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Senate

State of Minnesota

August 28, 2012

Office of the Governor
Governor Mark Dayton
13 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Governor Dayton:

It is with a heavy heart that I submit my resignation. The last 2 years serving as a Minnesota Senator has been a wonderful opportunity to serve the eastside, the city of St. Paul, and the state of Minnesota. However, after 34 years in the policing profession I am called to return to the work I love the most. I have been informed that effective September 4, 2012, I will be appointed as the Chief of Police for the Metropolitan Council Transit operations.

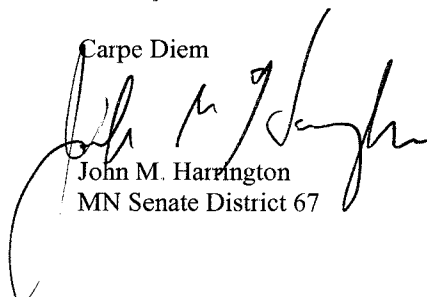
In 1974 Plaintiffs, William W. McCutcheon, Robert L. Pavlak, and Anthony L. Bennett, sued to be allowed to stand for elected office and the Supreme Court ruled that there was no inherent incompatibility in their doing so. The court did note that the role of Chief of Police and Minnesota legislature were incompatible. The critical issue in this case is whether plaintiffs, or any of them, as municipal police officers hold an "office" within the meaning of this language of Minnesota Constitution. The Minnesota Constitution states that "No senator or representative shall hold any other office under the authority of the United States or the State of Minnesota, except that of postmaster or of notary public. If elected or appointed to another office, a legislator may resign from the legislature by tendering his resignation to the governor."

Thus to comply with the law of our state, it is proper for me to retire. I am looking forward to continuing my service as a Chief of Police and a peace officer, but will never forget the people and the lessons of service and duty that you and my colleagues in the legislature have allowed me to participate in.

My resignation is effective Sept 3rd, 2012 and I have been told that as there is a general election already scheduled for November 2012, this will leave my seat vacant until a new senator is duly elected.

I wish you and the Minnesota state legislature and all its employees much success in the coming years.

Carpe Diem


John M. Harrington
MN Senate District 67

