

## The Legacy of State Constitutional Conventions

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Constitutional conventions are ephemeral institutions in a state's political system. Usually they meet for only a few months and their impact on the system is commonly measured by whether the draft document they produce is adopted in the ratifying election (Goodman, et al., August, 1973, pp.571-596). The purpose of this research is to investigate whether constitutional conventions leave a larger legacy by (a) serving as a recruitment vehicle by which delegates move to other elective offices and by (b) seeding the state with a continuing constitutionally-attentive elite. These are particularly crucial questions for understanding the impact of constitutional conventions in states where draft documents were defeated.<sup>1</sup>

We have data from the two most recent efforts at comprehensive constitutional reform in Arkansas. Both the 1969-70 and 1979-80 Arkansas constitutional conventions produced substantial revisions of the existing 1874 Constitution which were rejected by the electorate.<sup>2</sup> We interviewed 80 of 95 living delegates to the 1969-70 convention and 59 of 98 living delegates to the 1979-80 convention. A mail questionnaire yielded 60 responses from delegates to the earlier convention. An additional 20 interviews were completed by phone. All of the 1979-80 delegates responded to the mail questionnaire.

Whether constitutional conventions serve as recruitment vehicles for other public offices is a question of both theoretical and practical value (Thompson, 1976, pp.425-439). Constitutional conventions stand outside the normal recruitment process because they are not part of the standing hierarchy of public offices. Like commissions and some party conventions, these are de novo bodies with a brief life span and a relatively specialized agenda. As a practical matter, state legislators

<sup>1</sup>Draft constitutions have often been defeated in the ratifying elections. For a discussion of this problem see Cornwall, et al.; each volume of The Book of States summarizes the recent history of state constitutional reform.

<sup>2</sup>For a discussion of these conventions see English and Carroll, National Civic Review, pp. 240-250, 267; Arkansas Political Science Journal, pp. 3-24; also see Ledbetter, et al.

may be reluctant to support a call for a constitutional convention for fear that delegates will subsequently run for their legislative seats. This issue was hotly debated during the 1979 Arkansas legislative session when the call for the 1979-80 Arkansas Constitutional Convention was before the House. Legislators' fears of convention delegates may be a major impediment to constitutional reform in the states.

We asked delegates whether the "convention experience encouraged you to continue in or pursue other public service." Results from the two conventions were similar. Only 37 percent and 41 percent of the 1969-70 and 1979-80 convention respondents, respectively, answered positively to this question, while the others said that their convention service made no difference. In all, 31 and 37 percent of our respondents ran for public office but only 14 percent of the 1969-70 and 24 percent of the 1979-80 respondent delegates were elected. But of the 20 percent of the 1969-70 respondents who actually sought elective office and were motivated to delegates (six percent of total respondents) were elected (See the Table). The pattern is the same for the 1979-80 delegates. Here the convention motivated 25 percent of our respondents to actually run for public office and eight (14 percent of respondents) were elected. In sum, delegates who were motivated by the convention to run were considerably less likely to win public office than delegates who ran and for whom the convention made no difference. We found that although the percentage of unmotivated delegates who ran for public office was less in both conventions than motivated delegates, the number who were elected rivaled, and in the case of the 1969-70 convention, actually exceeded those elected from the motivated group. While

Table. Motivation and Election to Public Office  
in Two Constitutional Conventions

Office	1969-70		1979-80	
	Motivated and Ran	Elected	Motivated and Ran	Elected
Municipal	2	2	4	3
County	3	0	2	1
State	2	1	2	1
Legislative	6	1	8	3
Federal	3	1	0	0
Total	16	5	15	8

convention service motivates some delegates to seek public office, their chances of winning depends upon factors unrelated to the convention, such as party affiliation, campaign organization and incumbency.

The 1969-70 Arkansas convention was an especially good test of the recruitment hypothesis because of the nature of the delegate selection process. Delegates were elected from state legislative districts at the same time that the referendum on the convention call was held. Because of the uncertainty about whether the convention would take place, few elected officials and professional politicians chose to run, which facilitated the election of political newcomers. Despite this remarkable opportunity to break into the Arkansas political system, politically ambitious delegates were unable to exploit their convention service as a career step to higher elective office. The reasons for this failure may be found in the higher-law nature of constitutional conventions which places them outside the normal political processes (Friedman and Stokes, 1965, pp.148-166; Swanson, Kelleher, and English, 1972, pp.183-198) and because the often abstract nature of the convention's agenda does not require a working constituent-delegate relationship.

Despite their failure to achieve electoral office, we do find that both sets of delegates remained active on behalf of constitutional reform after the defeat of their draft documents. An extraordinary 87 percent and 91 percent of respondent delegates reported that "they had maintained /their/ interest in state constitutional issues since /their/ service as a delegate." Delegates said that they had performed the following activities since the end of their conventions: 82 and 81 percent talked to friends and colleagues about constitutional issues; 62 and 53 percent discussed constitutional issues with county and local officials; and, of delegates to the 1969-70 convention, 39 percent contacted members of the legislature and 29 percent attended meetings dealing with constitutional issues. These data demonstrate a widespread pattern of elite interaction and political activism on constitutional issues among former delegates. Indeed, the 1969-70 delegates set the agenda for incremental constitutional reform during the 1970s. Several respondents played important roles in the adoption of constitutional amendments reforming county government and the executive, and they campaigned actively for the call of the 1979-80 convention. The 1979-80 delegates also remain active on constitutional issues, but with one important exception: after the defeat of two attempts at comprehensive constitutional reform they are much less likely (two percent to 24 percent) than the 1969-70 delegates to campaign actively for the call of a new convention.

The previous literature has tended to look at state constitutional conventions as relatively isolated phenomena bracketed by the legislative call and the popular referendum on ratification. We argue that conventions leave a more lasting legacy, even when the draft document is defeated. Former delegates, working to keep alive the flame of reform, join judges, legislators, members of the bar, and others as part of the state's constitutionally attentive elite.

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