

Robert L. Picher  
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Mary Kasamatsu  
Interviewer

MK This is an interview for the Green Mountain Chronicles. It's the 8th of June, 1988 and I'm with Mr. Robert L. Picher. That's pronounced correctly?

RP Picher, correct, correct.

MK Picher, okay, alright.

RP You learned your French very well.

MK (LAUGHING) My limited French. Such as it is. Ah, now you are the clerk of the House of Representatives?

RP That's correct.

MK And when did you take that position? When did you begin?

RP I was first elected to the top position, what we call in Vermont, Clerk of the House (in some states, they call it Chief Clerk) towards the end of February, 1963 when my predecessor was elected to a judgeship and then I was elected to that, to replace him. I'd been Assistant Clerk from 1959 until then.

MK Now tell me something about in terms of background to get a picture, what was the composition of the Vermont General Assembly at that point?

RP In 1957 when I first came to work in this building, there were 246 towns. There had been 248, 248 towns until the thirties and the Town of Glastonberry and the Town of Somerset, one which is now part of Windham County and one which is now part of Bennington County lost their charter because actually I think no one was living in either township. But from that time on until now, there have been 246 towns or cities in Vermont and until reapportionment, which, the effect of which took place in 1966, every town and every city had in the Vermont House, one representative and only one and in the Senate they had thirty senators which they still have. With reapportionment, the Supreme Court said that you have to base representation in the State Legislatures not on the cities, but on the people that the people elected would represent. As a result, Vermont Legislature now has 150 members and some of the members represent or let's put it this way, Burlington the largest cities have many more representatives and some of the smaller towns have to group together to send to Montpelier one representative. Each representative in the House who, each member who represents a single member district, represents roughly

Robert L. Picher

Page 2

3,500, 3,600 people. If two people serve, like in Winooski for example, in a two member district, they represent the whole city of about let's say 7,000 people, but single member district members represent 3,500 people. In the past before reapportionment, the member from Burlington represented around 35,000 people and the member from Victory or Baltimore, Vermont represented maybe 50 or 75 people.

MK Now just to hear about this today and to think about it now that reapportionment is an accomplished fact and it's not a controversial issue anymore, it seems like, well, sure it makes sense you know, you'd have your representation based on population. It only seems fair, and yet there is another side to that.

RP That's right. You can't argue that it, you know, it doesn't make sense. It does make sense that everyone represents about the same number of people, that's true. However, there's a, there was a tradition in Vermont and probably it was true also in some other states, where there was a great history of local government, local towns being autonomous and they had their own town officials which they still do and they had their own school maybe and their own fire warden, their own constable and everything was a little community. Well, everyone of those little communities had a representative, had a place in Montpelier. Well, with reapportionment, that disappeared in many cases. And I think that's easy to understand. Let's say for example, as a result of the mandate to have one representative represent let's say in this case, 3,500 people, many of these small towns had to be grouped together to send, to be eligible to send to Montpelier, one representative. So, particularly the Northeast Kingdom, I believe the member from Brighton, represents something like eight towns right now, plus some unorganized towns and gores which have some population. So altogether, he represents maybe 3,500 people. But they are scattered all over in a large area and let's say eight towns. He can't possibly really communicate even on weekends with all of the town clerks or the town selectmen and some of those towns, not the town that he lives in, but the other towns will probably never have a real voice in the State House and that I think is unfortunate. And let's say, he's from the town of Brighton, which includes the Village of Island Pond, that is probably the largest of the towns that he represents. Well, if there was a member, a person in one of the other smaller towns who was interested in running for a seat in the House, that person would stand a very slim chance against a person who comes from a larger town in the same district and for that

Robert L. Picher  
Page 3

reason I think some of the smaller towns will probably never be represented again in Montpelier. I think that's unfortunate. But, everything has pros and cons and that has to be one of the cons I guess of the, of the reapportionment.

MK Yea, now at the time it was a hot issue.

RP Very hot in fact it was taken to court in Vermont. I recall one incident where this member from Stannard, Frank Hutchins, who was oh I guess he must have been in his 70's. He was a tall, thin person, I remember, and when they were debating this, he actually cried and you know, unabashed tears flowed down his cheeks and there was a story. The write up of that event was in, I think, Saturday Evening Post and he was so sad that his town of Stannard probably will never again be represented and I think maybe he was prophetic. I don't recall since 1966 when the first, when we had the first reapportioned House, that the Town of Stannard, it might have been, maybe once or twice, but generally speaking we've had no member from Stannard. And that's true with many other towns that, now people never heard of these little towns like Baltimore. And Margaret Hammond from Baltimore who died last year I think it was, she was a very good member, very knowledgeable member, in town government particularly and after reapportionment, nobody was ever elected to the House from the Town of Baltimore that I can remember. So it was a very highly debated issue. Many members knew that they were serving for the last time and also the towns they represented would probably never be represented really in a true sense again. So it was a sad day for many people. I suppose you could say on the other hand, there was probably a happier day for the larger cities. Like Rutland after that would have several members, Brattleboro, Springfield. Burlington wound up with at one time, I think it was, we called it 12 1/2 members because one of their members represented part of Winooski. So I guess it was when Winooski, John O'Brien represented part of Burlington. But anyway, they had 12 1/2 members. Now I think they have 12 members. There are some shifts and with the next reapportionment, I think Burlington may, for example, lose one member or probably will have to share with represent part of Burlington, but generally speaking they have 12 members. In the old days they had one. So they have a greater voice. Although it was alleged at one time that now Burlington will have its say and the small towns will not gang up against the interest of the bigger cities. I never found that to be true in the old days. If the member, a member from whoever was elected member from Burlington and if that member was proposing some

Robert L. Picher

Page 4

legislation for the benefit of Burlington, if it seemed to make sense for the State of Vermont, I can't recall that the small towns would say hey, they are from the big city of Burlington, let's vote against it. I don't think that was ever true. Nor would the representatives from the bigger cities vote against the small town interests. No, I don't think that was true.

MK Now Vermont did make some effort to fight the change?

RP Oh yes, there were some people who took it to court. If I recall, there was a hearing in Chittenden County I remember in Superior Court. Senator Bloomer, the father of the present Senator John Bloomer, was one of the people who were fighting reapportionment issue and there might have been some case also in the Federal Court, but this was in County Court I recall and a lot of people, many, many people, influential people in the House then who were very much against reapportionment, and, of course, our own constitution provided that every town would be represented by one member. So, the Supreme Court was directly against the wording of our own constitution and some people thought we should stick with our constitution and, but however, we had to bend and so it be. So it was and it's true all over the country, but obviously as we said, it's not, they are not all pluses and one of the minuses I think is the fact that some of the small towns will never again be truly represented.

MK It seems to go along with, I mean it was not part of the same issue, but they're around the same period of time we had a lot of school consolidations. There were a lot of different, sort of unrelated things that seemed to coalesce seems around the same time period

RP There could have been.

MK *that might have perhaps* A weakened some of the towns' integral identity or ...

RP Unit, right. A town identity was probably a loss with regionalization of fire districts, of school districts and probably regional libraries and regional historical societies and I suppose that's not necessarily all bad. But how small do you want to insist on being for the rest of your life, that's true. But then on the other hand, when you know some communities have been one local, little unit for all of its two hundred years and now that's got to change, it's a hard pill to swallow for some people and I can understand that.

Robert L. Picher

Page 5

MK In terms of how it was actually determined that there would be 150 members?

RP Um, that was up to the states to determine. Vermont had, as I said, had 246 members. They could have decided on having a House, a reapportioned House with 246 members if they'd wanted to. They took a straw vote, I recall, each member was asked to indicate on a card, what number he or she preferred. Didn't have to sign it and I still have either all or some of those cards at home. Some of the preferred numbers were 90, 212, 150 and I believe 250. Maybe some wanted to stick with 246, but that was not a real popular, mostly 212. That was, that seemed to be the most popular number, but when it came down to the end, 150 was the number they decided upon. As I said, they could have stuck to 246. New Hampshire, I believe, before reapportionment, had 400 members in their House of Representatives and they have 400 members today. Manchester has, I don't know, maybe 60 or 75 representatives. Manchester, New Hampshire. But if we had, if Vermont had decided to stick with 246, that would have meant that Burlington would have wound up instead of presently with 150 member House, they have 12 members, they might have had, I don't know, 20 members maybe. And a represent in Northeast Kingdom who represents eight towns, he might have wound up representing eight or nine or ten towns. So you can't, you can't have it both ways. If you want the same number, you got to give more and more people to the bigger concentrations and I don't know that that's, I think that was the reason. They didn't think that Burlington would be better served by having 20 people here than they are served by having 12 people. And yet, if you, if you go that route, well the smaller towns will I suppose, no, the number would not represent eight towns, maybe represent six towns, the smaller town. But the bigger concentrations would have more members. So I don't know that that's a, I think they were wise in picking 150. That seemed to be a good compromise, but that was not the most popular choice at first, during the earlier debates.

MK Yea. Now is the Senate structured in the same way <sup>in the</sup> a number of members?

RP The structure, they decided to keep the number 30. However, it has to be based on population. Now the Senate was always based on population. The Senate if I recall in the constitution it says that every county had right to one senator. So you started off with 14 senators and then the other 16 senators were, were, were spread out based on population. But Chittenden County in the old days had four senators. It was the original one, plus three.

Dick Mazza?

Robert L. Picher  
Page 6

Rutland County if I recall had one plus two. I think they had three senators. They might have had four, Rutland, I'm not positive. It was either four or three at the end before reapportionment. And, but even the small towns, Essex County had one. Grand Isle County had one because the constitution said each were entitled to a minimum of one. Now they each have the same minimum of one, but not exactly. There are two senators for example that represent Essex, Grand Isle, Orleans, so they have to sort of, as you indicated before, some of these old time boundaries either town boundaries, school district boundaries, have disappeared. So it's not strictly by counties anymore. For example, in Grand Isle County, the senator who represents Grand Isle, represents also the Town of Colchester. And in a matter of fact, he is from Colchester. Dick \_\_\_\_\_, he represents all of a county, plus another county again for the sake of numbers. So that each senator represents roughly the same number of people.

MK So then the number of senators remains constant, but the boundaries get redrawn all the time?

RP That's right, that's right, they get redrawn. That's correct.

MK Do you recall the first, okay 1966, would have been the first year under the newly reapportioned?

RP 1966 that's right. That was a one year session.

MK Okay. What was that like in terms of feelings? Was there a real sense of loss? Did people just come back and pick up as though nothing had happened and start fresh or what?

RP If I recall, there were, first of all there were a lot of changes in the composition. They were from 246 members in the House to 150. That alone makes a big difference. Furthermore, Burlington went from one member to as I said, I think it was either 12 or 12 1/2 so called members. So there were a lot of changes in the, in the make-up, the face of it. Even politics, Burlington before reapportionment, if I recall, had one democrat representative. With the reapportioned House, I think out of the 12, let's say members that Burlington wound up with, I think there were 8, 8 or 9 republicans. I think the democrats probably did not really make an effort to get some good candidates to run and the republicans did, but whatever the reason, there were a lot more republicans in Burlington than we've, than the House has had since that time. So there were a lot of new faces, even if the

numbers were smaller. And number two, before reapportionment in the House, there were 252 seats for the members. There were 246 members as I said, plus there were six seats where the doorkeepers occupied two seats by the back door and they kept two other seats I think for visitors who might come in. So there were actually 252 seats. Well, starting January, 1966, with only 150 members occupying 252 seats, there were many empty seats and it gave the wrong impression I think to people who saw pictures in the press with all the empty seats, they thought, gee look at the absenteeism. And it wasn't true. So eventually, four or five years down the road, they decided to refurbish the House and all the old seats were removed and new floor was installed and those seats incidentally were auctioned off. Many Vermonters and other people bought some of those old desks and the seats themselves and then they wound up with the same configuration, U-shaped arrangement, and however, only 150 actual seats instead of 252. So the appearance is about the same, but instead of having for example seven rows of seats deep, now we only have five rows deep. In the past you could not walk between the desk of a person and the back of the seat of the person who sat in front of that desk. Now there's an aisle you can walk behind your chair for example and there's an aisle in back of the Chamber. There are more aisles walking from the back of the Chamber to the well of the House, but the general impression you get when you walk into the House, if you hadn't seen it for twenty years, it looks like it was the same as it was before. Yea.

MK Yea, it's interesting. I could imagine, because I was trying to think about that, oh gee, suddenly there's like a little over 90 people that just weren't there anymore.

RP That's right and as I said the remaining 150 were not necessarily the same as were here just before reapportionment. The '65 House, people who were elected in 1964 to serve for the '65 session, theoretically were elected for two year terms. But with<sup>d</sup>reapportionment mandate, their term was cut off so that we had a special election in the fall of 1965 for a new reapportioned legislature and that was for a one year term also. So the '65 House was a one year House and the '66 House was a one year House. Although, as I said, the '65 members were elected supposedly for two years. So there were a lot of changes. Emotionally and as far as the faces of the people, a lot of changes from 1965 to 1966.

Robert L. Picher

Page 8

MK Yea, it is interesting because now, you know, now it is such a foregone conclusion nobody really thinks about it.

RP No, nobody thinks that you know, there was a completely different way of representing your constituents. But I think in a sense though, there was much more accounting before. The 246 members went home and many of them consulted with their town clerks and they had little meetings in the town hall or the town clerk's office on the weekends and many people still do this. But if they represent a section of the City of Burlington for example, they have to find some meeting place where only a portion of the City of Burlington residents might be the interested people to attend and then if you go to the smaller towns, well you can't ask people to travel maybe fifty miles to go and visit with the town representative or the district representative to find out what's been going on in Montpelier during that week. So it's difficult and it's difficult for the representative to visit all, at least the town clerk offices over the weekend. So I don't think there's as much accountability as there was available in the past, but however, I guess that's progress.

MK I guess so.

RP But on the other hand, even if, as I said, there's not as much accountability probably as there could have been before, we are still lucky in Vermont because 150 people represent a small state. In some of the larger states, you mentioned you came from Ohio, well I'm sure that in Ohio, the members who were serving Columbus State House, each member represents a lot more people than the representatives in Montpelier do. And so all the more reason why those in California for example, New York State. We have in Vermont, 150 members. In Albany, they have 150 members. And yet, the members in New York State, I don't know, but they probably represent each one 2 or 3 or 400,000 people. I don't know, I don't know the population of New York State, but they certainly represent a lot more constituents than the members elected to serve in Montpelier do. So, the members here are still much closer to the people, but if you compare it with the old days, Vermont prior to 1966 and after 1965, well there's less accountability, but there's still a lot more than some other states. We're very fortunate.

MK I think so too.

RP Yea.



Robert L. Picher  
Page 9

MK Thank you very much.

RP You're welcome.

MK I just want to get a little sound of the room, because there's a hum some place.