An Introduction

The Veto: After Half a Century of Debate, Still on the Public Calendar

by Jack Betts

On the corner of his desk in his Capitol office, Gov. Jim Martin keeps a rubber stamp that he hopes to be able to use one day—at least figuratively. The stamp, a gift for Martin's 50th birthday, reads "VETO." It is as close to the veto as Martin has gotten in his six years in office, but now the 1990 General Assembly will debate a bill to send a proposed constitutional amendment to voters later this year to decide whether North Carolina should join in the 49 other states that grant their governor the power of the veto. What is the veto debate all about?

ve•to: Latin for *I forbid*, the first person singular present indicative of vetare, the word by which the Roman tribunes of the people opposed measures of the Senate or actions of the magistrates.
—The Oxford English Dictionary

When Sen. Dennis Winner (D-Buncombe) dropped Senate Bill 3 into the hopper on January 11, 1989, he set in motion the unwieldy, balky, noisy machinery that fashions changes in the North Carolina Constitution if enough legislators and enough voters of the state agree. Winner's bill proposed what most Tar Heel chief executives of the 20th century would have given their eyeteeth for—the veto, a powerful tool that would at long last make the governor a master mechanic in the production, and sometimes the rejection, of legislation.

Ever since the last of the Royal Governors was chased out of North Carolina, the legislature had kept the executive branch on a short leash. The state's governor was a relatively weak one in terms of formal powers, lacking the right to succeed himself until 1977, and still the only one of the country's 50 governors without veto power of any sort (See Table 1, page 10, for more).

But that could change this year, if the General Assembly approves an amendment to the state constitution that—pending the approval of voters

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in a statewide referendum—would allow the governor to veto legislation passed by the two houses of the assembly.[1] That veto would kill legislation unless the legislature overrode it on a special vote.

The veto, says Gov. James G. Martin, "is a just and proper role for a governor. On the tough issues of the day, courageous positions must be taken by legislators who stand alone under the pressure of opposition. With veto power, a governor must bear that pressure with you. A governor must take a position and explain that position."[2] Martin, who first opposed veto for the Governor during the 1984 campaign (see footnote 1, page 26, for more), has sought the veto since 1985.

The Veto in North Carolina: A Brief History

Ironically, this issue might have been settled more than half a century ago. The 1933 General Assembly approved a constitutional revision that included veto for the governor, but through a legal technicality, the revision was never put to the voters (see sidebar, page 8, for more). Had that issue gone to the voters as scheduled in 1934, it likely would have been approved. In the decade ending with the 1932 election, a majority (10 of 16) of the constitutional amendments put to the people were *rejected*; in the following decade, all 14 constitutional amendments put to the voters were *approved* by the people.

One other push for the gubernatorial veto occurred in the late 1960s, when Gov. Dan Moore urged the adoption of the veto as part of a constitutional revision. But Moore's request for the veto died in the legislature and was not part of the new constitution adopted by the voters on Nov. 3, 1970—essentially the constitution under which we operate today.

Constitutions are not an easy thing to change. North Carolina has had but three constitutions in its more than 200-year history, and the federal Constitution has been amended only 16 times since the Bill of Rights was adopted as the first 10 amendments in 1791—26 amendments in all. Two ways exist to amend the N.C. Constitution—a state constitutional convention, or legislative initiation.[3] The constitutional convention avenue may be the harder road to travel. Calling such a convention requires a two-thirds majority vote of the membership of each house of the legislature. The last such state convention was in 1875.

Yet legislative initiation is equally cumbersome. These constitutional amendments require a three-fifths majority of the membership of each house of the legislature (fewer than the two-thirds majority a convention requires) before they can be put on the ballot. Then a simple majority of the voters must approve—or ratify, as it's called—the amendment before it becomes part of the Constitution.

Once amendments are put on the ballot, they are likely to pass—but there's no guarantee of that. Since 1868, 133 proposals have been put to the people; 98 have been approved, while 35 have been rejected, for a 74 percent approval rate. In the last 10 years, nine amendments have been approved and five have been rejected—a 64 percent success rate.[4] Many of these amendments had little to do with the structure of government, but authorized changes in state finance practices, for instance. Others directly change the way the state is governed—such as the 1977 constitutional amendment that gave governors the right to run for another full term.

For many years, there were no major constitutional revisions affecting the governor or members of the General Assembly. Though a series of governors had supported allowing both governors and lieutenant governors to succeed themselves for a second four-year term in office, it was not until 1977 that a governor (James B. Hunt Jr.) had the clout to shepherd the issue through the General Assembly.[5] Hunt, while lieutenant governor, had campaigned for governor in 1976 on a platform that included calls for both succession and veto, but once Hunt took office, little more was heard about it while Hunt's allies quietly signed up enough cosponsors in the Senate and in the House for approval of succession. They concluded the veto was too much to ask for, and succession was more important to a governor's

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political future than was the veto. Hunt's allies made sure the amendment allowed Hunt to succeed himself, and they rammed through an unrelated bill (a clean water bond issue) that put the succession issue on the ballot in November 1977—striking while the iron of the governor's popularity was still red hot and thus enhancing chances for passage. Most amendments have been scheduled for general elections in even-numbered years.

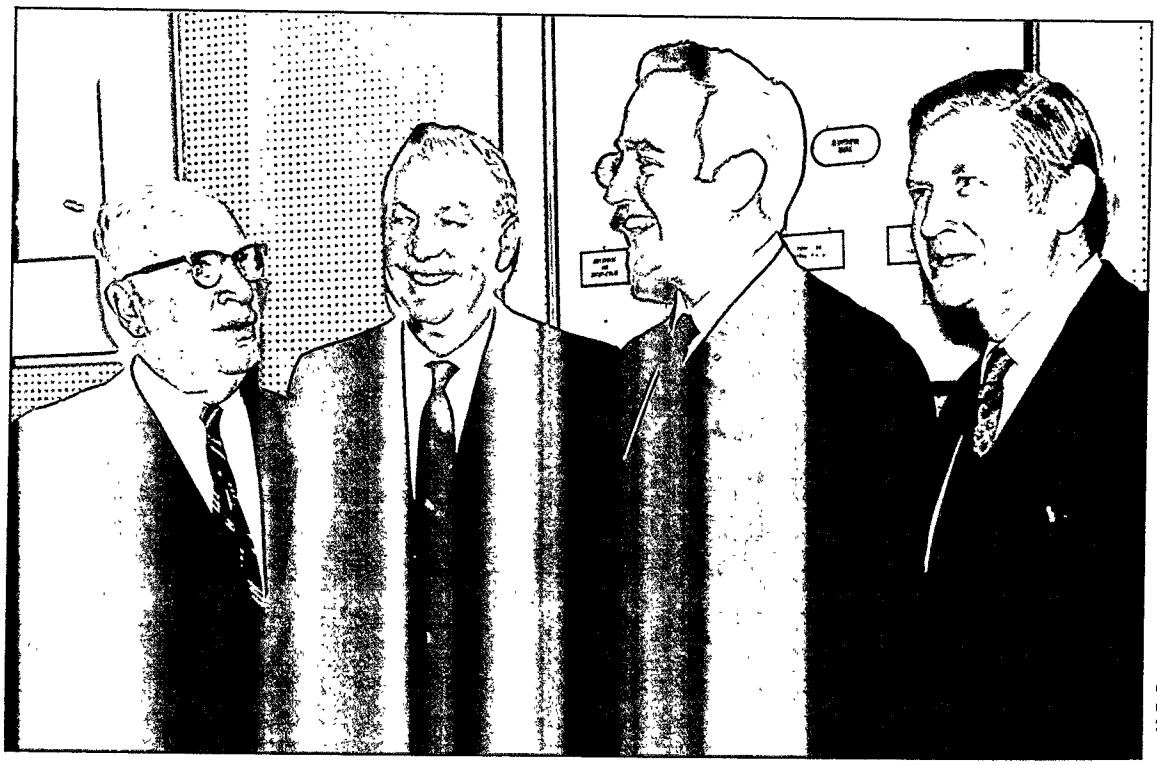
The succession fight was a hot one, with Lt. Gov. James C. Green, who wanted to run for governor in 1980, opposing it behind the scenes. Opponents argued that succession would upset the balance of powers between the legislative and executive branches, particularly by slowing up the production of new leaders, while proponents argued that North Carolina's governor was among the weakest in the nation (see article on page 27 for more) and needed the clout that would come with the right to succeed to a second full term. And they argued that the legislature was too powerful, running roughshod over the governor and ignoring his proposals.

The vote approving succession was a narrow one—passing by fewer than 30,000 votes out of more than 585,000 cast—a 53 percent majority. Despite this narrow margin, the voters since 1977 have not been particularly disposed to approve constitutional changes that would strengthen the legislature. The electorate voted against doubling the length of legislative terms from two years to four years in 1982,[6] and in 1986 voted down a proposal to change the date of elections to odd years, a proposal that was perceived as a measure to help keep Democrats in office in the legislature and on the Council of State.[7] Another constitutional proposal, to repeal succession, was approved by the 1985 General Assembly but recalled by the 1986 session before it went to the people for a vote.[8]

The Current Debate: What Kind of Veto?

While the right of succession gave the governor new political clout, it also led directly and indirectly to a series of changes in the House

Three former governors agreed with an incumbent governor on at least one issue: All supported the veto. From left, the late Gov. Luther H. Hodges; the late Gov. Dan K. Moore; then-incumbent Gov. Robert W. Scott; and former Gov. Terry Sanford, now a U.S. Senator.



N.C. Department of Cultural Resources

and Senate that caused the legislative leadership to flex its muscles. The assembly, traditionally distrustful of the executive anyway, preferred to go its own way in matters legislative, frequently ignoring the wishes of the governor on a variety of matters. Unwittingly, the legislature gave the executive branch an ideal political issue, and Martin and his allies made the most of it in campaigning for the veto during the 1988 elections. When Martin was re-elected with greater Republican support in the legislature than ever before, it was obvious that a veto was a real possibility. The question no longer seemed to be whether the governor should have the veto, but what sort of veto should the governor have? And which governor should be the first to have it?

Like most legal devices, vetoes come in a style, size, color, shape, and pattern to suit almost any taste. Stripped of the chrome plating and the tail fins, there are basically two types of vetoes: those that allow only the veto of individual words or sections within a bill passed by the legislature, and those that allow only the veto of the entire bill, as the president of the United States has. The former is called an item veto, or line-item veto, and a nearly infinite variety of item vetoes can be designed: item vetoes for appropriations bills only, or tax and appropriations bills, or all bills, or all bills except for resolutions or constitutional amendments or redistricting plans or—well, you name it.

Overall, 49 states provide some form of veto to the governor. Of those, 43 allow an item veto, while six states—Indiana, Maine, Nevada, New Hampshire, Rhode Island, and Vermont—allow a regular veto but not an item veto.

If that's not enough, there are also several different ways to design overrides—those votes by which a veto may be overridden by the legislature. The congressional override requires a two-thirds majority of those present and voting. But on the state level, 24 states with item vetoes and two states with regular vetoes require an override of two-thirds of the number elected, as Table 1, page 10 shows. Nine more states with an item veto require override votes of two-thirds of the legislators present in the chamber, and so do two states with a regular veto. And five states with an item veto require a three-fifths majority of those elected to override a veto. The distinction between those elected, and those present, is an important one. It's easier to override a veto when the required majority is based on the number of members *present* rather than those *elected*, and an override by a simple majority of those present is somewhat easier still.

Five states with an item veto require only a simple majority of those elected for an override. Finally, one state (Rhode Island) with a regular veto requires a three-fifths majority of those present for an override, and one state with a regular veto (Indiana) requires only a simple majority for an override.

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In addition to these forms of vetoes and overrides, points out UNC-CH Political Science Professor Thad Beyle, 33 states allow their legislatures to recall bills from the governor's desk prior to action vetoing a bill, thus setting up the opportunity for negotiations over revisions before the veto stamp is inked.

The major veto legislation moving through the N.C. General Assembly is the basic, no-frills, generic veto with a moderately easy override feature requiring a vote of three-fifths of those present and voting. Because a quorum (one-half of those elected plus one) required for a veto vote in the N.C. Senate would be 26 members, a three-fifths majority of those present and voting could be as few as 16 senators. Likewise, in the 120-member House, a three-fifths override majority could be as few as 37 Representatives. In actual practice, however, it's far more likely that the vast majority of the members will be present and voting on any override attempt.

Generally, fewer than 10 percent of gubernatorial vetoes are overridden nationally. However, with a General Assembly dominated by one party and the governor belonging to the loyal opposition, the opportunities for both vetoes and overrides are much higher in North Carolina than in states where the governor has a majority in each legislative chamber. Following the 1988 elections, 18 states had a governor facing a legislature

Karen Tam

Former Gov. James E. Holshouser Jr., left, a Republican, and former Gov. James B. Hunt Jr., a Democrat, after testifying in favor of the veto for governors at the N. C. General Assembly in February 1989.

dominated by the opposition party. Four were Democratic governors, while 14 (including Martin) were Republican governors.

In approving veto legislation, N.C. senators declined to give the governor a line item veto; a veto of proposed new constitutions; a veto of constitutional amendments to either the U.S. or the N.C. Constitutions; or a veto for the redistricting plans of the N.C. House, N.C. Senate, or U.S. House. All other bills would be subject to the veto, but the governor could not exercise a pocket veto—a veto in which the governor declines to sign a bill into law after the General Assembly adjourns. In those cases, the governor must reconvene the assembly to consider a veto override, or else the bill becomes law.

When the bill was approved by the Senate on March 2, 1989, the debate was marked less by discussion of the relative balance of powers between the branches of government and more on politics. When Republicans lost attempts to give the governor a line item veto on a 35-13 vote and a veto of congressional redistricting on a 36-11 vote, Democrats were riled. They had asked Republicans not to bring those issues to a vote, and when Republicans went ahead with the two losing attempts, Democrats brought out their own amendment to postpone the effective date of the veto from 1991, when Republican Governor Martin would still be in office, to 1993, when his successor will have taken office. That amendment, proposed by Senate Majority Leader Ted Kaplan (D-Forsyth) was approved on a 26-21 vote, with several Democrats joining Republicans in opposition.

Republicans believe the ploy will backfire on

the Democrats. "By moving it [the veto] to 1993, Senator Kaplan did something to assure it will be a Republican governor [Martin's successor] who will be the first to use it," said then-Sen. Laurence Cobb (R-Mecklenburg).

But the House of Representatives took a different view. In June and July, the House Judiciary Committee was considering legislation to combine the veto with several other proposed amendments affecting the balance of power between the executive and legislative branches. Veto power itself—and the veto override—are two of the chief tools of the system of checks and balances between these two branches of government. Concerned that granting veto power might cede too much power to the executive, the House committee wrestled with proposals to balance veto power for the governor with restrictions on how long the governor could serve and with measures increasing legislators' tenure (see box, page 12, for more).

Those measures included granting more power of incumbency to the legislature by lengthening terms from two to four years for representatives and senators; changing the dates of elections for governor, lieutenant governor, and council of state offices from presidential election years to mid-term elections; and slightly restricting the clout of the House by limiting the speaker of the House to no more than four consecutive years in that office. Other proposals included requiring the candidates for governor and lieutenant governor to run as a team, merit selection of judges, repeal of gubernatorial succession, and limiting the governor to a single, six-year term.

The House bill that emerged from committee on July 29, 1989, however, was unencumbered by these additions. It proposed giving the governor the veto in 1993 if voters approved it in a November 1992 referendum. That essentially was what Republicans had sought—a vote on veto without other issues on the ballot at the same time or

Demon Rum and Constitutional Revision

In a way, it's all Demon Rum's fault that North Carolina's governor still doesn't have the veto after all these years. Had it not been for the state's traditional ambivalence over spirituous liquors, the Tar Heel chief executive might well have had the veto 55 years ago, saving the 1989 General Assembly and the general public the trouble of voting on it. But owing to an inadvertent mistake of the sort that the legislature seems to produce from time to time, the North Carolina voters were never able to vote on the proposal despite the General Assembly's having voted for them to be able to do so—in 1933.

In that year, the legislature approved the adoption of a new state constitution—one according the veto power to the governor—and scheduled it for the public's approval at the next general election, as the existing constitution required.[1] General elections then, as now, are held in even-numbered years, and the question would be on the ballot in November 1934.

Almost simultaneously, the assembly was also dealing with another troublesome constitutional matter—whether to join the national movement to repeal the 18th Amendment to the U.S. Constitution, which prohibited the dispensing of liquor, wine, and beer in the United States. The legislature, after a series of fits and starts, approved a bill creating what it called a "general election" for November 1933 for "the sole and exclusive purpose of" voting on repeal of Prohibition.[2] That election was held at the

linked together. But that decision may have doomed veto in the 1989 session, because the House membership—still dominated by Democrats—was lukewarm to the idea of increasing the governor's powers without enhancing legislators' powers as well.

All the proposals for constitutional amendments raised yet another proposal—calling for a state constitutional convention to consider the overall balance of powers. Rep. Dan Blue (D-Wake) sponsored the call for a state constitutional convention because, he said, the magnitude of the proposed constitutional changes was such that only a convention could consider all the proposals at once. Such a convention could educate the public as to what the constitution currently provides and what it should provide in the future, said Blue, and it also would bring more people into the decision-making process. "If we pass all of them piecemeal, we'll have no idea until sometime down the road how they all fit together," Blue said early in the session.

But there was little sentiment for such a session. Governor Martin was pushing for a vote on veto alone, and on Aug. 3, 1989, he got it. First the House amended the bill (SB 3) to schedule the ratification referendum for November 1990 and to make the veto effective in 1991—so Martin could have the veto his last two years. The House approved the 1990 referendum on a 59-45 vote and the 1991 effective date on a 54-47 vote. These amendments passed on simple majority votes after Speaker Mavretic ruled that amendments to proposed constitutional amendments do not require a three-fifths majority.

The debate on the merits of the bill, however, focused on which branch of the government would have more power. House Majority Leader Dennis Wicker, (D-Lee), an opponent of veto, said, "As people become more educated about what veto's effect is on state government and how much more power it will concentrate in one person, the less

appointed time (and drys voted overwhelmingly against wets in North Carolina to reject repeal of Prohibition, but the national vote brought liquor back in) while proponents of the revised state constitution prepared for the 1934 general election.

By the following year, Gov. J.C.B. Ehringhaus was worried enough to ask the state Supreme Court for an advisory opinion. Was the November 1933 election (in which the 18th Amendment repeal was the only item on the ballot) the "next general election" following the adjournment of the 1933 General Assembly? The five justices of the Supreme Court answered on Sept. 13, 1934, that indeed the 1933 election was the "next general election."[3] What did that mean? It meant that the N.C. Constitution revision had been sandbagged. It had missed its election, and could not go before the voters in the 1934 election. Constitutional revision was dead for the year, and it would be 55 years—until the 1989 General Assembly—before veto would once again be at the top of the legislative agenda.

Old-timers in Raleigh still debate whether supporters of the proposed 1933 constitutional revisions, fearing defeat of the changes, pressed Governor Ehringhaus to ask for the advisory opinion in the belief that the Court's opinion would scuttle the election. Others believe that high-ranking officeholders who opposed veto for the governor also pressed for the advisory opinion in hopes that it would sink the veto. But all that is ancient history, and for the first time in the history of the state, voters at long last may get to decide for themselves whether the governor should have the veto.

—*Jack Betts*

FOOTNOTES

[1]Chapter 383 of the 1933 Session Laws.

[2]Chapter 403 of the 1933 Session Laws.

[3]In re General Election, 207 NC 879 (1934). For more on advisory opinions, see Katherine White, "Advisory Opinions: The 'Ghosts That Slay,'" *North Carolina Insight*, Vol. 8, No. 2, November 1985, p. 48.

Table 1. Type of Veto, by State, in 1989

State	Item Veto: 2/3 Elected Override	Item Veto: 2/3 Present Override	Item Veto: 3/5 Elected Override	Item Veto: Majority Elected Override	Non-Item Veto: Special Majority Override	Non-Item Veto: Simple Majority Override	No Veto
Alabama				X			
Alaska	X						
Arizona	X						
Arkansas				X			
California	X						
Colorado	X						
Connecticut	X						
Delaware			X				
Florida	X						
Georgia	X						
Hawaii	X						
Idaho	X						
Illinois			X				
Indiana						X	
Iowa	X						
Kansas	X						
Kentucky				X			
Louisiana	X						
Maine					X (2/3P)		
Maryland			X				
Massachusetts		X					
Michigan	X						
Minnesota	X						
Mississippi	X						
Missouri	X						
Montana		X					
Nebraska			X				
Nevada					X (2/3E)		
New Hampshire					X (2/3E)		
New Jersey	X						
New Mexico		X					
New York	X						
North Carolina							X
North Dakota	X						
Ohio			X				
Oklahoma	X						
Oregon		X					
Pennsylvania	X						
Rhode Island					X (3/5P)		
South Carolina		X					
South Dakota	X						
Tennessee				X			
Texas		X					
Utah	X						
Vermont					X (2/3P)		
Virginia		X					
Washington		X					
West Virginia				X			
Wisconsin		X					
Wyoming	X						
Totals	**24**	**9**	**5**	**5**	**5**	**1**	**1**

Number of states with line-item veto: 43
Number of states with non-item veto: 6
Number of states without the veto: 1

(2/3P: Override of 2/3 present)
(2/3E: Override of 2/3 elected)
(3/5P: Override of 3/5 present)

Source: The Book of the States, 1988-1989 Edition

support it is going to enjoy with that public." Rep. Billy Watkins, a Granville County Democratic firebrand and perennial power in the legislature (who died of a heart attack after the session adjourned), put it this way: "This would be one giant step toward a constitutional monocracy."

Others disagreed. Minority Leader Johnathan Rhyne (R-Lincoln) told the House that the bill was not a matter of taking a property right from the House. Instead, it was "a vote to let the people decide how they will be governed." And Rep. Sam Hunt (D-Alamance), one of the dissident Democrats who in January 1989 toppled former Democratic Speaker Liston Ramsey, put it in practical terms. "I say we've got a good deal and we ought to take it.... It's a weak veto," he said. And that's not all, Hunt said. If the legislature continued to deny the veto to the governor, the voters might retaliate against incumbent legislators—and most incumbents are Democrats. "This is a two-party state, and you just can't ignore any longer the wishes of the people," Hunt said. "You can look to the back of the room and see about 40 people missing from our party [who were beaten by Republicans in the 1988 election].... This is a vote to let the people vote and when you deny the people the right to vote, you're on dangerous ground."

But veto power was defeated on a 60-43 vote on August 3 because a three-fifths majority—or 72 votes—is needed for passage of a proposed constitutional amendment. Only 16 Democrats joined 44 Republicans in voting for the bill, 43 Democrats voted against it, and 15 Democrats and two Republicans did not vote or were absent from the chamber. Governor Martin was dismayed by the vote but pleased by the 16 Democratic votes for veto—a sign to him of a political breakthrough that might be parlayed into eventual success. After a weekend of intensive personal lobbying by the governor and his allies, the veto bill was resurrected from its burial place on August 7 when the House voted 55-29 (a simple majority was all that was needed) to revive it and send it to the House Rules Committee. How did this happen? Among other things, the governor and the speaker had lunch, and the governor changed his mind about his earlier opposition to four-year terms for legislators. Hard details of the agreement were not released, but the governor and the speaker agreed to continue to negotiate over a compromise that would put both the veto issue and four-year terms for lawmakers on the ballot.

The negotiations took on a note of hilarity later in the week when the governor, evidently counting his chickens before they hatched, dispatched two state airplanes to a legislative conference in Oklahoma, where a number of House members were attending a conference. Martin thought the members would like to return to Raleigh to vote in favor of a veto, but the episode turned into a $6,000 embarrassment for the governor when the state aircraft returned—empty but for the pilots. Republican Sen. Jim Johnson of Cabarrus County, who since has switched his registration to the Democratic Party, quipped, "The only thing that flew about that thing was those two planes." Without the votes of the Legislative Black Caucus (see "Black Legislators: From Political Novelty to Political Force," *North Carolina Insight*, December 1989, pp. 40-58, for more on the maneuvering for black votes on veto), veto obviously was going nowhere in the 1989 session. But for Governor Martin, the issue at least was alive for the 1990 short session, particularly if enough House Democrats could be attracted by the promise of four-year legislative terms on the agenda.

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That's precisely the sort of package proposal that Representative Blue, former state Rep. Tom Gilmore of Julian, and former state Sen. McNeill Smith of Greensboro hoped to avoid. Smith and Gilmore are members of the private Committee on Constitutional Integrity. That committee has warned against submitting proposed constitutional amendments in a package. "We're mainly concerned that any amendments to go before the voters go separately and not as a package deal," says Smith. "Voter participation is taking a back seat on these issues."[9]

More than half a century ago, an esteemed journalist named Clarence Poe, editor of the *Progressive Farmer*, expressed his personal ambivalence about the veto. Giving the governor out-

Proposed Legislation Which Would Alter the Powers of the N.C. Governor

In the 1989 General Assembly, eight measures were proposed which would increase, decrease, or otherwise affect the governor's powers in North Carolina. They are as follows:

A. Legislation Which Would Increase the Governor's Powers

1. Veto power
2. Team elections with the lieutenant governor (by removing a possible adversary in dealing with the General Assembly)
3. Merit selection of judges (by increasing the number of the governor's appointments)
4. Limiting the speaker of the House of Representatives to two terms (limiting the longevity and thereby the power of the House's leadership)

B. Legislation Which Would Decrease the Governor's Powers

5. Repeal of gubernatorial succession
6. Limiting the governor to one six-year term

C. Legislation Which Would Otherwise Affect the Governor's Powers

7. Four-year terms for legislators
8. Moving state elections to non-presidential election years

—Ran Coble

right power to nullify a legislative act would get "too far away from the sound principle of trusting the common sense of the most," but at least a veto with a simple majority override provision would give the governor "the power to sound a general alarm" about dubious legislation and thus make the legislature reconsider its vote before affirming it. "With such a veto power, the governor could turn the powerful spotlight of statewide publicity upon any measure that he believes should not have been passed and thus render many an invaluable service to our people," Poe wrote in 1932.[10]

Should the governor have such a searchlight to turn on legislation? Or would that tilt too much power toward the executive branch and make the legislature subservient to an all-powerful chief executive—the sort that legislators have feared since the days of the Royal Governors?

To answer those questions, consider the arguments made in the following pages for and against the veto for the governor of North Carolina.

FOOTNOTES

[1] Senate Bill 3, 1989 General Assembly.

[2] Statement of Gov. James G. Martin to the N.C Senate Committee on Constitutional Amendments, Feb. 2, 1989.

[3] Article 13, Sections 1 and 4, Constitution of North Carolina.

[4] "North Carolina Constitutional Propositions Voted On by The People Since 1868," *North Carolina Manual 1987-1988*, p. 193.

[5] Chapter 363 of the 1977 Session Laws. Ratified by the people on Nov. 8, 1977, on a 307,754 (53%) to 278,013 (47%) vote.

[6] Chapter 504 of the 1981 Session Laws. Rejected by the people on June 29, 1982, by a 163,058 (24%) to 522,181 (76%) vote.

[7] Chapter 768 of the 1985 Session Laws. Rejected by the people on May 6, 1986, by a 230,159 (30%) to 547,076 (70%) vote.

[8] Chapter 61 of the 1985 Session Laws, withdrawn before being put to a voteof the people by Chapter 1010 of the 1985 Session Laws (Second Session 1986).

[9] Lex Alexander, "Bipartisan committee pushes for constitutional convention," *Greensboro News & Record*, Feb. 14, 1989, p. B-1.

[10] "Alternative Suggestions as to Gubernatorial Veto," Report of the Constitutional Commission, November 1932, p. 46.