ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 7

Introduced by the Committee on the
Preamble and Bill of Rights

RESOLVED: That the following be agreed upon as part
of the Alaska State Constitution.

PREAMBLE, Article on Declaration of Rights,
and Article on Health, Education and Welfare.

We the people of Alaska, conscious of our heritage of
political, civil and religious liberty, grateful to God
and to those who founded the nation and pioneered this
great land, reaffirm our belief in government by consent
of the governed within the Union of States and do ordain
and establish this Constitution for the State of Alaska.

ARTICLE

DECLARATION OF RIGHTS

Section 1. This constitution is to promote the
general welfare of the people, and is dedicated to the
principle that all persons have a natural right to life,
liberty, the pursuit of happiness and the enjoyment of
the gains of their own industry; that all persons are
equal and entitled to equal rights, opportunities and
protection under the law. These rights carry with them
corresponding duties to the people and to the state.
Section 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

Section 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, or national origin. The legislature shall provide appropriate legislation in accord herewith.

Section 4. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty. The right of the people peaceably to assemble and to petition the government shall never be abridged.

Section 5. No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.

Section 6. No person shall be deprived of life, liberty or property without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed.

Section 7. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except when waived by the accused, in which event the prosecution
shall be by information, but this section shall not be applied to cases arising in the armed forces or in the militia when in actual service in time of war or public danger. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return a true bill. The power of grand juries to investigate and make recommendations concerning conditions involving the public welfare or safety shall never be suspended.

Section 8. No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

Section 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 10. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, nor any law making any irrevocable grant of special privileges or immunities shall be passed, and no conviction shall work corruption of blood or forfeiture of estate. The administration of criminal justice shall be founded upon the principle of reformation as well as upon the need to protect the public.
Section 11. The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but on probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Section 12. In all criminal prosecutions the accused has the right to a speedy and public trial, by an impartial jury of twelve, except that in courts not of record the jury may consist of not more than twelve nor less than six persons. The accused is also entitled to be informed of the nature and cause of the accusation; to be released on bail, except for capital offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Section 13. In suits at common law, where the amount in controversy exceeds two hundred and fifty dollars, the right of trial by jury of twelve is preserved, except that the legislature may provide for a jury of not less than six in courts not of record. The legislature may provide for a verdict by not less than
three-fourths of the members of any jury in civil causes.

Section 14. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or actual or imminent invasion, the public safety requires it.

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The military shall be in strict subordination to the civil power. No soldier, in time of peace shall be quartered in any house without the consent of the owner or occupant, nor in time of war, except as prescribed by law.

Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Private property shall not be taken or damaged for public use without just compensation.

There shall be no imprisonment for debt, except in case of absconding debtors.

The enumeration of rights in this constitution shall not impair or deny others retained by the people.
ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 7

ARTICLE

HEALTH, EDUCATION AND WELFARE

Section 1. The State shall establish and maintain by general law a system of public schools which shall be open to all children of the State and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

Section 2. The State shall provide for the promotion and protection of public health.

Section 3. The State may provide for public welfare for persons unable to maintain a standard of living compatible with health and human dignity.
RESOLVED: That the following be agreed upon as part of the Alaska State Constitution.

PREAMBLE, Article on Declaration of Rights, and Article on Health, Education and Welfare.

WE, THE PEOPLE OF THE STATE OF ALASKA, GRATEFUL TO

ALMIGHTY GOD FOR OUR CIVIL AND RELIGIOUS LIBERTY,

SEEKING HIS CONTINUED BLESSING UPON OUR ENDEAVORS TO

SECURE AND TRANSMIT THESE LIBERTIES UNIMPAIRED TO

POSTERITY, DO ORDAIN AND ESTABLISH THIS CONSTITUTION.

We the people of Alaska, conscious of our heritage of
political, civil and religious liberty, grateful to
God and to those who founded the nation and pioneered
this great land, reaffirm our belief in government by
consent of the governed within the Union of States and
do ordain and establish this Constitution for the State
of Alaska.
ARTICLE

DECLARATION OF RIGHTS

Rights of Man

Section 1. This constitution is to promote the general welfare of the people, and is dedicated to the principle that all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their own industry; that all persons are equal and entitled to equal rights, opportunities and protection under the law. These rights carry with them corresponding duties to the people and to the state.

Source and Aim of Political Power

Section 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

Civil Rights

Section 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed or national origin. The legislature shall provide appropriate legislation in accord herewith.

Freedom of Speech and Press; Assembly and Petition

Section 4. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty. The right of the people peaceably to assemble and to petition the government or any department thereof shall never be abridged.

Freedom of Religion

Section 5. No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.
Section 6. No person shall be deprived of life, liberty or property without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed.

Section 7. The grand jury shall consist of twelve citizens, any nine of whom concurring may find an indictment or a true bill; provided, that no grand jury shall be convened except upon an order of a judge of a court having the power to try and determine felonies; but when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime; and that the power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments in connection therewith, shall never be suspended.

No person shall be prosecuted criminally for felony other than by indictment or information, which shall be concurrent remedies, but this shall not be applied to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except when waived by the accused, in which event the
Section 8. No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

Section 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 10. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, nor any law making any irrevocable grant of special privileges or immunities shall be passed, and no conviction shall work corruption of blood or forfeiture of estate. **The administration of criminal justice shall be founded on principles of reformation, and not vindictiveness.** The administration of criminal justice shall be founded upon the principle of reformation as well as upon the need to protect the public.
Section 11. The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Section 12. In all criminal prosecutions the accused has the right to a speedy and public trial, by an impartial jury of twelve, except that in courts not of record the jury may consist of not more than twelve nor less than six persons. The accused is also entitled to be informed of the nature and cause of the accusation; to be released on bail, except for capital offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Section 13. In suits at common law, where the amount in controversy exceeds two hundred and fifty dollars, the right of trial by jury of twelve is preserved, except that the legislature may provide for a jury of not less than six in courts not of record.

The legislature may provide for a verdict by not less
than three-fourths of the members of any jury in civil causes.

Section 14. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion or imminent peril, the public safety requires it.

Section 15. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

The military shall be in strict subordination to the civil power. No soldier, in time of peace shall be quartered in any house without the consent of the owner or occupant, nor in time of war, except as prescribed by law.

Section 16. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Section 17. Private property shall not be taken or damaged for public use without just compensation.

Section 18. There shall be no imprisonment for debt, except in cases where there is a strong
PRESUMPTION OF FRAUD, except in case of absconding debtors.

Section 19. The enumeration of rights in this constitution shall not impair or deny others retained by the people.
Section 1. The State shall establish and maintain by general law a system of public schools which shall be open to all children of the State and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution. 

Section 2. The State shall provide for the promotion and protection of public health. 

Section 3. The State may provide for public welfare for persons unable to maintain a standard of living compatible with health and human dignity. 

Section 4. The State may provide for and assist in the clearance, development and rehabilitation of substandard areas and for public housing.
ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Preamble and the Declaration of Rights

(Sections 1 and 2 Rights of Man. Sources and Aim of Political Power)

These sections affirm the sovereignty of the people and the origin of government.

(Section 3 Civil Rights)

In this paragraph we have provided for the equal enjoyment of the rights of all people regardless of race, color or national origin. This section obligates the legislature to implement the provision by legislation. At present, we have Civil Rights Legislation in the Territorial statutes, which the legislature shall retain or improve. It is impossible and unwise to enumerate in this Constitution all of the places where and conditions under which civil rights must be guaranteed.

(Section 4 Freedom of Speech and Press; Assembly and Petition.)

This provision, like the provision in the Federal Constitution, guarantees the freedom of speech, press, assembly and the right to petition the government. This right to petition is broader than in the Federal Constitution, which limits the right to petition to grievances.
ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Article of Health, Education and Welfare

(Section 1 Education)

This paragraph on Education provides for the establishment and maintenance of the system of public schools and other educational institutions. They will be free from sectarian control. These statements follow closely that of H. R. 2535.

This section prohibits the direct use of public funds for religious and other private institutions.

(Sections 2 and 3 Health and Welfare)

These sections authorize the legislature to provide for health and welfare as the need arises.

(Section 4 Substandard Areas and Public Housing)

It is necessary to have a statement relative to these subjects, so the legislature has necessary authority to act when action is desirable.
(Sections 5 and 6 Freedom of Religion, Due Process)

These sections are identical with the Federal Constitution. A statement on use of public funds for religious and other private schools is part of the article on Education.

(Section 7 Grand Jury)

The grand jury is preserved, for all purposes, particularly for investigation of public officials. A grand jury of twelve is provided as adequate for performance of its functions. The article provides for alternative procedure of indictment or information, and allows the judge to call the grand jury at any time. Many states have found the same or similar procedure to be most satisfactory.

(Section 8 Double Jeopardy; Self Incrimination)

This section is the same as the Federal Constitution with one exception. In the clause pertaining to self incrimination, the phrase "criminal proceeding" is used rather than the more limited phrase "criminal case" of the Federal Document.

(Section 9 Excessive Bail, Unusual Punishment)

This statement on excessive bail is identical with the United States Constitution.

(Section 10 Prohibited State Action)

In general the Federal Constitution is followed in this statement. In addition, the section prohibits any law granting any special privilege or immunity. Considerable time was spent on the matter
(Section 11 Searches and Seizures)

The general language of the Federal Constitution is used. A prohibition against wire tapping was reviewed, but was not considered to be constitutional material.

(Section 12 Criminal Matters: Trial by Jury, Rights of Accused)

This section protects the rights of the accused in criminal cases. The legislature may provide for a jury of not more than twelve and not less than six in courts not of record; experience has shown this to be adequate protection of the rights of the accused in such courts. It also gives the defendant the opportunity to be released on bail except in capital offences.

(Section 13 Civil Cases: Trial by Jury)

This section preserves the right to trial by jury in Civil suits where the amount in controversy exceeds two hundred fifty dollars. The legislature may provide for a jury of not less than six in courts not of record and that a verdict may be handed down by not less than 3/4 of the jury. These qualifications have proven satisfactory in other jurisdictions. Experience shows this to be a desirable provision.

(Section 14 Habeas Corpus)

This section is identical with the Federal Constitution, with the exception of the additional phrase "imminent peril." This addition brings this declaration into conformity with circumstances which may have to be met under modern warfare.
(Section 15  Militia.  Right to Bear Arms.)

This section is identical with the Federal Constitution, except for the addition of the provision on the subordination of the military to the civil power, which appears in the majority of state documents.

(Section 16  Treason)

This is identical with Article III, Section 3 of the United States Constitution.

(Section 17  Eminent Domain)

This section is identical with the Federal Constitution, except for the addition of the words "or damaged." These words were added in recognition of the fact that property may be damaged or made worthless as an incident of the taking of other property for public use. It is our belief that the property owner should be compensated for such injury.

(Section 18  Imprisonment for Debt)

Many of the state constitutions provide a prohibition of imprisonment for debt. The qualifying phrase "where there is a strong presumption of fraud," is included to prevent persons having fraudulent intent from incurring debts and fleeing the State without making payment.
Mr. President:

I move that (Committee) Proposal No. 7 be amended as follows: At the end of Section 7, add the following paragraph:

"The power of grand juries to investigate and make recommendations concerning conditions detrimental to the public welfare or safety shall never be suspended."
Constitutional Convention
Amendment to Committee Proposal No. 7

By Buckalew, Davis, Hellenthal, Taylor and McNealy

Amend Proposal No. 7, Section 7 as follows:

Strike Section 7, as amended and substitute the following section:

Section 7. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except when waived by the accused, in which event the prosecution shall be by information, but this shall not be applied to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger. The grand jury may consist of not less than twelve citizens. The grand jury shall consist of at least twelve citizens, a majority of whom concerning may return a true bill.
Constitutional Convention of Alaska

Amendment of Article on Preamble and Bill of Rights

Proposed by: Mr. V. Rivers, Mr. Sundborg, Mr. White, Mr. V. Fischer, Mr. Hilscher, Mr. R. Rivers, Mrs. H. Fischer, Mr. Emberg, Mr. Poulsen, Mr. King, Mr. Riley and Mr. Hellenthal

Strike lines 1 through 5 on page 1 and substitute the following:

"We the people of Alaska, conscious of our heritage of political, civil and religious liberty, grateful to God and to those who founded the nation and pioneered this great land, reaffirm our belief in government by consent of the governed within the Union of States and do ordain and establish this Constitution for the State of Alaska."
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows:

P2 See to line 23 - Add to the section the following sentence:

"The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed."
AMENDMENT TO (COMMITTEE) PROPOSAL NO. __________

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows:

Section 14

Line 8

Strike comma
Strike: invasion or imminent peril
Substitute: or actual and imminent invasion
Amendment No. ______

Constitutional Convention

By ____________

Date 1-7-56

AMENDMENT TO (COMMITTEE) PROPOSAL NO. ______

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows:

Page 4 - 12th Col., Line 12

Line 6 minus amendment

Delete word "incriminating"

and insert words "INFORMATION OR"
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows:

Amendment to Amendment of Sec. 11

At end of amendment, delete period and insert forth and then add, "when obtains, except upon warrant issued upon probable cause, supported by oath or affirmation, and particularly describing the objections thereof."

R. E. Robertson

Adopted
Full call
Amendment No. 8

Constitutional Convention
By V. FISCHER
Date

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7-HEW

MR. PRESIDENT:

I move that (Committee) Proposal No. 7-HEW be amended as follows:

Strike Section 4 (Substandard Areas and Public Housing)
Constitutional Convention
Amendment to Committee Proposal No. 7

By Buckalew, Davis, Hellenthal, Taylor and McNealy

Amend Proposal No. 7, Section 7 as follows:

Strike Section 7, as amended and substitute the following section:

Section 7. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except when waived by the accused, in which event the prosecution shall be by information, but this shall not be applied to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger. The grand jury may consist of not less than twelve citizens. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return a true bill.
Constitutional Convention of Alaska

Amendment of Article on Preamble and Bill of Rights

Proposed by Frank Barr

Mr. President:

I move that (Committee) Proposal No. 7 be amended as follows: At the end of Section 7, add the following paragraph:

"The power of grand juries to investigate and make recommendations concerning conditions detrimental to the public welfare or safety shall never be suspended."
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows:

Section one, page 2

Item 2

Strike word "and" and insert "comm."

After read rights, after read opportunities and "and equal protection"
AMENDMENT TO (COMMITTEE) PROPOSAL NO. ______

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows:

amend the amendment by inserting after "and except in case of absconding debtors"

charge the period to a comma

amend the amendment by inserting after the comma following the word Great after Line 2 of Page 6 the following words, except in case of absconding debtors."
Amendment No. 1

Constitutional Convention
By William Johnson
Date 11/8/56

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows:

Section 18

Page 6 - Line 2: Strike comma after debt and insert period. Strike balance of line 2 and all of line 3.
Amendment No. _____

Constitutional Convention
By John Robertson
Date January 6, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. _____

MR. PRESIDENT:

I move that (Committee) Proposal No. _____ be amended as follows:

Section 13, 25, p. 47, insert:
"of twelve" after word "jury."

John Robertson

[Adopted by voice vote]
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows:

Section 12

Line 19, page 4,

after the word "offenses" insert:

"where the proof is evident or the presumption great,"

adopted

voice vote
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows: Section 7, page 3, lines 11 & 12. Strike the words "or information, which shall be concurrent remedies" and insert the following in lieu thereof:

"...after the word indictment in line 11..."
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows:

P4, Sec 10, line 3,

Delete last sentence commencing on line 3 and substitute

"The administration of criminal justice shall be founded upon the principles of reformation as well as upon the need to protect the public."

adopted

unanimous vote
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7

MR. PRESIDENT:

I move that (Committee) Proposal No. 7 be amended as follows:

Sec. 12, Line 15, strike "twelve, except"
and insert "of twelve, except"

[Signature]

[Handwritten notes]
ALASKA CONSTITUTIONAL CONVENTION

REPORT OF THE COMMITTEE ON
PREAMBLE AND BILL OF RIGHTS

Hon. William A. Egan
President, Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Preamble and Bill of Rights transmits herewith a proposed Preamble, an Article containing a Declaration of Rights, and an Article on Health, Education, and Welfare, and recommends their adoption by the convention. A commentary follows each of the proposed articles.

Two minority reports are attached, one by Delegates McNealy, Armstrong and Hellenthal suggesting an article to prohibit wiretapping and the other by Mr. Hellenthal suggesting an article on collective bargaining.

The Committee made the following disposition of the delegates' proposals referred to this Committee:

Proposal No. 2: Incorporated in part in the Declaration of Rights and the Article on Education.

Proposal No. 6: Sections 6, 10, 11, 12 and 13 have been referred back to the floor. This Committee felt it had no jurisdiction on these subjects. The remainder of the sections were considered. The Committee adopted sections 3 and 7 with some changes. The rest of the proposal was not considered to be constitutional material.
Proposal No. 9: Section five of this proposal was reported back to the floor as not being within the terms of reference of this committee. Other articles of this proposition were included in the committee report.

Proposal No. 13: This proposal was incorporated in the Declaration of Rights with some changes.

Proposal No. 16: This proposal was a suggested preamble. The text was considered and was incorporated in part in the report of the committee.

Proposal No. 17: Sections 1, 2, 3, and 5 were adopted in substance in the Proposal on Health, Welfare and Education. Section 4 was rejected as not proper constitutional material. Section 8 is a general provision that will be considered in another section of the Constitution.

Proposal No. 19: The article on the Distribution of Power was rejected as not being necessary in this Constitution. Such an article would attempt to limit the executive, judicial and legislative branches in an unrealistic way. Complete separation has never existed and would not exist under this provision.

Proposal No. 21: Mr. Harris asked that this proposal be amended by the exclusion of the phrase dealing with labor because he did
not intend it to be a right to work provision. The committee consid­
ered the proposal as amended and included some of the material in the
Declaration of Rights.

Proposal No. 31: This proposal was considered and rejected on
the basis that these matters were outside the terms of reference of
this Committee.

Proposal No. 38: The committee considered this proposal and in­
cluded sections 1 and 2 in substance in the Declaration of Rights.
Section 3 was partly rejected as not being constitutional material
and the balance was included in the Declaration of Rights.

Respectfully submitted,
Dorothy Awes, Chairman
Ada B. Wien
R. Rolland Armstrong
Seaborn J. Buckalew
James P. Doogan
John Hellenthal
Robert J. McNealy
RESOLVED: That the following be agreed upon as part of the Alaska State Constitution.

PREAMBLE, Article on Declaration of Rights, and Article on Health, Education and Welfare.

We, the people of the State of Alaska, grateful to Almighty God for our civil and religious liberty, seeking His continued blessing upon our endeavors to secure and transmit these liberties unimpaired to posterity, do ordain and establish this Constitution.

ARTICLE

DECLARATION OF RIGHTS

Section 1. This constitution is to promote the general welfare of the people, and is dedicated to the principle that all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their own industry; that all
persons are equal and are entitled to equal rights, and opportunities under the law. These rights carry with them corresponding duties to the people and to the state.

Section 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

Section 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed or national origin. The legislature shall provide appropriate legislation in accord here-with.

Section 4. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty. The right of the people peaceably to assemble and to petition the government or any department thereof shall never be abridged.

Section 5. No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.

Section 6. No person shall be deprived of life, liberty or property without due process of law.

Section 7. The grand jury shall consist of twelve citizens, any nine of whom concurring may find an
indictment or a true bill; Provided, that no grand
jury shall be convened except upon an order of a
district judge of a court having the power to try and determine
defenses; but when so assembled such grand jury shall
have power to investigate and return indictments for
all character and grades of crime; and that the power
of grand juries to inquire into the willful misconduct
in office of public officers, and to find indictments
in connection therewith, shall never be suspended.

No person shall be prosecuted criminally for felony
other than by indictment or information, which shall
be concurrent remedies, but this shall not be applied
to cases arising in the land or naval forces or in the
militia when in actual service in time of war or pub-

clic danger.

Section 8. No person shall be put in jeopardy
twice for the same offense. No person shall be com-
pelled in any criminal proceeding to be a witness
against himself.

Section 9. Excessive bail shall not be required,
nor excessive fines imposed, nor cruel and unusual
punishments inflicted.

Section 10. No bill of attainder, ex post facto
law, nor any law impairing the obligation of con-
tracts, nor any law making any irrevocable grant of
special privileges or immunities shall be passed, and
no conviction shall work corruption of blood or for­
feiture of estate. The administration of criminal
justice shall be founded on principles of reformation,
and not vindictiveness.

Section 11. The right of the people to be secure
in their persons, houses and other property, papers,
and effects, against unreasonable searches and seiz­
uers, shall not be violated, and no warrants shall
issue, but upon probable cause, supported by oath or
affirmation, and particularly describing the place to
be searched, and the persons or things to be seized.

Section 12. In all criminal prosecutions the ac­
cused has the right to a speedy and public trial, by
an impartial jury. In courts not of record the jury
may consist of not more than twelve nor less than six
persons. The accused is also entitled to be informed
of the nature and cause of the accusation; to be re­
leased on bail, except for capital offenses; to be
confronted with the witnesses against him; to have
compulsory process for obtaining witnesses in his favor,
and to have the assistance of counsel for his defense.

Section 13. In suits at common law, where the
amount in controversy exceeds two hundred and fifty
dollars, the right of trial by jury is preserved, ex­
except that the legislature may provide for a jury of
not less than six in courts not of record. The legis-
lature may provide for a verdict by not less than
three-fourths of the members of the jury.

Section 14. The privilege of the writ of habeas
Corpus shall not be suspended, unless when, in cases
of rebellion, invasion or imminent peril, the public
safety requires it.

Section 15. A well-regulated militia being nec-
essary to the security of a free state, the right of
the people to keep and bear arms shall not be in-
fringed. The military shall be in strict subordina-
tion to the civil power. No soldier, in time of peace
shall be quartered in any house without the consent of
the owner or occupant, nor in time of war, except as
prescribed by law.

Section 16. Treason against the State shall con-
sist only in levying war against it, or in adhering to
its enemies, giving them aid and comfort. No person
shall be convicted of treason, unless on the testimony
of two witnesses to the same overt act, or on confes-
sion in open court.

Section 17. Private property shall not be taken
or damaged for public use without just compensation.
Section 18. There shall be no imprisonment for debts [except in cases where there is a strong presumption of fraud.] except in cases of absconding debtors.

Section 19. The enumeration of rights in this constitution shall not impair or deny others retained by the people.
ARTICLE

HEALTH, EDUCATION AND WELFARE

Section 1. The State shall establish and maintain by general law a system of public schools which shall be open to all children of the State and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private institution.

Section 2. The State shall provide for the promotion and protection of public health.

Section 3. The State may provide for public welfare for persons unable to maintain a standard of living compatible with health and human dignity.

Section 4. The State may provide for and assist in the clearance, development and rehabilitation of substandard areas and for public housing.
ALASKA CONSTITUTIONAL CONVENTION
MINORITY REPORT
BILL OF RIGHTS

1. We believe that the following should be inserted as a sentence following the first sentence of Section 10, to-wit:

"Wire tapping or obtaining unauthorized information by other technical means or devices is prohibited. Evidence obtained in violation of this section shall be inadmissible in the courts."

2. We reach this conclusion because we believe that this practice is prohibited by implication by the 4th Amendment to the Federal Constitution. The United States Supreme Court has reached the same conclusion. We are of the opinion that had this practice been possible and prevalent in the days of the founding Fathers it would have been expressly prohibited by name.

R. J. McNealy
R. Rolland Armstrong
J. Hellenthal
1. Persons in society have the moral and legal right to organize and bargain collectively in democratic and peaceful manner.

2. The right of man to organize into free associations of his own choosing is necessitated by the common good and is a fundamental, civil, natural and philosophical right that strengthens the general welfare.

3. The right to bargain collectively carries with it the correlative right of the majority of the group to bind the minority by and to the provisions of security agreements fairly arrived at.

4. Therefore the following section should be included in the Declaration of Rights:

   "Persons in private employment and those employed by the State or local governments, when engaged in proprietary and non-governmental activity, and groups of persons, shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing."

John Hellenthal