The Making of A Constitution, La. Style
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Before undertaking the subject of the current Constitutional Convention in Louisiana, I thought it would be interesting to give you a few facts concerning our present Constitution. In its present form, it contains more than 550 pages of material. This contrasts with 10 pages for our first Constitution. Another way of pointing up its inordinate size is to remind you that this "long-winded" document has a total of more than 220,000 words. This is to be contrasted with the Federal Constitution of only 6,700 words.

Our Constitution has been referred to as a "monstrosity," an "abortion," a "road block to progress"; and, as Dean Paul M. Hebert once said, it is "one of the worst and certainly the most long-winded of all." Perhaps the most apt description came from the late Kimbrough Owen, who once said: "A layman who starts out to study the Louisiana Constitution ... is confronted with Herculean task ... The document will trip, entangle, infuriate and then exhaust him."

In considering the size of our Constitution, it is obvious that we have something more than just a "basic charter." It is a hodgepodge of statutes, local ordinances, rules and regulations, and even, in some cases, private contractual arrangements. There is also that body of law in our Constitution which I wholeheartedly support, that a constitution should be nothing more than a basic framework for the government, you are hard-pressed to justify the retention of many hard-earned provisions in our current document.

I would venture to say that if you were to ask the delegates to the Convention if they supported Civil Service and the Code of Ethics, the overwhelming response would be favorable. The question is not necessarily whether or not we should have such laws, but on the contrary, it is a question as to where such laws should be contained. If you adopt the philosophy that a constitution should be nothing more than a basic framework of our government, you are hard-pressed to justify the retention of many hard-earned provisions in our current document.

The point I am trying to make is that there are many good provisions in our Constitution which I wholeheartedly support, but the fact remains that they simply do not belong there. Everyone agrees with this philosophy until he finds that the provision we are talking about is the provision that applies to him. When we strike that chord, the citizen turns to an advocate who takes the position that his provision should remain in the Constitution, but all other provisions should be removed.

The current convention was called by Act 2 of the 1972 Louisiana Legislature. The Act provided for the election of 105 delegates to the convention. The Governor was allowed 27 appointments, thereby giving a total of 132 delegates.

The Convention convened on January 5, 1973. At its initial session, the Convention adopted a resolution wherein a temporary rules committee was established. The purpose of this committee was to draft and propose rules which would govern the Convention during the coming year. Each rule was considered by the Convention as a whole, and the end result was the acceptance of a permanent set of rules to govern the Convention. In my opinion, the current rules are by far the most thorough and democratic set of rules adopted by any State Constitutional Convention.

Now that the Convention rules have been adopted, various committees will be activated and will immediately commence working on a proposed draft to be submitted to the Convention as a whole on July 5, 1973. These committee hearings will be extremely important, and I would encourage the public to make their wishes known to the committees during the time of their deliberation. All meetings of the Convention will be open to the public and news media.

When the Convention reconvenes on July 5, 1973, the Convention as a whole will consider the proposals submitted by the various committees. What happens at that time is a good question. If special interest groups are not satisfied with the proposals, we can expect a long and hard fought session.

Once a final draft has been approved by a majority of the Convention, the law requires that it be submitted to the Governor no later than January 4, 1974. It is important to note at this point that the Convention can propose and may submit such alternative provisions as it deems appropriate. For example, it can submit a basic document to the people for their acceptance or rejection. At the same time, it could isolate certain specified issues and have a specific vote taken on each such issue.

Within 30 days after submission of the proposed draft to the Governor, he shall by proclamation call an election to be held at the same time as the next regularly scheduled general election or at the Governor's discretion, at a special election to be held at a time fixed by him.

If we are to move forward and keep pace with our society, it is an absolute necessity that we change our State Constitution. To accomplish this goal, it will require the understanding and dedication of many people. It will be a difficult task to redraft our Constitution, but I am optimistic. Unfortunately, a new draft will not end the task. If a good Constitution is submitted, it will be up to all of us to sell our product.