



ESSAY

JUNE 2018



CONSTITUTIONAL REVISION IN MISSOURI: THE CONVENTION OF 1943-44

By Justin Dyer

On September 21, 1943, as the United States continued to lead Allied Forces in Europe and the Pacific, the chief justice of the Missouri Supreme Court administered an oath of office to each of the 83 delegates to the Missouri Constitutional Convention. Over the next 53 weeks those delegates went on to draft a new state constitution that Missourians adopted in a special election on February 27, 1945, just weeks after Roosevelt, Churchill, and Stalin met in Yalta to discuss the reorganization of Europe after the war. Missourians had convened on five previous occasions to draft and consider new state constitutions: in 1820,

1845-46, 1865, 1875, and 1922-23. Though amended many times since, the Constitution adopted in 1945 remains in effect today.

The successful convention was the result of a significant amount of pre-convention planning, strategic leadership, and public relations efforts. Just two decades prior, in 1922-23, Missourians had held a constitutional convention that failed to win the support of the citizens of the state. The lessons learned from that previous convention proved useful for constitutional reformers in the 1940s. "Perhaps the most valuable lesson of 1922-23," the late

ADVANCING LIBERTY WITH RESPONSIBILITY
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University of Missouri political scientist Martin Faust observed, “was that a convention must conduct its business in a manner to retain the respect of the people who called it into being.”¹ Faust’s 1971 book *Constitution Making in Missouri: The Convention of 1943–1944* remains the best book-length guide to the drafting and adoption of the 1945 Constitution, and this essay follows Faust’s general analytic framework by focusing on the pre-convention period, the organization and work of the convention, and the campaign for adoption during a special election in 1945.

What is clear, after revisiting the work of Faust and others who participated in and reflected on the Missouri Constitutional Convention of 1943–1944, is that the convention’s success was a result of active leadership and public relations efforts from influential business groups and civic organizations; bipartisan agreement that reform was necessary; and a slate of constitutional convention delegates who approached their work with professionalism and in the spirit of consensus-building and compromise. Constitutional reform in the 1940s was a tough sell, and early and broad-based support were critical to convince Missourians both that a new constitution was needed and that a constitutional convention could deliver the needed reforms.

As Faust acknowledged even in 1971, however, “the 1945 document contain[ed] the seeds of its own undoing.”² According to Faust, the Constitution placed too many restrictions on local governments, and these governments were by the 1970s having trouble confronting modern challenges brought on by “growth of the urban population, burgeoning school attendance, widespread affluence, areas of persistent poverty, increasingly articulate minority groups all too long deprived of their civil rights, greater mobility of people, environmental pollution, growth of crime and domestic violence.”³ We, of course, might have a different diagnosis, and therefore a different prescription, for the ills plaguing state governance today, but observers have nonetheless long recognized the need for comprehensive revision and reform in the state’s fundamental law, and Missourians will have the opportunity in November 2022 to vote on a referendum asking whether to call a convention to revise and amend our constitution.

CALLING A CONVENTION

The 1943–44 convention delegates anticipated the need for future constitutional reform, and Article XII of the 1945 Constitution maintained a requirement that every 20 years, beginning in 1962, the Secretary of State “shall submit to the electors [i.e., voters] of the state the question ‘Shall there be a convention to revise and amend the Constitution?’” Should a majority of voters select “yes,” then we know at least something about what would happen next. The Governor would then call an election in the next 3 to 6 months to select delegates to the convention. Each state senate district would elect two delegates, and each delegate would be from a different political party. The voting process would be similar to that of a primary election, in which each voter in the senate district would choose a partisan ballot. Each partisan ballot would have the name of only one candidate who already would have been nominated by the political party and pre-certified by the Secretary of State. The two candidates with the highest votes would be elected, thus ensuring a bipartisan (or perhaps multi-partisan) slate of delegates for the Constitutional Convention. Additionally, fifteen delegates would be elected “at-large” (i.e., statewide), and the candidates for delegates-at-large will have been nominated by petitions signed by a number of “electors of the state equal to five percent of the legal voters in the senatorial district in which the candidate resides, unless otherwise provided by law.” Voters in each district would then cast votes on a separate nonpartisan ballot for the fifteen delegates-at-large.⁴

Within six months of their election, the Governor would convene the delegates in Jefferson City, where the legislative chambers and quarters would be made available to them throughout the convention. Delegates would be sworn in with an oath of office, and they would receive mileage reimbursement and ten dollars per day for their work. In terms of the actual day-to-day business of the convention, the Constitution provides only that a “majority of the delegates shall constitute a quorum for the transaction of business” and that a majority of all delegates must assent to any constitution submitted by the convention to the voters for approval. Beyond that, the convention would be open to the public, and it would “determine the rules of its own proceedings,

choose its own officers, and be the judge of the election, returns and qualifications of its delegates.” Vacancies would be filled by appointment of the Governor, but the Governor would be required to maintain the partisan balance of the convention by appointing someone of the same party as the delegate who vacated the seat. Finally, any proposed amendments to the Constitution adopted by the convention would then be submitted to the voters of the state in a special election held 2 to 6 months after the adjournment of the convention. Any amendments so adopted would take effect 30 days after the special election.⁵

These details are outlined in Article XII of the Missouri Constitution, but there are many features of the constitutional convention process that Article XII does not address. For this reason, it is helpful to revisit the history of the 1943–44 convention and to use that history as a resource for thinking about what would be required to conduct a successful constitutional convention today. As Faust noted in the conclusion of his own analysis of the 1943–44 convention, “study of the Missouri experience may supply valuable lessons for future conventions and perhaps for other states, although generalizations derived from a successful experience in one or several states when applied later in the same or other states may result in a dismal failure.”⁶ Much about the political landscape in Missouri has changed since the close of the Second World War, but there are nonetheless elements to our prior successful constitutional convention that may prove valuable today. These include the example of leadership during the pre-convention period; the importance of the convention’s organization, bipartisanship and rules of procedure; the Convention’s proposing of meaningful constitutional change; and the sustained effort of advocates of constitutional reform to win public opinion in favor of the proposed Constitution by mobilizing key statewide opinion-shaping institutions and individuals.

THE PRE-CONVENTION PERIOD

Because the voters chose not to ratify two-thirds of the twenty-one amendments proposed by the 1922–23 convention, advocates of constitutional reform in the 1940s focused very early on educating citizens about the weaknesses in the then-existing Constitution and the need for a massive constitutional overhaul. The effort

was initially spearheaded by the President of Westminster College, Franc McCluer, who called a meeting in October 1941—a year before the vote on whether to have a convention—to publicly launch the campaign for a new convention. This first meeting was strategically held in Fulton, a small town in the center of the state, to signal the importance of this effort for rural Missourians.

Isidor Loeb, the Dean of the School of Business and Public Administration at Washington University in St. Louis, then called for a “citizens’ mass meeting” in Jefferson City in May 1942, a full six months ahead of the November 1942 vote on whether to hold a new constitutional convention. At that meeting, attendees created the Statewide Committee for the Revision of the Missouri Constitution (SCRMC). Members of that statewide committee included one Republican and one Democrat from each of the state’s senate districts (with the exception of Kansas City and St. Louis, which maintained their own committees to promote constitutional revision efforts). Allen McReynolds, a Democratic state senator from Carthage, served as president of the SCRMC. The committee’s primary work was to distribute press releases and pamphlets widely to newspapers around the state. “One hundred and fifteen rural newspapers used the releases,” Faust noted, “a great majority supporting the convention.”⁷

Separate organizations in Kansas City and St. Louis did the same. The St. Louis and St. Louis County Committee for the Revision of the Missouri Constitution, led by local insurance executive and civic leader Stratford Lee Morton, advocated for constitutional revision in St. Louis. Similarly, the Jackson County Committee for Revision of the Missouri Constitution, chaired by John Rhodes, president of the Missouri Bar Association, advocated for revision in Kansas City. In addition to these committees, prominent civic organizations such as the League of Women Voters, Federation of Republican Women, Federation of Democratic Women, and the State Teachers Association mounted a vigorous public relations campaign in favor of a new constitutional convention. The broader strategy included taking out billboard advertisements and radio spots, soliciting organization endorsements, writing press releases, distributing voters’ guides, and earning editorial support from newspapers statewide.

The public relations campaign was intense and bipartisan. However, one reason why some elites in Missouri maintained opposition to calling a new constitutional convention was that so much of the nation's energy was devoted to World War II. The managing editor of the *Kansas City Star*, Roy Roberts, for example, thought it was the wrong time to call a convention as war raged in Europe and the Pacific. Senator Harry Truman similarly worried about the timing of the convention, writing in a letter to SCRMC President Allen McReynolds that while he agreed “with the premise that Missouri needs a new Constitution” he worried that they would not “get the best talent and brains to rewrite it” during the war. In fact, nearly all of the statewide elected politicians either did not endorse or actively opposed the call for a convention, including Senator Bennett Clark, Governor Forrest Donnell, Secretary of State Dwight Brown, Auditor Forrest Smith, and Attorney General Roy McKittrick.

Despite opposition from prominent elected officials, the convention call won by a vote of 366,018 to 265,294. That vote represented a light turnout during an election year that saw just one relatively minor statewide seat, the superintendent of schools, on the ballot. (By contrast, nearly 2 million Missourians cast a vote in the presidential election of 1940.) Support in the metropolitan areas, especially St. Louis, proved to be essential to the success of the convention call. The call won in St. Louis and St.

Figure 1 Who Were The Delegates? Missouri Constitutional Convention 1943-44.

Nearly half the delegates were lawyers, and less than one-third were from large cities.

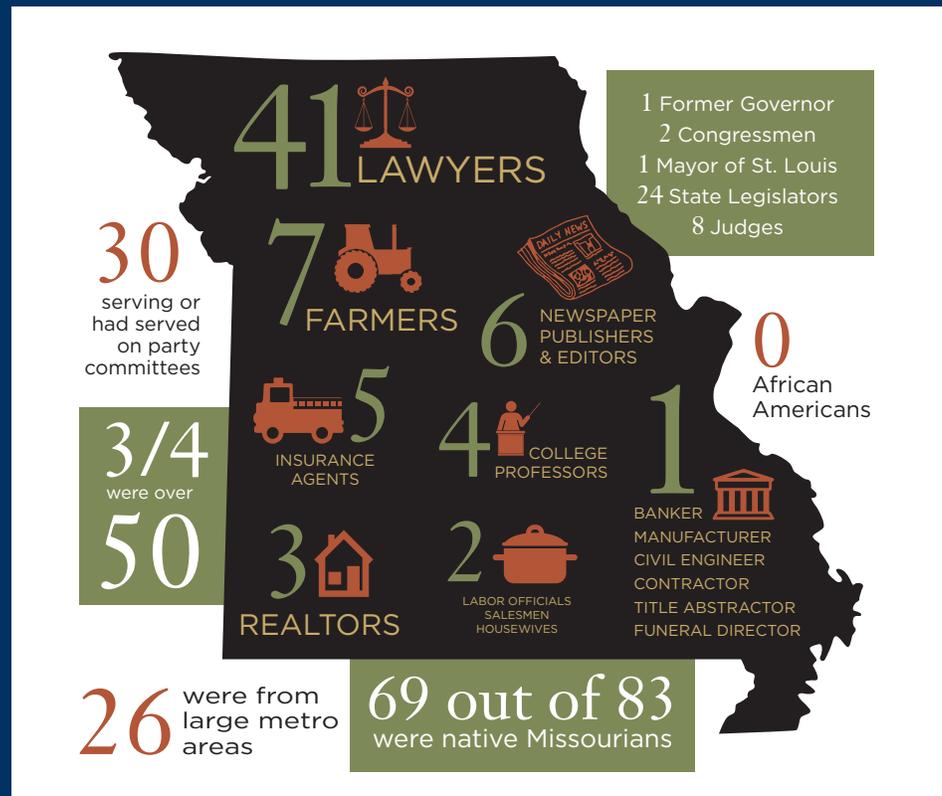


Illustration courtesy of Allison Smythe.

Louis County with 74 percent of the vote, and the support in St. Louis alone provided nearly half of the statewide “yes” votes. The low turnout and the concentrated support for the convention in metropolitan areas allowed the convention call to carry even without widespread support statewide.

CHOOSING DELEGATES AND PREPARING FOR THE CONVENTION

After the convention call won, state officials followed the guidelines for electing delegates to a state constitutional convention that had been adopted by voters as a constitutional amendment in 1920. Those guidelines are

identical to Article XII of the current State Constitution and provide for the election of two delegates from different political parties in each of the state's 34 senate districts (for a total of 68 delegates selected on a partisan basis), and 15 at-large delegates elected on a nonpartisan basis. In practice, however, each statewide party committee chose 7 of the 15 at-large delegates from among the 37 at-large delegates nominated by petition, and the two party-chairmen together selected the fifteenth delegate: Robert Blake, an "anti-New Deal Democrat" who was seen as a moderating influence and who would in fact go on to preside over the convention. Henry Schmandt explained, "the two state committees met in Jefferson City in March, 1943" and "in addition to choosing seven of the candidates, ratified an agreement reached by their chairmen and other party leaders to the effect that Robert E. Blake, known as an anti-New Deal Democrat, should be the fifteenth nominee."⁸ Voters then ratified the parties' choice for delegates-at-large when the full slate of nominees appeared on a ballot at a special election in April 1943. The Missouri Secretary of State convened the delegates-elect on September 21, 1943 in the house chamber at the Missouri Capitol in Jefferson City. As Figure 1 shows, the occupations represented by the delegates included 41 lawyers, 7 farmers, 6 newspaper publishers and editors, 5 insurance agents, 4 college professors, 3 realtors, 2 labor officials, 2 salesmen, 2 homemakers, and one banker, manufacturer, civil engineer, contractor, title abstractor, and funeral director.⁹

In anticipation of the constitutional convention, Allen McReynolds initiated a voluntary effort to prepare educational materials for the convention delegates. Martin Faust soon took over as director of the project, and he coordinated with other Missouri scholars to create manuals on various aspects of constitutional reform. The first manual was on the rules and procedures adopted by previous conventions, and others tackled specific aspects of constitutional reform. These manuals are available at the State Historical Society, and include the following:

- *Manual on County Government* by William L. Bradshaw (University of Missouri)
- *Manual on Education* by Neil C. Aslin (Hickman High School in Columbia) and William L. Bradshaw (University of Missouri)

- *Manual on Amendment Procedure and the Initiative and Referendum* by Paul G. Steinbicker (St. Louis University)
- *Structure of the Legislature: Bicameralism v. Unicameralism* by Bruce R. Trimble (University of Kansas City) and Norman L. Stamps (University of Kansas City)
- *Manual on the Bill of Rights and Suffrage and Elections* by Harry B. Kies (Rockhurst College) and Carl A. McCandless (Washington University)
- *Manual on Federal–State Relations* by John G. Heinberg (University of Missouri)
- *Manual on the Executive Article* by Martin L. Faust (University of Missouri)
- *Manual on the Legislative Article* by Martin L. Faust (University of Missouri)

Noteworthy is the degree to which university professors and graduate students aided the effort for constitutional revision by drafting detailed manuals to assist the delegates. As Faust wrote in the foreword to multiple manuals—on the Bill of Rights and federal-state relations, for example—he hoped these would “prove useful to the delegates in their consideration of constitutional provisions bearing on this important question.” William L. Bradshaw, author of the manual on county government and also a delegate-at-large to the convention, later wrote in the *American Political Science Review* of several unique features of the Missouri convention, including the fact that “research manuals were prepared in advance for the use of delegates.”¹⁰

CONVENTION ORGANIZATION AND RULES OF PROCEDURE¹¹

When the delegates arrived in Jefferson City in September 1943, the Chief Justice of the Missouri Supreme Court administered an oath of office to each delegate. Following the manual on procedure and rules of order, the convention then began by electing permanent convention officers. Three individuals were nominated for the role of convention president: Franc McCluer, President of Westminster College and organizer of the

first public meeting advocating the convention call back in October 1941; Allen McReynolds, President of the Statewide Committee for the Revision of the Missouri Constitution; and Robert Blake, the anti-New Deal Democrat who was a compromise delegate chosen jointly by the state Republican and Democratic party chairmen. Blake won the election with 46 votes over McReynolds' 29 votes and McCluer's 7 votes—an outcome that likely reflected Blake's bipartisan appeal and the delegates' desire to maintain a partisan balance at the convention. There was tension between Blake supporters and McReynolds supporters early at the convention, and the initial decision to choose a presiding officer appeared precarious. "The statesmanlike qualities of Blake and McReynolds, however," Faust noted, "rescued the convention from a potentially disastrous course."¹² Blake, immediately after being elected, advocated that McReynolds chair the permanent Committee on Rules and Order of Business—which gave McReynolds a "vital role in directing the proceedings of the convention."¹³ In addition to the president, the convention also nominated and elected two vice presidents and a secretary. On the second day of the convention, McReynolds' rules committee drafted a resolution that created 26 different standing committees, with committee assignments coming from the president and two vice presidents of the convention.

The real work of the convention happened in these standing committees (see the list of committees in Figure 2), which were required by resolution to have equal representation of Republicans and Democrats. The spirit of bipartisanship, or at least the acknowledged practical need for the creation of a consensus document, permeated the convention, including the membership of its standing committees. It is clear as well that the election of the president, chairmanship of the rules committee, and creation of (and appointment to) the standing committees were enormously important decisions that could have derailed the convention but instead set up the convention delegates for success very early in their proceedings.

CONSIDERING AND ADOPTING PROPOSALS

Specific proposals for constitutional revision were drafted first in committees. Once they came out of committee, they went to the full convention for a vote, and the president of the convention only cast a vote in the

case of a tie. The actual topics each committee tackled reflected enduring state constitutional issues, such as labor rights, distribution of government power, initiatives and referenda, reapportionment, public finance, highways, health and welfare, judicial selection, local government finance, suffrage and elections, public education, taxation, corporations, and future procedures for constitutional amendments. The committees were guided in their initial proceedings by the policy manuals that had been created prior to the convention, and these proved enormously helpful and influential. Fifty-three weeks later, in September 1944, the convention adopted a completely redrafted Missouri Constitution to be submitted to the voters for ratification. The special election was set for five months later in late February 1945. All told, the cost of the year-long convention (including salaries for delegates, officers, and employees; contingent expenses; printing costs; and a state appropriation to reimburse county election officials) was roughly \$1 million in 1945 currency, or close to \$14 million today.¹⁴

Every proposal eventually adopted by the full convention, save for one, came to the floor as a majority report from a committee. (The exception was a minority report from the Committee on Military Affairs that condensed the language of the section of the Constitution on the state militia.) Committee membership and assignments were therefore important aspects of the overall convention that led to specific, substantive outcomes for constitutional reform. The highlights of the convention's work, for those in favor of reform, included the creation of a bipartisan reapportionment commission, consolidation and streamlining of executive branch agencies, maintenance of Missouri's Nonpartisan Court Plan combined with minor judicial reforms, and permission for larger cities and counties to exercise home rule by adopting charters for local governments.¹⁵ After those reforms had been adopted by the convention, the proposed Constitution awaited a vote on ratification. Strategically, those in favor of the proposed Constitution argued that it was not perfect but that it was an improvement over the status quo that reflected the compromises necessary for bipartisan decision-making.

WINNING PUBLIC OPINION

Between the close of the convention on September 28, 1944, and the special election on February 27, 1945,

advocates of constitutional reform continued their public relations campaign. “President Blake and many of the delegates were persistent in their efforts to develop and maintain public support for the convention,” Faust observed. The convention delegates wrote an Address to the People that made a case for ratification and arranged for the Address to run in nearly every newspaper in the state, and distributed statewide 500,000 pamphlets with the Address and text of the proposed Constitution.

Members of the convention’s public relations committee also convened a public meeting in Jefferson City in December 1944, where they created the Missouri Committee for the New Constitution (MCNC) as a formal vehicle to continue their public relations efforts. As director of the MCNC, Westminster College President Franc McCluer played a significant role in selling the proposed constitution, as he had in selling the convention in 1943–44. Under McCluer’s leadership, the committee employed 10 regional field directors who coordinated publicity and speaking engagements throughout the state. In addition to the work of the MCNC, an array of voluntary associations—including chambers of commerce, labor unions, and churches—also spent resources promoting ratification, and the State Teachers Association and the League of Women Voters in particular mounted sustained and effective advocacy campaigns.

The public relations efforts, along with the competent work of the convention, garnered enough support that ratification carried in the February special election. Turnout on election day

Figure 2
Committees and Their Members
Missouri Constitutional Convention
1943-44.

1 Rules and Order of Business 8 members president 2 vice presidents	2 Preamble, Boundaries, Bill of Rights and Distribution of Powers 8 members	3 Legislative Department 18 members
4 Executive Department 18 members	5 Judicial Department 24 members	6 Impeachments and Removals From Office 8 members
7 Suffrage and Elections 10 members	8 Local Government (St. Louis, St. Louis County and Jackson County) 18 members	9 Local Government 18 members
10 Taxation—Levy, Assessment and Collection 18 members	11 State Finance (except Taxation)— Expenditures, Public Indebtedness and Restrictions Thereon 10 members	12 Education 12 members
13 Corporations and Industry 12 members	14 Highways 12 members	15 Agriculture and Conservation 18 members
16 Congressional and State Senatorial and Representative Districts 12 members	17 Public Health and Public Welfare and Federal Relations with Respect Thereto 12 members	18 Military Affairs 8 members
19 Labor 10 members	20 Miscellaneous Provisions 12 members	21 Initiative and Referendum, Revisions and Amendments 12 members
22 Information, Submission and Address to the People 16 members	23 Phraseology, Arrangement and Engrossment 8 members	24 Accounts, Employees, Services and Supplies 8 members
25 Printing, Reporting and Publications 8 members	26 Convention Library, Information and Research 8 members	

Illustration courtesy of Allison Smythe.

was less than even the light turnout for the convention call in 1942; when the votes were counted, 312,032 people voted for ratification and 185,658 voted against. Like the vote to call the convention, the strongest support came from Jackson County, St. Louis County, and St. Louis. In the northwest and southwest parts of the state, there was more rural support for the Constitution than support for the initial convention, and the strongest opposition was in central and southeast Missouri, at least partly owing to fears that the Constitutional Convention had moved too far in the direction of racial liberalization (although the 1945 Constitution, significantly, did not end segregated public schooling, which would come about through federal judicial case law).

AMENDING THE 1945 CONSTITUTION

Since 1945, Missourians have amended their constitution more than 110 times, and our current fundamental law is close to 80,000 words—nearly three times the length of the document voters ratified toward the close of World War II.¹⁶ One reason why is that the document itself is very easily amended, and in this way (and others) the document, as Faust recognized, sowed the seeds of its own undoing. Commentators have long recognized that the Missouri Constitution needs a major overhaul to condense, consolidate, and modernize—yet voters have consistently voted against calling a new constitutional convention when the question has been put to them. In his epilogue to *Constitution Making in Missouri*, Faust lamented that although “a strong case for a comprehensive revision could have been made [in 1962], no movement had developed to generate recognition by influential groups that the need existed.”¹⁷ After voters rejected a convention call in 1982, University of Missouri political scientist Frederick Spiegel wrote that it was “abundantly clear that, in order to achieve the kind of modernization that is necessary, a comprehensive review by a constitutional convention will be required. Reliance upon the regular amendment process makes ordered change virtually impossible.”¹⁸ A decade later, then-president of Southwest Baptist University Roy Blunt and University of Missouri political scientist David A. Leuthold noted that the “addition of more than forty amendments by the fiftieth anniversary of the 1945 constitution may mean that Missourians will have a more detailed discussion of the constitution in 2002, the year when the next vote on

whether to call a constitutional convention will occur.”¹⁹

Over the last 60 years, prominent individuals have recognized the need for comprehensive constitutional revision, but each of the constitutionally mandated votes on whether to call a convention has been soundly rejected by the people. One lesson from 1942 is that a successful effort to amend the constitution in convention requires a sustained bipartisan effort during the pre-convention period to educate voters statewide about the need for reform. For such an endeavor to be successful, individuals in positions of influence throughout the state—officeholders, civic and business leaders, newspaper editors, academics, and others—will need to decide whether the prospect of comprehensive reform is worth the effort and cost required to succeed both in the initial step of calling the convention and also in organizing a sustained effort that will produce a document that at once improves Missouri government and garners the support of the citizens of the state. The effort to educate the public, mobilize elite opinion, and prepare substantive manuals for reform would have to begin now. The convention of 1942–43 offers a rough blueprint, in need of adaptation to our time and our issues, of how to mount a successful campaign and carry it through to completion.

Justin Dyer is a Professor of Political Science and Director of the Kinder Institute on Constitutional Democracy at the University of Missouri.

NOTES

1. Martin L. Faust, *Constitution Making in Missouri: The Convention of 1943–1944*, p. 2.
2. *Ibid.*, p. 173.
3. *Ibid.*, p. 173.
4. MO Const., Art. VII, Sec. 3(a)
5. MO Const., Art. VII, Secs. 3(b) and 3(c).
6. Faust, *Constitution Making in Missouri*, p. 170.
7. *Ibid.*, p. 8.
8. Henry J. Schmandt, “The Personnel of the 1943–44 Missouri Constitutional Convention,” *Missouri Historical Review* (April 1951), 237–238.
9. See the full list of delegates in Martin L. Faust, *Organization Manual for the Missouri Constitutional Convention of 1943* (n.p., September 1943), pp. 5–6.
10. William L. Bradshaw, “Missouri’s Proposed Constitution,” *American Political Science Review* (1945) 39(1): pp. 61–65, 62.
11. The collected rules, committees, members, and officers of the convention—as prepared by the Missouri Secretary of State—is available in published form as *Constitutional Convention of Missouri: Rules, Committees, Members, and Officers* (Jefferson City, MO: Mid-State Publishing Co., 1943).
12. Faust, *Constitution Making in Missouri*, p. 22.
13. *Ibid.*
14. According to a Bureau of Labor Statistics CPI calculator comparing \$1 million in February 1945 to its equivalent buying power in November 2017.
15. For a more detailed summary, see Faust, *Constitution Making in Missouri*, 166–68, and Bradshaw, “Missouri’s Proposed Constitution,” pp. 63–65.
16. According to Anne Rottmann, librarian for the Missouri state legislature, the Missouri Constitution in its January 2017 printing was 78,862 words and contained 114 amendments (email correspondence).
17. Faust, *Constitution Making in Missouri*, p. 174.
18. Frederick Spiegel in Richard J. Hardy and Richard R. Dohm, eds., *Missouri Government and Politics* (University of Missouri Press, 1984), p. 67.
19. Roy Blunt and David A. Leuthold in Richard J. Hardy, Richard R. Dohm, and David A. Leuthold, eds., *Missouri Government and Politics*, rev. and enl. (University of Missouri Press, 1995), p. 95.



5297 Washington Place | Saint Louis, MO 63108 | 314-454-0647
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