

# 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

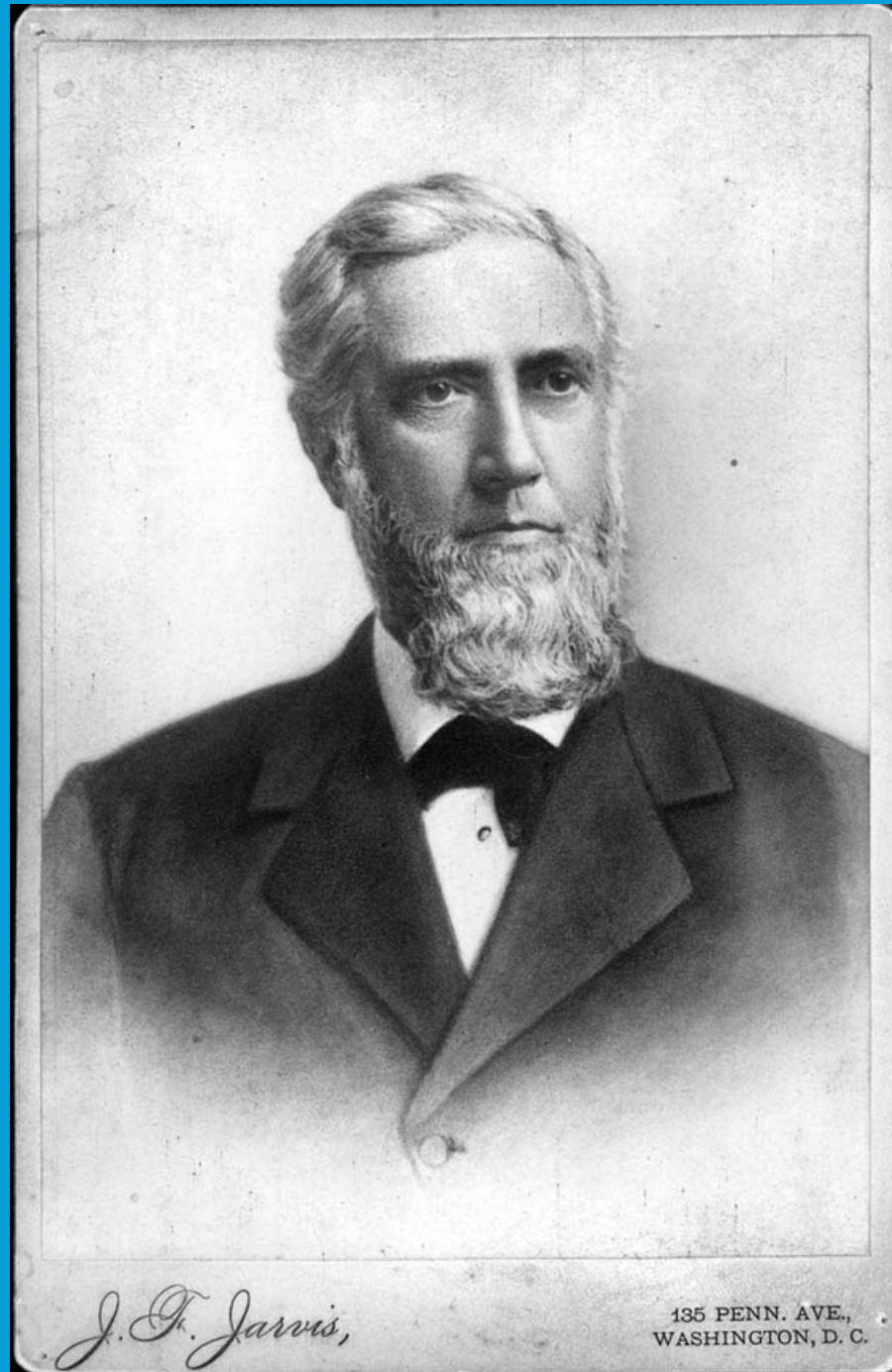


SHSND 0053

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



SHSND 0716-00034

Push in Southern Dakota  
for Statehood

Enabling Act of 1889  
signed by  
President Grover Cleveland

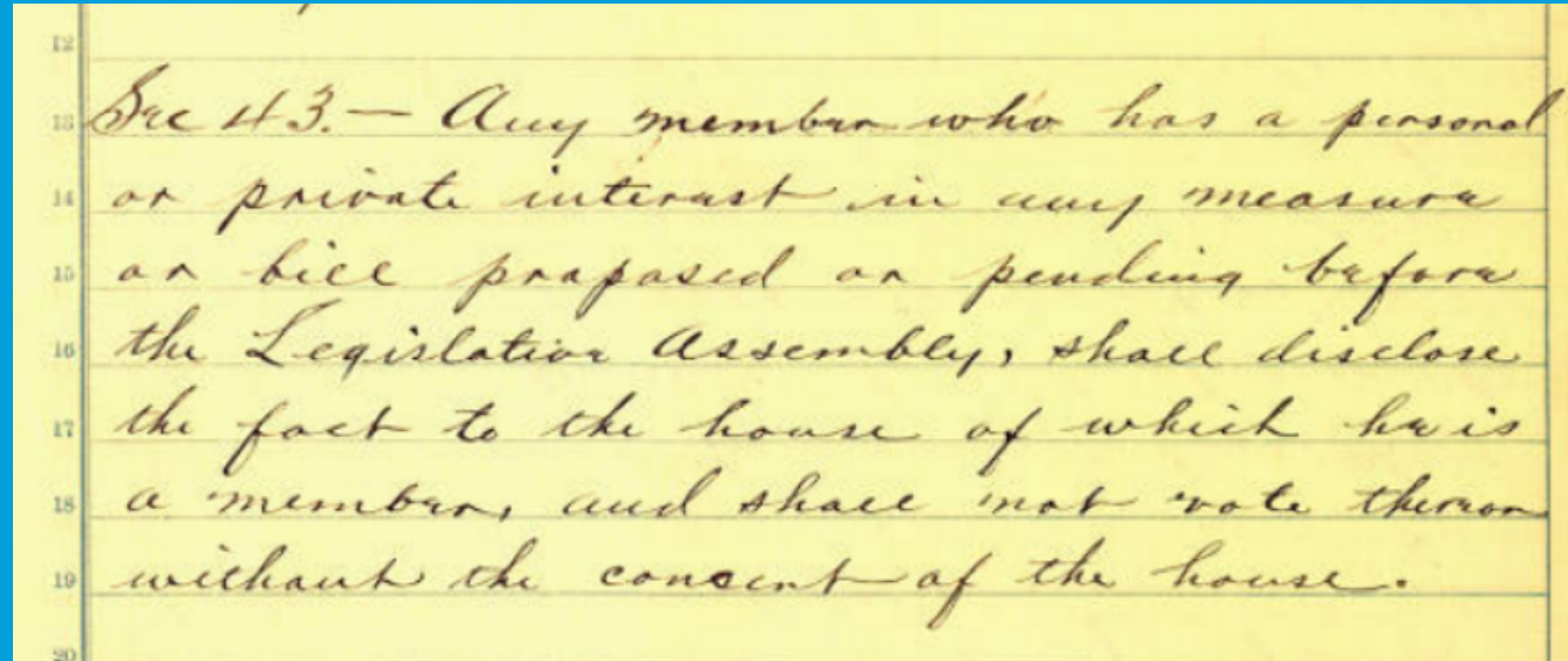
*Statehood*

# 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.

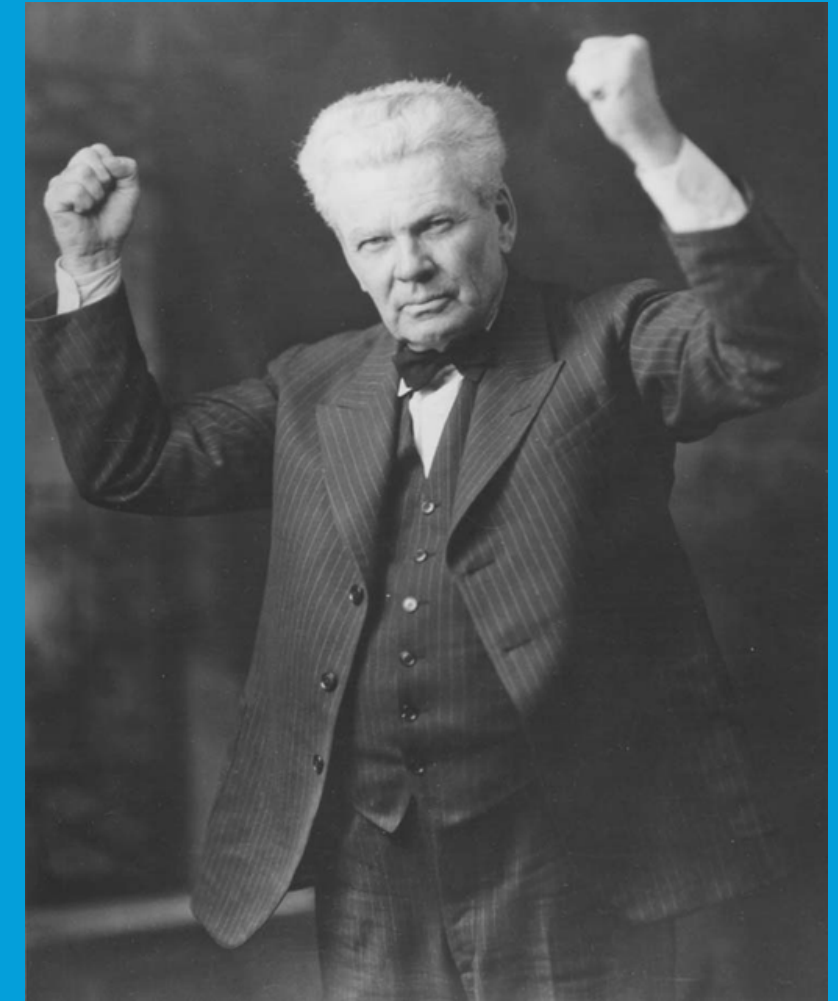


# Contempt & Corruption

McKenzie Machine  
1880s - early 1900s

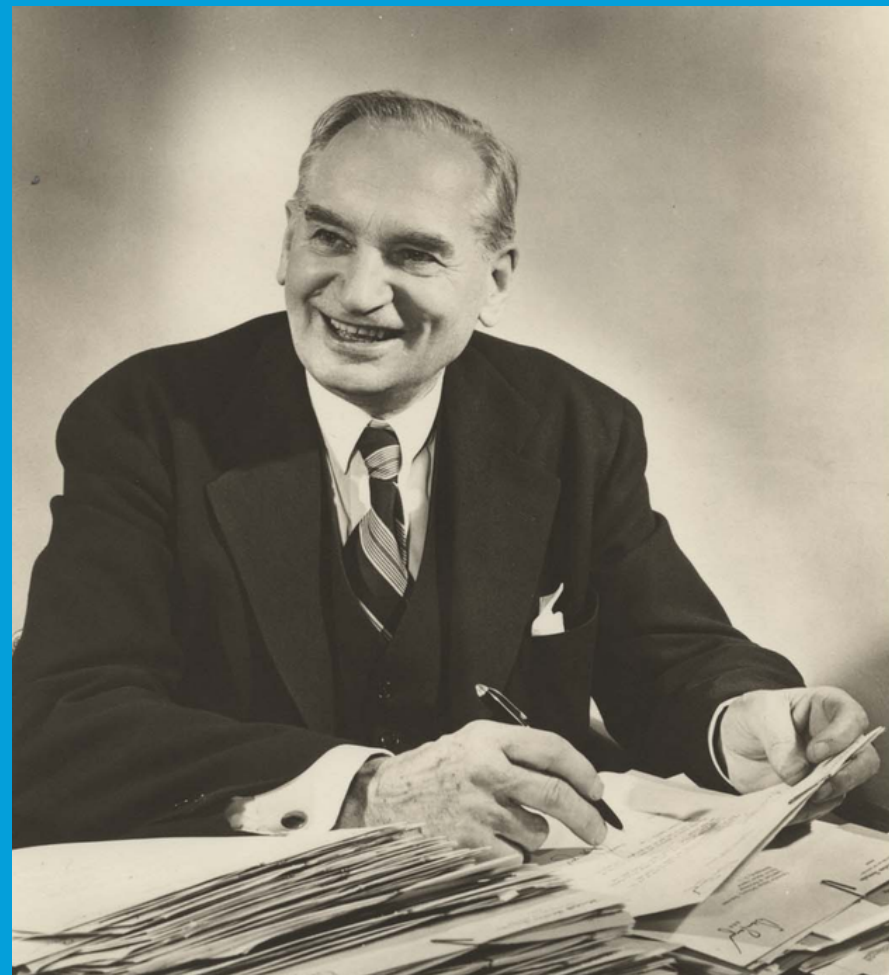


5-week  
Governor  
1935



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.”

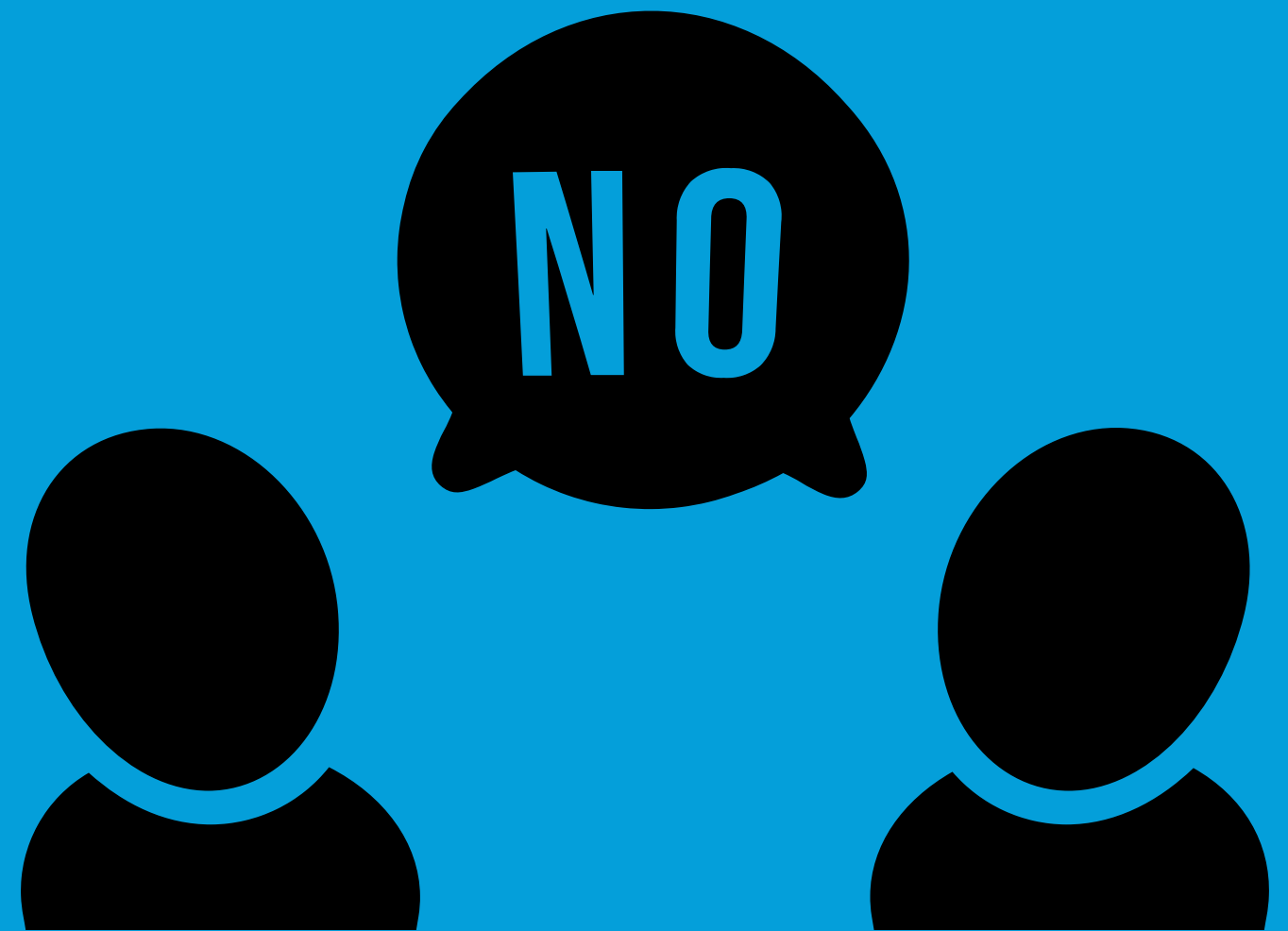
# "I Dissent"

*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



SHSND 0487-00001

Governor William L. Guy

40th Legislative Assembly - 1967  
Senate Bill 232

Governor Guy Vetoes Repeal

Democratic-NPL Gathers Signatures

**Referral Petitions  
Are Filed**

# 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

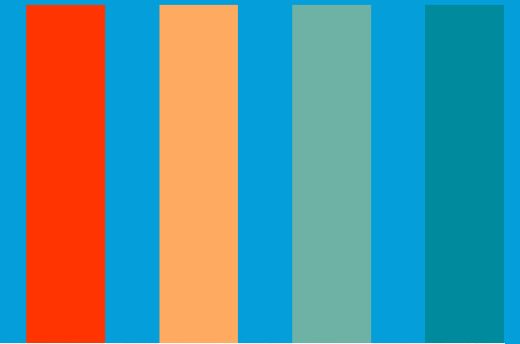
Additional Prohibitions  
on Public Servants

N.D.C.C. §§ 12.1-13-02, 12.1-13-03

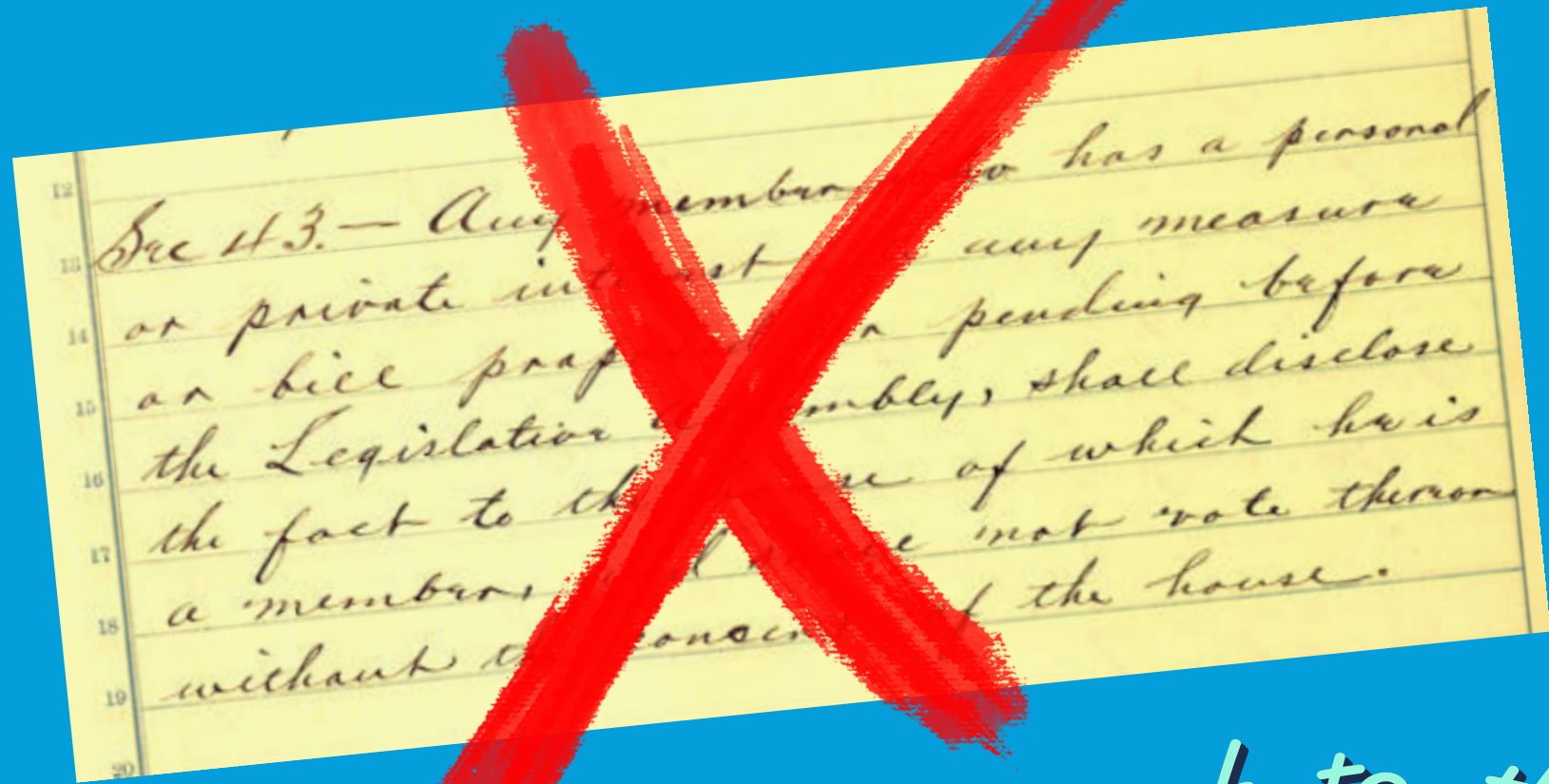
Representative Alice Olson



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

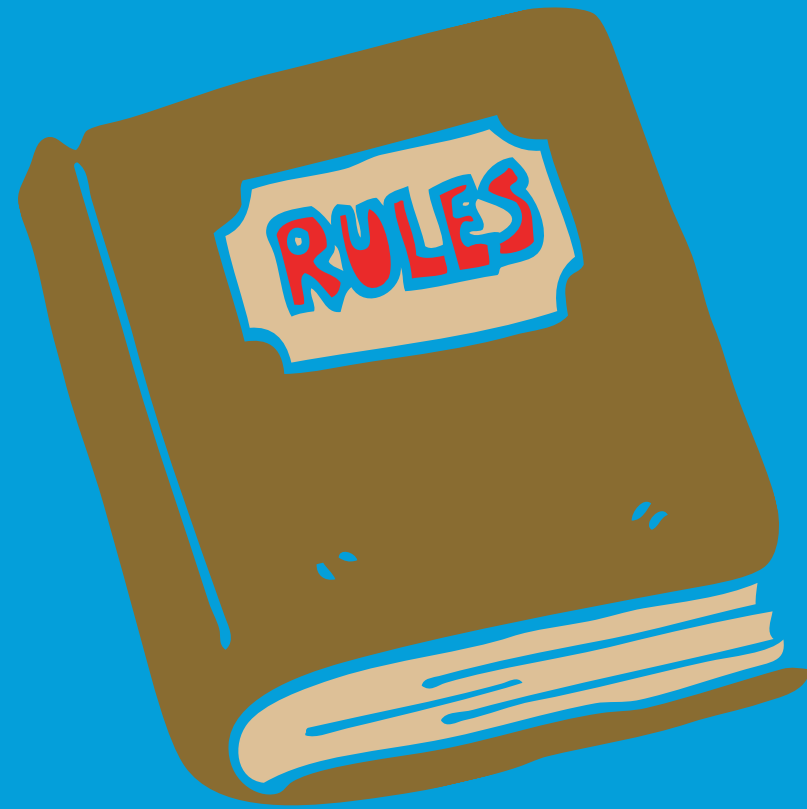
Established state ethics commission in  
Article XIV of the North Dakota  
Constitution

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



ND  
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!

[ethicscommission@nd.gov](mailto:ethicscommission@nd.gov)

or

701.328.5325

NORTH  
**Dakota**  
Be Legendary.™

Ethics Commission