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SHOULD THE U.S. CONSTITUTION BE AMENDED TO REQUIRE PROPORTIONAL REPRESENTATION?: ARGUMENTS FOR AND AGAINST

Henry Sanders and Rose M. Sanders***

BASIC PROPOSITION

A constitutional amendment requiring proportional representation (proportional representation) is absolutely necessary.

Our political system is unfair to ethnic, political and other minorities. The system cannot provide fairness because it is "winner take all" and defective in its foundation. The only solution is proportional representation, which will provide majority rule and fair minority representation. A constitutional amendment is the only means to achieve proportional representation in the USA.

BASIC RESPONSE

A constitutional amendment is neither necessary or appropriate. Of course, our political system is not perfect. However, neither is any other political system perfect, including those that utilize proportional representation. The present system, however, is becoming fairer with implementation of the Voting Rights Act of 1965 (VRA) as amended.¹ It is the best available means considering the circumstances.

PROPOSITION

The term proportional representation is a broad concept that is loosely used. For purposes of this article, a definition is in order.

Proportional representation is political representation in

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1. Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 445 (codified as amended at 42 U.S.C. §§ 1971, 1973 to 1973bb-1 (1982)).

multi-member governing bodies such as the U.S. Congress, state legislatures, county governing bodies, city councils, boards of education, etc. in proportion to the percentage of popular vote received in the election. The term does not commonly embody racial percentages and race. John R. Low-Beer, in *The Constitutional Imperative of Proportional Representation*, states: "Proportional representation is an electoral system characterized by at-large elections in which the seats are divided among parties and/or individuals in proportion to the number of votes received by each."²

RESPONSE

Proportional representation may be definable in theory but is more difficult to define in practice. To be sure, there is considerable confusion in the theory. The most common definition implies representation in elective office in proportion to the percentage of a given voting group in the total population. It applies equally to ethnic, political, religious, and other grouping. However, for purposes of discussion, I am willing to use the following definition advanced by Sister Rose M. Sanders: "proportional representation is political representation in proportion to voting percentage in legislative and other multi-member governing bodies such as county governing bodies, City Councils, Boards of Education, etc."

A description of proportional representation is provided by the *New Encyclopedia Britannica* as follows: "proportional representation is an electoral device based on the principle that the distribution of seats in a representative assembly should reflect as exactly as possible the distribution of the electors' votes among the competing parties or contending candidates."³

I am not, however, willing to concede that the term excludes racial or ethnic percentages. If the term excludes either, explicitly or implicitly, it is useless to discuss proportional representation at this National Conference of Black Lawyers whose theme is "The Constitution and Race: A Critical Perspective."

2. Low-Beer, *The Constitutional Imperative of Proportional Representation*, 94 *YALE L.J.* 163, 164 n.4 (1984) [hereinafter Low-Beer].

3. 25 *NEW ENCYCLOPEDIA BRITANNICA* 1007 (15th ed. 1985) [hereinafter *BRITANNICA*].

PROPOSITION

Our system is philosophically and fundamentally flawed.

Theoretically, under our system, a party or other political group may receive 50.1% of the vote and all 435 seats in the United States Congress and/or all seats in other multi-member bodies. Conversely, another group may receive 49.9% of the vote, perhaps millions of votes, and obtain zero representation in Congress and/or other multi-member bodies. As a result, the views of a near majority are totally unrepresented in multi-member bodies. Such a result is absolutely contradictory to the very basis of multi-member political bodies which seek a diversity of experiences and views in order to collectively devise a common solution to each of the various political problems.

Any system that allows the theoretical negation of its entire purpose is fundamentally defective. At some point, Murphy's Law will reign true: "If anything can go wrong, it will." A constitutional amendment requiring proportional representation will eliminate this basic flaw.

RESPONSE

Our system is philosophically and fundamentally sound.

Anything is possible. Therefore we cannot base our actions on the elimination of all possibilities. Instead we must use reasonable probabilities, i.e., that exclusion is improbable, as the foundation to construct political and other systems.

Just to pursue the theoretical point to its logical conclusion, it is possible to have all 435 members of Congress and other multi-member bodies elected from one party under proportional representation. If the other group does not vote or actively participate in an election, then a one-party result is possible.

In large multi-member representative bodies from diverse regions of the country, it is highly unlikely all members will be elected from one party or group. Of course this possibility is less remote in smaller bodies selected from compact areas. However, we must admit that large party majorities have occasionally resulted under the present system and are probable under certain circumstances.

It must also be said, however, that under our current system we vote for individuals more than parties. Therefore, large party

majorities are not necessarily reflective of the party line or position. After all, the Democratic Party, the dominant legislative party over the last 55 years, consistently maintains conservative and progressive wings.

In short, there is wide diversity among individual members regardless of the party. The emergence of mass communication insures parties will be even less significant, particularly in multi-member political bodies.

PROPOSITION

The problems with our electoral system are not just theoretical but real for both ethnic and political minorities. Blacks and Hispanics comprise a measly 3% of the membership of Congress while comprising nearly 20% of the country's population.⁴ Minority representation does not match its population proportion in any state legislative body. Alabama, with 24 Blacks of 140 legislators, comes closest.⁵ However, that number amounts to just 17% of the legislative membership in a state whose minority population exceeds 25%. In other words, the best legislative representation in the entire country is just 68% or two-thirds of its comparable minority population.⁶

The percentages for multi-member bodies lower than legislators are not available but are undoubtedly much worse. Any way you view it, Blacks and other ethnic minorities receive far less than 50% of their fair representation.⁷

I suspect the representation record for political minorities is even more dismal. The meager advances made by ethnic minorities have come as a result of great struggle, constitutional amendments, a voting rights statute and strong Supreme Court support of minority representation. No such forces are available for political minorities. In fact, cases have clearly established that political groups have "no constitutional claim to representation."⁸ In fact, in the long struggle to protect minority rights, no basis for protection of political groups has been established.⁹

4. Alabama Legislative Reference Service [hereinafter Alabama].

5. *Id.*

6. *Id.*

7. *Id.*

8. *City of Mobile v. Bolden*, 446 U.S. 55 (1979).

9. *Low-Beer*, *supra* note 2, at 176 n.3.

The impact of the "winner take all" electoral system is well illustrated by the case of *The Liberal Party v. Great Britain*,¹⁰ which was brought before the European Commission on Human Rights in the late seventies. The Liberal Party had received a substantial popular vote but had not received a majority vote in any one Parliamentary contest. As a consequence, the party had no representation in Parliament. The Liberal Party did not prevail in the action but raised strong issues of equality of access, equality of influence and equality of representation.¹¹ The basic problem for the Liberal Party and Great Britain is endemic in the American political system.

With ethnic minorities underrepresented after great effort, and political minorities virtually unrepresented and unprotected, it's time for a change for the better in our lifetime. As stated by Low-Beer:

The constitutional values at stake . . . can be fully guaranteed only by proportional representation. If minority representation is either desirable . . . or mandated . . . , proportional representation is the only electoral system that can give equal representation to all groups. Proportional representation also achieves majority rule. It is the only system that can simultaneously guarantee the individual and group right to both an equally weighted vote and an equally meaningful vote.¹²

RESPONSE

Minorities are certainly underrepresented in the American political configuration. This is, however, less a function of the political system than certain historical and powerful social forces such as racism. Given the power and pervasiveness of these

Under the present electoral system, it is impossible to grant equally powerful votes without first specifying which groups will be represented and then gerrymandering very carefully — and even then, some groups will not be proportionally represented. Ironically, the system that is apparently defined without reference to groups requires that specific groups be cognized in the districting process.

Id.

10. *Liberal Party v. Great Britain*,

11. A. Boyle, *Electoral Fairness and the Liberal Party*, 1981 Public Law 574.

12. Low-Beer, *supra* note 2, at 182.

forces, any constitutional system would bend before such powerful social prejudices. In light of such potent prejudices, proportional representation would not have served minorities any better than the thirteenth, fourteenth and fifteenth amendments to the U.S. Constitution and the various implementing statutes. Note that the constitutional amendments were virtually ignored for nearly a century.¹³ We have the same constitutional amendments now as when the Court decided *Plessy v. Ferguson*¹⁴ and placed the "separate but equal" yoke around the neck of minorities for nearly sixty years.¹⁵

The effectiveness of constitutional and statutory provisions must be judged within the context of social forces operating at a particular time. In this light, the present constitutional provisions and implementation statutes have worked well in recent years. In the twenty-two years since the passage of the Voting Rights Act in 1965, the percentage of Black elected officials has risen dramatically.¹⁶ More importantly, the numbers continue to rise.¹⁷ We are now making fairness a reality in political representation. It certainly has been a struggle and will continue to be so. However, we would experience the same struggle with proportional representation embedded in the Constitution.

PROPOSITION

The Voting Rights Act, which some proportional representation opponents proudly point to as a solution to the minority representation problem, is not only inadequate but absolutely fails to resolve the basic dilemma of equality of access (one person, one vote) and equality of influence and representation (fair minority representation). It has not and cannot solve these problems for many reasons.

Section 5, which requires preclearance for changes which affect voting, is subjected to the Court imposed retrogression principle.¹⁸ That is, the change is permissible if the minority group is

13. L. BENNETT, JR., *BEFORE THE MAYFLOWER, A HISTORY OF BLACK AMERICA* () [hereinafter L. BENNETT].

14. 163 U.S. 537 (1896).

15. L. BENNETT, *supra* note 13, at

16. Alabama, *supra* note 4.

17. *Id.*

18. Jacobs & O'Rourke, *Racial Polarization in Vote Dilution Cases Under Section 2*

no worse off than before the change. This development dilutes opportunities to increase minority representation. There is no sound reason that Section 5 preclearance should not require the same standard as Section 2 of the Voting Rights Act, which requires fair representation.¹⁹ Section 5 impacts far more voting situations and increases minority representation with limited expenditure of time, money and other resources. Section 2 litigation, on the other hand, necessitates great expenditure of the same resources.

Minorities require at least a 65% population majority in a district to insure an opportunity to elect a minority candidate (a safe district). As a result, minorities receive less winnable districts than their bare population entitles. In addition, many minorities do not reside in areas sufficiently large, contiguous and compact to compose a district of winnable proportions.

Joe Reed, the Chairman of the Alabama Democratic Conference, a Black political organization in Alabama, says that the 24 Black legislative districts (two-thirds of population ratio) in Alabama are all that can be obtained under the single member districting method.²⁰ This vividly demonstrates the inherent limitations of single member districts and the Voting Rights Act in achieving fair representation.

The real issue in representation is position on ideas, concepts and programs. Race cuts across all three. The present election method, even with maximum districts for minority representation, makes little allowance for this reality.

With a stroke of the pen, proportional representation would effectively solve each of these problems in a way that the Voting Rights Act and the fourteenth and fifteenth amendments to the Constitution cannot achieve in another 100 years.

RESPONSE

The Voting Rights Act is a powerful tool in achieving fair ethnic minority representation. To appreciate where we are, we

of the Voting Rights Act: The Impact of Thornburg v. Gingles, 3 J. L. Pol. 295 (1986) [hereinafter Jacobs] (citing Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 439 (codified as amended at 42 U.S.C. § 1973c (1982))).

19. Pub. L. No. 89-110, 79 Stat. 437 (codified as amended at 42 U.S.C. § 1973 (1982)).

20. Personal Conversation with Joe Reed, Chairman of the Alabama Democratic Conference.

must understand where we came from and how.

Prior to 1964, America was not only absent of significant minority representation in legislative and other multi-member governing bodies, but was dominated by a powerful minority of rural legislators through mal-apportioned districts. In 1964, the Supreme Court decided *Reynolds v. Sims*, which propounded the much repeated principle/phrase, "one person (man), one vote."²¹ In 1965, the Voting Rights Act (VRA) was enacted. It placed emphasis on minority representation.²² Both *Sims* and VRA built on the foundation laid by *Gomillion v. Lightfoot*, which struck down the 28-sided boundary of Tuskegee, Alabama, designed to prevent Blacks from achieving elective office in that city.²³

The concepts embodied in *Sims* and the Voting Rights Act have shaped the electoral dialogue for over twenty years. To a significant degree, the concepts are in conflict: The one person, one vote principle seeks equal representation in compact districts whereas the minority representation principle seeks districts in which minorities have a voting majority and opportunity to win elections. As a rule, the greater the effort to insure minority representation, the greater the deviation from the one person, one vote principle. Thus, the continuing struggle to secure both majority rule and minority representation.²⁴

The Constitution, with major statutory assistance²⁵ and positive interpretation, has adapted to insure minority representation. The process, of course, is incomplete. The progress in minority representation, however, strongly suggests a constitutional amendment requiring proportional representation is neither necessary nor appropriate. This type of adaptation is the genius of the U.S. Constitution.

The VRA is the center piece of the statutory assistance mentioned in the preceding paragraph. In large measure, it is the reason that proportional representation is not necessary to achieve minority representation. Its profound effect on minority representation requires a closer examination of the statute itself.

21. *Reynolds v. Sims*, 377 U.S. 533 (1964).

22. 42 U.S.C. § 1973 (1982).

23. *Gomillion v. Lightfoot*, 364 U.S. 339 (1960).

24. *Low-Beer*, *supra* note 2, at 172-75 nn.50-61.

25. *See, e.g.*, 42 U.S.C. § 1973 (1982).

Basically there are two critical sections of the Voting Rights Act, Section 2 and Section 5. Section 5 provides for preclearance by the U.S. Department of Justice of acts, statutes, rules, customs and practices which affect voting directly or indirectly and arise in certain defined areas of the country.²⁶ Section 5, although limited by application of the Court-devised retrogression principle, has had a significant impact on increasing minority representation over the first twenty years of VRA.²⁷

It is Section 2, however, that has had the greater impact in recent years.²⁸ Section 2, as amended, provides the following:

1. Prohibits any system which results in the denial or abridgement of the right to vote;

2. Provides the opportunity for members of a racial or language minority to participate on an equal footing with other members of the electorate;

3. Provides the opportunity for minorities to elect candidates of their choice;

4. Requires Courts to use a totality of circumstances in deciding dilution cases (factors which make up the totality of circumstances include history of official voter discrimination; racially polarized elections; discriminatory provisions such as at-large districts, majority vote, anti-single shot, etc.; discriminatory slating process; effects of societal discrimination in education, employment, health, etc.; racial appeals in campaigns; and, extent of minority members elected to office).²⁹

The recent case of *Thornburg v. Gingles*³⁰ demonstrates the reach of Section 2. In spite of the specific caveat that Section 2 does not require proportional representation, the Court's heavy reliance on the extent of minorities elected to office as the critical dilution factor, moves the Court close to proportional representation.³¹

26. 42 U.S.C. § 1973c (1982).

27. Jacobs, *supra* note 18.

28. *Id.*

29. 42 U.S.C. § 1973 (1982).

30. *Thornburg v. Gingles*, 474 U.S. 808 (1985).

31. Jacobs, *supra* note 18.

PROPOSITION

Proportional representation is not a program bedded in concrete. It is rather a flexible concept which can be adapted to the realities of America or any other country, state or region. It is not just a theoretical concept but applied politics. Many Continental European democracies have some form of proportional representation with the major exception of France. In fact, France had proportional representation from 1946 to 1958 when it adopted a majority vote form of parliamentary elections.³²

Proportional representation exists in Cambridge, Massachusetts (City Council), and New York City (Board of Education), and works successfully in both instances.³³ In fact, proportional representation was discontinued in certain U.S. cities because it allowed political and ethnic minorities to be elected.³⁴

Proportional representation practices exist in other political forms in America, particularly the Democratic party presidential delegates selection process.³⁵ In addition, proportional representation exists in non-political forms: 17 states require proportional representation (cumulative voting) in electing corporate directors.³⁶

The concept is logical; the application is practical. Proportional representation can make America truly democratic.

RESPONSE

Proportional representation has not worked well any where and particularly in America. It has been attempted in 25 city councils and one state legislature (Illinois).³⁷ All but one city, Cambridge, Massachusetts, has discarded proportional representation.³⁸ In a country with such diversity of groups, it tends to divide rather than consolidate. It is contrary to the American melting pot tradition. If proportional representation cannot work in cities on a local level and cannot work in one state legislature, it certainly cannot work successfully across America pur-

32. 9 BRITANNICA, *supra* note 3, at 733.

33. Low-Beer, *supra* note 2, at 186 n.103.

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

suant to a constitutional amendment.

We have a system which, with a lot of help, is now working. We need to retain that system and increase its democratic efficiency. We have not given the system ample opportunity to obtain complete success since the Voting Rights Act was last amended in 1982.³⁹

PROPOSITION

Proportional representation, of course, requires some form of at-large voting, i.e., for all at-large seats or in a series of multi-member districts. The critical distinction between at-large voting as we know it and at-large voting in a proportional representation electoral scheme is that proportional representation prevents an equal voting preference for all positions available. Both the Hare system, which allows voters to cast their votes for each candidate in order of preference, or the list system, which allows each voter to vote on the party's list of candidates, have built in mechanisms to protect the integrity of the process.⁴⁰ This process allows several different candidates to be selected by several different constituencies. Every district, no matter how the lines are drawn, has different ideological constituencies, just as there are different ages, economic classes, educational backgrounds and other factors which may affect voter perspective. Proportional representation is truly democratic because it allows each voter to express weighted preferences and, more importantly, have some degree of representation in accord with these varied ideologies after the election is over. There are no disenfranchised citizens under proportional representation electoral systems.

A hybrid system of proportional representation may be utilized in those instances where competing values are substantial. For instance, Germany has a dual system. Half the legislative body is elected from single member districts and the other half is allotted to parties to make total representation proportional to the total vote received.⁴¹ This particular hybrid system solves

39. Pub. L. No. 97-205, 96 Stat. 134 (codified as amended at 42 U.S.C. § 1973(a),(b) (1982)).

40. BRITANNICA, *supra* note 3, at 1007.

41. Low-Beer, *supra* note 2, at 187.

the concern of the single member districts proponents.

RESPONSE

The proportional representation system requires at-large districts and at-large voting in some form. We have seen the evils of at-large districts over the years and the impact it has on minority election opportunities. Even in some hybrid form of proportional representation, i.e., several multi-member districts, larger districts work against poor and minority candidates because of the increased resources required to effectively campaign.

The larger the district, the more likely elected officials will reduce contact with constituencies whatever their persuasion. This remoteness commences with the campaign for election in large districts where candidates are unable to visit all areas and people. After the election, the remoteness multiplies in geometric progression.

In single member districts, the winner represents all residents of the district regardless of the source of electoral support. Unlike multi-member districts, there is little doubt what official is responsible for particular public matters in that district. In short, single member districts promote accountability.

PROPOSITION

A real problem with the American electoral system is candidates run against each other rather than for the office. Too often, the most successful candidates win by tearing down their opponents. In addition, if the election is not decided by destroying the opponent, it is often decided on personality and other purely cosmetic issues. This is a result of the winner take all system and cannot be corrected under our current electoral system. A constitutional amendment requiring proportional representation will correct these deficiencies.

In multi-member districts, more than one person wins. In addition, not every candidate seeks the same vote. A candidate can be more honest and appeal to his/her true constituency rather than appealing to a majority by making every principle sufficiently elastic to fit any belief or position.

A key benefit of a constitutional amendment requiring pro-

portional representation is the representation of the full range of political, cultural and social views that make up this country. To date, the views represented in legislatures and other multi-member bodies vary from liberal to conservative. A careful analysis of the Congress, state legislatures and other multi-member bodies reveals that 90% of the members fall within the moderate category.

The "winner take all" electoral system resulted in two major parties during most of the 200-year history of the Constitution. Many political observers view the Democratic and Republican parties as "Tweedle Dee and Tweedle Dum." A close analysis reveals only a difference in emphasis. There is little basic difference in philosophy between the two parties.

The American political spectrum contains little room for the original thinker or politician. The system reduces all to the lowest common denominator. The original political thinkers must seek college and university havens. It is inconceivable that not one socialist has been elected to the U.S. Congress or any state legislature. Surely there must be sufficient persons in America who subscribe to the socialist philosophy to elect a few representatives out of thousands. Proportional representation will sweep away this archaic, "winner take all" system. The various competing political ideologies existing on this planet would spring forth.

The political spectrum is tightly drawn and affects not only political candidates but the entire range of free speech. Since discussions are entirely theoretical, they become mere exercises in mental gymnastics. Candidates have no real opportunity to test different ideas in the political marketplace.

RESPONSE

The American electoral political system provides full opportunity for free expression. The Constitution is grounded in the first amendment. Ample allowances are made for freedom of speech in every form. If freedom of speech is not fully utilized, such shortcomings are not chargeable to the electoral system. Whatever inhibitions may exist, if any, will not be affected by a proportional representation constitutional amendment.

There is an obvious absence of elected representatives in the various legislative bodies representing the opposing eco-

conomic and political viewpoints of our nation's minority groups. That absence is a clear function of the success of the economic system rather than the method of electing legislative members. Even with proportional representation there would be an absence of representation advocating different economic/political systems. Political systems are expressions of the economic system. Rarely are economic systems expressions of the political system. We cannot expect America to run contrary to the basic law of nature.

Too much is made of the few differences in the major political parties. The differences are major and manifest themselves in thousands of ways. Those differences are particularly significant for the poor, the minority and the average working person. If disbelief has set in, please compare the plight of minority groups under Lyndon B. Johnson and Richard M. Nixon or Jimmy Carter and Ronald Reagan. The differences are too numerous to describe. The totality is the difference between struggling against the U.S. government with all its resources or having those resources assist in numerous ways.

It is most interesting that the march toward single-member districts has not produced the election of proponents of a wide range of economic/political systems. Again, that lack of development can be attributed to the stability of the economic and political systems.

Finally, there is value in a system which requires members of multi-member political bodies to seek a majority. It forces each candidate to broaden his/her views; representatives become inclusive rather than exclusive. Our system also forces elected officials to become "solution oriented" rather than "position oriented." This dynamic results in problem-solving officials rather than philosophical rhetoric.

PROPOSITION

Ethnic minorities, as well as political minorities, would have greater representation upon enactment of a proportional representation constitutional amendment. The proportional representation system would allow more ethnic minorities to seek office and be elected regardless of their views. The single member districting requirement of large blocks of minorities residing in contiguous areas would be removed. Yet, the minorities could come

together and elect candidates of their choice. Instead of today's maximum .68 to 1 ratio of Black representation in Alabama's legislative delegation as compared to Black population percentage, we may well have a one to one ratio.

If minorities are not treated fairly within the parties, they can form their own party and secure fair representation in multi-member bodies under a proportional representation electoral system. As things now stand, minorities have not formed separate parties because of the majority vote requirement. Their success level would be no greater and may be less in a separate party. Of course, the two major parties realize this fact of life and take minorities for granted, except on election day.

Of course, any election scheme can be manipulated and eschew the predictable results. The argument that minority votes would be at a disadvantage in a proportional representation system simply does not hold water. Minority voters have shown themselves to be as sophisticated and organized as any other voting group. If necessary, they can organize their vote to secure their fair share of elected representatives.

RESPONSE

There is no guarantee that the minority representatives would increase under a country-wide proportional representation system. In fact, the percentage may well decrease.

A well-coordinated scheme between voters of considerable sophistication could reduce the opportunities for election. This is no pipe dream since it is common practice for powerful majority politicians to persuade several minority candidates to enter races to split the vote. Such a likelihood increases significantly under the proportional representation system. On the other hand, if elected officials are not selected on an individual basis but are selected by party, then we may end up between voters of considerable sophistication could reduce the opportunities for election. This is no pipe dream concerning the advantages of proportional representation. Among those are the following:

Proportional representation would make political parties more cohesive in ideology and better represent their constituencies' views:

Proportional representation would increase the voter

turn out, which is greatly needed in America with the lowest voter turnout of any industrial democracy; Proportional representation would reduce violation of the one person, one vote principle now inherent in single-member districts which allow minority representation.

Suffice it to say, that each of the foregoing has merit.

The case for proportional representation is irrefutable on both logical and practical grounds. A constitutional amendment incorporating the proportional representation concept for all multi-member bodies should be drafted and proposed forthwith. There is nothing more powerful than an idea whose time has come. Proportional representation is an idea whose time has come.

RESPONSE

There are numerous other arguments against proportional representation. A few are as follows:

A proportional representation constitutional amendment would reek great havoc in the political sphere by requiring changes in every electoral system in the nation; America needs more experimentation with proportional representation in individual local systems so that the best form of proportional representation may be selected before any constitutional amendment is considered;

Proportional representation would result in instability in the political system such as experienced in Italy over the last 40 years where change of government occurs all too frequently;

Proportional representation would ultimately require voting strictly for the party instead of individuals which run counter to the American way;

The political and social atmosphere is not conducive to proportional representation and any system which runs contrary to political and social forces is bound to fail regardless of the theoretical foundation;

There is no likelihood of a proportional representation constitutional amendment being enacted and it is a waste of time to even propose such;

A constitutional basis for proportional representation al-

ready exists, providing the Supreme Court moves in that direction. Therefore, a simple statute would be sufficient to enact proportional representation; and Proportional representation may lock minorities into a limited number of positions that cannot be expanded to at-large offices such as President.

The list of reasons why a proportional representation constitutional amendment is inappropriate is long and substantive. However, it boils down to the hard, cold fact that we have a system that is finally working. It makes no sense to tinker with a working system which is becoming more representative.

