

*Chief Clerk*

Constitutional Convention  
Journal/15  
Approved Nov. 30, 1955

## ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE TWENTY-FIRST CONVENTION DAY, Monday, November 28, 1955

The Convention was called to order by President Egan at 9:00 o'clock a.m.

The following Invocation was given by Mr. Londborg:

"Our Heavenly Father, we thank you for this new day that lies before us. We thank you for the health and strength that is ours. We thank you for the opportunities that are ours this day to work in this way as delegates at this Convention. Our Heavenly Father, we pray that you would give us each one clearness of mind, understanding hearts of one another, determination to carry out our convictions. We pray that the thoughts that are here, though they may be different, may be fused into one draft as we work together to put out this Constitution for the State of Alaska. Bless us, we pray, as we continue. We ask it in Thy Name. Amen."

Roll call showed all delegates present except Mr. Coghill\* and Mr. Harris. The President declared a quorum to be present.

The reading of the Journal was postponed until the afternoon session.

### COMMITTEE REPORTS

Mr. Sundborg, Chairman of the Committee on Style and Drafting, called the attention of the delegates to a report furnished, entitled "Drafting Suggestions".

Mr. Collins asked unanimous consent that the meeting hour of the Committee on Direct Legislation be changed to 9:30 a.m. There being no objection, it was so ordered.

Mr. Rosswog announced that the Committee on Local Government would meet at 11:00 o'clock this morning instead of at the scheduled time.

\*Mr. Coghill excused in accordance with action taken by Convention, November 22.

Mr. Cross, Chairman of the Committee on Resolutions, submitted the following report:

"Upon consideration and after general discussion of the Resolution introduced by Delegate Yule F. Kilcher on November 22, 1955, to change the name of Mt. McKinley to the name of Denali, the Committee upon motion duly made, seconded and unanimously carried, reports that in its opinion said Resolution does not constitute either Constitutional or Legislative matter, and recommends that it be postponed indefinitely."

Mr. Kilcher asked unanimous consent that he be permitted to withdraw his resolution. There being no objection, it was so ordered.

Mr. Riley announced a meeting of the Rules Committee immediately on recess.

Mr. Rivers moved and asked unanimous consent that the drafting suggestions be sent back to the Committee on Style and Drafting in order to change paragraph 2. Mr. Rivers objected to the statement that the Constitution be written in the present tense. Mr. McLaughlin objected. Mr. McNealy seconded.

Mr. Rivers requested a roll call vote on his motion with the following result:

Yea: 19 - Awes, Boswell, Doogan, H. Fischer, Hinckel, Londborg, McNealy, Marston, Nolan, Peratrovich, Poulsen, R. Rivers, V. Rivers, Robertson, Smith, Stewart, Taylor, Walsh, Mr. President

Nay: 34 - Armstrong, Barr, Buckalew, Collins, Cooper, Cross, Davis, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nordale, Reader, Riley, Rosswog, Sundborg, Sweeney, VanderLeest, White, Wien

Absent: 2 - Coghill, Harris

and so the motion failed.

Mr. Sundborg announced that there would be no meeting of the Committee on Style and Drafting today.

### INTRODUCTION AND FIRST READING OF PROPOSALS

Proposal No. 27, by Mr. McNealy, entitled ELECTION IN DISTRICT OTHER THAN PLACE OF RESIDENCE, was introduced, read the first time and referred to the Committee on Suffrage, Elections and Apportionment.

Mr. Hilscher asked unanimous consent that the following telegram be sent to Fred Waring:

"Fifty-five Alaskans are now in session at the University of Alaska drafting the Constitution for the future State of Alaska. This is the last time that a Constitution will be written for the admission of a state into the United States. Knowing your interest in Alaska and the affection Alaskans have for you and your inspiring rendition of the Alaska Flag Song, we would be highly honored if you and your crew would sing our state anthem and send the Constitutional Convention a recording which will be made a part of the permanent archives of this historic Convention. /Signed Herb Hilscher delegate to the Alaska Constitutional Convention."

Mr. Metcalf objected to the Convention sending the telegram although he was in favor of the idea. Mr. Hilscher moved. Mr. Johnson seconded.

Mr. Sundborg suggested Mr. Hilscher insert "delegates elected by the people of Alaska" after "fifty-five" and delete "Alaskans" to make it absolutely clear that this is an official body. Mr. Hilscher accepted the change.

Mr. Fischer suggested that the telegram be signed by the President of the Convention.

Mr. Sundborg moved and asked unanimous consent that the telegram be signed by the President.

Mr. Marston suggested that it be signed by both the President and Secretary. Mr. Sundborg accepted the change. There being no objection, Mr. Sundborg's motion was adopted.

Mr. Gray, Mr. Collins, Mr. Kilcher and Mr. Barr spoke in opposition to the Convention spending money to send the telegram.

Mr. White spoke in favor of the motion.

Mr. Davis moved the previous question. Mr. Cooper seconded. There being no objection, the previous question was ordered.

The question being "Shall the Convention send the proposed telegram to Fred Waring?", on voice vote the motion carried.

There being no further business at this time, Mr. Buckalew moved and asked unanimous consent that the Convention recess until 1:30 o'clock p.m.

#### AFTER RECESS

Mr. Knight moved and asked unanimous consent that the Journal for the 18th Convention day be approved as read.

Mr. Davis asked unanimous consent that the following correction be made. Under "reports of select committees" delete "a" and make a plural out of "gavel". There being no objection it was so ordered. There being no further corrections, the Journal was ordered approved as corrected.

Mr. White rose to a point of order and asked that the delegates abide by the instruction adopted previously to advise the Chief Clerk of any corrections at least one-half hour before the convening of the session.

#### COMMUNICATIONS

Letter from Professor Lee H. Salisbury of the University of Alaska, inviting the delegates to attend the performance of "Bell, Book and Candle" Friday and Saturday of this week and offering complimentary tickets, was read.

The matter of a special bus at 5 p.m. came up for discussion and it was decided that there was no need for a special bus at this time.

Mr. McCutcheon moved and asked unanimous consent that the Convention meet Wednesday evening at 7:30 p.m. for the purpose of resolving into a Committee of the Whole to discuss bicameralism and unicameralism.

Mr. Doogan objected. Mr. Sundborg seconded.

Mr. Hellenthal moved to divide the question. Mr. McCutcheon asked unanimous consent to withdraw his motion. There being no objection, it was so ordered.

Mr. Hellenthal withdrew his motion to divide the question.

Mr. McCutcheon moved that the Convention assemble Wednesday for the purpose of discussion in Committee of the Whole the matter of bicameralism and unicameralism. Mr. McNees seconded.

Mr. Cooper rose to a point of order regarding the division of the question and that the question was not stated properly.

The President stated that he believed the point of order well taken.

Mr. McCutcheon pointed out that both he and Mr. Hellenthal had withdrawn their motions and that he had submitted a new motion and therefore Mr. Hellenthal's motion did not come to issue.

The President declared a short recess.

AFTER RECESS

The President ruled that Mr. Cooper's point of order would have been well taken if Mr. Hellenthal's motion had not been withdrawn.

Mr. Kilcher moved to amend Mr. McCutcheon's motion by adding "after the meeting of the Committee of the Whole the Convention shall take up the matter under discussion and definitely decide the issue." Mr. Sundborg objected. Mrs. Sweeney seconded.

Mr. Riley stated that the Convention could not control the Committee of the Whole.

Mr. Taylor pointed out that Mr. Kilcher's motion would take a two-thirds vote to pass because it was a request for a suspension of the rules.

Mr. Peratrovich rose to a point of order to state that the Convention could not tie the hands of the Committee of the Whole prior to its meeting.

Mr. R. Rivers, Mr. Doogan and Mr. Collins spoke on the point of order.

Mr. Hellenthal spoke on the reasons behind the request for the Committee of the Whole.

Mr. Fischer rose to a point of order to state that he believed Mr. Hellenthal was out of order because there was a point of order before the Convention which had not been disposed of.

The President stated that Mr. Fischer's point of order was well taken.

Mr. McCutcheon stated that he believed Mr. Hellenthal's remarks were pertinent under the point of order and if the President ruled otherwise he would appeal the ruling.

The President asked Mr. Hellenthal if he intended to address himself to the point of order at issue.

Mr. Hellenthal stated that he intended to do so and the President granted him the privilege to continue.

At the conclusion of Mr. Hellenthal's remarks, Mr. Peratrovich stated that the President should rule on the point of order.

The President requested Mr. Riley as Chairman of the Rules Committee to meet and resolve the question as to whether or not Mr. Kilcher's amendment to the motion was in compliance with Rule 23.

Mr. Kilcher moved and asked unanimous consent that he be allowed to withdraw his amendment. There being no objection, it was so ordered.

Mr. Kilcher asked unanimous consent that he be granted personal privilege of the floor to explain his reasons for withdrawing the motion. Mr. Fischer objected on the grounds that Mr. Kilcher was speaking on Mr. McCutcheon's motion. Upon Mr. Kilcher's stating he would speak only on the reasons for withdrawing his motion, the President granted Mr. Kilcher the privilege of the floor.

The question being "Shall the Convention meet on Wednesday for the purpose of meeting in Committee of the Whole to consider a unicameral or bicameral legislature?", on voice vote the motion carried.

Mr. Johnson moved that the Committee of the Whole meet at 7:30 p.m. Mr. Barr objected. Mr. McNees seconded. The roll was called with the following result:

Yea: 32 - Armstrong, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Riley, V. Rivers, Robertson, Smith, Sundborg, Wien, Mr. President

Nay: 19 - Awes, Barr, Boswell, Buckalew, Cooper, Hermann, Kilcher, Laws, Londborg, McNealy, Nolan, Reader, R. Rivers, Rosswog, Stewart, Sweeney, Taylor, Walsh, White

Absent: 4 - Coghill, Harris, Metcalf, VanderLeest  
and so the motion passed.

Mr. Sundborg moved and asked unanimous consent that the secretariat make arrangements for a bus to leave the Nordale Hotel at 7 o'clock p.m. Wednesday, November 30. There being no objection, it was so ordered.

The President announced that Dr. Patty had requested that the delegates assemble at 1:50 Tuesday ~~so they could~~ go to the convocation in a body. The President also announced that Senator Knowland was due to arrive at 2 p.m. today and if ~~it is agreeable~~ with the Senator he will address the delegates at 9 a.m., Tuesday morning.

~~Possible~~ Mr. V. Rivers moved and asked unanimous consent that those members of the staff desiring to attend the convocation ceremonies be invited to do so. There being no objection, it was so ordered.

Mr. Rosswog announced a meeting of the Committee on Local Government at 3:30 p.m.

Mr. Nerland announced a brief meeting of the Committee on Finance on adjournment.

Mr. Johnson moved and asked unanimous consent that the prayer offered by Mr. Londborg be spread on the Journal in its entirety. Mr. Sundborg objected. Mr. Johnson moved. Mrs. Sweeney seconded. On voice vote the motion carried.

Mr. Kilcher moved that all prayers from now on be spread on the Journal. Mr. Sundborg seconded. Mr. McLaughlin moved to amend the motion by adding "of no more than 75 words" after "prayers". Mr. Buckalew seconded. On voice vote the amendment failed.

The question being "Shall all prayers from now on be spread on the Journal?", the roll was called with the following result:

Ayes: 22 - Armstrong, Collins, Cooper, Doogan, H. Fischer, Hilscher, Johnson, Kilcher, King, Laws, Londborg, McLaughlin, McNealy, McNees, Nordale, Peratrovich, Poulsen, Smith, Stewart, Sweeney, Walsh, Wien

Nays: 29 - Awes, Barr, Boswell, Buckalew, Cross, Davis, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hinckel, Hurley, Knight, Lee, McCutcheon, Marston, Nerland, Nolan, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Sundborg, Taylor, White, Mr. President

Absent: 4 - Coghill, Harris, Metcalf, VanderLeest  
and so the motion failed.

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Mr. Gray moved and asked unanimous consent that the Convention adjourn until 9 o'clock a.m., Tuesday morning.

Thomas B. Stewart  
THOMAS B. STEWART  
Secretary

Attested:

William A. Egan  
WILLIAM A. EGAN  
President