

## ALASKA CONSTITUTIONAL CONVENTION

November 26, 1955

## NINETEENTH DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning the Reverend Charles C. Powers of the Totem Park Church of the Nazarene who will give us our daily invocation.

REVEREND POWERS: Gracious Heavenly Father, we pray that Thou wilt be with us this morning. We thank Thee for this Convention and for the work that is being accomplished at this time. We pray, our Heavenly Father, that Thou wilt bless each member and their family. Help them as they labor here that they will give us a constitution to show us American rights. Give them courage and help. Give them blessing from God in Heaven. Be with us at this time. In Jesus' name. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll at this time.)

CHIEF CLERK: Six absent.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with the regular order of business. Does the Committee to read the journal have a report? Mr. White?

WHITE: Mr. President, the Committee to read the journal recommends the approval of the journal for the 16th day without any changes.

PRESIDENT EGAN: The Committee to read the journal recommends the adoption of the journal of the 16th day without any changes. Unanimous consent is asked by Mr. White. Is there objection? There being no objection, it is so ordered and the journal for the 16th day is adopted. Are there any petitions, memorials or communications from outside the Convention? If not, are there reports of standing committees? Mr. Rosswog?

ROSSWOG: No. I, Local Government Committee, will meet at 11 o'clock this morning rather than this afternoon.

PRESIDENT EGAN: No. I, Local Government Committee, will meet at 11 o'clock this morning rather than this afternoon. Are there other committee reports?

COLLINS: Committee No. XIII will meet on schedule as this afternoon.

PRESIDENT EGAN: Committee No. XIII will meet on schedule this afternoon. Are there other committee reports? Mr. Marston?

MARSTON: I would like to ask the privilege of the floor.

PRESIDENT EGAN: Mr. Marston asks the privilege of the floor. Is there objection?

SUNDBORG: Mr. President, I would just like to observe that the soundscribing machine does not seem to be operating today. If Mr. Marston would like his remarks taped maybe he should wait.

MARSTON: I would like to have that. I think it should be. Thank you.

PRESIDENT EGAN: Mr. Marston, would you like to delay your request until later?

MARSTON: I will do that.

PRESIDENT EGAN: Mr. Marston withdraws his request at this time. Are there other reports of standing or select committees? Introduction and first reading of proposals.

TAYLOR: I have one.

MCNEALY: I have one.

PRESIDENT EGAN: The Sergeant at Arms will pick them up.

SECRETARY: "Delegate Proposal No. 23 by Mr. Robertson, LEGISLATURE: TO CREATE A LEGISLATURE WITH QUALIFICATIONS OF ITS MEMBERS, AND TO ESTABLISH LEGISLATIVE AND SUB-LEGISLATIVE DISTRICTS, AND REPRESENTATION THEREFROM, AND TO REQUIRE DECENNIAL REAPPORTIONMENT."

PRESIDENT EGAN: The proposal is referred to Committee No. VII, the Legislative Branch.

SECRETARY: "Delegate Proposal No. 24, by Mr. Taylor, SEAT OF GOVERNMENT, REGARDING THE LOCATION OF THE STATE CAPITAL."

PRESIDENT EGAN: Committee on Direct Legislation, Amendment and Revision.

TAYLOR: Mr. Speaker, I doubt very much that that would come under the function of that committee.

PRESIDENT EGAN: What one would you suggest -- the Resolutions Committee?

TAYLOR: I think the Resolutions Committee.

PRESIDENT EGAN: If there is no objection I will refer it to the Resolutions Committee.

SWEENEY: We had two similar proposals or resolutions and they were sent into No. VII.

GRAY: I think there are probably enough that probably every committee will get one of those.

PRESIDENT EGAN: The Convention will come to order. Mrs. Sweeney, we will refer it to the Resolutions Committee.

METCALF: With reference to Proposal No. 6, it was the consensus of the opinion of Committee No. XIII that you be asked to reconsider and possibly with the idea of resubmitting this particular proposal to Bill of Rights and Preamble, titled EDUCATION by Maurice T. Johnson.

PRESIDENT EGAN: If there is no objection the Chair will resubmit that the Proposal No. 6 be referred to what committee?

HERMANN: I think we have a rule, if I am not mistaken, that any committee can refer any proposal to another committee without reference back to the house.

PRESIDENT EGAN: The Chair is not quite clear on that whether it should have to go through the Chair or not. Mr. Collins?

COLLINS: We considered that but the Chairman of the Committee thought it advisable to refer it back to the President.

PRESIDENT EGAN: The proposal has been referred to Committee No. V on Preamble and Bill of Rights.

SECRETARY: "Delegate Proposal No. 25, by Mr. McNealy, LEGISLATURE TO DELEGATE AUTHORITY TO, AND RESTRICT, AGENCIES."

PRESIDENT EGAN: Committee No. VII, Legislative Branch. Are there other proposals?

SECRETARY: No further proposals, Mr. President.

PRESIDENT EGAN: Are there motions or resolutions to come before us at this time? If there is no objection, the Convention will stand at recess for one or two minutes. Hearing no objection the Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Does the Secretary have a resolution?

SECRETARY: Resolution by Mr. Kilcher pertaining to apportionment.

PRESIDENT EGAN: The author of the resolution has requested that the resolution be referred to the Committee on Suffrage, Election and Apportionment. Therefore, the Chair will refer the resolution to that Committee, No. VI. Are there other resolutions?

SECRETARY: No further resolutions, Mr. President.

PRESIDENT EGAN: Is there any unfinished business? Is there anything to come before the Convention at this time? If not, the Chair will entertain a motion. Mr. Johnson?

JOHNSON: Mr. President, I move that the Convention stand at recess until 1:30 this afternoon.

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that the Convention stand at recess until 1:30 p.m. Hearing no objection it is so ordered, and the Convention is at recess until 1:30 p.m.

#### RECESS

PRESIDENT EGAN: The Convention will come to order. Is there any business to come before us at this time? Mrs. Sweeney?

SWEENEY: I would like to add that there will be no meeting of the Legislative Branch Committee this afternoon.

PRESIDENT EGAN: There will be no meeting of the Committee on the Legislative Branch this afternoon. Are there other announcements of committees? The Secretary has an announcement he would like to make.

SECRETARY: The bus schedule has been changed. There will be no regularly scheduled bus leaving the University between the hours of 4:05 and 5:50 beginning this afternoon, so there needs to be consideration as to whether or not there should be a special bus. I wish only that the announcement might be made at this time so that Monday there might be an expression of desire on the part of the delegates whether you wish other bus arrangements. This new schedule goes into effect Monday afternoon.

PRESIDENT EGAN: Is there other business? Mr. White?

WHITE: I ask unanimous consent to return to the business of introduction of motions and resolutions.

PRESIDENT EGAN: If there is no objection we will return to the business of the introduction of motions or resolutions. Mr. White, you may proceed.

WHITE: Mr. President, on behalf of Mr. Riley and myself, I

offer the following resolution:

"Any person who appears before the Constitutional Convention or any of its Committees to offer testimony in support of, or in opposition to, any proposal or subject matter under consideration for inclusion in the Constitution of the State of Alaska shall first register with the Secretary of the Convention and shall identify himself as to principal business pursuit. He shall state also whether he appears before the Convention or any of its Committees in an individual or in a representative capacity. If in a representative capacity, he shall be required to state whom he represents in advocating or opposing the inclusion of any subject matter in the said Constitution."

I move the adoption of the resolution, Mr. Chairman, and ask unanimous consent.

PRESIDENT EGAN: Mr. White moves the adoption of the resolution and asks unanimous consent. Mr. Gray?

GRAY: Mr. President, I don't exactly know what all that may mean. It is probably good. I don't want to see any committee restricted in any pursuit or analysis of the problem by some technical details.

PRESIDENT EGAN: Mr. Gray, perhaps, since you are rising with an objection, there will have to be a second.

SUNDBORG: I second the motion.

PRESIDENT EGAN: Mr. Sundborg seconds the motion. You may proceed, Mr. Gray.

GRAY: I assume that it is perfectly all right, but I believe it is enough text that if he would have it printed so we could see it, then I think we could do something about it. I don't want to see the committees in any way limited in their investigation on any of these subjects.

PRESIDENT EGAN: Mr. Gray, then are you asking perhaps that this subject be held over until possibly the next meeting when copies could be available?

GRAY: That is my idea, and if the mover of the proposal could change his motion as such to fit this condition it would simplify things.

SUNDBORG: Mr. President, the proposal seems to me very clearly to be a regulation requiring the registration of lobbyists. I believe it is very closely patterned after one relating to the registration of lobbyists who want to appear before the

Legislature. I certainly feel it is a proper thing for our Convention to require. I don't object to having it set over for a day or two, but I think in the long run, we should set the regulations.

JOHNSON: Mr. President, on a point of order.

PRESIDENT EGAN: Mr. Johnson, your point of order.

JOHNSON: If this is a resolution as Mr. Sundborg says relating to the business of lobbyists and registering them as such, then it occurs to me that it should be handled under the provisions of Rule 53 and submitted to the proper committee for any action.

PRESIDENT EGAN: Mr. Johnson, the Chair considered that, but there is a rule that states resolutions can be treated as motions. If there is no objection the Convention will stand at recess for two minutes. Hearing no objection the Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Armstrong?

ARMSTRONG: Mr. President, may I ask Mr. White how this would relate to the condition where a committee is in hearing and testimony has been completed by those who have registered and their testimony has been recorded and the chairman of the committee asks if there is anyone else to be heard.

PRESIDENT EGAN: Before we proceed, Mr. Armstrong, the Chair would state that the point of order raised by Mr. Johnson which should be taken care of first. In the opinion of the Chair it was not well taken under this particular circumstance, under Rule 53. Mr. Armstrong, you may now have the floor.

ARMSTRONG: I wonder if Mr. White would answer the question. I would like some satisfaction of that point, sir.

WHITE: I am not sure I understood the question. It was not intended to be retroactive. I think it would be impossible to make it retroactive. I would assume from the content of the resolution that if an individual wishes to propose or oppose any matter for inclusion in the Convention, if he wanted to cover himself, he should register with the Secretary of the Convention. Obviously it is impossible for us to impose any penalties by a resolution of this nature or by the nature of the Convention, but I think it is intended at this time to clear the air and to put it on record that we would like to have any individual identified.

PRESIDENT EGAN: Mr. Hellenthal?

HELLENTHAL: I cannot see the necessity for this. It is trying to legislate common sense in committees. There is no committee here that is not going to ask each person who appears before it who he is and if he represents any group or organization. There is no member of a committee here who is going to be fooled by anyone. I don't anticipate and we have no reason to believe there will be fifth columnists who will sneak before our committees and perhaps talk us out of our common sense and our ability to judge matters correctly. I think this is detailed legislation. It amounts to a change of our standing rules. I think it has absolutely no place before this adult body.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I would like to know when someone approaches me to talk about a matter who he represents and if he is being paid to make that representation or whether he is doing it entirely on his own. It seems to me that that is information to which we are entitled to and which we cannot get from anyone unless we do have a requirement of this kind requiring registration.

PRESIDENT EGAN: Mr. Peratrovich.

PERATROVICH: Just a point of information, I want to know if this applies to the witnesses appearing at a public hearing like we had here this morning.

WHITE: That would be my interpretation.

PERATROVICH: In that case I would oppose that myself because I think we should encourage the citizens of the Territory to appear before these committees on the various hearings. I for one while I wasn't a member of this Committee this morning, learned something from the people that testified, and I think that is the thing we are seeking, to get all the information we can so we can come out with a constitution that is acceptable. I am against the proposal.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, my thought on the subject is that if it is necessary to contain lobbyists, the Convention Bill provides for ordinances. Now an ordinance could be adopted by this Convention requiring a lobbyist or those representing any interest to register, but when it comes to a matter of people, there was one instance I know of in a committee meeting this morning where a party appeared who had not intended to testify but decided to testify before the committee while the hearing was in progress, and I believe that rather than attempting to discourage anyone from testifying they should be

encouraged and no restrictions put on them unless the Convention should see fit to go forward in what I deem the proper manner and prepare an ordinance restricting lobbyists. I think our big trouble during this Convention is going to be the lack of expression from the people and not an over abundance.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: I would like to move and ask unanimous consent that this motion be referred for review and recommendation to the Rules Committee.

RILEY: I second it.

PRESIDENT EGAN: It has been moved and seconded that this motion be referred to the Rules Committee for its consideration. Did you say you asked unanimous consent, Mr. Fischer?

V. FISCHER: Yes.

PRESIDENT EGAN: Mr. Fischer asks unanimous consent that the motion and the resolution be referred to the Rules Committee.

TAYLOR: I object.

PRESIDENT EGAN: Objection is heard. Is there a second? Who seconded the motion? It was moved by Mr. Fischer, seconded by Mr. Riley then that the motion be referred to the Rules Committee for their consideration. Mr. Gray?

GRAY: Mr. Chairman, I notice the Chairman of the Rules Committee objected if he has a specific objection, why

PRESIDENT EGAN: No, he seconded the motion, Mr. Gray.

RILEY: You misunderstood me, I believe.

PRESIDENT EGAN: He seconded the motion to refer it to the Rules Committee.

TAYLOR: Mr. Chairman, I object. I can't see that this is any part of the rules at all. If it is going to be referred to anybody it should be referred to the Committee on Resolutions. It would not be an amendment or addition to the rules whatsoever.

PRESIDENT EGAN: Mr. Victor Fischer.

V. FISCHER: I would like to explain my motion by saying that this is not within the province of the Resolutions Committee of the Convention itself. This has to do with conduct and behavior before the Convention and its committees, and it seems

very proper that it be referred to the Rules Committee even though it is not proposed as an amendment to the rules.

PRESIDENT EGAN: Is there further discussion?

BUCKALEW: Question.

PRESIDENT EGAN: The question is, "Shall the resolution be referred to the Rules Committee for its consideration?" All those in favor of the motion to refer to the Rules Committee will signify by saying "aye", all opposed "no". The "ayes" have it and the resolution is referred to the Rules Committee for its consideration. Is there other business to come before the Convention at this time? Mr. Marston?

MARSTON: Mr. President, may I have the privilege of the floor?

PRESIDENT EGAN: If there is no objection, Mr. Marston asks for the privilege of the floor.

MARSTON: I am speaking to you representing citizen George Lockwood who sent a message to me at this Convention to try to save his home from the encroaching of a new civilization, and on his hopes and the outcome of this case rests the hopes and ambitions of 30,000 people, the Native people of Alaska. We are going to have to face up to this, and I hope we can face up to it and step out boldly and do something that has not been done all these years we have been here. May I go back a little ways to bring this case up to date. Three years ago I went down the Yukon with my boat -- 1400 miles with lumber and material to build a place in the Unalakleet River with seed and fertilizer the building is up and the seed is ripe. I tried to get the land in the hands of the Eskimos of the Unalakleet River. I could not get one foot of land in their hands in three long years of trying and spending of money, and there it is in that situation. They like to farm that land. It is good rich soil, but under the present land laws it is impossible to get the land into their hands. There are too many complicated ramifications, and I think the land laws of this country are due for overhauling -- not only in Europe but here we have a problem with our land laws. If we face up and comply with the requirements we got as a treaty made with the people from whom we bought this land we will then step up to this issue and recognize it and do something about it. There are petitions here in the land office from the people of Unalakleet to get their lands subdivided so they can have the land their homes are on. Those petitions lay in the land office and are gathering dust and will end there -- petition after petition goes to the "great white father" and nothing happens. It dies. He is too far away. He has too many agents. These petitions die and these people become discouraged and despondent. Mr. President, if I could show a map here I could

tell you what I want to tell the body.

(Held map up.)

This is the Unalakleet River. This is the village of Unalakleet where some upwards of 500 people live. This is the ocean here. What I ask here, what these people want, George Lockwood is a citizen here and his folks have lived right here on a little five-acre tract and fish off the ocean for over 50 years. He has petitioned the United States government. I put his stakes in three years ago on that piece of ground. He has gotten no place today and he's not going to get any place. Under the requirements they are supposed to have a frame house and they live in a tent, which is "more better", as they say, in the summer than a frame house. Therefore he does not comply. The Army now runs across his property. They have taken his logs and they've broken it up and he is so confused, he has had to move his family away. What I want to request here, in the name of George Lockwood and 30,000 other citizens of Alaska is that he be given from the State of Alaska that five-acre tract where he fishes and hunts and has his summer home. I want the government in Alaska to give him a deed to the land where his house rests in Unalakleet so he can build a good home to rear his family. Now he has squatter's rights. He can't afford to put a lot of money in his home because when he moves away, he practically loses squatter's rights. The State of Alaska should give him a deed to that little piece of ground there. Up the river here they have many little fishing sites 35 or 40 of them. Each one of those people should be given outright a five-acre tract and in addition to that the 160 acres any place in the unclaimed land of the State of Alaska where he can have a 160-acre homestead -- these three requirements -- a, b, and c -- spells life, liberty and the pursuit of happiness for those people. It is a very small thing. You and I all have the right to take these three requests that I am making here for George Lockwood. We are entitled to land we live on -- four corners put down and a deed to that piece of ground. We are entitled to 160 acres any place in the State of Alaska if we want to take it up. I want you to issue from the State of Alaska those three deeds. During the Civil War they offered and gave to every soldier a script which entitled him to 160 acres of any unappropriated land. If we can give it to them outright without them going through the tedious laws of letter upon letter. The Land Department here wrote George Lockwood, "Come into Fairbanks and talk to us." It is 600 miles away, 1500 miles by water and it takes months to come in and talk it over, and so his letters have come to no good end. I have spent my three years and gotten not one foot of land in the hands of those Eskimos. If they all took advantage of that 160 acres, the five acres and the little plot of ground where they live, it would take up just a few thousand acres of land. They are entitled to it, and I am going to ask that the President of the

that piece of property, where he fishes and hunts, land on which he had his home and 160 acres up that River any place he wishes and that would be a gesture of the State of Alaska from this Convention and I think some people here do not comprehend the great moment of this time and the position we occupy. These people have looked to us, all these years, in petitions and petitions and they have come to naught. Let us step out boldly here and give them this three little pieces of property. It would be a great gesture and it has nothing to do with aboriginal rights. This every citizen is entitled to. I am going to make a request of that. That is my mission today in the name of George Lockwood that he protect his home there where he has lived for 50 years, that he have the land where his home is in the village and 160 acres of homestead land any place in the unappropriated lands within the future state of Alaska. When you select the land for the future state of Alaska I hope you select land so he can have industrial sites and take land that can take care of these people on this request here. I thank you. I am now going to present this if I may?

PRESIDENT EGAN: If there is no objection, are you going to revert to the introduction of proposals, Mr. Marston?

MARSTON: I would like to do that if I may.

PRESIDENT EGAN: If there is no objection Mr. Marston you may present your proposal at this time.

MARSTON: Thank you for this time. I appreciate it.

PRESIDENT EGAN: If there is no objection, the Secretary may proceed with the reading of the proposal.

SECRETARY: "Delegate Proposal No. 26, introduced by Mr. Marston, DISPOSAL OF STATE LANDS TO ACHIEVE CERTAIN SOCIAL AND ECONOMICALLY BENEFICIAL PURPOSES."

PRESIDENT EGAN: The proposal will be referred to Committee No. X, the Committee on Resources. Is there other business to come before the Convention? If not, the Chair will entertain a Mr. Davis?

DAVIS: Mr. President, I move that we recess until Monday morning at 9 o'clock.

PRESIDENT EGAN: Mr. Davis moves and asks unanimous consent that the Convention stand adjourned until Monday morning at 9 o'clock. Is there objection? Hearing no objection it is so ordered, and the Convention is adjourned until Monday morning at 9 o'clock.