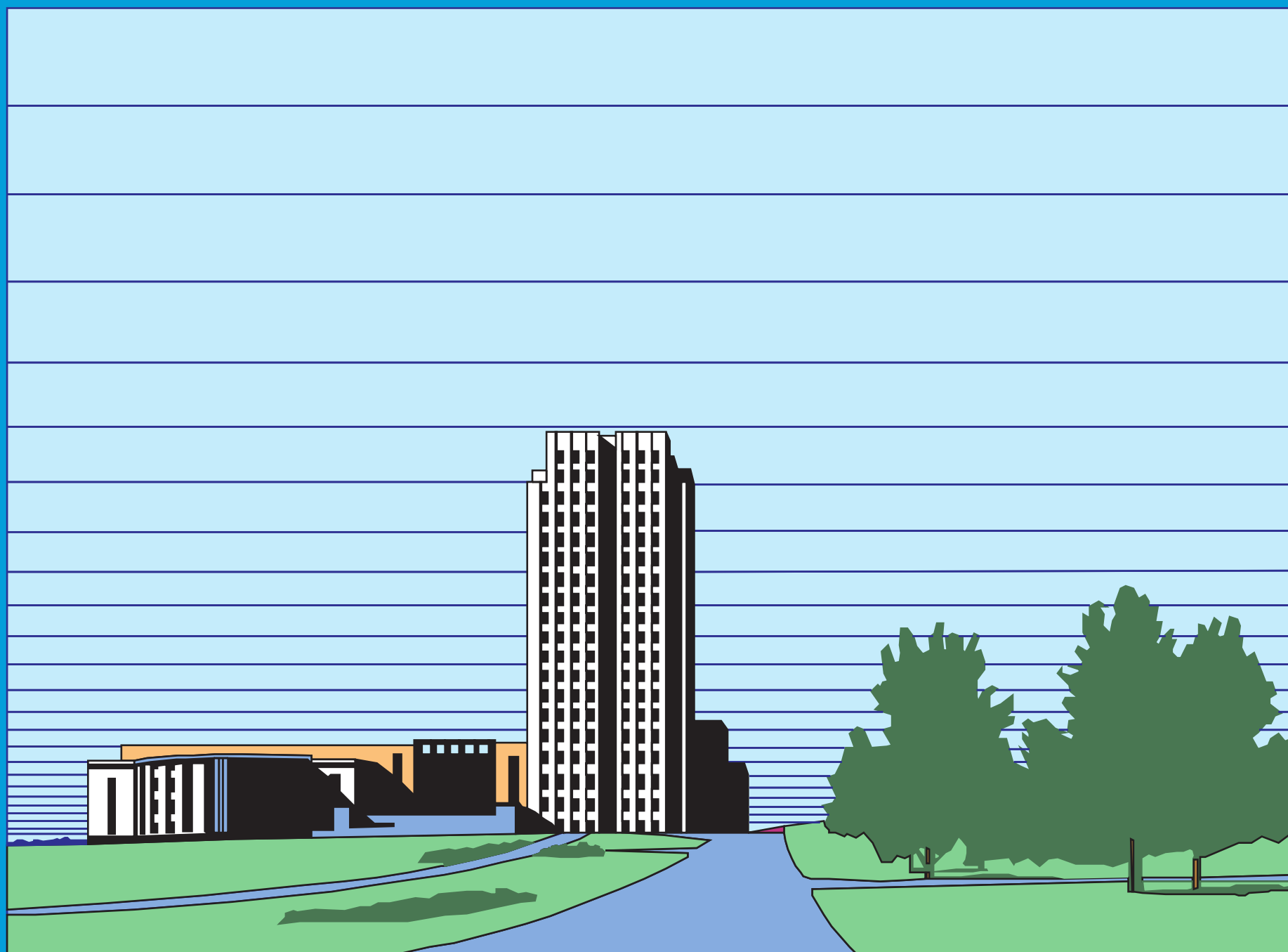


# Dakota Dilemmas:

A Historical Exploration of  
Ethical Conflicts



# Agenda



- 01 Dakota Territory
- 02 Statehood
- 03 Mid-Century Shakeup
- 04 Nuclear Conflicts
- 05 The Boom

# Territory Tension

1861 - Dakota Territory  
established

Governor Ordway creates  
controversy

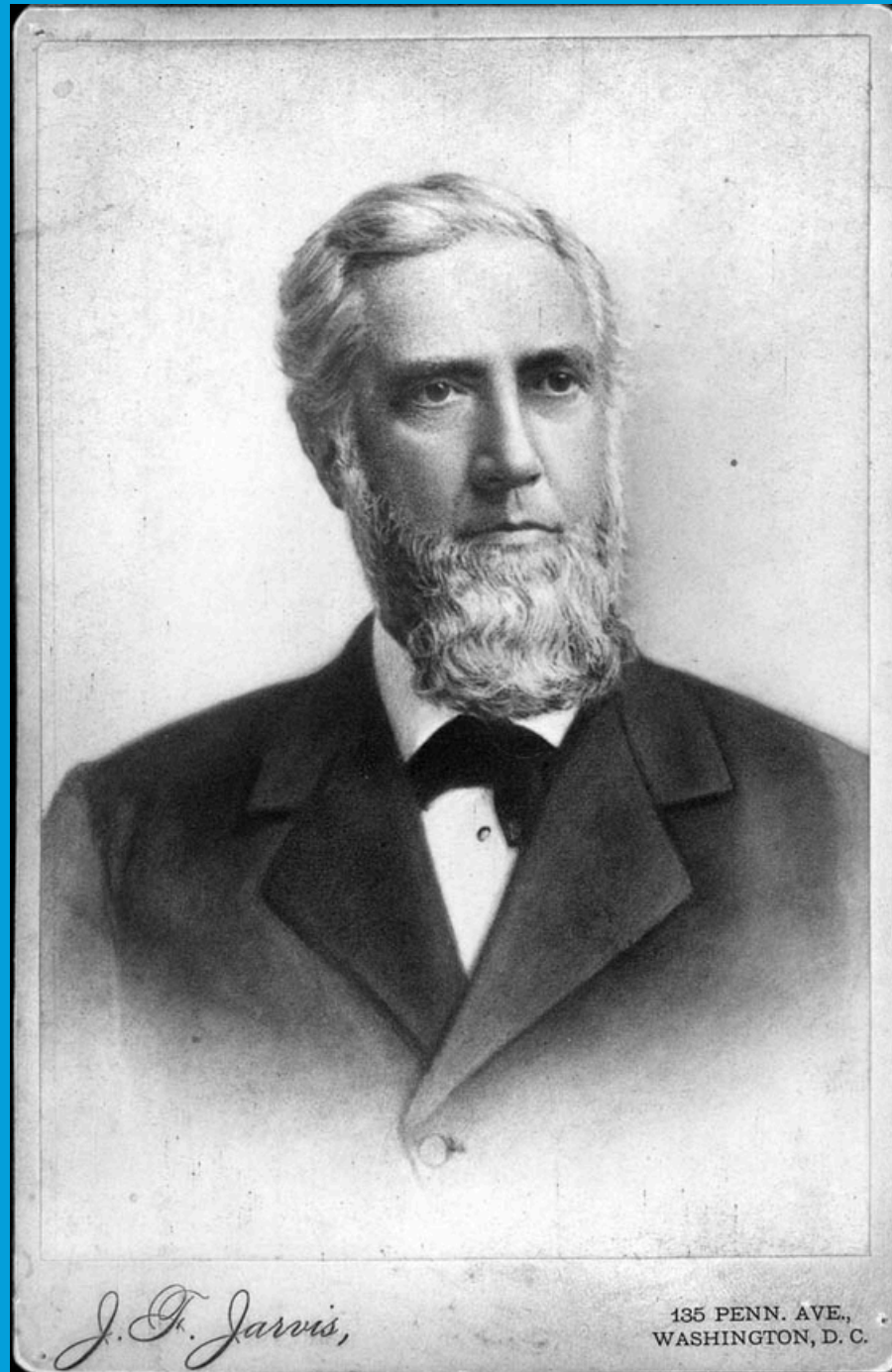
Capital Relocation Commission



SHSND 0053

Territorial Capitol - Yankton

# The End of Dakota



SHSND 0034-00001

Governor Ordway

Capital  
Yankton → Bismarck

"Political Boss"  
Alexander McKenzie

Governor Ordway Indicted



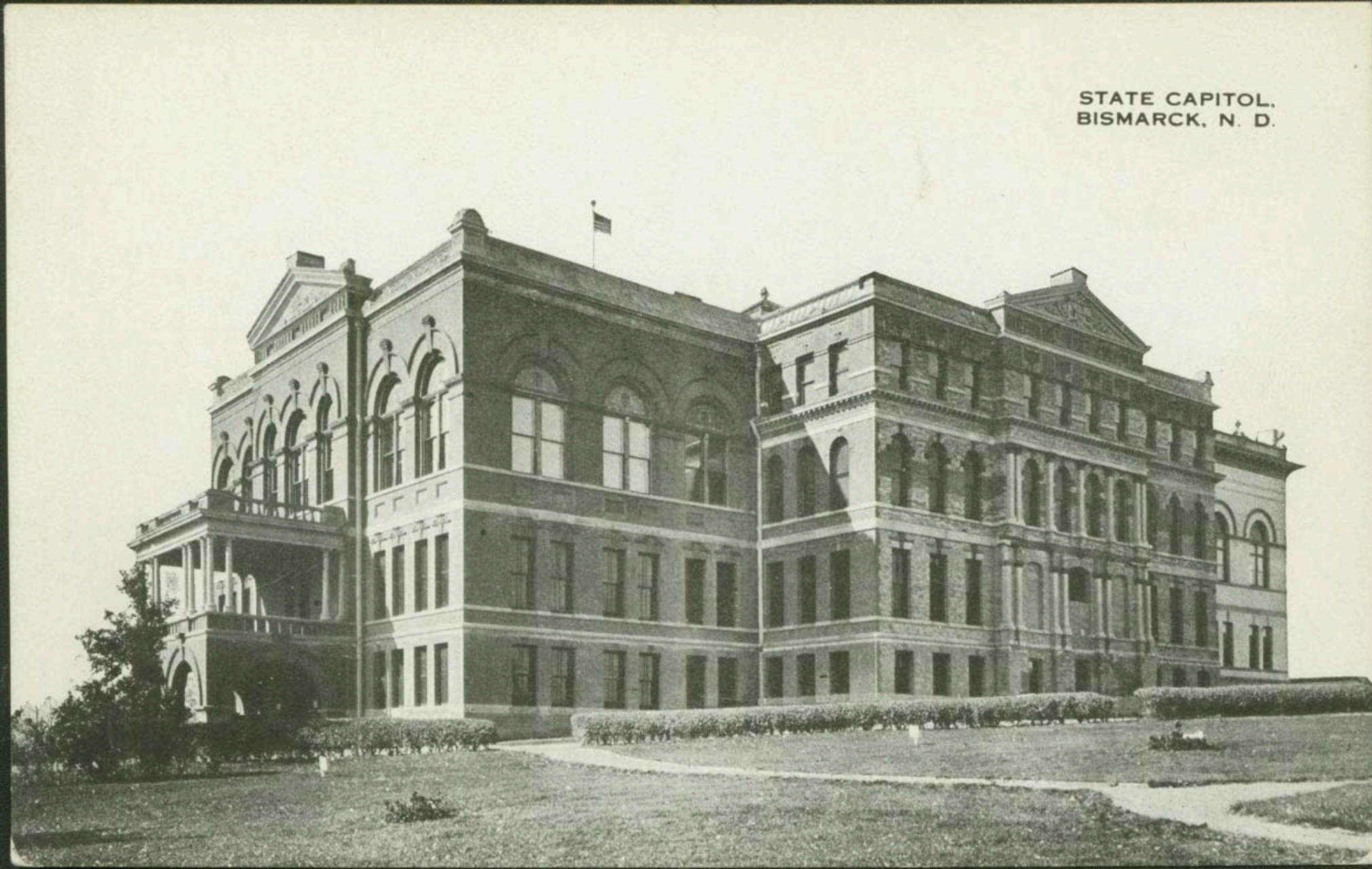
SHSND 00020

Alexander McKenzie

*Dakota Territory*

# Two New States

STATE CAPITOL,  
BISMARCK, N. D.



SHSND 0716-00034

Push in Southern Dakota  
for Statehood

Enabling Act of 1889  
signed by  
President Grover Cleveland

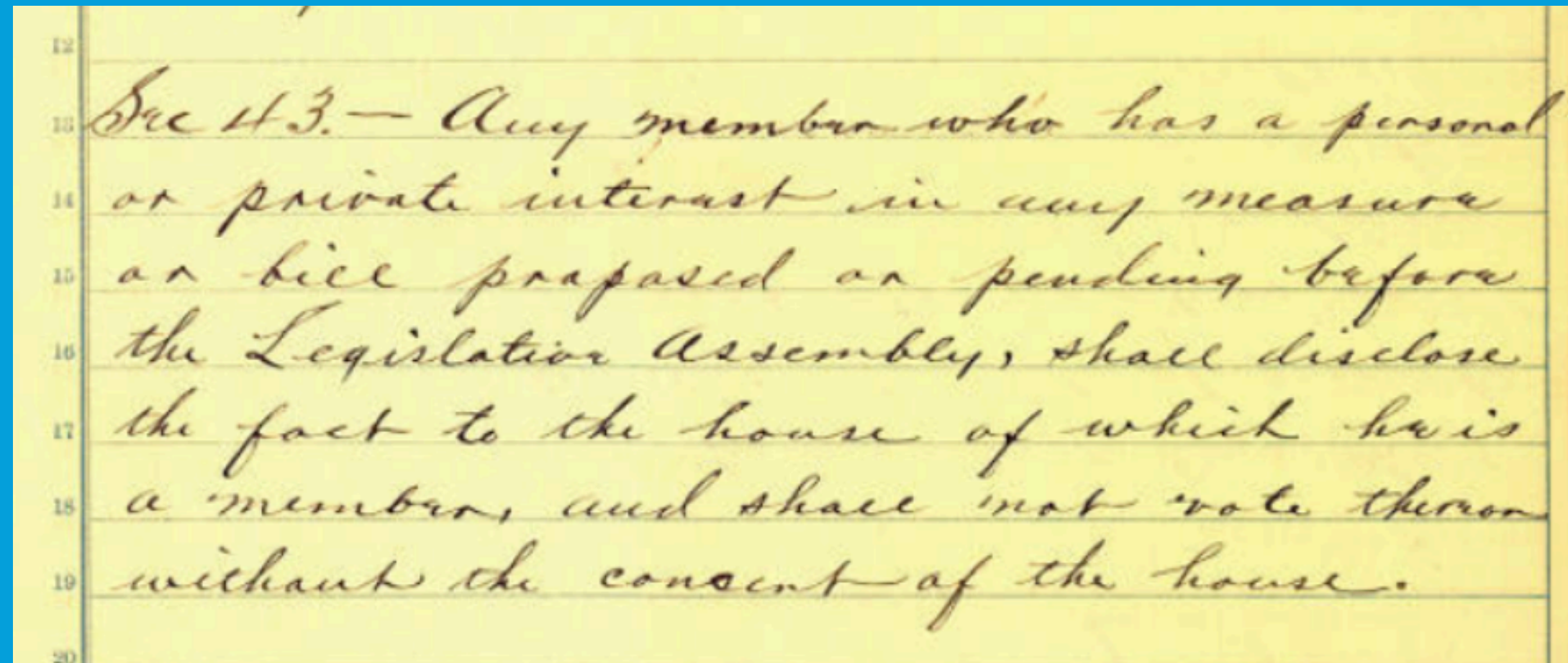
*Statehood*

# Constitutional Convention

## Constitution Includes Concepts on Accountable Government

- Decentralized Executive Power
- Single-subject Rule
- Provision on Solicitation of Bribery
- Article 2, § 43 - Legislator Conflicts

Ratified on October 1, 1889



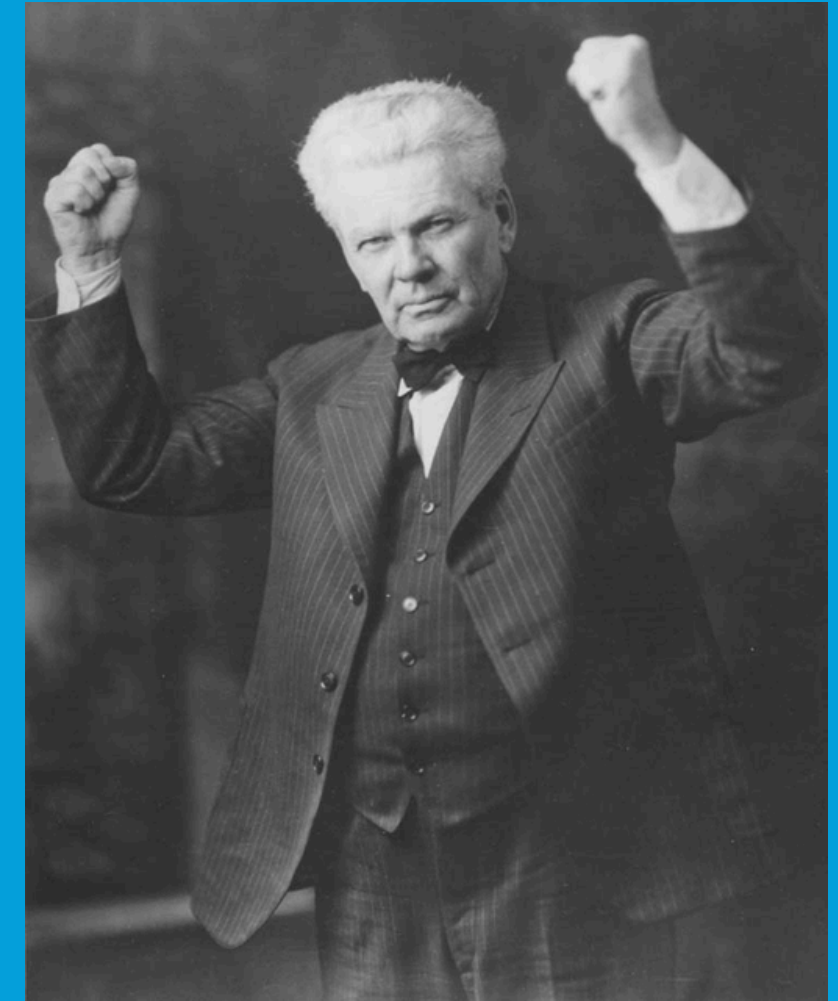
Sec 43. - Any member who has a personal or private interest in any measure or bill proposed or pending before the Legislative Assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon without the consent of the house.

# Contempt & Corruption

McKenzie Machine  
1880s - early 1900s

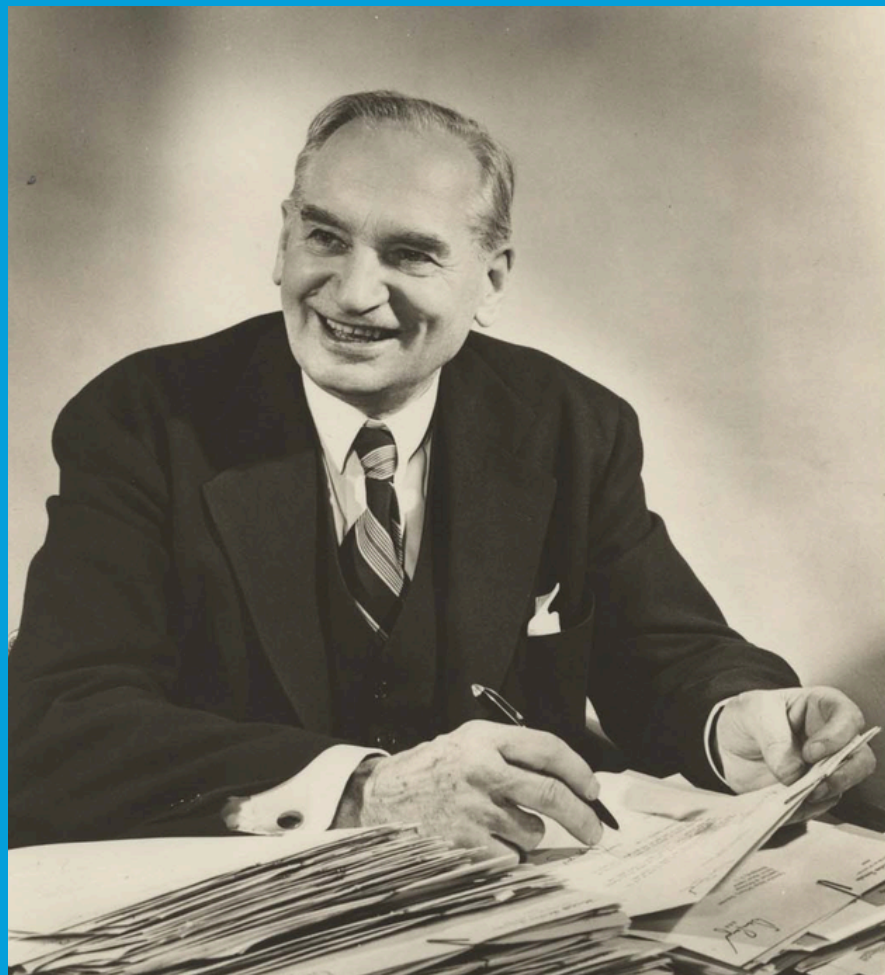


5-week  
Governor  
1935



SHSND 4290-00001

Money Funneling  
1934



SHSND 00005

Bid Rigging  
1961



Statehood

# 33rd Legislative Assembly



SHSND 2524-00001

Representative Brynhild Haugland

No contracts \$5,000+ for legislators



**House Tables  
'Anti-Corruption'  
Measure, 56-53**

NPL vs. ROC - tables bill

# To the Voters



## Anti-Corruption Petitions Filed

Increased to \$10,000+

Only applies to legislators

Approved 75,362 to 61,780  
1954 Primary Election

# To the Courts

*Lindberg v. Benson*

Representative Clifford Lindberg brings suit in Burleigh County.

Alleges law is unconstitutional

Does business with the State as a general contractor



**Vote On \$10,000 Limit  
Is 3-2 For Constitutionality**

*Lindberg v. Benson*

**Anti-Corruption  
Bill Upheld by  
ND High Court**

**Silly Law Upheld**

“No individual has a legal right to be selected as a contractor for the state.”

One argument - “Too far fetched to warrant serious consideration.”

# "I Dissent"

*Lindberg v. Benson*

Two classes of legislators

"Fraud, corruption, evil cannot be measured in dollars and cents."

All or Nothing - see South Dakota



# Fallout

**N.D. Lawmaker Quits On  
Account Of Corruption Law**

**N.D. Legislator  
Quits Because Of  
Corruption Law**

**Bill To Amend Anti-Corruption  
Law Fails After Hot Debate**

**\$10,000 Repeal Bill Vetoed**

# Repeal

40th Legislative Assembly - 1967  
Senate Bill 232

Governor Guy Vetoes Repeal

Democratic-NPL Gathers Signatures

**Referral Petitions  
Are Filed**



SHSND 0487-00001

Governor William L. Guy

# Back to the Courts

*Melland v. Johanneson*

**Conflict-Of-Interest Case  
Testimony Is Begun**



Group of individuals sues

District Court rules law is  
unconstitutional.

Injunction on referred measure

# Off the Ballot

*Melland v. Johanneson*



SHSND 1491-00001

North Dakota Supreme Court 1966

5-0 Decision Overruling *Lindberg*

Equal Protection Violation

Bidding Process Should be  
Required by Law

Safeguard in Section 43 of the  
North Dakota Constitution

*Nuclear Conflicts*

# 1970s Reform

43rd Legislative Assembly - 1973  
Revises Criminal Code in SB 2045

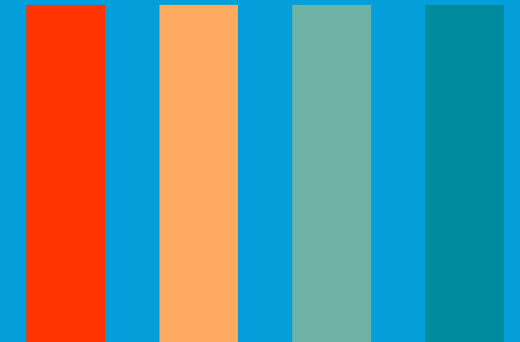
Additional Prohibitions  
on Public Servants

N.D.C.C. §§ 12.1-13-02, 12.1-13-03

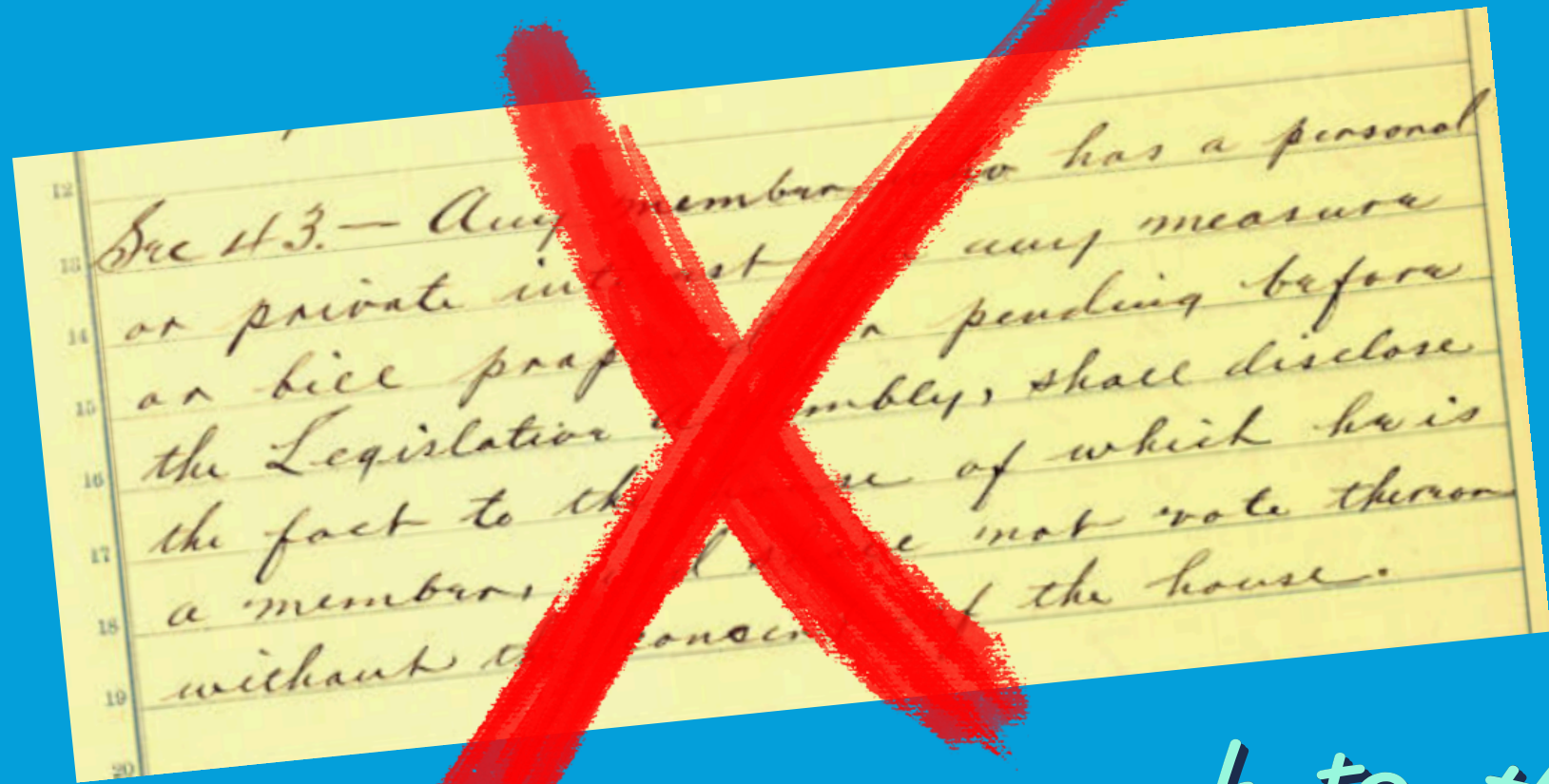
Representative Alice Olson



Pembina County Historical Society



# Safeguard Removed



back to the

80'S

1981 - Personal or Private Interest defined  
"directly, individually, uniquely, and substantially"

1984 Constitutional Amendment

1987 Legislative Rule Supported

# Legislative Efforts



SHSND 00052

2005 - Lobbyist Gifts

2011 - Ethics Committee

2013 - Ethics Commission

2015 - Ethics Commission

# Back on the Ballot

2018 General Election

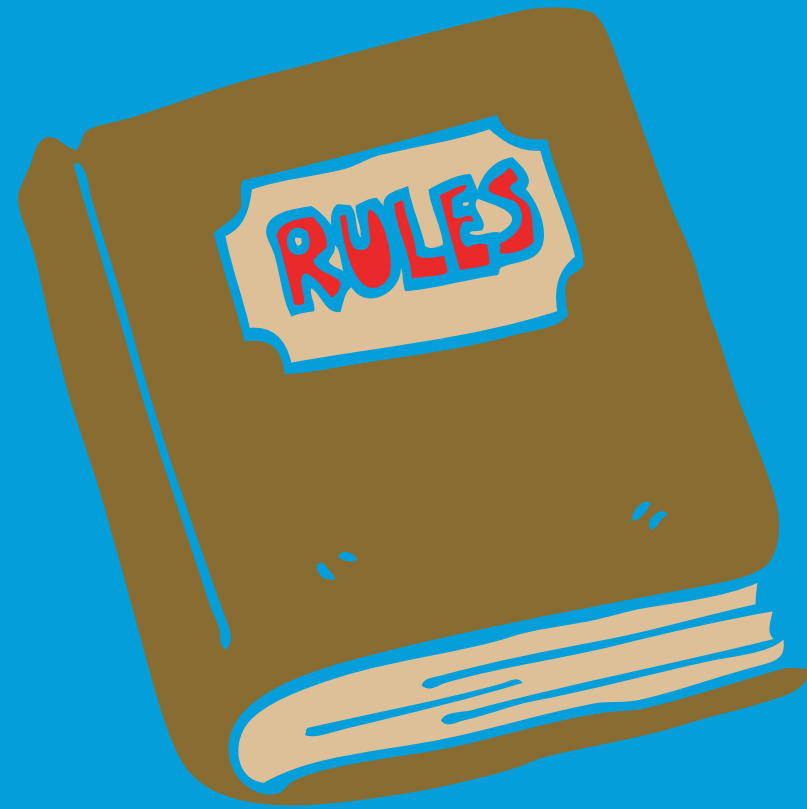
Established state ethics commission in  
Article XIV of the North Dakota  
Constitution

Commission has authority over  
transparency, corruption, elections, and  
lobbying



**NND**  
ETHICS  
COMMISSION

# New Rules



The Complaint Process

Lobbyist Gifts

Appearance of Bias

Conflicts of Interest

Financial and Travel Disclosure??

# Dakota Dilemmas:

A Practical Application of  
Conflict Rules

March 28, 2024

12:00 PM



# Questions?





Thank  
you!

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or

701.328.5325

NORTH  
**Dakota**  
Be Legendary.™

Ethics Commission