

## Voice from the Vault

By Gregory Sanford

This month marks the fortieth anniversary of one of the most momentous events in Vermont history: the reapportionment of the Vermont legislature. Since 1777 the Vermont Constitution mandated a Vermont House apportioned on the basis of one representative from each municipality. When the state senate was created in 1836 each county was accorded one senator, with the remaining sixteen senators apportioned among the counties on the basis of population.

Uneven growth among the towns and counties created growing imbalances in terms of representation. The 1856 Council of Censors, for example, calculated that towns holding one-quarter of the population could wield a legislative majority (the Censors pointed out that Essex County had fourteen representatives—one for each town—though only 4,650 people resided in the county, while Chittenden County's fifteen representatives served, in the county aggregate, 29,036 Vermonters).

By the mid-1960s these imbalances were even greater. A house majority could be achieved by representatives from towns holding only 9% of Vermont's population. Conversely Vermont's twenty-two largest municipalities were represented by less than 9% of the house members. Those twenty-two communities also paid 64% of the State's income tax and over half the property tax. The senate was less malapportioned but senate delegations did not reflect shifts in county populations.

In 1964 the federal court declared the Vermont legislature malapportioned. It allowed the 1964 elections to proceed under the historic apportionment scheme but declared that the 1965 general assembly had to reapportion itself or the courts would do so. In May 1965 the general assembly passed new apportionment schemes, reducing the house from 246 to 150 members (apportioned initially on the basis of voter registration and later on population) and eliminating the requirement that each county have at least one senator.

The debates, within and without the legislature, that preceded reapportionment were among the most contentious and emotional experienced in Vermont. Small town representatives wept openly on the floor of the house, predicting that their communities would never again be able to send a resident to the statehouse. Representative Frank Hutchinson of Stannard ended his floor remarks with a plea to the future, reapportioned house, "Don't forget Stannard."

On May 14, 1965, with Governor Phil Hoff looking on from the balcony, the house voted 163 to 62 to reapportion itself.

The impacts of reapportionment continue to be profound. Where once small town representatives routinely voted to support programs funded by the larger communities, the nature of services and how they are funded changed. To many this was a positive, opening the door for modernizing state government and services. Conversely some small town Vermonters began to complain that the population centers, notably within Chittenden County, now controlled the state agenda and ignored their needs. And the Stannards were indeed forgotten to the degree that a significant number of Vermont municipalities—including Stannard—have not had a resident serve in the house since 1965.

Of course this is a column from the state archives so let us look not at the impact of reapportionment but at the records of the reapportionment debate and process. One would assume that such a momentous event would be well represented within the archives's holdings; alas, such an assumption would be wrong. There are some committee records, including those of the special committee on reapportionment, but these are fragmentary, often restricted to scribbled calculations on how to achieve equal representation among 150 districts. The bill files containing

correspondence between legislators and the legal staff who draft bills are held in the Middlesex record center, not the archives. While the reapportionment struggle began in the Vermont court system, the archives does not currently receive judicial records; those records are scattered in courthouses and in the record center. Governor Hoff, who played a leading role in reapportionment, left the bulk of his records with the University of Vermont, not the archives. Oral histories with, or records created by, key participants, when gathered at all, are likewise scattered.

There is no central index or finding aid that can help guide researchers to where records relating to reapportionment are held. Even if the public records generated by the reapportionment debates could be gathered for deposit with the archives, there is simply no space to accept them.

This failure to effectively document reapportionment is not unique. The disjointed approach to documentation and government accountability largely continues today. The archives, however, is seeking to improve government recordkeeping. The comprehensive archival management law passed in 2003 provides the authority, but not the resources, to systematically preserve and keep accessible government archival records. An on-going judicial records program, launched in 2004, is moving toward the coordinated identification and preservation of archival court records. There is currently a request within the capital construction bill to select a site and begin developing an archives research center with space adequate for holding archival records. There is also a current request to add a third archival position to the staff to allow a more active program of working with agencies to identify and preserve archival records.

If successful these steps will greatly enhance Vermonters' ability to locate and review the important actions of their government. The on-going efforts to improve archival management are addressed in the 2005 annual report of the state archives. Copies are available upon request to archives (26 Terrace St., Montpelier, VT 05609-1101; or phone 802 828-2308; or e-mail me at: [gsanford@sec.state.vt.us](mailto:gsanford@sec.state.vt.us)).