

The Minnesota Constitution: A Bibliography of Resources.

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This bibliography was developed to support the *Mitchell Hamline Law Review* Symposium held in conjunction with the Minnesota Supreme Court Historical Society. The goal of this bibliography is to enumerate scholarship centered on the Minnesota Constitution. It does not include materials that mention or cite to the constitution in a secondary manner to support discussions of other legal topics or as support or challenge in a court case on another substantive issue. Writers should use this as a starting point for articles but should also do their own research on topics of interest.

History of the Minnesota Constitution

The Constitution of Minnesota was adopted in 1857, but at the time, intense animosity between the Republicans and Democrats resulted in two separate documents being drawn up so members of one party would not have to sign a document containing the signatures of members of the other party. The rush to create two copies resulted in over 300 differences between the two documents, but fortunately these differences were all in grammar and style rather than in substance.

In 1947 and 1948, there was an attempt to reform the constitution through a Constitutional Commission which recommended major changes to the document. The call for a constitutional convention did not pass the legislature, but many of the recommendations were adopted by the legislature in the years following.

In 1971 a Constitutional Study Commission was created to make recommendations for constitutional revision. The commission drafted a restructured constitution to correct grammatical and stylistic errors and remove language that was outdated or unnecessary. This document was introduced in the 1974 legislative session as Senate File 1713. It was enacted into law (1974 Minn. Laws 787) and ratified by the public in the 1974 general election.

Minnesota Constitution Text

The text of the two versions (Democratic and Republican) of the Constitutions of 1857 can be found on the Minnesota Historical website:

<https://mnhs.gitlab.io/archive/constitution/www.mnhs.org/library/constitution/index.html>

The text of the Minnesota Constitution as revised in 1974, along with some other foundational documents, can be found in the Minnesota Statutes and Minnesota Statutes Annotated. The historical documents included are:

- Northwest Ordinance of 1787 (Act of Congress July 13, 1787)
- Organic Act of Minnesota, An Act to Establish the Territorial Government of Minnesota (Passed March 3, 1849)
- Act Authorizing a State Government (Passed Feb. 26, 1857)
- Act of Admission to the Union, An Act for the Admission of Minnesota into the Union (Passed May 11, 1858)
- Minnesota Revised Statutes Enactment (Approved March 8, 1945)
- Constitution of the United States

The Minnesota Constitution can also be found online at the Office of the Revisor of Statutes website: <https://www.revisor.mn.gov/constitution/>

Law Review Articles (in chronological order)

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- Note, *Constitutional Law – Search of an Attorney’s Office Held Unreasonable Under the Minnesota Constitution*, 7 Wm. Mitchell L. Rev. 253 (1981), <https://open.mitchellhamline.edu/wmlr/vol7/iss1/14/>.
- Ruth A. Mickelsen, *The Use and Interpretation of Article I, Section Eight of the Minnesota Constitution 1861-1984*, 10 Wm. Mitchell L. Rev. 667 (1984), <https://open.mitchellhamline.edu/wmlr/vol10/iss4/4/>.
- Terrence J. Fleming & Jack Nordby, *The Minnesota Bill of Rights: “Wrapt in the Old Miasmal Mist”*, 7 Hamline L. Rev. 51 (1984).
- Stacy A. Broman, Note, *Limiting Probationer’s Rights Under the Minnesota Constitution: State v. Murphy*, 10 Hamline L. Rev. 279 (1987).
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- Maynard E. Pirsig & Randall M. Tietjen, *Court Procedure and the Separation of Powers in Minnesota*, 15 Wm. Mitchell L. Rev. 141 (1989), <https://open.mitchellhamline.edu/wmlr/vol15/iss1/13/>.
- Rita Coyle DeMeules, *Minnesota’s Variable Approach to State Constitutional Claims*, 17 Wm. Mitchell L. Rev. 163 (1991), <https://open.mitchellhamline.edu/wmlr/vol17/iss1/14/>.
- Kent M. Williams, Note, *Property Rights Protection under Article I, Section 10 of the Minnesota Constitution: A Rational for Providing Possessory Crimes Defendants with Automatic Standing to Challenge Unreasonable Searches and Seizures*, 75 Minn. L. Rev. 1255 (1991), <https://scholarship.law.umn.edu/mlr/1752/>.
- Lisa M. Wiencke, *Invoking the State Constitution to Invalidate Legislation: Who’s Guarding the Guardians?*, 18 Wm. Mitchell L. Rev. 1073 (1992), <https://open.mitchellhamline.edu/wmlr/vol18/iss4/12/>.
- Melissa Sheridan & Bradford S. Delapena, *Individual Liberties Claims: Promoting a Healthy Constitution for Minnesota*, 19 Wm. Mitchell L. Rev. 683 (1993), <https://open.mitchellhamline.edu/wmlr/vol19/iss3/7/>.
- Ann Marlow Grabel, Note, *Minnesota Public Money and Religious Schools: Clearing the Federal and State Constitutional Hurdles*, 17 Hamline L. Rev. 203 (1993).
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- John M. Baker, *The Minnesota Constitution as a Sword: The Evolving Private Cause of Action*, 20 Wm. Mitchell L. Rev. 313 (1994), <https://open.mitchellhamline.edu/wmlr/vol20/iss2/4/>.
- Ann L. Iijima, *Minnesota Equal Protection in the Third Millennium: "Old Formulations" or "New Articulations"?*, 20 Wm. Mitchell L. Rev. 337 (1994), <https://open.mitchellhamline.edu/wmlr/vol20/iss2/5/>.
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- Kathleen Smith Ruhland, *Equal Opportunity Education for Minnesota's School Children: A missed Opportunity by the Court*, 20 Wm. Mitchell L. Rev. 559 (1994), <https://open.mitchellhamline.edu/wmlr/vol20/iss2/10/>.
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- Douglas A. Hedin, *The Quicksands of Originalism: Interpreting Minnesota's Constitutional Past*, 30 Wm. L. Rev. 241 (2003), <https://open.mitchellhamline.edu/wmlr/vol30/iss1/14/>.
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- Steven P. Aggergaard, *Religion, Speech, and the Minnesota Constitution: State-based Protections Amid First Amendment Instabilities*, 32 Wm. Mitchell L. Rev. 719 (2006), <https://open.mitchellhamline.edu/wmlr/vol32/iss2/2/>.
- Rachel Bond & Theodora Gaitas, *State v. Carter: The Minnesota Constitution Protects Against Random and Suspicionless Dog Sniffs of Storage Units*, 32 Wm. Mitchell L. Rev. 1287 (2006), <https://open.mitchellhamline.edu/wmlr/vol32/iss4/11/>.
- Teresa Stanton Collett, *Constitutional Confusion: The Case for the Minnesota Marriage Amendment*, 33 Wm. Mitchell L. Rev. 1029 (2007), <https://open.mitchellhamline.edu/wmlr/vol33/iss3/9/>.
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- Christine Gale, *Filling the Gaps: How an Environmental Rights Amendment Can Save Minnesota’s Shorelines*, 51 Mitchell Hamline L. Rev. 424 (2025), <https://open.mitchellhamline.edu/mhlr/vol51/iss3/3/>.
- Jess Braverman, *Unpacking the 2024 Minnesota ERA Language: A Litigator’s Perspective*, 51 Mitchell Hamline L. Rev. 350 (2025), <https://open.mitchellhamline.edu/mhlr/vol51/iss3/1/>.
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- Terrence J. Fleming, *The Minnesota Bill of Rights: Ascending from the Damp Savannas*, 54 Hennepin L. 16 (Sept./Oct. 1984).
- William J. Keppel & James E. Dorsey, *The Minnesota Constitution and the Protection of Individual Rights*, 56 Hennepin L. 18 (May/June 1987).
- Howard J. Vogel, *Remembering Minnesota’s Bill of Rights*, 48 Bench & B. Minn. 33 (May/June 1991).
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- Timothy J. Pawlenty, *Distinguishing Filament from Figment: Minnesota’s Single Subject Rule*, 57 Bench & B. Minn. 36 (July 2000).
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- Nick Dranias, *Eminent Domain Abuse in Minnesota*, 62 Bench & B. Minn. 19 (2005).
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- Phillip M. Kitzer & Brian T. Rachel, *The Jury's Still Out: Assessing the Constitutionality of the MHRA's Ban on Jury Trials*, 82 Hennepin Law. 30 (March 2013).
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- Jamie Bover & John Munich, *Minnesota's Public School System Goes on Trial*, 76 Bench & B. Minn. 26 (Jan. 2019).
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- Sharon VanDyck & Wilson Scott, *Minnesota after Dobbs: Understanding the State Constitution's Protections for Reproductive Rights*, 79 Bench & B. Minn. 18 (Nov. 2022).

Minnesota State Government Resources

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- Constitution of the State of Minnesota, version list. Available at: <https://www.revisor.mn.gov/constitution/versions>.

- Constitutional Study Commission (1971-1973)
<https://www.lrl.mn.gov/agencies/detail?AgencyID=288>. Includes links to:
 - Governor Wendell R. Anderson, *Special Message: Ethics in State Government and Legislative Reform: To Meet the Challenge of a New Day*
 - *Final Report and Committee Reports: Minnesota Constitutional Study Commission (1973)*
 - *Minutes: Minnesota Constitutional Study Commission (1971-1972)*
- Minnesota State Constitution Amendments Considered, Minnesota Legislative Reference Library (includes links to original ballot language, and list that can be sorted by year and adoption/rejection). Available at:
<https://www.lrl.mn.gov/mngov/constitutionalamendments>.
- Minnesota State Constitutional Amendments: Frequency, Number, and Ratifications Rates, Prepared by Deborah K. McKnight, Minnesota House of Representatives Research Department (updated Nov. 2004).
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- Minnesota Constitutional Amendments: History and Legal Principles, Prepared by Matt Gehring, Minnesota House of Representatives Research Department (March 2013). <https://www.house.mn.gov/hrd/pubs/constamd.pdf>.
- Legislative Approval of Proposed Constitutional Amendments (1894-2013), Chart prepared by Matt Gehring, House Research Department (June 2013).
<https://www.house.mn.gov/hrd/issinfo/cavotes.pdf>.
- Constitutional Amendments Data. Compiled by the MN Secretary of State, MN House Research, and the MN Legislative Reference Library, 2013.
https://www.lrl.mn.gov/pdf/archive/const_amend.pdf.

Books & Book Chapters

Note: The materials included here have a focus on the Minnesota constitution. There are certainly more books that cover the history of Minnesota and in that discussion talk about the constitution, its formation and events surrounding that time period. Consult your library to research what other materials exist.

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