Eugene G. Wanger:

But I do think that the basic provisions of it have worked very well in almost all cases, not all, but almost all cases. And, of course, there's been a lot of amendments to it, but those have been issues usually that have not disagreed with it but have been extra issues that have come up since then and have been adopted. And frankly, I think most of them have come up because our whole political atmosphere has changed.

First of all, the government is in charge of spending a vastly more amount of money now than it did back then. And that means that the people who get that money are very interested in not losing out and so when there's something comes up that you can see that it would make a financial difference and they can't get it through the legislature, there's a temptation to go to put it on the ballot in the way of an initiative or constitutional amendment. And also the courts have said, and we never anticipated this at the convention I know, they said, oh, it's perfectly all right to hire people from out of state to come in and pay so much a signature to get your signature. And that's the way it's done today in most cases. We never anticipated that. So it has led to a lot of amendments to the constitution. Some good, some bad, everybody would have different opinions on some of them I know.

Bill Ballenger:

Well, Gill, I think 56 years had passed since the 1908 Constitution when you guys met in the early sixties. Now 60 years almost have passed between your convention and today, or at least a time when a new constitution might take effect, if it's adopted. And that brings up my question, is it time for a new constitutional convention? Should we have another one? It's going to be on the ballot automatically in 2026, should the people of Michigan support a new con-con?

Eugene G. Wanger:

My definite feeling is that I don't know. I mean, you have to weigh the need on the one hand against the risk and the cost on the other hand. And it's not entirely clear at the present time how that balance would work out. But I'll tell you, if the voters call it, I will run!

Bill Ballenger:

If they re-elect. All right, re-elect Wanger. It sounds like a catchy slogan to me,

Eugene G. Wanger:

But my wife said she won't let me, so why don't you?

Bill Ballenger:

Well, but every time this has been on the ballot, every 16 years it's been on the ballot, you guys put that in place that there's an automatic vote by everybody in the state every 16 years, whether we want a new con-con. It has gotten creamed. I mean the no vote has been resoundingly victorious over people who want a new con-con. So it would be a real change of attitude by the people of Michigan to, in 2026, all of a sudden say, Hey, you know what? We need a new con-con. A lot of people are afraid of what a new con-con would bring, unlike your atmosphere where there was a lot of hope for change and sensible, practical things that ought to be done and brought up to speed after a passage of 56 years. Now, people are definitely afraid that if you get a bunch of delegates together in a con-con today, in this heated antagonistic atmosphere we're in right now, that it's only going to produce disaster. What do you think about that?

Eugene G. Wanger:

Well, I think you've just made a speech for the next vote. Well, but there is very, I'm sure the people in the past have felt, first of all, you have no idea who's going to get elected when you vote for this. Everything is up. And secondly, everything is on the table. It's everything is up for grant, okay? Now that really does create uncertainty.

Also, as I mentioned earlier, we have more influential groups in the state who have a vested interest in certain parts of the constitution, compared to what we did before. And they'll have an opinion on whether or not we ought to have a new convention. And particularly, if they want to protect the position they have in the constitution now, and they're likely to spend some money in a support of that view. And also the cost, last time around I checked with the Bureau of Elections and they said it would cost about 30 million to have it because of all the elections you have to have, not just paying the delegates whatever that is, but it's all of the elections. You have three, primary, general, and then the election to-

Dennis O. Cawthorne:

Adopt or reject.

Eugene G. Wanger:

The cost 30 million. And I was amazed to hear that today, of course, what's 30 million or multi-billion dollar expenditure in Michigan now? But at least a few years ago, people thought 30 million, that's an awful lot of money to spend unless we need to.

Dennis O. Cawthorne:

There's been some controversy in the past regarding the use of the initiative here in Michigan, a citizens petition drive to initiate legislation. The legislature has to act on the language of the petition drive if sufficient signatures are gathered. And what has happened in the recent past, on a number of occasions, is the legislature will in fact adopt the language in the petition drive, but then cynically, shortly thereafter, amend it. Amend it in a way that water's down greatly. I'm just wondering if the delegates thought about what mischief might be done with the initiative or whether this was something that's not expected.

Eugene G. Wanger:

Well, I'll say no, I don't think there was any thought that there would be this trouble. You see, we took the initiative over from the old Constitution and initiative referendum and recall were three of the big things of the progressive movement.

Bill Ballenger:

Right.

Eugene Wanger:

So the language had been there for a long time. There'd been no controversy about it. As far as we'd heard the committee came out and said, "Well, we think we ought to adopt this." It's a long section and it's fairly complicated as you guys know.

Bill Ballenger:

So you pretty much rubber stamped it.

Eugene Wanger:

Yeah. Yeah. We pretty much decided, yeah, that's a good idea. We should carry that forward. Let's do it. And there were lots of other things that did require, in our opinion, more explanation and of course we concentrated on that.

Bill Ballenger:

Well, if this had come up as an issue, as Dennis just explained, do you think that would've been controversial or would there have been a lot of people saying this is a misuse of the initiative process?

Eugene Wanger:

Well, we could not have anticipated what actually happened. You see? But I think if it had come up, they'd have said, "Well, now let's think about that. How could we straighten that out or prevent that?" But I doubt very much if it would've created much heat.

Bill Ballenger:

Well, there's also been controversy about the referendum. The Constitution's language says that any language contained in an enacted bill that contains an appropriation cannot be subject to a referendum, meaning a vote of the people, whether they approve of it or not. And that negates the use of a petition drive. Sometimes the legislature, therefore in an nefarious cynical way as Dennis just mentioned, has put a token appropriation of a piddly $1,000 in a bill just to insulate it from a petition referendum

challenge. Now critics say that this is a clear violation of the spirit of the Constitutional intention. Was this ever debated at Con-Con or was it just kind of like a rubber stamp from 1908 and you didn't foresee this?

Eugene Wanger:

Well, here we had a situation where it was brought up. I think it had to be the finance committee. It wouldn't have been before legislative powers committee. And they thought, all right, we have this already problem getting the budgets done on time. And there's a lot of controversy about the budget. And if somebody put in an initiative petition, a referendum that was going to open up the budget, we'd never get budgets done. There had to be some way to prevent that from happening.

Bill Ballenger:

So you added that.

Eugene Wanger:

Well, I don't know that we added it. I think we might have added it. Perhaps we did add it. I think we did add it. And of course, that was the reason. It was purely to make it possible to get the budget done.

Bill Ballenger:

Sure.

Eugene Wanger:

Nobody anticipated that what you described today happening, would've happened. And if they had a new Constitution, I'm sure they would give some theory either to taking that requirement out or to making the requirement, perhaps the appropriation involved, much larger or working somehow in a different way. I'm not sure. But obviously that would be something that should be addressed because it isn't fair the way that's done and it's not done today in that sense, in the way any of us anticipated.

Dennis Cawthorne:

Early in this discussion, you mentioned that one of the motivating factors where they were calling a convention was to enhance the power of the governor. And so the new Constitution gave the governor significant power to reorganize the executive branch basically by executive order. And there have been times in the past when many people have thought that governors have kind of exceeded what you all intended. Do you have any thoughts or comments on that?

Eugene Wanger:

Yes. We decided that we got to have the state executive branch organized into a number of departments. I think we said not more than 12, I forget what-

Dennis Cawthorne:

20.

Bill Ballenger:

20.

Dennis Cawthorne:

More than 20-20. And for a long time, there were only 19. They always held one in reserve.

Eugene Wanger:

So anyway, but then we thought things being the way they are, if we just put that in the Constitution and we wait for the legislature to do that, we may be waiting for a very long time indeed, because how are you going to divide up these different agencies into different departments? And so we thought we have to have a way to force this and the way we'll do it, we'll say if the legislature doesn't do it in a certain period of time, the governor can do it all by himself. That was the rationale for putting that in.

Now, perhaps we should have put a time limit on it. I don't know. We didn't think about.

Bill Ballenger:

Wasn't it supposed to be 60 days?

Eugene Wanger:

We felt that it was only going to be used probably right at the beginning. Well, that isn't quite what it said. So we've had a number of changes as you fellows know better than I. Although one we had last, I was very, and am, very disappointed and was when Governor Granholm abolished the Department of History, Science and Library, which was a terrible loss to the state and still is reverberating as a loss to the state. So the basic power, it has been done mostly for worthwhile good things, but occasionally human beings being what we are, mistakes can be made.

Bill Ballenger:

Right. I've got a question from state Senator Ed McBroom, who is a Republican from Vulcan, in rural Vulcan in the UP. He's a farmer and he served in the House and now he's a Senator. And he asked that under Article 8, section three and four, the education section of the Constitution.

Eugene Wanger:

Yes.

Bill Ballenger:

He says when universities were granted autonomy in the Constitution under these sections, but required to hold their formal meetings open to the public, did the convention envision the Open Meetings Act, which wasn't enacted until the 1970s, much later. Was it a good idea to get rid of the Superintendent of Public Instruction, this is another question, but kind of related to this overall subject of education, as a statewide elected official, you mentioned that earlier, and make him an appointee of the State Board of Education? Which by the way you guys in the convention created for the first time to be elected statewide. Would making the Superintendent of Public Instruction a direct appointee of the governor be a better idea? And what about the creation of an elected State Board of Education, as I just mentioned, has that been a success or has it been an encumbrance on the administration of education? Was too much autonomy granted to higher educational institutions which have more independence and authority in Michigan than in almost any other state in the country?

Eugene Wanger:

Well, I will say no. The big three have independent borders.

Bill Ballenger:

Yes. Yes.

Eugene Wanger:

Overall, that's been a good thing. It has prevented political interference in those organizations. The basic thing you have to remember about the article on education in the Constitution is that it was created by the lobby in Michigan. The Education lobby at the time was the most important lobby, most powerful lobby in the state. At least that's what we thought. And the Education Committee, although John Hannah was not on it, was very much interested in seeing what the education lobby wanted, which was naturally the thing to do because most of us knew absolutely nothing about education.

So, we took their recommendation, nobody said this, but I mean, knowing it was from the education lobby and we were thankful we didn't have to debate it. And so, we voted, yes.

Bill Ballenger:

Yes.

Eugene Wanger:

Now that's how it worked.

Bill Ballenger:

When you say the education lobby, are you talking about the MEA, the Michigan Education Association, the teachers union, you're talking about the administrators, you're talking about the school boards, or you're just taking all of them together?

Eugene Wanger:

All of them together.

Bill Ballenger:

Okay.

Eugene Wanger:

Of course, they're very, very influential. And I think they came up generally speaking with a pretty good thing. And you mentioned earlier about the formal meetings and so forth. We did say in the education article that formal meetings had to be open. We didn't say anything about not having informal meetings. That came up later with the open meetings that happened decades later. But I know the delegates would've thought, well, first of all, we had more confidence in the non-partisanship that would occur in these various agencies, including education that actually turned out. But we thought these groups, in order to do their job, they have to be able to discuss things informally when there's no press around, just the guys, so they can say nothing nefarious, but they say things that they know of. If it's a controversial issue, somebody there will take any statement they make out of context and run with it and it will hurt them politically and very likely the institution.

So I'm sure the delegates, most of them, would've said, "Yeah, informal meetings are okay." Well now today we know that doesn't happen. Or if it does, it's very rare and pretty much subserosa, and it may be a good thing that change has been made. But still there is a lingering feeling that things work better

when you have good people who occasionally can get together just between themselves and discuss something without anybody overhearing it. So it's a arguable question.

Dennis Cawthorne:

You made a very good point a few moments ago, and that is that education was actually very well represented in the ranks of the delegates in the respect that John Hannah, President of MSU was a delegate, James Pollock of U of M, a distinguished scholar was a delegate, and Steve Nesbitt, who was the chairman of the convention, was a long time member of the State Board of Education. So that education was strongly represented and that's probably why the convention went the way it did on so many of these issues.

Eugene Wanger:

Oh, I think so. The point is you're right. The education was well represented among the delegates and Pollock for example, distinguished political scientist, he's the only person that I've ever heard of that had the highest civilian declarations awarded both by the government of Germany, for which he'd assisted at the end of the war to reorganize the German government, and the United States for his wartime service. Nobody had ever met anybody like that. And he was very influential, but he became a little pedantic. He did and that was a little annoying. But I mean, you sit down with him over a martini, oh, he could charm the birds out of the trees and brilliant. I mean, he's right with you. You're trying to keep up with him, but he makes it seem like it's the other way. I mean, the guy was really an outstanding person. If he just talked about education and said, "This is a bad idea," most of the delegations said, "Wait a minute, we better rethink this."

Bill Ballenger:

Well, do you think the education lobby was suspicious of the Superintendent of Public Instruction being an independently elected figure that he had too much power, that's why they took the elective status away from that position and gave it to the State Board of Education? I'm getting back to the State Board of Education again. Has that been a success?

Eugene Wanger:

Well, I'm not qualified to say because I know very little about education. I have a feeling that today it's not too well organized. But there's all kinds of things in the picture today that were never there before like charter schools, for example, and things that are now just a totally different environment. So it's pretty hard to say, Bill, I'm not sure.

Bill Ballenger:

But there was a suspicion you think of the Superintendent of Public Instruction as an elective figure?

Eugene Wanger:

I don't think so. I don't think anybody thought we got to get rid of Clare Taylor and no. I think, well, there may have been a feeling that he really didn't have as much influence as he should have had. There may have been a feeling that back then the Superintendent of Public Instruction might have been a fifth wheel, really. Now we may have been mistaken, but I think that was kind of a subserosa feeling around the convention.

I think there is a lot of things about the convention, of course, that were interesting. It was probably the single most important political event to happen in Michigan during the 20th century. And I remember when President Eisenhower spoke to us. He had retired then from the presidency, but he came and he spoke to us and gave us quite an encouraging talk for a general who had a lot of national political experience, but didn't know much about how states were run, but he did a wonderful job. And I remember one of his concluding phrases was, "Michigan can lead the way." And that became the slogan of the campaign, of course to adopt the new Constitution.

Bill Ballenger:

Yeah. Yeah, absolutely. Because he was still very popular in 1963 when we were selling this, even though he wasn't president anymore.

Eugene Wanger:

And we tried to get Harry Truman to come, too, but Truman turned us down. Now I think at that time, it may have been that Truman was not really in condition to go around giving public addresses. He was towards the end of his life and so forth. Well, I'll tell you. The Democratic party and the convention was just fit to be tied that we were going to have Eisenhower there. They thought it was just, well, okay, it's politics, but I didn't understand it. I thought, "Why would they object to that?" But it was very contentious. But we Republicans felt no, we've tried to get Truman. Didn't work. We're going to have Eisenhower anyway. And we were fortunate to get him, of course.

Bill Ballenger:

What haven't we talked about or what else do you think is worth mentioning in connection with Con-Con, your service on it, its history, how it's worked? Anything that you want to say in conclusion?

Eugene Wanger:

The United States Constitution's ninth amendment, I got adopted. It was my proposal that got adopted into the state Constitution.

Bill Ballenger:

Which is the ninth amendment.

Eugene Wanger:

The ninth amendment says that the enumeration in this Constitution of certain rights shall not be interpreted to deny or disparage other rights retained by the states or by the people. And I thought we ought to have that in the state Constitution, only we didn't need to say retained by the states. We knew that. So it's by the people. And that came out of Jim Pollock's committee. They thought so highly of it. They even gave me credit for posing it in their committee report, which never happened. I was astonished because it was such a compliment, particularly for a young guy. You know?

Bill Ballenger:

That and capital punishment, and you said a third.

Eugene G. Wanger:

And the auditor general.

Dennis O. Cawthorne:

And the auditor general.

Eugene G. Wanger:

Yeah.

Bill Ballenger:

The auditor general.

Eugene G. Wanger:

There were only two proposals, although it had been in the little Hoover report, and I knew about this and I thought this makes a lot of sense, but it's important that this guy have some powers. He has specific powers, because you're going to have some guy appointed by the legislature who's going to go around knocking on the doors in the executive branch, and that is just not going to work unless he's got a power to get the doors open. There were two proposals put in delegate proposals on this subject. Mine was the only one that had any teeth in it, and so I was very prominent, I guess you would say, in getting that adopted.

Bill Ballenger:

Sure. Yes.

Eugene G. Wanger:

My committee, legislative powers, was pretty much in favor of having lots of powers, but the proposal had been divided between the legislative powers committee and the executive branch committee because it involved both, of course. Our committee chairman thought that the chairman of the executive branch committee really should handle the floor presentation, and that was a guy from Grand Rapids named John Martin at the convention.

Bill Ballenger:

Who had been an auditor general.

Eugene G. Wanger:

He had been auditor general, elected one. And not only that, he'd been a road scholar.

Bill Ballenger:

Right. Very able man. Right.

Eugene G. Wanger:

His attitude, although he was in favor of having the auditor general, he didn't somehow feel that some of these powers were quite necessary to be able to control the executive branch that much, so we lost out. I got a group together, we tried to get him back in. We failed. But nevertheless, the organization is very good and it's done a tremendous amount of good for the State of Michigan over the years, although it's often not received a whole lot of publicity.

Video Playing:

Whatever changes we shall make in the Constitution, may they be for the greatest good of the greatest number. In His name, we pray together as thy children. Amen.

Yes, its product, a piece of paper in which all could not agree, an imperfect product of human beings, yet a culmination of our civilization embodying human liberty, human hope, and human sense. The people of Michigan demanded a new Constitution, and here it is. The new Constitution represents the decisions of the majority. It is based on two philosophies. First, the necessity of building safeguards for the individual against the power of government. And second, the necessity of providing sufficient strength to government for efficient operation. But it is a human document, and as is possible in a democracy, it represents the will of the majority. The Constitution is represented to the people of Michigan for their approval. Michigan can lead the way.

Bill Ballenger:

Well, Mr. Delegate, Eugene G. Wanger, Dennis and I both thank you very much again for this fantastic interview on behalf of the James J. Blanchard Living Library for the Michigan Political History Society.

Eugene G. Wanger:

It's been a pleasure to see both of you again and to participate. Thank you.