

# State Constitutions— Are They Growing Longer?

BY ALFRED DE GRAZIA

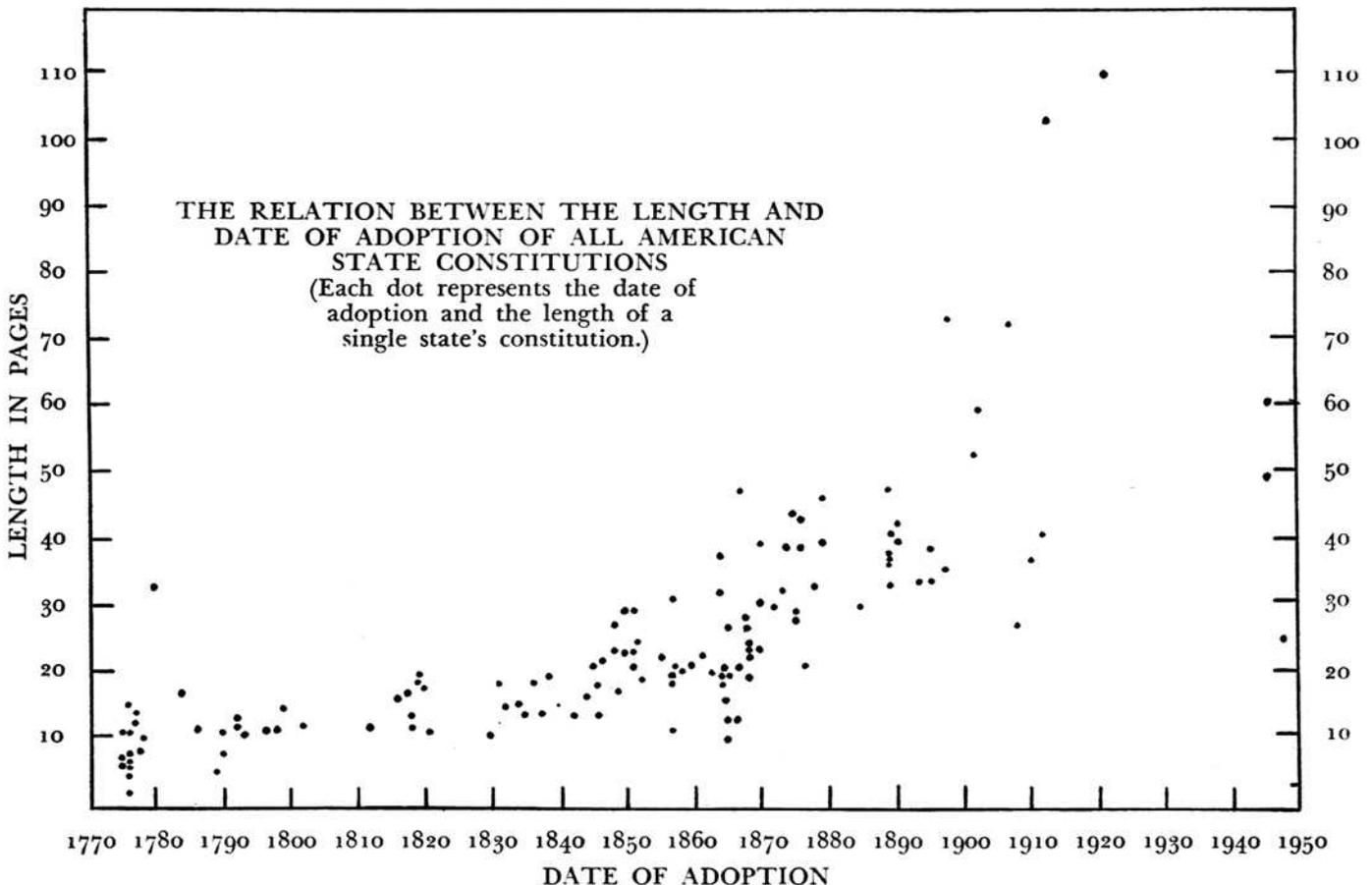
*Executive Officer, the Committee for Research in Social Sciences, Stanford University*

FOR MANY YEARS scholars and statesmen alike have been declaring that the constitutions of the states have been growing longer. One of the few men who tried to make this belief a little more precise and to show its validity was Robert Luce. In his voluminous work, entitled *Legislative Principles*, Mr. Luce gave this writer the idea of showing graphically the true extent of the trend towards an increasing length of the state constitutions over the whole period of American history. My idea was to construct a simple graph, in which on the left-hand side might be some measure of the length of the state constitution as originally adopted, and at the base the years from 1776 to 1950.

This was done, and the results are pictured in the accompanying illustration. The unit I chose to measure the length of constitutions was the page

size in Francis Newton Thorpe's collection of *The Federal and State Constitutions, etc.* from which data until 1908 were obtained. The length of all later constitutions was translated into the average number of words per page of Thorpe, and all constitutions were plotted according to their numbers of pages or equivalents and the year of their adoption.

As a result, it may be seen that almost from the beginning the length of constitutions began to increase, at first slightly in the period before 1840, then markedly up to 1890, and finally the period from 1900 to the present has given us some rather fantastic examples of lengthy state constitutions. Of course, many old state constitutions, that once were fairly brief, have since been amended a number of times and have assumed large proportions. I did not think it worthwhile to count amendments in con-



The most important factor here is geographic distribution. Unfortunately, most of those who are best equipped to train personnel are clustered in large metropolitan areas or in close proximity to universities and medical schools. It is to such places, too, that most candidates tend to apply for training. But we find that it is just in such places that the availability of clinical material and facilities is apt to be insufficient for the purpose of training large numbers of candidates. At the same time, we have a great many hospitals with adequate patient population, some of them properly equipped as far as facilities are concerned, but not provided with a sufficient number of qualified teaching personnel. This results in a failure to utilize some excellent teaching potentialities for lack of facilities, and a failure to make use of clinical opportunities for lack of instructors. That, without a doubt, is the most important and crucial factor in our problem, and we must devise some methods to overcome it. A number of possible ways present themselves, and in a few locations attempts have been made in this direction.

One example of the means whereby this can be accomplished is the organization of combined training faculties. These are in operation in Illinois, Massachusetts, Kansas and a number of other states. The program, in most instances, has its central focus in a metropolitan area in close cooperation with one or more medical schools. With this as a base, a training program is established which utilizes the combined facilities of a number of institutions, each of which can offer opportunities for experience in certain special aspects of the field. When all of these resources are pooled together, the training potentialities can be augmented both qualitatively and quantitatively. With this as a nucleus, one can begin to reach out into the periphery and organize a progressively increasing number of hospitals with an exchange of teachers and facilities.

OBVIOUSLY, the greater the distances of the affiliated hospitals from such a center, the greater will be the difficulties in communication and the less likely the program is to succeed rapidly. Therefore, in addition to the development of such a plan, with proper lines of communication between outlying hospitals and the central nucleus, two other factors have to come into play.

In the first place, all the hospitals, but particularly those that are located at some distance from this center, will have to be supplied with key people on their own permanent staffs: qualified teachers whose main activity would be focused on instruction and guidance of the rest of the professional personnel, including the trainees. There obviously

cannot be very many such people in some of the hospitals and therefore most of them will have to continue to obtain some help in instruction from the central area. But the training and research programs will have to be anchored at each one of these hospitals, even if only through the appointment of a single person to such a position. This means that each hospital should have on its staff a director of educational activities and a director of research.

In developing such a program, we will have to keep in mind the importance of assigning to such positions the prestige and remuneration that will render them attractive as permanent life careers. In a good many hospitals the teaching, and particularly research work, is relegated to a younger member of the staff, whose position in the institutional hierarchy is at a lower level than, for instance, that of the clinical director or assistant superintendent. Under such conditions, if any of the younger men become interested either in research or in training of personnel, there seems to be no potentiality for them to advance in their ranks while they are still engaged in either one of these two activities. Regardless of how much enthusiasm these persons may have for such work, they also have certain personal responsibilities and requirements, which make it essential for them to feel secure in their prospects for advancement financially and in status. It would be important, therefore, to place teaching and research work in as many hospitals as possible on an equal level with those, at least, of clinical director and assistant superintendent.

BUT EVEN if such provisions could be instituted, we would still have difficulties, at least at present, in finding properly qualified persons to fill these positions in some areas. It is hoped that with the development of a vigorous program of training and research, the problem eventually will be solved. Meantime, it would be well to consider a possible plan whereby institutions located in areas where such need is particularly great could subsidize local candidates for a period of training in some of the more adequately equipped centers. Such a training period away from the local institution would be financed with the understanding that at the completion of the course the candidate would return to that institution.

This plan, which has actually been implemented in a few instances, does not always work out. But, depending upon how carefully the candidates are selected and how attractive are the opportunities offered to them, it should succeed often enough to make it effective. A number of very important contributions could be made by such men. Depending

*(Continued on page 86)*

structing the graph, because my aim was principally to show how the customs or needs of given decades changed.

The scattered and exceedingly erratic distribution of the sizes of constitutions since 1910 is significant, I think, in that it is now difficult to declare that state constitutions are increasing in length. We can say that this was true indeed between 1776 and 1910. But since 1910 the several state constitutions that have been adopted show no clear pattern. If one takes the last three, for example, one finds them less long than the preceding two. Even then, these last three constitutions vary from about sixty pages to about twenty-five pages in length.

One would be rash, on the basis of these figures, to predict that the next generation of state constitution making in the United States will reveal either an increase from the lengthy constitutions of the recent past or a decrease in size as men realize the impossibility of putting down everything in the basic document of the state. It is doubtful that many men today would sympathize with the views of Elisha Hurlbut, who in 1845, at the beginning of the period of most rapid increase in the size of constitutions, declared that many details should be set forth in constitutions to preserve human rights, because "every year of a nation's experience will enlarge its specification of abuses which ought to be carefully named and provided against."

On the other hand, in view of the size and complexity of state governments today, it would be equally unlikely to expect many men to believe in the adequacy of a simple and general statement of the frame of government and its substantive interests.

Sources: The standard for a "page" is that of the pages in Thorpe, Francis Newton: *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies*, Vols. I-VII. Washington: Government Printing Office, 1909, from which data until 1908 were obtained. Later constitutions were contained in: Kettleborough, Charles: *The State Constitutions*. Indianapolis: B. F. Bowen & Co., 1918. *Revised Constitution of the State of Georgia*, as adopted by the Commission to Revise the State Constitution on December 9, 1944. *Proposed New Constitution*, as adopted by the 1943-1944 Constitutional Convention of Missouri. State of New Jersey: *A New Constitution for the State of New Jersey*, as agreed upon by the delegates of the people of New Jersey on September 10, 1947. Other sources were: *The Book of the States*, Chicago: The Council of State Governments, Vol. IV, 1941-1942; Vol. VII, 1948-1949; and Vol. VIII, 1950-1951. *Constitution of the State of Louisiana*, as adopted in Convention at the City of Baton Rouge, June 18, 1921.

## Southern Regional Survey

(Continued from page 76)

The board had been created in 1949 upon initiative of the Governors, and had operated since that time under a compact approved by the legislatures of fourteen of the sixteen states in the conference. Its membership includes the Governor of each state and three persons whom he appoints, including legislators, educators and lay citizens.

The compact under which the board operates did five significant things:

1. It formed a geographic region consisting of the participating states, which now include Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia.
2. It provided for a regional education program to be supported from both public and private funds.
3. It created the board and specified its membership to include the Governor and three other persons appointed by him from each state.
4. It authorized the board to enter agreements with states, educational institutions and other agencies to provide adequate services and facilities in graduate, professional and technical education.
5. It obligated the board to submit plans and recommendations for the development, establishment, acquisition, operation and maintenance of educational institutions to the states for appropriate legislative action.

WHEN the board was formally organized on June 11, 1941, it adopted by-laws which further defined purpose and functions. The by-laws stated "that the board's purpose is to assist states, institutions and agencies concerned with higher education in advancing the social and economic level of the region." They also defined the board's functions in more specific terms, by charging it:

1. to serve as clearing-house for information on regionally significant activities in higher education
2. to provide facility and staff for assessing needs and developing program to meet needs of higher education in the South
3. to administer interstate arrangements for regional educational services and institutions
4. to act as a fiscal agent in carrying out such arrangements
5. to serve as a research facility on institutional and regional problems related to improving higher education
6. to assist in providing consultative services to states and institutions on problems of major regional significance related to the improvement of higher education in the South.

Under these policies, the board has achieved a