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Foreword

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FOREWORD

FRANK A. WENSTROM*

As this introduction is being written, the North Dakota Constitutional Convention is just completing its initial phase of operation—the interim committee period. Final reports for the six substantive committees are being prepared and committee proposals, which contain the recommendations of the committees, are being completed. The pace has been spirited, as committees have been meeting day after day. A great deal of information and knowledge has been amassed and assimilated by committee members in the process of preparing each final committee proposal. Thus, with the completion of the interim committee phase of the Convention's work, delegates are now in a position to proceed with the interesting and fascinating process of advocacy and compromise peculiar to our American system.

Some people might wonder what has happened as a result of this activity. To begin with, the recommendations of the six committees, when pieced together, will form a revised constitution. One which will show, we believe, a great number of improvements. Many ambiguities, internal conflicts, and provisions which are unconstitutional in the light of the United States Constitution, have been noted by the committees and changes correspondingly proposed. Additional changes of a more substantive nature have been recommended. In this area delegates may differ as to the continuing value of these recommendations. It cannot be expected that all committee recommendations will be adopted without some changes when the Convention meets in plenary session in January, 1972. This all becomes a necessary part of the revision process. While the winds of change have begun to blow, they will most assuredly not all come from the same direction.

In paging through the contents of this symposium issue, one is immediately aware of the character and qualifications of the contributors. Lloyd B. Omdahl, a former North Dakota Tax Commissioner and present Director of the Bureau of Governmental Affairs at the University of North Dakota, has a thorough understanding of

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state government and its processes. Lloyd is a Convention delegate representing the 18th District and very ably sets out the problems caused by federal-state relationships and "legislating" in a constitution. The treatise by Mr. Richard B. Kuhns, assistant professor of law at the University of North Dakota, contains an excellent treatment of the various alternatives available for the structure of the judicial branch of government. Many of the issues related by Professor Kuhns were faced by the Judicial Functions and Political Subdivisions Committee in preparing its proposals for the plenary session. The scholarly treatment of this subject will provide Convention delegates with an excellent and ready access to the philosophical considerations that enter in the decision making process. Professor Henry J. Tomasek, Chairman of the Political Science Department at the University of North Dakota, discusses, with great insight, some of the problems and shortcomings that are to be found in North Dakota's and other states', basic documents. That portion of his article devoted to suggestions for revision in those sections in the constitution relating to the legislative assembly, will prove to be, I am sure, valuable to delegates when decisions in this area are made.

The subject of reapportionment is dealt with by Dick Dobson, a Convention delegate representing the 5th District. Dick is an able and talented writer, associated with the Minot Daily News. Delegate Dobson is especially well qualified to handle the subject of reapportionment. His activity in this field during the 1971 and prior legislative sessions resulted in the Dobson Plan for reapportionment, a plan well known throughout the state.

Vance K. Hill, a Convention delegate representing the 32nd District, has been especially active in the area of executive reorganization. A member of the Committee on Executive Functions, Delegate Hill exhibits a depth of knowledge of state government gained through years of experience with the North Dakota Attorney General's Office. He sets forth a thought provoking plan for streamlining the executive branch of government. His plan will, I am sure, receive much attention from his fellow delegates.

It is with a great deal of pleasure that I preface the articles prepared by these able authors—especially since their work will play a major role in the dissemination of important information relating to North Dakota's present constitution and Constitutional Convention. The contribution they have made is considerable and will not go unnoticed. Truly, the winds of change have begun to blow. With the help of these contributors, and others like them, the work of all of us associated with the Constitutional Convention becomes easier.