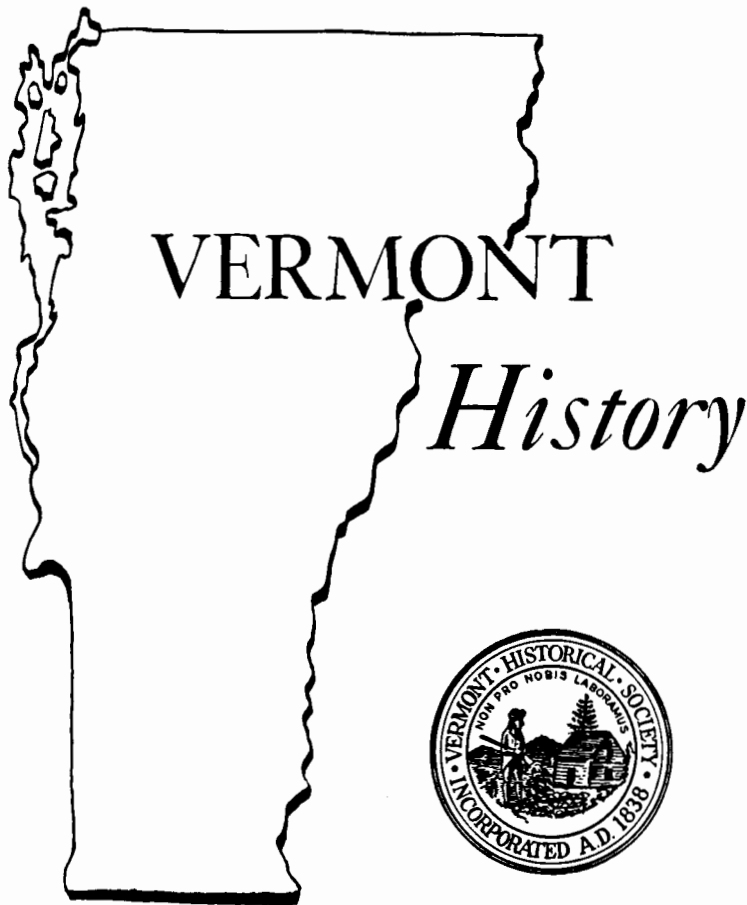


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At the March town meetings of 1974 the great doors that have protected Vermont's Constitution were finally pried open.

## Reducing the Time-Lock in the Vermont Constitution: An Analysis of the 1974 Referendum

By FRANK M. BRYAN

### *Introduction*

OF ALL the state constitutions, Vermont's document has long been the most difficult to amend. It still is that way despite the reduction of the "time-lock" which is the topic of this analysis.

Time-locks are simply clauses in constitutions which limit the opportunity to change the document through the amendment process by specifying the time at which amendments may be introduced in the legislature. Until the spring of 1974, Vermont's time-lock was for ten years. For instance, if support of constitutional revision arose in Vermont in 1964, a wait of six years was unavoidable since the time-lock did not open until the decennial in 1970. At that time amendments could be introduced in the Senate of the Vermont General Assembly where they must pass by a two-thirds vote. Next a majority vote in the House was required. Then a second wait was necessary since the measure must be approved by majority votes in both Houses of the Legislature "next to be chosen."<sup>1</sup> If it survived the test it was submitted to the people for a vote on town meeting day. This process was cumbersome for those who saw constitutional revision as a leading priority on Vermont's political agenda.

In the winter of 1969, supporters of Constitutional revision, tired of waiting for the time-lock to open, opted instead for calling a Constitutional convention (con-con) to consider changes in basic law. The pros and cons

1. *Constitution of the State of Vermont*, Chapter II, Section 68.

of the conventionality of this route are not the concern of this study, although the debate is fascinating. The Legislature voted strongly in favor of calling a convention if the people concurred. In a referendum held in the spring of 1969, however, the people refused, turning down the convention proposal by more than a 3-2 margin. The turnout on the question was very small and the "yes" vote represented only 7% of the State's registered voters.<sup>2</sup> Yet most of Vermont's political and civic leaders had supported the idea of holding a convention and, when the time-lock did open and the 1971 session of the Legislature met and began (along with its regular chores) the process of amendment making, the mood for Constitutional revision had not slackened among the State's elite. There was scuffling over particular points along the way, but the road for Constitutional reform in the Legislature remained essentially uncluttered.

By the spring of 1974, five of the seven substantive areas that had been suggested to the people in 1969 for debate at a convention were hammered into amendment form, and presented to the people for their final disposition. Debate over their adoption was much less heated than it had been during the 1969 campaign for the con-con. Yet, swelled by regular town meeting attenders, voting tallies more than doubled.<sup>3</sup> Four of the five proposals were approved on town meeting day, 1974. The one amendment which lost called for four-year terms for the Governor and other Constitutional officers. Two dealt with bringing the Constitution in gear with changes already in effect that had been demanded by national standards (reapportionment and voting age limits). One of the other measures approved, judicial reform, will have a structural and substantive impact on the court system.

The most important change for the future of the State, however, was the reduction of the time-lock to four years. The time-lock had been guarded jealously for a century. No other amendment to the Constitution had been proposed as many times as the proposal to eliminate or reduce the time-lock. In every instance (save two) that the time-lock had opened since its creation in 1880, there had been a move to weaken or get rid of it. Yet at no time did the suggestion ever receive Senate approval. Thus, in 1974, the first time the people had a chance to vote on the issue, they reduced it by more than half. Now, since the other provisions of the old amendment process remain intact and the sequence still takes three years, there will be a steady sequence of amendments before the Legislature. This represents an important alteration in Vermont's political system, and should help to siphon off the restlessness that the decade-long requirement engendered.

2. State of Vermont, Secretary of State, *Vermont Legislative Directors and State Manual*, 1970.

3. Even at that only about 30% of the State's registered voters voted on the amendment.

This article deals with constitutional revision in three different ways. First, we hope to describe the votes on the different referendum items as they relate to each other and to the vote on the convention proposal of 1969. Secondly, we hope to relate the vote to various factors linked to the socio-economic and political structure of Vermont. In essence we will be asking this question: What variables in the state are associated with a "yes" vote on the issues and what variables are associated with a "no" vote? The final task is to compare our findings with those of Daniels and Daniels who published an analysis of the 1969 convention vote in this journal which in intent and format is similar to our efforts here.<sup>1</sup> The purpose is to provide a continuity of scholarship which is often lacking as historical-political literature develops.

### Description of the Vote

The popular referendum held on the five proposed constitutional amendments in 1974 produced the results shown in table I. The heavy line dissecting the table splits those counties giving individual proposals simple majorities from those counties which did not give individual proposals simple majorities. We see that three counties, Windsor, Bennington, and Windham, voted "in favor" of all five proposals. Six other counties voted for the final four proposals on the table, but voted against four-year terms for constitutional officers. At the very bottom of the 14 county list we see that Lamoille and Orleans County refused to support any of the first four proposals, but did agree to giving the vote to eighteen-year-olds.

By looking at the votes in this manner we are able to say something very important about the process of constitutional referenda voting in Vermont. We are able to show that there is an underlying attitude that governed the voting on these issues, despite the individual content of each. For instance, no county that voted "yes" on the four-year term failed to vote "yes" on the time-lock reduction and all other issues. No county that voted "no" on the four-year term but "yes" on the time-lock reduction failed to vote "yes" on all other issues. Of the process can be reversed. No county voting "no" on reapportionment voted "yes" on judicial revision, time-lock reduction or four-year terms. Given the fact that Vermont's counties represent substantial differences in socio-economic and political make-up and the issues themselves vary greatly in terms of their content and import for the body politic, one would assume that it would be difficult to predict how one county would vote on one issue based on how it voted on the others.

1. Robert A. Daniels and Robert H. Daniels, "The Vermont Constitutional Referendum of 1969: An Analysis,"  *Vermont Historical Quarterly*, 1970, pp. 152-156.

The fact that we can make perfect predictions based on the figures in table I indicates that the voters were not paying attention to elements in the individual proposals before them. Simply stated, the reason that the four-year term for constitutional officers failed in Vermont was not because of the merits of the proposal itself. It was because the proposal scored too highly on whatever variable it was that caused the perfect pattern of voting responses outlined in table I. The reason the time-lock was reduced was because it didn't score too highly on this same negative variable.

TABLE I  
Percent Voting "Yes" on Vermont's  
Proposed Constitutional Amendments, by County

County	Proposals*						
	I	III	V	X	VII		
Windsor	60.0	65.8	69.3	72.1	74.9		
Bennington	57.8	67.3	68.7	69.4	67.9		
Windham	55.0	65.6	70.5	74.0	77.0		
Washington	47.9	57.8	64.7	67.6	72.2		
Orange	47.8	58.2	64.1	67.5	73.4		
Caledonia	47.3	59.0	64.0	67.8	73.0		
Chittenden	46.0	60.9	62.8	69.4	68.7		
Rutland	45.5	57.5	58.1	63.9	65.9		
Addison	43.6	54.7	58.2	64.6	69.8		
Grand Isle	39.6	49.1	53.0	56.1	62.8		
Franklin	39.1	48.0	52.2	56.6	63.4		
Essex	44.6	47.5	49.0	55.8	65.1		
Lamoille	30.6	40.7	46.0	49.4	59.1		
Orleans	25.4	32.0	34.3	41.2	50.9		

\* I = Four-year term for constitutional officers.  
III = Reduction of the time-lock on the Constitution.

V = Revision of the judicial system.

X = Reapportionment — changes only reflected the status quo.

VII = Privileges of Freemen for 18-year-olds.

A second way to view the interconnections between these supposedly distinct issues is contained in table II. Here we see that the "correlation coefficients" among the five amendments are remarkably high. Correlation coefficients are simple devices which tell us how strongly one item is as-

sociated with another. They appear to be percentages (but are not) which range from  $-1.0$  to  $+1.0$ . As the coefficients get higher (approach  $-1.0$  or  $+1.0$ ) it means that there is a strong association between the two items (variables) being tested. In table II, for instance, we see that Proposal I correlated with Proposal VII at .85. This means that there is a strong positive correlation between these two votes, using Vermont's counties as "observations" in which to measure variations in both variables. A correlation coefficient of  $-.85$  would have meant an equally strong association between the two votes. However, in this case the minus coefficient would tell us that in those counties where the vote on one proposal was high it was low on the other proposal and vice-versa. What the figures in table II tell us is that the best way to determine a county's ranking vis-a-vis the other counties on a given issue is simply to discover what its position was on *any* of the other issues. More likely than not your prediction will be on target. This would not be the case if these amendments did not share (to a greater or lesser extent) some trait that overshadowed matters of substance or content in the minds of the voters.

TABLE II

Correlation Matrix  
for the "Yes" Vote on the  
Five Constitutional Amendments on  
the March Town Meeting Day Ballot in Vermont\*

Proposal	I	III	V	VII	X
I Four-Year terms for Constitutional Officers	XX				
III Reduction of the time-lock on the Constitution	.93	XX			
V Revision of the State's Judicial System	.95	.93	XX		
VII Privileges of Freemen to 18 year-olds**	.85	.80	.90	XX	
X Reapportionment Changes Reflected Status Quo	.88	.98	.94	.85	XX

\*The correlations are measured by the Spearman's *Rho* rank-difference coefficient based on voting results from Vermont's 14 counties.

\*\*Both Proposals VII and X were called "housekeeping" amendments because they simply reflect changes in Vermont statutes that had taken place because of the dictates of national standards.

Finally, it is important to note that the linkage between the vote on these specific amendments and the 1969 vote on whether or not to hold a constitutional convention is very strong. The correlation between the vote recorded on the four-year term in 1974 correlated at .87 with the vote on holding the con-con which was taken five years earlier in 1969. Again, the conclusion seems inescapable: Vermonters did not vote on the issues themselves; they responded to some hidden impulse that not only held constant horizontally — across the entire array of five different issues — but also held constant vertically through time, forcing the same pattern of response that appeared five years earlier on the con-con vote.

#### *Variables Associated with the Vote*

The findings outlined above indicate that the voters did not vote in accordance with the merits of the individual items on the ballot. What was the "hidden impulse" that seemed to guide the voters? Is it possible to link the vote to any set of political, socio-economic, or regional variables in the state? Perhaps, for instance, the vote was defined by the strength of the two major political parties in the state. There is evidence to suggest that even when there appears to be no sound reason for parties to make a difference, they do so on referenda items.<sup>5</sup> But if we look at the figures in table III, we find little evidence to support the hypothesis that the vote was tied to party strength. Party made little difference in the voting. The correlation between the Salmon percentage of the two-party vote in his 1972 upset victory and the "yes" vote on the referendum was very weak, .16. Simply stated, those counties that tallied high for Salmon evidenced no more inclination to support the reduction of the time-lock than those which recorded majorities against him. More liberal Democratic areas (defined by the McGovern vote in 1972) scored a weak and insignificant .29. These findings suggest that the "politics as usual" model does not fit our case analysis. Republicans did not gang up on the amendment, Democrats did not rally behind it. The vote appears to have been non-partisan.

5. Since the votes on each issue are so highly correlated, it is possible to use the votes interchangeably in searching for the factor amounted with any of them. Methodologically, the reader should also be aware that in this kind of analysis the danger of the ecological fallacy is clear. We cannot attribute to individuals what we see as appropriate to areas. Also, the limited number of counties with which we are dealing inflates the size of our correlation coefficients. Both of these factors make statistical purists cringe and rightfully so. Our intention here is to pay attention only to the most outstanding results and not to rely on the more subtle findings. This limits the dangers of making statistically improper interpretations.

6. Frank M. Bryan and Kenneth Branne, "Asphalt in the Wilderness: The Politics of the Green Mountain Parkway Controversy," *Vermont History*, Vol. 41, No. 4 (Spring, 1973), pp. 224-235.

TABLE III

Spearman Rank-Difference  
Correlation Coefficients for the  
Vote on the Reduction of the Time-Lock  
and Selected Spatial, Socio-Economic, and  
Political Variables in Vermont's Fourteen Counties, 1974

Variables	Coefficient
Spatial	
region (southwardness)	.80
urban population	.34
population density	.32
population increase, 1960-1970	.02
Socio-Economic	
agriculture	-.46
decrease in agriculture	.29
education	.62
ethnicity	.55
family buying power	.10
income	.68
land pressure*	-.20
poverty**	.59
unemployment	.15
wealth***	-.11
Political	
constitutional convention vote, 1968	.8
liberal Democratic vote (McGovern, 1972)	.39
liberal Republican vote (Oakes, 1968)	.66
liberal Republican vote (Jelffords, 1972)	.41
Tom Salmon vote (Democrat Governor, 1972)	.16
voter turnout on the referendum	.16

\* Acres of unimproved land sold per square mile, 1969-1971.

\*\* Percent of population identified as poor, 1970 Census.

\*\*\* Percent of households in county with \$10,000 or more spendable income.

Sources: Robert V. Daniels and Robert H. Daniels, "The Vermont Constitutional Revolution of 1969: An Analysis," *Vermont History* (Spring, 1970), 152-156; State of Vermont, Office of Economic Opportunity, *Profile of Poverty in Vermont* (Montpelier, 1973); Vermont, Secretary of State, *Vermont Legislative Directory and State Manual* (Montpelier, 1969-1973); State of Vermont, State Planning Office, *Vermont Social and Economic Characteristics* (Montpelier, 1971); U.S. Dept. of Commerce, *1970 Census of Population and Vermont Agricultural Experiment Station, Livestock Numbers in Vermont, 1969* (Burlington, 1970).

Another explanation for the vote might be in an analysis of the socio-economic environment in which the votes were cast; in this case, Vermont's counties. At first glance this explanation seems to have solid footing in our findings. Although spatial variables (with the important exception of region) such as urbanism and population increase were unrelated to the vote, counties with high income and educational levels reacted in a strongly positive manner. Education (median school years completed) and income (per capita) both correlated strongly at .62 and .68 respectively. Counties with high levels of poverty correlated negatively (-.59).

The problem with this explanation is in the special character of Vermont's socio-economic map. Income and educational levels are generally higher in the southern counties than in the counties of the North. The reader will note from the strong correlation (.80) between southwardness and the "yes" vote (table III) that Vermont's southern counties were the repository of the greatest strength for the referendum. The question is clear: What happens to the correlations between socio-economic factors and the "yes" vote when region is controlled? In other words will the tendency of income to correlate strongly with the "yes" vote remain true in the South alone when the northern counties are stripped from the analysis? Or is there something about southern Vermont that promotes a "yes" vote irrespective of how high the income level is in that particular area? Put another way, will the poor towns in the South vote for the referendum anyway and will the rich towns in the North vote no? The answers to these questions are mixed. Looking at just those towns in the southern four counties (there are 75) we find that the income variable seems to hold up fairly well. However, when we shift our analysis to the 80 northernmost towns the impact of income on the vote is pretty much wiped out. Towns in the north seem to vote against the referendum despite income levels. What we can say about these findings is this: areas with higher incomes were more likely to vote for the referendum if they were located in the South. While poorer towns in the South were more apt to vote against the proposal than richer towns in the South, (meaning income had some influence there), these poorer southern towns were much more apt to support the four-year term than poor towns of the North. In sum it seems more likely that region and not income was the critical variable in the final outcome of the voting.<sup>7</sup> This suggests that socio-economic variables — to the extent that they are considered independently causal — are not wholly satisfactory.

<sup>7</sup> "North" in Vermont is defined as all those towns above the tier of towns that touch the north bank of the Winooski River and Route #302 east from the headwaters of the Winooski to the New Hampshire border.

Daniels and Daniels, in their important analysis of the original 1969 vote on the con-con proposal, point out that there are two Vermonts. One, the northern section, they choose to call conservative. The other, the southern portion, they call liberal.<sup>8</sup> The findings here corroborate this earlier study. Although I would not choose to use such difficult terms as "liberal" and "conservative," there is justification for concluding that Vermont's political culture is developing a dichotomy which cuts across socio-economic variables and is anchored in a north-south regional split.

This research also suggests other substantive agreements with the Daniels' findings. They found strong associations between income, education and the vote, as we do here, although our coefficients were somewhat weaker than those tied to the earlier referendum. Daniels and Daniels also found no strong correlation based on partisan politics and a strong correlation with the vote for James Oakes, the liberal Republican candidate for governor in the 1968 Republican primary. These findings match the ones reported here. The most important area of agreement between the two sets of findings, however, is in the emphasis on the regional (north-south) split in Vermont politics. The Daniels found for instance, that "small towns in the South tended to vote yes to a greater extent than even the cities in the extreme North."<sup>9</sup> This means that the strong correction between town size and the 1969 vote did not hold up under controls for region. Region was more important than town size. Our findings here augment this conclusion by showing that the income variable, too, folds when region is controlled. In other words, it seems that in Vermont, at least in the important matter of voting on Constitutional referenda, region may have more influence than the two very significant variables, town size and income.

### *Discussion*

The combination of the findings thus far suggest that there are forces at work in Vermont that help to establish the direction of political behavior, that these forces are found in particular regions of the state, and that they are not clearly linked to issue content, partisanship, or socio-economic structure. One might suggest, therefore, that our search for the correlates of Constitutional revision is best rewarded by an examination of the concept of political culture. Some might feel that "ideology" is a better term for our purposes here, but the conceptual jump from one to the other is

becoming smaller and smaller in the literature; ideology serving to provide the handle at the micro level and culture at the macro. What is being said is that there seems to be in more politics clear patterns of political belief systems. Ladd calls it (speaking at the level of the individual) a "... quilt, with individual policy items the patches."<sup>10</sup> Elazar, defining it at the system level, calls it "the particular pattern or orientation to political action in which each political system is imbedded . . ."<sup>11</sup> The critical term here is "pattern." Transcending simple socio-economic linkages, these patterns are rooted as well in history, political traditions and myths, the compounding of policy sets over time, and more remote causal forces such as religious affiliation, family structure, physiological and geographical factors and the character of the social interaction matrix. Political patterns are not new in Vermont. The "Mountain Rule" has long been cast as the clearest regional pattern in the State, but this east-west split has all but disappeared.<sup>12</sup> In the years ahead it will be important to monitor the potential hardening of this alternative regional dichotomy based on the sections of the State separated, north and south, by the Winooski River-Route #302 axis. Whether or not this dichotomy develops may very well depend on the influence Vermont's new communication overlays (television, newspapers) have on breaking up regional pockets of political culture.

10. Everett Carl Ladd, Jr., *Ideology in America* (Ithaca and London: The Cornell University Press, 1969), p. 8.

11. Daniel J. Elazar, *American Federalism: A View from the States* (New York, Thomas Y. Crowell Company, 1966), p. 79.

12. See Lyman Jay Gould and Samuel B. Hand, "The Geography of Political Recruitment in Vermont: A View from the Mountains," in Reginald L. Cook, ed., *Growth and Development of Vermont in Vermont* (The Vermont Academy of Arts and Sciences, Occasional Paper No. 5, Wainstield, 1970); Frank M. Bryan, *Yankee Politics in Rural Vermont* (Hanover: The University Press of New England, 1974), pp. 60-63.

"They tell in this region the tale of a farmer who was discovered, angling from the bank of his notoriously barren ice pond, by a neighbor who pointed out that no fish had been caught in that water within the memory of man.

"Eh yah, the angler conceded, 'but, after all, it's — wal, it's handy-by.'"

— from *In Defense of Worms and Other Angling Heresies*, by the late Frederic F. Van De Water of West Dummerston, Vermont (New York: Duell, Sloan and Pearce, 1949; reprinted 1970 by the Freshet Press of Rockville Centre, New York, pp. 182; \$5.95), page 157.

8. Daniels and Daniels, *Op. Cit.*, p. 154.  
9. *Ibid.*, p. 155.