FOLDER NO.

420.1
Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Preamble and the Article on Bill of Rights for consideration by the Convention.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale
ALASKA CONSTITUTIONAL CONVENTION

RESOLVED, that the following be agreed upon as part of
of the Alaska State Constitution:

PREAMBLE

We the people of Alaska, grateful to God and to those who founded
our nation and pioneered this great land, in order to secure and
transmit to succeeding generations our heritage of political, civil
and religious liberty, do ordain and establish this constitution
for the State of Alaska.

ARTICLE I

DECLARATION OF RIGHTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
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<tbody>
<tr>
<td>1</td>
<td>This constitution is dedicated to the</td>
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<td>2</td>
<td>principles that all persons have a natural right to</td>
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<td>3</td>
<td>life, liberty, the pursuit of happiness and the enjoyment of the rewards of their own industry; that all</td>
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<td>4</td>
<td>persons are equal and entitled to equal rights, opportunities and protection under the law; and that all</td>
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<td>persons have corresponding obligations to the people</td>
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<td>and to the State.</td>
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<td>9</td>
<td>Section 2. All political power is inherent in</td>
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<td>10</td>
<td>the people. Government derives from the consent of the</td>
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<tr>
<td>11</td>
<td>governed and exists solely for the common good.</td>
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Style & Drafting/Preamble & Article I
Section 3. No person is to be denied any civil or political right because of race, color, creed, or national origin. The legislature shall implement this section.

Section 4. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

Section 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

Section 6. The right of the people peaceably to assemble, and to petition the government shall never be abridged.

Section 7. 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 8. 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 in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused, in which case the prosecution shall be by information. The grand jury consists of at least twelve citizens,
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<tr>
<td>1</td>
<td>a majority of whom concurring may return an indictment.</td>
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<td>The power of grand juries to investigate and make recom-</td>
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<td>mendations concerning the public welfare or safety</td>
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<td>4</td>
<td>shall never be suspended.</td>
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<td>5</td>
<td><strong>Section 9.</strong> No person shall be put in jeopardy</td>
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<td>6</td>
<td>twice for the same offense. No person shall be compelled</td>
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<td>7</td>
<td>in any criminal proceeding to be a witness against</td>
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<td>himself.</td>
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<td><strong>Section 10.</strong> Treason against the State consists</td>
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<td>12</td>
<td>be convicted of treason, unless on the testimony of two</td>
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<td>13</td>
<td>witnesses to the same overt act, or on confession in</td>
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<td>14</td>
<td>open court.</td>
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<td>15</td>
<td><strong>Section 11.</strong> In all criminal prosecutions the</td>
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<td>16</td>
<td>accused has the right to a speedy and public trial, by</td>
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<td>17</td>
<td>an impartial jury of twelve, except that the legislature</td>
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<td>18</td>
<td>may provide for a jury of not more than twelve nor less</td>
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<td>19</td>
<td>than six in courts not of record. The accused is entitled</td>
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<td>20</td>
<td>to be informed of the nature and cause of the accusa-</td>
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<td>tion; to be released on bail, except for capital</td>
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<td>22</td>
<td>offenses when the proof is evident or the presumption</td>
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<td>great; to be confronted with the witnesses against him;</td>
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<td>24</td>
<td>to have compulsory process for obtaining witnesses in</td>
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<td>25</td>
<td>his favor, and to have the assistance of counsel for</td>
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<tr>
<td>26</td>
<td>his defense.</td>
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</tbody>
</table>
Section 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and the need for protecting the public.

Section 13. 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.

Section 14. 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. 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 15. No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

Section 16. 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.
Section 17. No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

Section 18. In suits at common law, where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve shall be preserved. 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 a common law suit.

Section 19. There shall be no imprisonment for debt, except in case of absconding debtors.

Section 20. Private property shall not be taken or damaged for public use without just compensation.

Section 21. The enumeration of rights in this constitution does not impair or deny others retained by the people.
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7 (Article I)

MR. PRESIDENT:

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

Delete Section 2 of the Style and Drafting Committee report and insert Section 2 of the first enrolled copy in its place.
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 7 (Article I)

MR. PRESIDENT:

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

Strike Section 18 and substitute the following:

"In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by jury is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury, and in courts not of record, may provide for a jury of not less than six or more than twelve."

Section 3, page 2, line 1, after the word "denied" insert "the enjoyment of".

Preamble: Fourth line, after the word "liberty" add "within the Union of States".

Article I, Section 19, strike "except in case of absconding debtors" and substitute: "but this does not prohibit civil arrest of absconding debtors."
MR. PRESIDENT:

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

Strike Section 18 and substitute the following:

"In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by jury is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury, and in courts not of record, may provide for a jury of not less than six or more than twelve."
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 

MR. PRESIDENT:  

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

Section 3, page 2, line 1, after the word "denied" insert "the enjoyment of"
AMENDMENT TO (COMMITTEE) PROPOSAL NO. ________

MR. PRESIDENT: strike the Preamble

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

in fourth line, after the word "liberty" add "within the union of states"
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 2

MR. PRESIDENT:

I move that (Committee) Proposal No. 2 be amended as follows:

Strike Section 19 - Strike "except in case of absconding debtors" and substitute "but this does not prohibit civil aspect of absconding debtors."
Hon. William A. Egan, President  
Alaska Constitutional Convention  

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Preamble and the Article on Bill of Rights for consideration by the Convention.

Respectfully submitted,

George Sundborg, Chairman  
R. Rolland Armstrong  
Edward V. Davis  
Victor Fischer  
Mildred R. Hermann  
James J. Hurley  
Maurice T. Johnson  
George M. McLaughlin  
Katherine D. Nordale
RESOLVED, that the following be agreed upon as part of
of the Alaska State Constitution:

PREAMBLE

We the people of Alaska, grateful to God and to those who founded
our nation and pioneered this great land, in order to secure and
transmit to succeeding generations our heritage of political, civil
and religious liberty, do ordain and establish this constitution
for the State of Alaska.

ARTICLE I

DECLARATION OF RIGHTS

Inherent Rights

Section 1. This constitution is dedicated to the
principles that all persons have a natural right to
life, liberty, the pursuit of happiness and the enjoy-
ment of the rewards of their own industry; that all
persons are equal and entitled to equal rights, oppor-
tunities and protection under the law; and that all
persons have corresponding obligations to the people
and to the State.

Source of Government

Section 2. All political power is inherent in
the people. Government derives from the consent of the
governed and exists solely for the common good.
Section 3. No person is to be denied any civil or political right because of race, color, creed, or national origin. The legislature shall implement this section.

Section 4. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

Section 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

Section 6. The right of the people peaceably to assemble, and to petition the government shall never be abridged.

Section 7. 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 8. 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 in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused, in which case the prosecution shall be by information.

The grand jury consists of at least twelve citizens,
Double Jeopardy; Self-Incrimination

Section 9. 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.

Treason

Section 10. Treason against the State consists 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.

Rights of Accused

Section 11. In all criminal prosecutions the accused has the right to a speedy and public trial, by an impartial jury of twelve, except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is 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 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and the need for protecting the public.

Section 13. 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.

Section 14. 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. 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 15. No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

Section 16. 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.
Section 17. No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

Section 18. In suits at common law, where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve shall be preserved. 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 a common law suit.

Section 19. There shall be no imprisonment for debt, except in case of absconding debtors.

Section 20. Private property shall not be taken or damaged for public use without just compensation.

Section 21. The enumeration of rights in this constitution does not impair or deny others retained by the people.
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.

1. 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.
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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.

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