

ALASKA CONSTITUTIONAL CONVENTION

November 30, 1955

TWENTY-THIRD DAY

PRESIDENT EGAN: The Convention will come to order (9:00 a.m.). We have with us this morning to deliver our daily invocation Mrs. Zora Banks, Chairman of the Spiritual Assembly of the Baha'i World Faith of Fairbanks. Mrs. Banks.

MRS. BANKS: Dear Heavenly Father, we are grateful that Thou hast created us to know Thee and to love Thee. I am grateful, dear Heavenly Father, that Thou hast enabled these people to gather again in this assembly. Dear Heavenly Father, we do ask that they will be able to cope with anything that might come in their path. Our dear Heavenly Father, should there be anything that needs agreement we would ask you to deliver them. We ask You dear Heavenly Father, for Thou art the Almighty, Thou art the gracious, the powerful, and Thou art able, dear Heavenly Father, to overcome all circumstances. Dear Heavenly Father, in this great assembly we do ask Thee to be with those persons who are bereaved today because of the terrible disaster we have in our midst. We ask you, dear Heavenly Father, to stand by them. And, dear Heavenly Father, we ask that you will give these people here in this assembly the power to do the things you would have them do according to the will of God. We ask these blessings in the name of your kind Son who said, "Ask and you shall receive." In Thy name. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

CHIEF CLERK: One absent.

PRESIDENT EGAN: A quorum is present. We will proceed with our regular order of business. The reading of the journal will be delayed until the afternoon session. Are there any petitions, memorials or communications from outside the Convention?

SECRETARY: No, Mr. President.

PRESIDENT EGAN: Are there reports of standing committees? Mr. Riley?

RILEY: Mr. President, the Rules Committee reports back to the body a Committee substitute for Resolution No. 6 which is before each of the members, a considerably modified version of the resolution which was referred to the Committee last Saturday. I believe all had ample time to read it, but on chance that it hasn't been seen, I will read it now before moving its adoption:

"Any person who appears to offer testimony in support of, or in opposition to, any subject matter under consideration by the Constitutional Convention or any of its Committees shall be required to state whether he appears in an individual or a representative capacity. If in a representative capacity, he shall be required to state whom he represents in so appearing."

Mr. President, I move the adoption of the report and ask unanimous consent.

COLLINS: I second it.

PRESIDENT EGAN: Mr. Riley moves and asks unanimous consent that the report be adopted. Is there objection?

ROSSWOG: I object.

PRESIDENT EGAN: Mr. Rosswog objects. Mr. Collins seconded the motion. The question is open for discussion. Mr. Rosswog?

ROSSWOG: Mr. Chairman, I might mention my reason for objecting. I opposed this rule in the Committee, and I feel we should vote on it. The main thing is, the idea behind it is all right, but I feel that we want all the witnesses we can get here, and if any rule is put up here now and the publicity with it might keep some witnesses from appearing, why I would be against it.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I should like to reiterate my opposition to it -- the watered-down version of the rule which, in the words of the chairman, "is considerably modified." First, it serves no useful purpose whatsoever. Secondly, it is virtually meaningless. It is like asking the delegation to use common sense or to behave or to act nicely. Thirdly, it is unenforceable. It has no sanctions whatsoever. If someone refuses to give the information, which of course no one would do, but just for the purpose of argument assume they did, it would make us look rather ridiculous, and it is needless. There is no danger, apparent or otherwise from which to guard against. This you might call something along the line of fighting windmills.

PRESIDENT EGAN: Is there further discussion?

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: If not, the question is, "Shall the resolution be adopted?" All those in favor of adopting the resolution will signify by saying "aye", all opposed no". The "ayes" have it and the resolution is ordered adopted.

COOPER: Roll call.

JOHNSON: I rise to a point of order. The result of the vote has been announced and it's a closed issue.

PRESIDENT EGAN: Your point of order is well taken, Mr. Johnson. The Chair didn't mean to go too fast there. Are there other reports of standing committees? Are there reports of select committees? Are there any proposals to be presented to us this morning? Are there any motions or resolutions? Mr. Smith?

SMITH: I move and ask unanimous consent that the Committee on Resolutions and Recommendations be charged with the responsibility of making certain that proposals covering the seven requirements of H.R. 2535 are submitted to this Convention.

PRESIDENT EGAN: Do you have that resolution in writing, Mr. Smith?

SMITH: In very rough writing, Mr. President.

PRESIDENT EGAN: The Chair would wonder if it might be more in order if you had it to offer to the Convention, possibly at the next plenary session this afternoon so it could be a matter of record.

SMITH: Yes, that is all right.

PRESIDENT EGAN: Is there objection to that -- until it is in resolution form? Is there other business to come before the Convention at this time? Mr. Rosswog?

ROSSWOG: Could we refer to committee announcements? Committee XII, Local Government, will meet at 11 this morning.

PRESIDENT EGAN: Committee XII, Local Government, will meet at 11 this morning. Mr. Cross?

CROSS: Committee No. XIV on Resolutions and Recommendations will meet at the scheduled time this morning.

PRESIDENT EGAN: Committee No. XIV will meet at the scheduled time this morning. Mr. Hilscher?

HILSCHER: I rise to ask unanimous consent of the Convention that we may meet Mrs. Laura Jones who is an eighth-grade teacher in the Fairbanks Schools. Mrs. Jones created quite a sensation in her talk before the AAUW last Monday night, about the job she is doing with the school youngsters in the way of inspiring them with the work that is being done at the Constitutional Convention. Mrs. Laura Jones was for ten years an ANS teacher in the Territory. She is an author of a very

splendid book and if it meets with the approval of the body I should like to introduce Mrs. Jones at this time.

PRESIDENT EGAN: If there is no objection, Mr. Hilscher, you may introduce Mrs. Jones.

HILSCHER: Ladies and gentlemen, Mrs. Laura Jones of the Fairbanks Schools. (Applause)

MRS. JONES: Mr. President and delegates, it is indeed an honor to be invited to come before the Constitutional Convention, and I appreciate it very much, and I hope that what I have to say will be of interest to you.

V. FISCHER: Mr. President, I would like to move that the Convention resolve itself into a Committee of the Whole to hear Mrs. Jones.

PRESIDENT EGAN: If there is no objection the Convention will resolve itself into a Committee of the Whole to hear Mrs. Jones.

PRESIDENT EGAN: If there is no objection the Convention will resolve itself into a Committee of the Whole, and Mr. Fischer would you take the Chair?

(Mr. Fischer came forward to the Chair.)

COMMITTEE OF THE WHOLE

(At this time the Committee of the Whole met) Mr. Fischer presided.

PRESIDENT EGAN: The Convention will come to order.

V. FISCHER: Mr. President, the Committee of the Whole has risen and would like to express its appreciation to Mrs. Laura Jones for the very fine presentation.

PRESIDENT EGAN: Hearing no objection it is so ordered. Mr. Cooper?

COOPER: I imagine making a motion to this matter is in order. I would like to make a motion and ask unanimous consent that the Secretary be instructed to write a letter to Mrs. Jones's class issuing a formal invitation that that class attend one of the plenary sessions, that they might include a letter on our letterhead as an official act of this Convention in their scrap book.

PRESIDENT EGAN: Is there objection to the unanimous consent request of Mr. Cooper? Hearing none, it is so ordered, and the letter will be written.

BUCKALEW: This is probably not too relevant but before it slips my mind, I was in favor of an 18 year old franchise. From listening to the remarks of some of these 13 year olds, they can serve in the Legislature.

PRESIDENT EGAN: Is there any other business to come before us at this time? Mr. Sundlorg?

SUNDBORG: Mr. President, I move and ask unanimous consent that we recess until 1:30 o'clock this afternoon.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the Convention stand at recess until 1:30 this afternoon. Is there objection? Hearing no objection it is so ordered and the Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Do we have a report from the Committee to read the journal? We might postpone that until we are just about ready to finish the plenary session. Mr. Smith, you had a resolution or motion this morning, which ever manner you would wish to consider it.

SMITH: Mr. President, I would like to ask the Chief Clerk a question. Mr. President, there is no hurry on this and I suggest we forget it for now and continue with the business.

PRESIDENT EGAN: Then we will continue with the business we have before us. Mr. White.

WHITE: Mr. President, the Committee to read the journal is now ready to proceed with the journal for the 21st day. The following changes on page 2: All reference to "Mr. Rivers" in the middle of the page should be "R. Rivers". Page 3, third paragraph from the bottom, the word "Convention" should be "Convention's". On page 7, end of the first paragraph. insert, "There being no objection, it was so ordered. That was at the end of the first paragraph on page 7. The second paragraph on that page after "1:30", insert "p.m."; in the same line following "Tuesday" delete "so they could" and substitute "and"; same paragraph, third from last line, delete "it is agreeable with the Senator" and substitute "possible."

PRESIDENT EGAN: What is your desire, Mr. White?

WHITE: I should say some of these changes were suggested by the Chief Clerk before we got to them. With those changes we recommend approval of the journal.

PRESIDENT EGAN: Mr. White asks unanimous consent that the journal of the 21st day be approved as corrected by the Committee. Mrs. Hermann?

HERMANN: Mr. President, I did not get his first correction, and I would like to have it restated.

WHITE: The first correction was on page 2, paragraph 5, two references to "Mr. Rivers" should be "Mr. R. Rivers". On same page, paragraph 6, one reference to "Mr. Rivers" should be "R. Rivers".

PRESIDENT EGAN: Is there objection to the adoption of the journal of the 21st Convention day with the proposed changes? If not, the journal is ordered approved as read. Is there other business to come before the Convention at this time? Mr. Doogan?

DOOGAN: I would ask a special privilege of the floor.

PRESIDENT EGAN: If there is no objection? No objection, you may proceed.

DOOGAN: Tomorrow morning there is a funeral in town for a woman who died here recently. She lived in the community for many years and was a pioneer of the Territory, and it was suggested to me by one or two of the other members of the Convention that if possible those that choose to go to the funeral tomorrow morning be excused and be shown present on roll call if they choose to attend the funeral.

PRESIDENT EGAN: You have heard the request. Do you ask that in the form of a unanimous consent request? You have heard the request. Is there objection? Mr. Walsh?

WALSH: Mr. Chairman, I am included as one of those in Mr. Doogan's request. I too feel that I should as a pioneer and as a long acquaintance of the Eagan family. They played a great part in the development of Fairbanks and the Territory as a whole. I would like to attend that funeral and would also like to be excused and marked present on the roll call.

PRESIDENT EGAN: Is there objection that these delegates who desire to attend the funeral tomorrow be excused but shown as being present on the record? Hearing no objection, it is so ordered and the delegates will be shown as present on the record. Mr. McLaughlin?

MCLAUGHLIN: Mr. President, I move that the remarks made under "personal privilege" shall not be soundscribed in the future.

PRESIDENT EGAN: Mr. McLaughlin moves and asks unanimous consent that when a delegate asks for the floor under the question of "personal privilege" that the remarks at that time not be soundscribed. Is there objection?

V. RIVERS: I object.

WHITE: I second the motion.

PRESIDENT EGAN: Objection is heard. Mr. White seconds the motion of Mr. McLaughlin. The motion is open for discussion. Mrs. Sweeney?

SWEENEY: Mr. Chairman, would this also include "special privilege of the floor" or just "personal privilege"?

PRESIDENT EGAN: It would include, in the mind of the Chair, Mrs. Sweeney, any motion made under a privilege, whether special or otherwise. Is there discussion? Mr. Hilscher?

HILSCHER: I rise for a point of information. What is the point involved? What is to be accomplished by clicking that machine off and on so frequently?

MCLAUGHLIN: The purpose of the motion is to cut off the human machine rather than the transcriber here. I feel that in the future, not that it has been abused in the past, but there might be a danger, a tendency for too many people to attempt to memorialize their friends on transcriptions, and terminating transcriptions and saving money would be conducive to a brevity of remarks on any subject given under any privilege. The privilege is bluntly that is, by the experience of all here, there is a tendency to abuse it. To prevent it in the future and prevent the problem from arising in the future, I think it would be appropriate now that the Convention so vote.

PRESIDENT EGAN: Is there further discussion? Mr. Victor Rivers?

V. RIVERS: Mr. Chairman, I think the motion and the action behind it is ill-advised for this reason. When we grant the privilege of the floor to someone to state something in regard to this Convention it may be in regard to the Convention as a whole or to the individual member of the Convention, it should definitely be a part of the record. We can grant personal privileges as we did this morning to a woman to appear before us and she has the privilege when that privilege is granted of having the speaking privileges of a member on this floor. They should be entitled, after that privilege is granted to the privileges of a member on this floor. I think personal privilege comes under the head of one of the privileges of the delegates and as such should be a part of the record. It is hard to foresee what they might say, but in any event, it might be under the personal privilege, they desire their comments, for the good of the body and for the good of their own thinking as a delegate, to appear on the record. I see no reason for this attitude of every time we have personal privilege or every time we have someone who has something to say being taken off the record. It is not the purpose. The

record is to keep as near a complete record as possible. I, for one, feel we should vote this motion down.

PRESIDENT EGAN: Is there further discussion on the motion? Mr. Sundborg?

SUNDBORG: Mr. President, I think I probably should mention here that this subject has been under discussion at least two or perhaps three daily meetings of the committee chairmen and after a great deal of discussion it was finally decided unanimously, I believe -- perhaps you were not there, Mr. Rivers -- that we thought the soundscribing should be shut off when a delegate arises under "personal privilege". The thought behind it being not only that it might limit remarks but so many of the remarks made under that heading really have nothing to do with the business of this Convention -- they might be something entirely aside from the question of the Constitution of Alaska. One other consideration is that we are running out on time on soundsciber, and it is pretty clear to us that we are going to be far over the number of hours which we guaranteed, so this is really costing us money if we keep it on for things that don't have a whole lot to do with the direct business of the Convention.

HURLEY: Point of information.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: Suppose I want to say something that is directly related to the business of the Convention but I do not desire to make a motion. What is the procedure that I use other than asking personal privilege of the floor?

PRESIDENT EGAN: Mr. Hurley, if you desire to speak on some matter that is the business of the Convention you could ask for unanimous consent to refer to a certain subject that may have been before us previously. If you got that unanimous consent, which would mean that the rules were suspended, you could have that privilege.

HURLEY: Mr. Chairman, I have reference to one of the rules that says any delegate may have the privilege of the floor at any time on the matter of personal privilege. I feel that is a convenient way of making general remarks sometime regarding the Convention, whereas it may be undesirable to refer it to some particular item which may have gone before or may be encompassed in a motion made in the future.

PRESIDENT EGAN: Is there further discussion? If not, the question is, "Shall the soundscribing facilities be shut off when a person has gained the floor under a question of privilege?" All in favor of the motion will signify by saying "aye",

all opposed by saying "no". The "ayes" have it and the motion has carried. Is there other business to come before the Convention? Mr. Cooper?

COOPER: Mr. President, I want the floor on personal privilege but to get discussion on this I imagine I am going to have to make a motion and I know there has been a lot of discussion on this. Therefore, I am going to make a motion that the late evening TV sessions of the TV programs be suspended, and I ask unanimous consent.

H. FISCHER: I second the motion.

PRESIDENT EGAN: The motion has been made by Mr. Cooper and seconded by Mrs. Fischer that the late evening TV programs be suspended by the Convention. Mr. Cooper, if the Chair may, that subject was brought up at the meeting of the committee chairmen this afternoon, and quite thoroughly discussed and it was the feeling of the committee chairmen that we would suspend for at least the time being all of the TV appearances. The committee chairmen were to report back to all committees on that subject.

MCLAUGHLIN: Point of information, Mr. President.

PRESIDENT EGAN: Mr. McLaughlin, your point of information?

MCLAUGHLIN: That is they will be terminating effective Saturday, is that right?

PRESIDENT EGAN: Effective Saturday because of the press of detailed work here by the committees.

ROSSWOG: Was that not effective Friday night?

PRESIDENT EGAN: It was effective Friday night so that there would be no program on Saturday night. The President has had no opportunity to contact the radio and TV stations as yet. Would that take care of your motion?

COOPER: With that in mind and with the consent of my second, even though we will go down there Thursday night, I will withdraw my motion.

PRESIDENT EGAN: If there is no objection Mr. Cooper's motion is ordered withdrawn. Is there other business to come before the Convention? The Secretary has some announcements to make.

SECRETARY: The Convention stationery is available in the office of the message center chief and can be obtained in the amount desired by the members from Mrs. Russell. There are two announcements from the President of the University. On Saturday, December 3, between the hours of 2 and 4:30 p.m.,

there will be a tea at the President's residence honoring women delegates and wives of delegates to the Constitutional Convention, women members of the faculty and wives of faculty members and others. The Panel Discussion Group of the American Association of University Women would like to have the women delegates to the Constitutional Convention as their guests at a luncheon to be held in the private dining room in Constitution Hall on Saturday, December 3.

PRESIDENT EGAN: Is there other business to come before the Convention? Mr. McNealy?

MCNEALY: Mr. President, I would like to announce a short meeting of Committee No. IV on Ordinances immediately at the end of adjournment.

PRESIDENT EGAN: There will be a meeting of the Ordinance Committee immediately upon adjournment. Is there any other business? The Chair would like to at this time remind all the delegates of the Committee of the Whole meeting here this evening at 7:30. Mr. Sundborg?

SUNDBORG: Mr. President, I move and ask unanimous consent that the Convention now adjourn subject to a meeting of the Committee of the Whole at 7:30 o'clock this evening and that they adjourn as a Convention until 9 o'clock tomorrow morning.

METCALF: Is there a special bus to run this evening, the same as it does in the morning?

PRESIDENT EGAN: The bus will leave the Nordale Hotel at 7 p.m. tonight. Mr. Hilscher?

HILSCHER: Mr. President, point of information. Since we are meeting as a Committee of the Whole tonight -- therefore the soundsciber will not be working?

PRESIDENT EGAN: That is correct, Mr. Hilscher.

HILSCHER: I happened to run into one of the radio men down town today and he was asking whether the transcription of this would be available to send to other radio stations throughout the Territory.

PRESIDENT EGAN: Mr. Sundborg, the Chair has been allowing for this discussion on point of information relative to the effect of the meeting tonight. Mr. Sundborg?

SUNDBORG: I wonder, Mr. President, if I may be permitted to rephrase my unanimous consent request and say to make it simply that we now recess until 7:30 this evening?

PRESIDENT EGAN: Mr. Sundborg's motion is a unanimous consent

request that the Convention stand at recess until 7:30 but before we do that -- should we have the stenotypist here tonight during the Committee of the Whole? What is the wish of the Convention? Mr. Sundborg?

SUNDBORG: Mr. President, may I withdraw my motion and I would like to move at this time and ask unanimous consent that we resolve ourselves into a Committee of the Whole to discuss the subject of what arrangements we will make for that meeting tonight.

PRESIDENT EGAN: If there is no objection then, the Convention will resolve itself into a Committee of the Whole for the purpose of discussing the Committee of the Whole tonight. Mr. Sundborg, will you take the Chair.

COMMITTEE OF THE WHOLE

(At this time the Committee of the Whole met. Mr. Sundborg presided.)

PRESIDENT EGAN: The Convention will come to order. Mr. Johnson.

JOHNSON: Mr. President, I move that we instruct --

SUNDBORG: Mr. President, point of order -- the only matter now in order is for a report of the Committee of the Whole.

PRESIDENT EGAN: That is right. Your point of order is well taken Mr. Sundborg.

SUNDBORG: Mr. President, your Committee of the Whole has arisen and it reports that during the Committee of the Whole session it was informed that Radio Station KFAR will soundscribe tonight's proceedings without charge to the Convention.

PRESIDENT EGAN: Do you make a motion?

SUNDBORG: I move that the report of the Committee of the Whole be adopted.

ROBERTSON: I second the motion.

PRESIDENT EGAN: Mr. Sundborg moves and Mr. Robertson seconded the motion. Mr. Hellenthal?

HELLENTHAL: I move to amend the motion by adding the words, "and that the stenotypist not be called upon for further services today."

WHITE: Second it.

HERMANN: I object.

PRESIDENT EGAN: Objection is heard. Now the Chair would rule that that motion would not be in order at this time, Mr. Hellenthal because the report of the Committee of the Whole is as Mr. Sundborg reported and the question is, "Shall the report Mr. Sundborg made as to the action taken by the Committee of the Whole be adopted by the Convention?" All those in favor of adopting the report signify by saying "aye", all opposed by "no". The "ayes have it and the report is ordered adopted. Mr. McLaughlin?

MCLAUGHLIN: Mr. Chairman, I move the services of the stenotypist be dispensed with this evening during any hearing of the Committee of the Whole.

PRESIDENT EGAN: Mr. McLaughlin moves that the services of the stenotypist be dispensed with for the remainder of the day and that she not be required to be present this evening.

WHITE: I second the motion.

RILEY: Point of information, in adopting the report of the Committee of the Whole the body as I understand it has not yet accepted the offer of KFAR, is that right?

PRESIDENT EGAN: That is right.

RILEY: It seems to me we might better see how we stand as to soundscribing before we act on the dismissal of the stenotypist.

PRESIDENT EGAN: We adopted the report but we did not actually accept the offer of radio station KFAR. Mr. Hilscher?

HILSCHER: I so move and ask unanimous consent that this body accept the invitation of KFAR to soundscribe tonight's meeting.

RILEY: Point of order. Is there not a motion on the floor? Perhaps Mr. McLaughlin would accomodate us by withdrawing his motion.

PRESIDENT EGAN: Would you hold your motion for a minute, Mr. McLaughlin?

MCLAUGHLIN: I shall consent to any suspense for less than five minutes.

PRESIDENT EGAN: Mr. McLaughlin asks unanimous consent to

withdraw his motion with the consent of his second, Mr. White. Hearing no objection, the motion is withdrawn for the time being and Mr. Hilscher's request is asking unanimous consent that the Convention accept the offer of KFAR to soundscribe the proceedings at no cost to the Convention this evening. Is there objection? Hearing no objection, it is so ordered and the Convention goes on record as accepting the offer of radio station KFAR. Mr. McLaughlin?

MCLAUGHLIN: Mr. President, I request unanimous consent that my motion be reinstated. I will make parliamentary inquiry if somebody can move the previous question as soon as my motion is reinstated.

PRESIDENT EGAN: Mr. White seconded the motion. The question is, "Shall the services of the stenotypist for tonight's meeting be dispensed with?" Mrs. Hermann?

HERMANN: I do not see why we should dispense with the services of the stenotypist for tonight's meeting. After all, what some of us want, and I think it is more or less a universal hunger, is to have a printed record of who says what and what the arguments are, and that we cannot get from the soundscribing, and I also call the attention of the body to the report of the Administrative Committee at the time the original report was given on salaries and appointments to the effect that no overtime is to be paid and that all the people who were employed were to work as needed at night. I don't see that it needs to cost the Convention anything except the extra time for typing the report, but I don't want to do without this report. I would rather have it than the soundscribing.

PRESIDENT EGAN: Mr. White.

WHITE: I would like to point out then that this soundscribing record to be of use, it would have to be typed and mimeographed and distributed to all members. It might run two or three hours, if we are all here listening and all participating, that is an unnecessary expense and waste of time.

PRESIDENT EGAN: Is there further discussion? Mr. Harris?

HARRIS: Mr. Chairman, I move the previous question.

PRESIDENT EGAN: Mr. Harris moves the previous question.

DOOGAN: I second the motion.

PRESIDENT EGAN: Mr. Doogan seconds the motion. It has been moved and seconded that the previous question be ordered. The motion automatically stops debate.

MCNEES: Point of information. This record that KFAR soundscribes

tonight, does that belong to the Convention?

PRESIDENT EGAN: Yes, it will. The question is, "Shall the previous question be ordered?"

KILCHER: I think there is a conflict of information. Mr. Hilscher, could you correct me on there as to whether the soundscribing will belong to the Convention or the radio station.

PRESIDENT EGAN: The Chair just stated, Mr. Kilcher, that the soundscribing will belong to the Convention. Mr. Carozza kindly stated that he will turn the tapes over to the Convention at no cost. The question is, "Shall the previous question be ordered?" All in favor of ordering the previous question will signify by saying "aye", all opposed "no". The "ayes" have it and the previous question is ordered. The question is, "Shall the services of the stenotypist be dispensed with for tonight's Committee of the Whole meeting?"

UNIDENTIFIED DELEGATE: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 18 - Barr, Boswell, Cross, Doogan, Emberg, Harris, Hellenthal, Hurley, King, Knight, Lee, McNealy, Nolan, Peratrovich, Rosswog, Sweeney, White, Mr. President.

Nays: 33 - Armstrong, Awes, Collins, Cooper, Davis, H. Fischer, V. Fischer, Gray, Hermann, Hilscher, Hinckel, Johnson, Kilcher, Laws, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Poulsen, Reader, Riley, V. Rivers, Robertson, Smith, Stewart, Sundborg, VanderLeest, Walsh, Wien.

Absent: 4 - Buckalew, Coghill, R. Rivers, Taylor.)

HILSCHER: I want to have the stenotypist here tonight, will you tell me which way to vote. I want to change my vote.

KILCHER: "No" for me too.

CHIEF CLERK: Eighteen yeas, 33 nays, and four absent.

PRESIDENT EGAN: So the motion has failed, and the stenotypist will be with us tonight. Mr. Sundborg?

SUNDBORG: Mr. President, I would like to move and ask unanimous

consent that the Convention pay the stenotypist the sum of \$25 for recording the session tonight, and if I may explain why I suggest that, I would like to say that we are enjoying the services of the stenotypist for what anyone who knows what stenotyping normally costs, it is really a very nominal sum. I don't believe it is proper to require the girl to come down here for a long evening session and then to transcribe those notes all within the range of the very modest daily stipend which we are paying her.

PRESIDENT EGAN: Mr. Sundborg moves that the stenotypist be paid an additional \$25 for her services tonight.

MARSTON: I second it.

PRESIDENT EGAN: The motion is seconded by Mr. Marston. The subject is open for discussion. Mr. Poulsen?

POULSEN: I object for the reason the salary has already been set.

SWEENEY: Mr. Chairman, I object too. We have already broken one rule in that we are going to record the Committee of the Whole. We are going to have the Committee of the Whole on at least 13 other committees, and are we going to be going through the same process of recording the sessions. If we set a precedent now of paying an additional \$25 I think we should follow through on that, and we just won't have the money. While I feel she is doing a very fine job for the \$25 she receives and I know it is not the fee that is generally ordered or paid for her services, I still feel it would be a very bad precedent to set. I am going to vote against the motion.

PRESIDENT EGAN: Is there other discussion? Mr. Barr?

BARR: I feel that some of us voted to have the stenotypist present because we thought it would be free. That is the only reason I can think of. Since we are having a record made of it on the tape, it's just as good a record, I see no reason to have two records made, and especially when this girl has to work after hours to make it. I don't believe in breaking rules either but if people insist on having her come here and work after hours when it is not necessary as today, then they should pay her.

PRESIDENT EGAN: Is there further discussion on the motion? The question is, "Shall the stenotypist be paid an additional \$25 for her services tonight?" All those in favor of the motion will signify by saying "aye", all opposed by saying "no".

UNIDENTIFIED DELEGATE: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 22 - Awes, Barr, Cross, Davis, Doogan, Emberg, H. Fischer, Hurley, Johnson, King, McCutcheon, McNealy, Marston, Metcalf, Nordale, Peratrovich, Robertson, Stewart, Sundborg, VanderLeest, White, Mr. President.

Nays: 29 - Armstrong, Boswell, Collins, Cooper, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Kilcher, Knight, Laws, Lee, Londborg, McLaughlin, McNees, Nerland, Nolan, Poulsen, Reader, Riley, V. Rivers, Rosswog, Smith, Sweeney, Walsh, Wien.

Absent: 4 - Buckalew, Coghill, R. Rivers, Taylor.)

CHIEF CLERK: Twenty-two yeas, 29 nays and four absent.

PRESIDENT EGAN: So the motion has failed. Mrs. Nordale?

NORDALE: Mr. President, I would like to move that when the stenotypist's notes are transcribed, that a copy be placed in the library for the reference of the delegates and that it not be mimeographed in sufficient quantities so that each would have one. It seems to me quite unnecessary, and I ask unanimous consent.

PRESIDENT EGAN: Mrs. Nordale moves and asks unanimous consent that when the stenotypist's notes are transcribed that a copy be placed in the library and that it not be mimeographed for each delegate.

MCNEES: Point of information. Would the maker of the motion go along with the suggestion that the copy not be removed from the library?

NORDALE: Yes.

PRESIDENT EGAN: That will be understood then that the copy will remain in the library and anyone wishing to read the copy will also remain in the library. Mr. Kilcher?

KILCHER: Would the maker of the motion agree to possibly include in her motion that five copies be typed -- it is the same labor, just a little more paper.

ARMSTRONG: I object. There is a great deal more work to making carbon copies from originals, and I don't believe it is necessary.

PRESIDENT EGAN: Mrs. Nordale asked unanimous consent. Is

there further objection? Hearing no objection it is so ordered and there will be a copy of the stenotypist's reports in the library available to the members. Mr. McLaughlin.

MCLAUGHLIN: Mr. President, I move that the Convention adjourn until 7:30 this evening.

PRESIDENT EGAN: Mr. McLaughlin moves and asks unanimous consent that the Convention adjourn until 7:30. Is there objection?

LONDBORG: I object. I would like to introduce a motion along this line -- that the journals of the first 13 days be placed on our desks at the earliest possible time. Sometime ago there was reference made to something and we had no journal to go by. I think the understanding was when we started getting our journals that we would have our complete journals.

PRESIDENT EGAN: Mr. Londborg moves and asks unanimous consent that the journals for the first 13 days be placed on the delegates' desks at the earliest possible time. Would the Chief Clerk explain that situation please?

DOOGAN: First eight days.

CHIEF CLERK: There are three of them ready. The girls have not had time to get them typed. They are finished but they just haven't been mimeographed.

PRESIDENT EGAN: The Chair will state the journal will be available as soon as the help can make them available.

LONDBORG: I withdraw my motion.

PRESIDENT EGAN: Mr. Londborg withdraws his request. The motion is asking unanimous consent that the Convention stand at recess until 7:30 p.m. Is there objection? The Convention is at recess.

RECESS

PRESIDENT EGAN: The Convention will come to order. Is there any business to come before the Convention at this time? Mr. McCutcheon?

MCCUTCHEON: Mr. President, I would move and ask unanimous consent that the Convention resolve itself into a Committee of the Whole for the purpose of discussing the proposal of unicameralism and bicameralism.

PRESIDENT EGAN: Mr. McCutcheon moves and asks unanimous consent that the Convention resolve itself into a Committee of the Whole for the purpose of discussing the unicameral and bicameral

legislature question. Is there objection? Hearing no objection, then the Convention will resolve itself into a Committee of the Whole. Mr. Victor Rivers, would you take the Chair?

V. RIVERS: Mr. President, I would like to ask to be excused as I have comments to make from the floor.

PRESIDENT EGAN: Mr. Barr, would you take the Chair?

BARR: Mr. President, I had hoped to be able to talk on the floor on this. I feel quite strongly on this.

PERATROVICH: Mr. President, the chairman can participate in the discussion in the Committee of the Whole, so I don't see why these capable men are refusing to take the Chair.

PRESIDENT EGAN: The Chairman of course during the Committee of the Whole could give the Chair to someone else if he so desired. Mr. Riley, will you take the Chair?

RILEY: Obviously, Mr. President, I have little that I can say.

COMMITTEE OF THE WHOLE

CHAIRMAN RILEY: The Committee will come to order. Being among those who were late to arrive, I did not hear the motion for our resolution as a Committee of the Whole, but I presume that the order of business is as announced and the matter before us is discussion of the structure of the legislature as proposed, I believe, by Mr. McCutcheon yesterday. The matter is now open for discussion. Mr. Victor Rivers?

V. RIVERS: Mr. Chairman, in adding up the discussion of the chairmen of the committees the other day, it seemed to me we would have a long session unless we came to some conclusion in this Committee of the Whole as to the time limit of the debate. Now the questioning of this subject and bringing it up before us at this time was for the purpose of determining an opinion -- not for the matter of final debate. I move and ask unanimous consent that we limit debate to ten minutes for each individual member on this subject.

CHAIRMAN RILEY: Mr. Rivers moves and asks unanimous consent that we limit debate to ten minutes for each individual member on this subject. Is there objection? Mr. Barr?

BARR: Mr. Chairman, I object for the moment for a point of information. Does that mean that ten minutes at one time? If a man has a chance at a second time, what then?

V. RIVERS: I had thought in adding up here that we have 55 numbers; if each uses ten minutes we have 55 or ten

minutes less than ten hours. I thought if each member got a chance to speak that ten minutes would be the maximum we could allow. Some of them will not desire to speak that long.

BARR: Some will not speak at all, but I have great powers of endurance myself.

CHAIRMAN RILEY: Do you object, Mr. Barr?

BARR: I do not object to limiting it to ten minutes each time that a member speaks, but if it comes around to him the second time I believe he should be able to speak again if he wishes for another ten minutes.

CHAIRMAN RILEY: Mr. Rivers, does that constitute an objection to your motion?

V. RIVERS: No, it constitutes no objection.

CHAIRMAN RILEY: Without objection it is so ordered. There will be a ten minute limitation. Mr. Sundborg?

SUNDBORG: Mr. Chairman, are you going to appoint a time keeper?

CHAIRMAN RILEY: I am going to ask the Clerk to give the Chair a copy of the roll call and I shall undertake to keep track of the time. Mr. McNees?

MCNEES: Mr. Chairman, will there be any yielding of time on the part of one delegate to another?

CHAIRMAN RILEY: I know of no reason why that cannot be allowed. We have nothing in the rules on the subject. I would say that each member has ten minutes allotted to him under the proposal. Mr. Rivers?

V. RIVERS: Mr. Chairman, I would object to that if that is a form of unanimous consent request on the grounds that we are trying to limit the total time of debate here to some reasonable figure. I think that if a member does not use his time, does not have ten minutes of time to devote to the subject, we should not allow that time to go to someone else.

CHAIRMAN RILEY: I would suggest in that event if the Chair may, that the matter be clarified right now with a request for unanimous consent or motion as in the case is necessary.

V. RIVERS: I ask unanimous consent that any member be limited to speak not more than ten minutes at this one time, the first time and his ten minutes if not used, not be transferable to some other member.

MCNEALY: I second the motion.

CHAIRMAN RILEY: It has been moved and seconded that each member be confined to ten minutes discussion and that his ten minutes not be transferable to some other member, if not exhausted by the one speaking. Mr. Kilcher?

KILCHER: Mr. Chairman, point of information only. This ten minute time -- if the first time -- is that to be construed that it is only one time if it is only three or four minutes, or can the ten minutes be cut into two or three small parts?

CHAIRMAN RILEY: Mr. Kilcher, as I construe the rule, if one does not use his full ten minutes the first time, he must allow all others who wish to speak on an intermediate basis, to speak before him on the same subject before he resumes.

KILCHER: Will the whole evening be one subject?

CHAIRMAN RILEY: I suspect it will be one subject as indicated by the call. You've heard the motion. Is there further discussion?

UNIDENTIFIED DELEGATE: Question.

CHAIRMAN RILEY: All in favor signify by saying "aye", all opposed saying "no". The "ayes" have it. So ordered. You each have ten minutes.

BUCKALEW: Mr. Chairman, if no one is going to speak, I request that we rise and report progress.

MCCUTCHEON: Mr. Chairman, the purpose of our discussion here is to develop some of the thinking on the side of the proponents of unicameralism in showing the contrast between the two types of legislatures. There has been a good deal of condemnation in past years of the fashion in which our Territorial Legislature has proceeded on the several subjects, and there has been a good deal of thinking by people not well acquainted with the legislative constitution as the way it is in effect currently, believing that in putting the total membership of both the houses into one body the matter of the affairs of the state may be expedited and that an economy may be there effected. There is considerable argument in behalf of bicameralism predicated upon the historical aspects of our legislative assemblies throughout the United States, in England and in other countries. There have been a good number of proposals for unicameralism in the United States during the history of the United States, and it appears that currently only one is functioning. Our particular committee seems to be of two different opinions, and it is possible that some of the debate tonight may serve to strengthen either side or convince either side that they are incorrect. Consequently, I prefer, Mr. Chairman, to have someone take up the cudgels in behalf of either side and get the wheels going around.

CHAIRMAN RILEY: Mr. McNealy.

MCNEALY: Mr. Chairman, in view of the fact that the matter of ten minutes allocated to each delegate with possible chance of twenty minutes, and with the thought in mind that I don't want to be here at the end of ten or twenty hours, I seize this opportunity of being able to lead off and so have my brethren, and possibly sisters, who can speak longer and more fluently than I, have the privilege to carry on their speaking while I am enjoying much needed rest. To get down to the subject, I don't know whether -- first I will back up. I want to make my standing and my premise very clear. I am unalterably opposed to the unicameral legislature. I don't know whether there is any other delegate here who is from Nebraska. I was born and raised in Nebraska and practiced law there a good many years. I will have to say that I did not live too much time under the unicameral system. In fact, it was only in operation for a period of two years where before I came to Alaska to make my home. However, I have been back to Nebraska, I have exchanged correspondence with attorneys, politicians of Nebraska, and this being a Committee of the Whole I feel that I can safely say "Republican" and "Democrat" without any fear of criticism, because that is one thing that we have very admirably avoided in the meeting of the plenary sessions of the Convention and even carried on by those two great statesmen yesterday who referred to greater statesmen in both political parties. I believe we can more or less call a spade a spade. One of the reasons I left Nebraska was that I was probably one of the last Democrats who stayed in Nebraska, and to have freedom and get out from under a one-party system, I felt that a new, growing and progressive place such as Alaska would hold some future, a place where a two-party system could exist and continue in operation. Nebraska is, and I probably don't need to say this, Nebraska is a Republican state. The chances of a Democrat being elected in Nebraska are even less than that of the rich man mentioned in the Bible, getting into heaven. In Nebraska the unicameral system -- there are objections to it there -- on the whole it has worked and is working very well. That much I am going to grant in favor of the unicameral legislature as far as Nebraska is concerned. There my friends, we have a system whereby the Republicans, you have practically a one-party system setup on the non-partisan basis, for one thing. The second is that Nebraska has a stable population. "Stable" is hardly the word. It is not only stable but they are ultra ultra conservative. The largest town in Nebraska (I may be off a little on my figures now as I am probably using figures of ten or fifteen years ago, the population of Omaha (my home town was south of Omaha where the few Democrats were still able to congregate) was about 300,000 as against a state population of 3,000,000. That is not a bad deal under a unicameral system. You compare the size of Anchorage, or the greater Anchorage area with the population of Alaska and you will find your percentagewise that the unicameral

system on that basis would not be as fair here as it is in the State of Nebraska. There you have your sound and conservative farmers throughout the state and they see more or less eye to eye, there is not a chance of ramrodding things through the unicameral legislature in Nebraska because they are all as I said before the ultra conservative type, and it is only conservative measures that are going to get through that unicameral legislature in Nebraska. I can recollect back to the bicameral days when we tried to get some measures through that were not so conservative, and they failed pretty flat even when we still had some semblance of the two-party system in Nebraska. Now I am going to close off here very shortly. I am going to say some things to some of my fellow legislators who served with me in the House of Representatives, it is going to hurt me a little to say this. There are a number of Senators here that I served with in the last legislature. It hurts me but I am going to have to say a kind word for those Senators. There were times when I thought they were wrong and when I thought they were wrong, why they were wrong. There were other times, ladies and gentlemen, when in that House of Representatives things were ramrodded through by a certain segment of the members of the House of Representatives, of which I was one, and had we not had a Senate over there, much as I hate to say this had we not had a Senate there to cool off the House a little and water down some of these bills that we sent over to them, maybe if we had not known there was a Senate over there, very likely we would not have shoved some of these bills through. We depended a large part on the Senate to kill them. I can see -- is my time about up?

CHAIRMAN RILEY: Three minutes, Mr. McNealy.

MCNEALY: I can see whereby the unicameral legislature with the same ideas and the same thoughts, ladies and gentlemen as the House of Representatives in which I served this last time, on a good number of measures, a unicameral legislature could ram through legislation there that the people of Alaska would bow their heads in shame to think it had passed a representative body. It is a dangerous proposition from that point. In closing, I forget whether it was Hamilton or Madison, when he was asked about the bicameral deal in the United States, (incidentally the Senate and House of Representatives have worked pretty well for almost 170 years in our federal government) he said why the two-house system remember in the old days about Madison's time, when they used to pour the coffee out in a saucer and blow it off a little to cool it? Well, he said here is a hot cup of coffee and a hot cup of tea, which he said represented the House of Representatives -- a hot, impetuous body. The saucer here represents the United States Senate -- we pour a little of the hot tea into the saucer, we cool it off a little bit and drink it. I believe that more fully shows that I think that we could stand in this hot impetuous, a growing Territory, we could stand a little cooling off by a

Senate. Incidentally, I am not now nor do I intend to be a candidate for Territorial Senator.

CHAIRMAN RILEY: Is there further discussion? Mr. Marston?

MARSTON: Mr. Chairman, may I speak? How much time do we have here?

CHAIRMAN RILEY: Ten minutes sir.

MARSTON: I am the only man that comes from Spenard, Alaska, who is in this Convention. That group of people represents the largest single group of people back of any group that came here as a delegate, and I am thinking back over the people who live there, the 200 homes at Turnagain By the Sea. I am thinking seriously about the people and why I am here and I have used my influence here. Helen Fischer and some others and I have declared that I would vote for the one-house system. I don't think I had too much influence on them, and I have thought it over here tonight and this afternoon. Those 200 families who live in my development, they expect me to help write a constitution that will be acceptable to the United States group and I think that is my first duty. If we need reforming I think I want to join up with a family of states and then reform from within and not start my reforming from the outside. I believe that is what I am here for, and I am going to go along with the system, the pattern that has built a great United States of America, and I am going to throw my influence along the side of the two-house system that has made America great. Thank you, Mr. Chairman.

COOPER: Mr. Chairman, apparently I am laboring under some false ideas here. I thought there was going to be an argument. I prepared my little speech on the basis that someone would already have been on the floor for the unicameral legislature, but apparently right at this moment, just to stir up some debate, I would like to make the statement. I don't think they are very proud of it, so I will present mine with the full idea that I know very shortly there will be more people on the floor. I have one thing to say in reference to our first speaker. If he could guarantee a certain party in a unicameral legislature, I would swing my opinions to the unicameral. With indulgence I to read this. I really haven't time to study it out well enough to speak freely. Many of the strong points for a bicameral legislature and, of course, strong points for a unicameral legislature have been presented here. Primarily, unicameralism points out economy and expeditious legislation. My concern with the mentioned economy and expeditious legislation is, will this be accomplished at the sacrifice of good, strong comprehensive acts of legislation for the people. Very true, as has been pointed out, unicameralism could possibly forestall and correct some of the "log rolling", "passing the buck" and other undesirable means by which legislators in the past have used to gain personal fame, rather than

vote an issue for the good of the Territory and their constituents. I, for one, would like to assume that had a unicameral house existed in the past, the same caliber of representative referred to above would have been present in the legislature, and could have found other undesirable methods to further his or her purpose at the expense of the voters. Naturally, a bicameral house cannot legislate in the reported fast, economical manner of a unicameral house. However, for our age-old American custom of checks and balances, a bicameral procedure is far more desirous. Secondly, unicameralism cannot give the representation desired by the people. With a two-house system the lower house would be apportioned for representation on population alone. This guarantees each and every election district of 2500 population or more at least one representative in the House and naturally that representative would have the one vote. To enlarge on this, the election districts would be, where necessary due to greater population, multiple member districts based on the total population. The Senate, however, by custom (and I am not attempting to run for Senator in any way, shape or form) a more learned, sedate and responsible body, would be apportioned for representation by geographical areas. Possibly, to go further, geographic and economic areas. This body, the Senate, would then be responsible not to an immediate area, due to population, but would be responsible to the territory or the state at large. The Senate as such would be, in effect, a board of directors for the corporation which in this instance the State of Alaska. Individual Senate members would not be so apt to be concerned about minor legislation but would be instead the liaison between the lower house which is represented by population and the government of the State of Alaska based on over-all population, economics and geographic districts. To summarize, a great deal of the concern voiced in this body against a two-house legislature has been and is based on the supposed incompetence or lack of faith of the representatives to be elected by the people. We were told yesterday by a most distinguished gentleman that the words "politician, politics, government", are in most cases referred to or thought of as synonymous of graft and incompetence. The capabilities of the elected representative or senator we cannot control or guide. They are elected by the people, and rightly so, but a two-house system does install checks and balances, not otherwise obtainable to hold in check any ill-advised or unwanted legislation which would not benefit all.

SWEENEY: Mr. Chairman, I would like to ask a question but not be docked any time.

CHAIRMAN RILEY: Without objection Mrs. Sweeney, the question may be entertained.

SWEENEY: I do not think bicameralism has to be sold and so I came here expecting to hear unicameralism sold, but if there is no sales talk on it I think we might just as well adjourn.

CHAIRMAN RILEY: I would say that any motion is entertained that is in order.

MCNEES: Mr. Chairman, may I answer the question and not be docked any time?

CHAIRMAN RILEY: Mr. McNees.

MCNEES: There are several proponents of unicameralism in the crowd. I well know that. The only reason I am reserving my comments at the present time is that I have had on committee work, a preponderance of public time for the presentation of the subject of unicameralism. I felt that it was better that it come from the floor for the time being rather than by committee. I am prepared to go at any time.

R. RIVERS: Mr. Chairman, Mr. McNees I believe is an able proponent of unicameralism and I subscribe to the old idea that the one who advocates the proposition should have the affirmative and also should have the rebuttal. I think to help this Committee proceed that we would all welcome the argument of Mr. McNees for unicameralism. Then I am willing to have him make his rebuttal after I get through talking without being docked any time.

CHAIRMAN RILEY: The opportunity is open to all.

EMBERG: Mr. Chairman, as a result of the recommendations from the Committee, I would like to hear from that Committee and the members of it.

HINCKEL: Well, I am a member of the Committee, and I came here to learn. I never learned anything by listening to myself, and I did not intend to say anything, but from the study I have made of the subject I feel unicameralism is the type of house that I think will give us the best representation. I come from a portion of Alaska that has never had any representation in the legislature, and there are a lot of other parts that never have either. To me, to devise a lower house that will give us the representation we should have Territory-wide and then also give us a Senate that will also be a fair distribution throughout the Territory in any way so that the seats in the Senate will not be monopolized by the big heavily populated centers, we will have a complete legislature of such size that we cannot afford it in my opinion. The arguments they have against the unicameral house, that is that they will rush legislation through in the heat of the moment, so to speak, and without sufficient judgment, I don't think it is true. I think if we only have one house that the people in that house will give more deliberation to the subject that they are discussing, and I think they will vote the way they feel they should and the way the people they represent expect them to, and not just vote any old way having free knowledge that

the Senate is going to kill the thing anyway. I am not a very good speaker, and I can't express myself too well, but I feel real strongly about the subject, and probably on a different kind of debate, where I could get up and speak in rebuttal after somebody else talks, I could probably get up and say something that might make sense. But for the time being I have said about all I can. I am for a unicameral house on the basis that we will get a truer and better representation and have a better legislature.

CHAIRMAN RILEY: The Chair is noting just three and one-half minutes so you'll have ample opportunity, Mr. Hinckel.

NOLAN: Mr. Chairman, I don't think the people in the back are hearing what is going on.

CHAIRMAN RILEY: What is the situation as to the PA system in the gallery? Is there any hookup?

SOUNDSCRIBING ENGINEER: We have seen nothing of the amplifier -- I believe it is over in the gymnasium as of yesterday, however that is not our equipment and we have no control over it.

HELLENTHAL: Might I suggest, Mr. Chairman, that we move our tables up and permit the people that have visited us here this evening to bring their chairs into the main body. It will not offend my dignity.

LEE: May I move that we recess for five minutes so we can move the chairs?

CHAIRMAN RILEY: Mr. Lee asks unanimous consent without objection for a five - minute recess for rearranging purposes. If there is no objection so ordered.

(People moved chairs in from gallery at this time.)

CHAIRMAN RILEY: The Committee will come to order. I might suggest that to simplify the audience's hearing, the Chair certainly has no particular need to be addressed, except for recognition, and that the speaker, wherever he may stand, could perhaps address the audience to maximum advantage and catch most of those in the room from where he stands.

JOHNSON: Mr. Chairman, I doubt that we can do that because of the transcribing. We will have to face the microphone.

CHAIRMAN RILEY: Would it be the pleasure of the Committee that the speaker step forward?

COMMITTEE: No.

CHAIRMAN RILEY: We will see how it goes from the rear of the

room. Is there further discussion? Mr. Davis.

DAVIS: Mr. Chairman, as I understand it, the purpose of the meeting was to try to give the Committee some idea about the way the delegates felt on the question of a bicameral house and a unicameral house. So far as I am concerned, I am not going to take ten minutes or any fraction thereof. I believe that we should keep the traditional two-house system, and so far as I am concerned I have seen no demand or, for that matter, no request from the people of Alaska that we depart from that system, and I doubt seriously that were we to experiment with a one-house system that the people would be pleased with what we have done. My opinion is not such that it could not be changed, but that is the way I feel now, and I am willing to go on record that way.

CHAIRMAN RILEY: Mr. Fischer.

V. FISCHER: Mr. Chairman, I am not committed to myself one way or the other on unicameralism or bicameralism. I would like to make one point though before speaking on a specific point on unicameralism, and that is that I don't think we should talk in terms of will the people accept what we do. We are here as representatives of the people of Alaska. The people have not told us to go one way or the other. They have not demanded that we adopt unicameralism or that we preserve bicameralism. I think if this body by majority vote adopted unicameralism, that the people of Alaska are just as cognizant of all the factors as we would be in taking such action and would go along with this kind of a system. What I want to emphasize is that we are the people here and we should not worry about being on a higher plane than the rest of the people of Alaska. Insofar as unicameralism is concerned, I would like to bring out one particular point that to me carries more in its favor than anything else, and that is the better committee operation that you can have under a unicameral system. All of us who have worked here within the last few weeks have been engaged in committee work. We have seen the importance of committees for the actual formulation of proposals. A legislature basically is a similar body from that standpoint. The United States Congress is a good example. Most of the basic work is done in committees. Most of the studies and research and debates take place there. Most of the arguments are worked out there. Once a proposition gets on the floor of Congress, of either house, it is only a matter of final debate in the most serious questions of national importance. Most of the other things are pretty well worked out. Now I draw upon the example of the national Congress even though it has two bodies for the simple reason that they have worked out a committee system due to the large number of congressmen and senators that they have. It has generally been agreed that Alaska or any state legislature should not be overburdened with too many members due to cost factors and other considerations.

Taking this into account, if you have a 20-member House or a 20-member Senate or 22-member Senate in Alaska, if you have a 30-or 37-member House that means that each house of the legislature has to subdivide itself into a series of basic committees. They cannot get around that. They must study each bill, they must analyze it fully. That means that 20 people may have to spread themselves over 12, 14 or 15 committees, meaning that very little attention can be paid to any piece of legislation. In the unicameral legislature all the effort of all legislators can be concentrated in the work of the same number of committees that would be sufficient in one house of the two-house legislature. You could have twice as much study for each bill and probably much more thorough study since you would not have duplication and multiplicity of membership as you have in a two-house legislature, especially with a small number of members. I don't want to point to the Alaska Territorial Legislature. We probably should get away and think in terms of the state and the future rather than in thinking of what we have had in the past, although we are used to it and sometimes have to draw upon that as an example, but I am sorry to say that the committee system certainly does not work in a small legislature, as shown by what we have had during recent years. What happens is that the committees do not have time to go into the proposals, the members rush through bills, report them out to the floor because they feel they do not have time in committees to give them full consideration, therefore, let's throw them on the floor and give everybody a chance to talk about them. That is exactly what happens. You talk and talk and talk about various bills. They are amended time and again and sent back and forth to second reading, and the result is that the committee work is done on the floor of the legislature. To me this kind of operation does not result in the enactment of good legislation, and therefore I throw this out as one of the aspects of unicameralism that I feel has much to offer for the legislature of Alaska.

CHAIRMAN RILEY: Mr. Harris?

HARRIS: Mr. Chairman, I have not said too much at this Convention so far because I was sent up here by a bunch of people that told me, "Tommy, it is always best to stay quiet and let people think you are a fool than to open your mouth and prove it. But I have heard a lot of talk tonight on the one-party, two-party system. Alaska for the past two to three sessions has been a one-party system, kind of a one-party at a time, but we still must keep a system of checks and balances. Therefore, to my mind the two-house system has been more or less tried and proven and 47 of the 48 states seem to like the two-house system. In 1836, I believe, Virginia went from the unicameral house to the bicameral house. Evidently they had a reason. So since we have got something that we know has worked pretty good, I can't see much use in changing it.

CHAIRMAN RILEY: Mr. McNees.

MCNEES: Mr. Chairman, the legislature was originally organized as a check to curb the power of royalty. It had no representative functions. They did what the king desired and gradually this began to take shape and model out a form that we now know today as a democracy. They gradually assumed powers as the king was weakened. The king's powers lessened, the legislators' powers grew. It gradually split into a two-house system of legislation, one as a check upon royalty, the other one in the interest of legislation for the people. The members of the two-house system or the two houses of our present system are elected by the same people, from the same class of people. They are given the same legislative authority. There is no division on the basis of aristocratic lines or on the lines of wealth. There is no qualification whatsoever with regards to wealth and property. There is no need to give the two branches the same authority to do the same thing. Where they possess the same qualifications for office and where the work of the two bodies is identical, requiring that the work be done twice, identical action by each branch, although each branch has the same jurisdiction unreasonable, illogical, and required by no other government agency. This illogical procedure is well illustrated by what happened in our courts of justice. The case in court may involve a lifetime of savings. It may involve the liberty of one or more of the litigants. It may even involve human life, but however important may be the issue, it is unnecessary to have more than one trial. Under the guidance and control of the presiding judge each side offers all the evidence deemed important or relevant. When all the evidence is in, the attorneys argue the case to the jury. The jury retires and after deliberation renders a verdict. The judge renders judgment upon this verdict. This determination of the issue is then settled. It is ended unless the jury or the judge has violated some constitutional provision, in which case the entire trial is set aside and held for naught by the appellant act. This same check would exist in the legislative matters if we had the one house. First point -- if the legislature exceeded its constitutional authority in the enactment of any law, it would be set aside by the supreme court. Number two there would also exist the veto power of the governor. Number three -- there would also be the referendum provisions of the state constitution so that the people could by such referendum nullify any law passed by the one-house legislature, as they have the power to do so now. Let me trace, by way of an example, a bill through our present two-house system. A bill is introduced, we shall say in the house, stemming from the people. The first step by the house, it is referred to a committee whereupon the committee holds hearings. The committee then debates the question. The committee then reports the bill to the house. The bill comes up for discussion and debate. All members have the right to be heard. The bill is

argued in all its phases. The House votes. If the bill is passed the House then sends it to the Senate. We now have the bill in the Senate, and what happens? The same thing all over again, usually the same people testify before the Senate as testifies before the House committees. Finally it is reported out, debated, perhaps this time amended in some particular way, and so they pass the bill. The bill is then returned to the House for action upon the amendment. The House rejects the Senate amendment. The bill is sent to a conference committee. Practically all legislation over which there is any controversy goes to a conference committee. What is a conference committee? It is the third house. The conferees, usually free from the House and free from the Senate, take up the bill for consideration. Usually these deliberations are held behind closed doors. There is no roll call. There is no provision of law for a record of proceedings. The conference committee perhaps writes a new bill, modified perhaps, without any hearing whatsoever, modified perhaps without any publicity whatsoever, modified perhaps without any recorded vote. Is that democracy? If they agree, they report it to the House and the Senate. The conference bill comes up in the House and the Senate and it must be voted either up or down and that without amendment. That is a big point, remember it. There is no such thing as the amendment of a conference bill. Members may find provisions that they think are wrong, they cannot move to strike them out, they cannot move to insert good provisions that may have been left out. They must accept the evil to get the good. To reject the evil is to reject the good. This places the members of the House and Senate in a very unfavorable and unfair light. Modifications or changes of a bill have been made finally without public discussion, without the knowledge of the public, without any roll call, without any record, and it must be approved or disapproved as a whole. If the House or Senate (either one) rejects the conference report, it goes again to the conference committee, and in the last days of a session especially, this means death to what otherwise might have been a good bill. What a terrible waste of man power, time and expense. Now let us trace a bill through the one-house legislature. The bill is introduced to the single house, considered by the proper committee, hearings are held, subject is exhausted on the floor with every person given a chance to speak. A vote would be taken, any amendment offered would there be fully discussed and voted upon. The vote would be out in the open. Immediately the public would know with the next issue of the paper or the next radio broadcast at breakfast time, just what the record of the public servant was. Not only would they be able to punish the unworthy servant, but they would be better able to reward the one who is faithful. I could go on and on, but I'm not going to do it. My time must be about up.

CHAIRMAN RILEY: One minute.

MCNEES: The merits claimed for the unicameral system -- membership in a single chamber carries greater prestige, dignity and greater opportunity for public service than membership in a bicameral legislature, and hence attracts more distinguished, outstanding and representative citizens. A single chamber operates more efficiently than two and is able to give more thorough consideration to proposed legislation than two chambers. By the adoption of suitable rules of procedure and the establishment of effective committee systems it can insure that every measure is carefully reviewed before it is acted upon, with adequate safeguards to prevent hasty action and thus avoid the serious ills of the closing rush that pertains in many states. The jealousy, friction and rivalry in the two houses is gone. Responsibility can be definitely fixed. A single house facilitates the development of essential leadership. The single house permits closer and more effective relationships between the governor and executive departments and the legislature. Some observers in the Nebraska legislature claim that a single chamber law-making body reduces the power of special interest groups and lobbyists to defeat needed legislation and at the same time makes it easier for the groups of citizens who are interested in pending legislation to present their recommendations openly and above board to the legislature. The unicameral legislature does away with the need for conference committees. We have covered that. I won't go into detail on it.

CHAIRMAN RILEY: Mr. McNees, the Chair is obliged to call time on you.

R. RIVERS: I ask for unanimous consent to give Mr. McNees another five minutes. He is making the primary presentation of the affirmative of that proposition.

CHAIRMAN RILEY: Without objection, Mr. Rivers has asked unanimous consent. So ordered. Proceed, Mr. McNees.

MCNEES: The unicameral system facilitates public reporting of the work of the legislature and this is very important. If the press is in, the public is in, and the issues before it enables the public to keep informed on the course of legislation which should serve to increase the public confidence in the legislative body. The unicameral legislature results in substantial savings money-wise, and whooes that not make an appeal to? The cost of the legislature itself is reduced because the number of its members and the size of the legislative staff are reduced. There are many many other advantages, but I want to take just a few minutes that I have left and point out that unicameralism is not limited to Nebraska. Canada -- nine provinces with eight of the nine, unicameral. They have found that they have better laws and less expense, while the activities of corrupt lobbyists are cut to a minimum. Finland -- the little republic of Finland has been so well governed that it

is the only European power that has the financial ability to meet the installments of war loans due to the American government. Finland has been a one-house legislature for 37 years. England -- even though the House of Lords exists it is in name only, and it is essentially a one-house legislature. The history of unicameralism in the United States is not, has not, and will not be limited to Nebraska's very short term with it. It is significant that three states -- Pennsylvania, Georgia and Vermont for varying periods of time operated with unicameral legislatures. Georgia abandoned its unicameral plan in 1790, apparently influenced by the pattern of the national Congress. Pennsylvania did likewise in 1789, apparently because of dissatisfaction with the council of censors and with the executive council which acted as a plural executive. The new constitution created a second house of the legislature, abolished the council of censors and established a single executive. Vermont -- the longest experience of any American state with the unicameral legislature was that of Vermont, from the year of 1777 until 1836 -- a period of over 59 years. This experience, after a legislative deadlock that year in the election of a governor, none having received a minority at the last general election, the recommendation of the council of censors for the adoption of a bicameral legislature was approved by a close vote. It was found after close study of the merits claimed for the bicameral system were not realized, and that as far as can be judged from historical evidence, the previous unicameral legislature worked as well as if not better than the succeeding bicameral legislature. Now the big question -- why have not more states adopted it if it is so good? Here is the answer. Out of 197 bills introduced into the various state legislatures across the nation in the last 25 to 30 years, 189 were introduced by the House, the body representing the people. Eight were introduced by the Senate. Of the eight introduced by the Senate, they all died in the Senate. Of the 189 introduced in the House, 176 of them passed and went on into the Senate and were all killed in the Senate. I thank you.

R. RIVERS: Mr. Chairman, I appreciate the sincerity and the persuasiveness of Mr. McNees's case. I wonder if the Senate did not kill those bills for changing the form of those state legislatures because it exceeded the constitutional authority of the legislature to change its own form. I would not know. The reason that I advocate staying with the bicameral system is largely a matter of representation. I think of the United States, as big as it is, having had through the years the heavy center of population east of the Mississippi River. I think of a one-house body based upon proportional representation which would absolutely dominate the whole United States. I think of the western states and the more sparsely populated area as not having any check on legislation, such as would be controlled under proportional representation in a one-legislature congress. The reason that our constitution was drawn to

give equal geographic representation to all the states, and that is in the form of two senators for each state, was that the highly populated area could not absolutely control and dominate the whole country without some check in behalf of the less populated area. The United States Senate sometimes shows as much liberality as the House of Representatives, at one time showed a little more with regard to statehood for Alaska. The Territory of Alaska, one-fifth as big as the United States, is a diversity of economies and could be several states if you want to look at it from the standpoint of size and also from the standpoint of industries and diversity of activities. Southeastern is as different with its forests and its fish from the Fourth Division with its mines and furs, as one state would be from another. Then westward, the Alaska peninsula, the Arctic, Nome, and the northern westward is so different that very few people in Southeastern Alaska have ever been up to see what it looks like. I used to be grateful when the First Division had headquarters with the capital and all the brains and all the influence used to "wag the whole dog around" and practically run the Territory of Alaska. The only safeguard in those days was that you had a Senate with two senators from the Second Division, two from the Fourth and two from the Third. Now conceivably as the golden heart of Alaska might be the great power with the big build-up in the future, that would be "wagging the dog", but I am not saying that it will. You have the example of the Third Division that now outstrips by population any other division by two at least, and you can visualize that a one-house legislature with straight proportional representation would place at the present stage of history a preponderance of strength in the hands of the Third Division. It is conceivable that in the course of events the First, with its forests and its development down there might again become strongly preponderant over any other part of the Territory. But nevertheless, we are so widely scattered, we have such a diversity of economies, there are so many people in the Second Division that have never spent any time in the First and so many in the First that have never spent any time in the Second or the Fourth or the Third, that don't know anything about the rest of the country, that I hesitate to see a unicameral legislature based entirely out of proportional representation. I feel that with a country as big as Alaska that you should have one body with equal geographic representation. I am not saying that we would be sticking to the four divisions as we have known them, but from the standpoint of economic areas based on widespread geographic locations, you would have something similar or comparable to the four divisions as far as districting for senate representation is concerned, so that is the primary reason for Alaska. Notwithstanding all the good arguments in favor of unicameralism which have been introduced by Mr. McNees, I favor the bicameral system for the State of Alaska.

MCNEES: Mr. Chairman, may I ask Mr. Rivers a question? Does he not consider this present group representative of the people

of Alaska, our 55 Delegates to the Convention?

R. RIVERS: Yes, I do consider this group representative for the purposes of writing a constitution. There is no great diversity of policy to be considered. We are not appropriating money or taking anything away from the taxpayers. We are not trying to "slice the pie" a little thinner for one group or thicker for the other. I have every respect for the fine widespread representation that exists in this body.

KILCHER: Point of information. If I am right, I am of the impression that the public was also invited to take the stand on the issue tonight, or am I wrong?

CHAIRMAN RILEY: I recall noting the story in the press, Mr. Kilcher. I don't know its source. I believe that if any member wishes to call on the public that he may ask for the privilege of the floor for that member of the public. Subject to correction, why that's the way I understand it.

KILCHER: In that spirit I would invite the public in general to do so. I have no personal acquaintances among them that I know would like to speak.

CHAIRMAN RILEY: Mr. Barr.

BARR: Mr. Barr, this Committee of the Whole was called for the purpose of airing the views of the different delegates. This matter of the one or two-house legislature is the business of the Legislative Committee. Our different committees hold public hearings and invite the public to take part, and I believe that is the time the public should state their views, when the Legislative Committee holds a public hearing.

CHAIRMAN RILEY: Mr. Doogan.

DOOGAN: Mr. Chairman, I may have to be corrected, but if I recall correctly when Mr. McCutcheon, the Chairman of the Committee that asked for this public hearing, he stated that the purpose was for the delegates and for the public to participate.

CHAIRMAN RILEY: Mr. Egan.

EGAN: Mr. Chairman, in order to attempt to clear the situation, I would put a motion on the floor and that would be that if there is any member of the audience who would desire to be heard before this Committee of the Whole on this question, that he be granted the privilege of coming before us and stating his opinions if he so desires. I would ask unanimous consent.

V. RIVERS: I would object temporarily until we have heard the delegates express their opinions. I think we should not invite

the public as a whole until after each member has had a chance to say what he has to say on this subject.

EGAN: Mr. Chairman, that would be acceptable, waiting until all the delegates who wish to speak on the subject have been heard.

DOOGAN: Second the motion.

CHAIRMAN RILEY: Mr. Doogan, would you withhold your second for a moment? Is there further discussion from the membership? Mr. Hurley?

HURLEY: Mr. Chairman, I rise to point out what appears to me to be an inconsistency (I may be wrong here) on the part of the people that support the unicameral legislature. I can't think of any way of organizing a unicameral legislature without by necessity diluting the area representation. I can see where they will get area representation coupled with population representation, but by nature I think it will reduce area representation over a two-house legislature. I wonder if those people, while advocating that dilution, will also demand of the United States Congress the seating of two Senators from Alaska which is purely on a basis of area representation. If they do, I think they would be inconsistent.

ARMSTRONG: I agree.

CHAIRMAN RILEY: Is there further discussion from the delegates? Mrs. Sweeney?

SWEENEY: Mr. Chairman, I would like to say a few words. In connection with Mr. McNeese's statement concerning the three states which at one time had unicameral legislatures, he also mentioned that at the present time Nebraska was the only state. He failed to mention that Nebraska has a non-partisan legislature and attempts have been made at various time to return the legislature to a bicameral system. You might be interested to know, and I believe many of you do know, that there have been attempts made to have the unicameral system in Alaska. In 1945, House Joint Memorial No. 12 was introduced by Representative Chris Henning. This was introduced on the 33rd day and of course was sent to the Committee on Elections, Election Returns and Mileage. It was reported out by the Committee the following day with a "do not pass" with one of the committee members not concurring. It was placed on the calendar then for a second reading. No one was interested enough in that House Joint Memorial to see that it was read or that action was taken on it until 17 days had elapsed. On the 51st day it was read for the second time. The rules were suspended, it was considered engrossed and was read for the third time and the question was asked -- "Shall the memorial pass?" and it failed. It failed by a narrow margin -- 11 to 12 and one absent.

Later in the day one of the representatives gave notice of reconsideration which was then taken up on the 52nd day, and during the night he was able to swing not only himself but another to the other side, and so the memorial passed. However, it was so late in the session that the Senate refused to accept it on a vote of three to thirteen. That was in 1945. In 1946, House Joint Memorial No. 4, also by Chris Henning, was introduced on the 13th day. It went to committee and reported out "do not pass", with three members of the committee, Stan McCutcheon, Andrew Hope and Mr. Taylor returning it "without recommendation." It went to second reading and was brought up for reading on the 19th day when there was a motion made to lay it on the table which carried eleven to nine and three absent. It was laid on the table. Absent at that time were Stanley McCutcheon, Mr. Taylor and Mr. Peterson, The following day the author moved to call the Memorial from the table, and the call was successful and then it was to be brought up on the 23rd of March for final consideration and second reading but it was delayed and not brought up until the 29th. At that time it was read the second time, the rules were suspended, it was considered engrossed, read the third time and the question asked, and it failed. Now I bring this out to show you that in '46 it failed in the House. In '45 it failed also, except that on a reconsideration vote it squeaked by. If someone were really interested in unicameral legislature it seems to me that the author at least would have seen to it that that memorial, since it had already come out of committee, would have been read. It was on the calendar. It would have been read and action would have been taken before it was too late to be received in the Senate without the necessary vote after the certain period when no bills or memorials could be received. I think that the most important consideration on this business of whether we are going to have a unicameral or bicameral legislature is whether we can get the approval of the citizens of Alaska and the members of Congress. Now Mr. Fischer has told us that we have been elected by the people. We are the people and that if we put in a unicameral system or any other system, that should be all right. We should accept it then as all right, but if that is the case, why are we putting the constitution before the people for approval? I believe this is not just something that is up to us entirely. I think we have to reckon with the fact that we must get approval of a unicameral legislature if that is what we put in the constitution and there is a question in my mind whether you can get that and whether you get it from the people of Alaska and Congress too, I am not sure, but I think we should be very careful. I feel very strongly about this, that we must have the constitution so good and so easy to get an approval on so that it will go through, and I hope that everyone will consider the importance of that. I think that if we do not go to Congress with some assurance that the unicameral legislature is going to work in Alaska, then we will find ourselves waiting, not to be the 49th state but the 50th state. The legislature

in Nebraska being a non-partisan legislature, is no criterion for success of the unicameral legislature in Alaska. We have a two-party system here. Since coming to the Constitutional Convention I recognize that there is even a third party on the way, and so with a three party or two party strong system in a unicameral legislature, we cannot say because it is successful in Nebraska, it will be successful here. Mr. Hinckel thinks we would get better representation under the unicameral system. I hardly think that is an argument for the unicameral system. I believe that the apportionment of delegates to the Senate and House of Representatives in the new State can be worked out so that all the areas will be properly represented. I can't go along with many of the arguments that Mr. McNees stated. He would have you think that he has gone through a legislative session in both the House and the Senate, that it is very easy to get a bill through the House and the Senate, and I would grant you that that might be easy if you had a very simple bill such as the bill which was passed in this last session to designate Marie Drake's "Alaska Flag as the song for Alaska. However, in the question of introducing a bill on which there is a great deal of question and the bill squeaks through one house on a majority of one, it is not as easy as he has made it appear. I think it is very important that where there is division of opinion that we should have the check of the other house. If you have a wide difference in a single house, even though those representatives were all elected by the people of the state, you would still have, maybe just one person throwing the bill into an act -- he tells you that the legislators will have greater prestige and dignity, there would be more distinguished legislators, more effective legislation, closer relationship between the legislature and the executive. It would reduce lobbying, it would facilitate publication or newspaper printing and save moneywise. How can he say that this is so? How does he know that we will have more distinguished representatives? How can he say that it will be more effective? We will we have a two-party house, if it is unicameral and we cannot go by and base it on the Nebraska legislature. I have a number of other things here that I would like to mention. There was something about better legislation but as I said before, I don't know how they figure they can have better legislation on the unicameral system. If our procedure under a two-house is not good enough, it is our own fault and it is our business to see that our legislators are doing a better job than they are. As I mentioned the other night, we are a republican form of government, and operating under democratic principles and under the republican form of government you have a system of checks and balances which gives us our executive, judiciary and the legislative branches. It is a system that has been in effect for centuries, and I feel with this experience that we should go along rather than to go on the untried unicameral system for which we have absolutely no basis of success.

CHAIRMAN RILEY: Mr. Victor Rivers.

V. RIVERS: Mr. Chairman, I have listened with a good deal of interest to the unicameral comments. When I came to this Convention I did not come here with any direction from the people whom I knew in our home country, to give deep consideration to unicameralism. I saw no one run on any ticket in which they came out and strongly advocated that we should have a unicameral legislature. I happen to know that there were three people in the Territory who advocated unicameralism and who were candidates for delegates and all three of these people were defeated. They are not here with us tonight. We have no mandate that says that we should give deep consideration or go to a unicameral type of legislature. I was a member of the Statehood Committee, and as such I am a great believer in presenting to the delegates all of the facts insofar as we possibly could. I was a strong advocate of the idea that we get the best theory that we could possibly get and that that theory then be presented to us in a form such that it was unbiased, present the theory from both sides of view, and we have done so with the work of the PAS. They have presented you as nearly as possible a balanced opinion on the questions that would come to this Convention. Along with that I have been a strong advocate, as you all know, of having with us the best theory we can get in the way of personal consultants. I want that theory. I want to know what the theorist thinks is the very best for us and then from that point we must take a hold and apply the long experience, the practical approach and the touch that we know that is best for the people of Alaska. We must apply the common sense touch that will be the answer to the problems of government for our people here. I have heard it said tonight by one of the delegates that it was not our problem to answer back to the people, or words to that effect, in regards to what we did here. We were their elected representatives and as such, were the people. However, I feel differently than that. I feel we are answerable to the people, and I feel we should come up with something that we know is not only the best for us and the best for them and also satisfactory and acceptable to them. I just wanted to read a little bit from the comments of the PAS in their handbook to us on this subject. On the one line they say, "The advocates of unicameralism can make, on paper at least, a very reasonable case." I want to read you this summary now of the two types of legislature. "There are no inherent reasons why either sort of legislature cannot work satisfactorily. The theoretical case for the unicameral body is good, yet only one state has adopted this form and no more are likely to in the near future, unless Alaska chooses the unconventional but not unprecedented course. As Dr. Graves observes, the opinions of the people who ought to know vary widely, in fact they are often diametrically opposite. A large majority of political scientists favor unicameralism while an overwhelming majority of persons with actual legislative experience are opposed to

it. Delegates to the Convnetion can weigh arguments, on the one side -- tradition, experience, the possibility of the double check, on the other side -- simplicity economy, clear responsibility." I want to go into that matter just a little bit. We have had in the United States, as you know, through all history, with the exception of the first three states, Pennsylvania, Vermont and Georgia, the bicameral type of legislation, and on the other hand in Canada you have provinces all of which have unicameral legislature except the one of Quebec. Quebec has some 594,000 square miles, is the largest of the provinces and very similar to Alaska. However, I want to say that in Canada they did not have the separation of the legislative and executive powers. They have the governor general appointed by the Crown. The Crown appoints in each province a lieutenant governor. The lieutenant governor then is the governor of that particular province. They elect the representatives to their one house. From that one house then is chosen what is called the cabinet. The cabinet sits as the year around executives under the lieutenant governor. You really always have sitting a second legislature in the form of that cabinet who are from among the elected representatives in the one-house system. It is in no way comparable in my opinion to the problems of government in the United States. We have had a good chance to observe in the United States three states which have chosen to go from unicameralism to bicameralism -- Vermont, Pennsylvania, and Georgia. Now it is my opinion we were told otherwise by another delegate tonight -- it is my opinion that in all probability those states went from unicameralism to bicameralism at a time when communications were slow, travel was difficult. It is my opinion that the people in those states did not feel they had the proper check and balance. I have been in the legislature a number of times, as many of you know. It has been my experience that even though after careful weighing, careful consideration, the hearing of all arguments by each house or by the first house that handled a bill, that many times after that measure had passed the first house, that there were voices heard from different parts of the Territory, there were different issues brought into the picture, that radically changed the condition and the situation of the thinking, even of the people in one house who had sometimes passed the bill. I have had men come to me from one house and say "we did not find this out; we did not know this was something that affected the First Division, the Third Division, the Fourth Division; we did not have their voice so for that reason we wish you would change this matter in the Senate." I have had the same thing happen in the Senate where they did not have the complete details. Some people might say that we have a similarity between a one-house legislature and a city council. I want you to realize that in a city council, the people that the city council is serving are people living within a radius of perhaps five or ten miles. A city council sits every week. People can come to the city council and express their opposition, and they do frequently.

The next week if they haven't had their voice heard they can raise their voice again, but that does not compare to handling the area of a state as large as ours would be, 684,000 square miles, one-third of the area of the whole United States. It seems to me we must have this additional check and balance of the two house system in order to get a proper voice from the people in the more remote areas. I feel sure that the people who espouse this matter of a unicameral house are sincere. I feel certain by that they are honest, but it says here that the practical men in politics realize that the two-house system best serves the American system. It's so because in Canada your people are a different type of thinking people. They are not the driving, aggressive, energetic people, that we have in the United States, in many ways. At least that should be true in the matter of forcing legislation through their government. They don't pass as many laws, they don't seem to have as many lobbyists. We know it's a fact that our government

CHAIRMAN RILEY: I'm sorry Mr. Rivers, I don't like to break in on you but the stenotypist is having a little difficulty. May we call a five-minute recess while the machine cools off and your time stands still?

RECESS

CHAIRMAN RILEY: The Convention will come to order. On recessing Mr. Barr asked that unanimous consent be allowed Mr. Rivers to extend his time two minutes for the interruption of trend of thought. Without objection, was there an objection?

V. FISCHER: I would like to object for the sake of saying this has given Mr. Rivers more chance to think. (Laughter) I withdraw my objection.

CHAIRMAN RILEY: Is there objection? Without objections, so ordered.

V. RIVERS: I want to say then I have watched this Territory prepare for statehood and in my small way have been a part in helping it prepare for statehood for many years. I want to say briefly that after the big depression of the '30's, Alaska was in dire circumstances. We had elected Tony Dimond to office and his first move, of course, was to try with the administration to help get a raise in the price of gold. We got it. The next thing, of course, was to try and stabilize and get temporary employment for people who were unemployed. That came through, and it became evident that Alaska was geographically very strategic and a strong defense program was organized. But at that time the military coming into Alaska saw the undeveloped condition of the Territory, and at that time it became more and more evident we should have a well developed economy functioning normally in order to have

the best defense. It seemed only logical to get such an economy functioning normally that we should have a state government, and as far back as '37 we talked about such things and began to prepare for it. And under the two-house legislature which we had, 16 members in the Senate and 24 in the House, it was changed, pardon me, in '41. However, under that we passed many things. First came Social Security, welfare department, public health. We instituted and established a highway patrol which was to be the nucleus of the state police. It was told us by members of one of the congressional hearings that we did not have a firm revenue program. Under our system of legislation we passed a firm revenue program. We have no bonded indebtedness. We have money in the treasury. We are paying our bills. Those things have all been done with our two-house legislature, and I for one want to say that it has worked successfully in the Territory of Alaska. I also want to concede that there are areas in which there should be better geographic representation. I think that is one of our duties here to get proper proportioning in the matter of representation in this legislature when we set up this constitution. I just want to read you again though one line here, but before I do I want to say that in this Constitutional Convention and in this constitution we draft, we have many hours of work by many people. We have many private dollars invested on trips to Washington and hearings before Congress. We have at stake here some \$300,000 of taxpayers' money who want to see us come up with a constitution which is acceptable, not only to the people of Alaska, but also to the members of Congress." I want to read a line to you again which I read before: An overwhelming majority of persons with actual legislative experience are opposed to it. (Meaning the unicameral legislature). Now remember that if those men are opposed to it, the practical men with practical experience, those are the men who are going to have to approve the constitution for the State of Alaska and grant us statehood when it comes before Congress. I want to say again that I believe the people here are all honest and all sincere. Those who are favoring unicameralism -- I believe they are sincere in their beliefs, but I believe it is up to us and believe that if we did not adopt a bicameral legislature that we would be guilty of a great error in judgment, and I want to say that I hope and I will work hard for and continue to work hard for the establishment of the bicameral legislature or the two-house system of representation because I think for an area this large, where transportation and communications are apt to be delayed, it is the best system for Alaska. It has also proven to be, with our energetic, fast-moving, hard-pushing American people, I think it has also proven to be best for the states, or there would not be 47 states using it today. (Applause)

CHAIRMAN RILEY: Mr. Fischer.

V. FISCHER: Mr. Chairman, I would like to have permission to clarify a statement I previously made. Apparently it is being misunderstood or misinterpreted.

CHAIRMAN RILEY: You may proceed, Mr. Fischer.

V. FISCHER: I said before that among other things that we, the 55 delegates are the people. I did not mean in the least to imply that since we are the people that we are above the people, that we are not answerable to the people. What I meant to say is that we should not put ourselves in a separate category from the 200,000 Alaskans who sent us here. They are as intelligent as we are. If something makes sense to us, it will make sense to them, and therefore, we should not keep talking about them as something apart from us, something a group that we aren't sure will understand what we are talking about. In other words, what I meant to say was that as representatives, we reflect the thinking of Alaska. Certainly what we come up with is subject to a referendum approval. There is no question about that, and certainly we are answerable to the people.

CHAIRMAN RILEY: Miss Awes.

AWES: I would like to make just a few remarks prompted by statements made this evening.

CHAIRMAN RILEY: You may proceed.

AWES: We just had read to us the portion of the summary of the considerations of the two methods of two types of legislatures. I would like to fill out the picture by reading the last two sentences of that summary. Alaska's relatively small population and the economy and simplicity of the unicameral legislature seem to argue in the favor of a single house. On the other hand, the apparent satisfaction with the two-house system in the Territorial legislature makes any departure from tradition difficult." That again places the final argument in favor of the two-house system on the basis of tradition. It seems to me that most arguments in favor of the two-house system so end. Now I am not opposed to tradition as tradition. However, I do not think we should follow it blindly but ever so often we should reconsider tradition in the light of present-day conditions. I did not run on the platform of the unicameral legislature. However, I did run on the platform that this body should seriously consider the unicameral legislature before deciding on which form it should adopt. As you can see, I was not defeated by running on that platform. There has been much talk tonight as to what the people want and putting in what the people want. I agree that we are here as representatives of the people, but I believe the people elected us to draft the best possible constitution. We have an opportunity that Alaskans have probably never had

before, in our opportunity to study the two types of legislature. I think we have the obligation to do that and to adopt the legislature we conclude is the best type, and if those reasons are sufficient to convince us, they will probably be sufficient to convince the people, if adequately presented to them.

HINCKEL: I have already spoken. May I speak again.

CHAIRMAN RILEY: You have not used your time, Mr. Hinckel. I believe you have several minutes left.

HINCKEL: I stated before I am on the Legislative Committee, and I ran for this body not on any particular platform of one type house or the other, but I did tell the people that I would try to see they got the best type of constitution that we were able to write for them. And I think that, as Miss Awes more ably stated, well in other words I concur with most of the things she said. I think there are some things we have forgotten on the apportionment. I know that from attending the committee meetings I not only attended our own meetings but I attended a lot of the other meetings, that it is quite possible to apportion the legislature so we will have better representation with a single house than we could hope to have with both. That is merely my opinion. The main thing I wanted to say when I got up this time was the constitution must be written for one type of house or the other, and the Committee in discussing it felt that the time to decide that was now. It is my opinion that a lot of the state legislatures, had I been sitting on them, I would have gone along with them just exactly the way they did and refused to change because they already had everything else set up for it. But the experts that have written all the data that has been submitted, both for our own and for the Hawaii constitution, they all tell us that the one-house system is the best but usually go back to the same answer that Miss Awes stated -- that it is a tradition that we have the other kind. If we are going to have two houses, why now is the time we have to know it because if we write a constitution for one house and then attempt to change to two, we are going to have to have a constitutional convention and rewrite the whole thing and make it work and vice versa. If we write it for the two, and then want to change to a one because all of a sudden everybody else thinks it better too and they all start changing, we are going to have to tear ourselves all apart and put it together again. It was the concensus of opinion in the Committee that those are things we ought to find out now so as to stop wasting time and get things rolling in all the committees. That is the reason that I have spoken in favor of it as poorly as I have done, but that was my idea in working for it that I think it should be considered very thoroughly, and if we are going to consider it at all, now is the time to do it and not later on.

CHAIRMAN RILEY: If the Chair may make an observation, Mr. Hinckel, I think your point is well taken in that it represents the thinking of the body in resolving itself into a Committee of the Whole because of the inter-relationship of the two questions. Is there further discussion? Mrs. Hermann?

HERMANN: I just wanted to add a little historical footnote to the remarks that Mrs. Sweeney made about the efforts to secure a referendum on the matter of a unicameral legislature. I am a little older than Mrs. Sweeney and I have probably been watching legislatures a little longer, but way back yonder in the '30's there were two attempts made to pass a referendum providing for a unicameral legislature. There was also a bill introduced to provide for a unicameral legislature, and it was killed in the House, not in the Senate, but in the House. Both of the bills providing for referenda on the matter -- one in one session and one the next session, were likewise killed, and it is my recollection that they were killed in the House and not in the Senate, so that the legislature of Alaska itself has written a considerable volume of history in regard to the unicameral legislature. I think Mr. Fischer's statement of comparison with the value of committee work as applied to this Convention is probably a little bit premature. His suggestion that it is working so well here might also have a footnote in a day or two when some of these committee reports are turned loose on the floor. I hope he will not have a rude awakening at that time. There is little to say as far as I am concerned in regard to the merits of unicameral or bicameral houses. I think the time to say it is on the floor when we finally are going to vote on this measure, but I do think that it is advisable that everybody here stand up and be counted on how they stand on the matter at the present time, so that the committees may have some idea on what sort of report to bring out in regard to that particular angle of their work, and I am perfectly willing to tell the world here and now and next week also, that I favor the bicameral system.

CHAIRMAN RILEY: Mr. Egan -- if I may correct the Chair and recognize Mr. Barr. While I had recognized Mr. Barr earlier, no time was charged against him.

BARR: Mr. Chairman, I yield to Mr. Egan for the time being.

CHAIRMAN RILEY: Mr. Egan.

EGAN: Mr. Chairman, I know that each delegate who is in favor of the unicameral system is absolutely sincere. I have talked to every one of those people who have spoken on that subject so far, and it has occurred to me and been my observation in my conversations with those delegates that one of their chief worries and one of their chief reasons for being for the unicameral system is that there has been a fear in their minds

because of the past situation that has existed in Alaska. Now, I am absolutely certain that we are coming out of this Convention and are going to write into the constitution that comes out of this Convention, an apportionment feature in the constitution that will be accepted by, if not all the delegates, by almost all the delegates in the Convention and will be adopted into the constitution that it will be as fair an apportionment as is humanly possible to come up with at this time. I would like to point out that in Alaska the trouble has been, and I think the trouble that has caused most of these fears and most of the support for the unicameral system has been that we have not even had a bicameral system of legislative apportionment in Alaska. We have had a running-wild system, you might say, both in the makeup of the Territorial Senate and the makeup of the Territorial House. Our citizens here have not had the opportunity to view, so far as their Territorial government is concerned, a bicameral system of legislative bodies in action, and I feel very strongly, personally that at this time it would be unwise to adopt the unicameral form of government. We know that our United States has become the freest, the fairest and the greatest nation on earth under the bicameral system, and I hope that this Convention will continue that form of legislative government.

CHAIRMAN RILEY: Mr. Barr.

BARR: Mr. Chairman, I would ask the Chair to give me a warning about a minute before my time is up, as I don't want to leave a thought or a participle dangling in mid-air. I will submit to you that the ideal system for a legislature is the unicameral or one-house legislature, and that is just exactly what is wrong with it. It is an ideal. It is backed by theorists who have never had any experience in the practical applications of their theories. The unicameral system would work very well if human beings ceased to be human, if every voter got out and voted and every voter was aware of what he was voting for and acquainted with the candidates and if every elected man that was a member of that legislature were a statesman, then it would work, but unfortunately human beings are human. Now, I would like to give you a couple of illustrations of why we should have two houses. You have heard many times that our American system of government is based on checks and balances. It is in our present legislature. There are three forms of government to serve as a check on each other, and we have courts for that purpose -- we even have auditors, examiners and erasers on lead pencils for that reason. Now in the past I have served in the legislature, and I have seen the time I was very thankful we had two houses. I will give you two examples. The first one most of you are acquainted with, so I will not go into details on that. That was the time the House passed a so-called "luxury tax" which in effect really was a sales tax. It was passed by a large majority in the House. They thought it was a good tax and they were

concerned with raising more tax revenues. It was needed, I will grant you that. They were immediately flooded with telegrams and letters from everywhere protesting this tax, but meanwhile it had gone to the Senate and was in the taxation committee in the Senate. I doubt it would have passed the Senate even before the protest came in, but it failed in the Senate, and I have never seen anyone more thankful for two houses than all the members of that House of Representatives. The Senate really got them off the hook. Now, I will reverse the case. In the Senate there was a member who was an experienced legislator and a well-respected lawyer in the Territory. He submitted a bill which was a fairly complicated one, that was designed for a very good purpose, but during the debate in the Senate it was brought out that if one section of that bill was interpreted a certain way it would stop all the placer mining in the Territory, or at least start litigation in that direction. That bill passed the Senate and went to the House, but by this time the author of the bill was greatly concerned. He was afraid he would not be able to go home and face his constituents because it was a mining division that he came from, so he contacted certain members of the House and it was amended in the House to take that possibility out, that there would be any harm done or restriction on placer mining, and that bill is now a law, and the mining fraternity is still in existence and still doing business. That was through an oversight which is a very likely thing in a long and complicated bill, and it was corrected in the House. I have seen many other examples but those are two. We should stick to the system of checks and balances. I want to say that I was just as concerned as Mr. Hinckel here with the lack of representation from the outlying districts. I have been in more outlying districts perhaps than Mr. Hinckel. I have spent all my life in Alaska. I know they would like to be represented. I know there are able men who are willing to represent them. The reason they don't is because they can't be elected. We only have four election districts, the four judicial divisions and each one has a large center of population. But a unicameral or bicameral legislature does not cure that problem at all. The only thing that will cure that is the redistricting for the election and reapportionment. No matter what form of house we have, if the electors in a certain outlying district have a chance to vote for their man, they will get representation. Mr. Rivers here said that this body very well represented the people. I grant you it does, it represents the people a great deal better than the legislature, and why -because the Territory was redistricted for the election that sent us here. Now Mr. Fischer here has studied this matter from books, but there are a few things he does not seem to realize, even says that everything in a unicameral legislature will be brought out in the open and debated on the floor. He seems to think there will be no committees or at least no committees behind closed doors. That is a system that has been in existence for 170 years in all state legislatures and in the

Congress of the United States. There is a reason for it because they can do their business better. They are not afraid of what you think of them for what they do. They are afraid testimony might come up that will hurt some outsider and I have seen that happen in committee right here. When we were talking about former governors, things were said about former governors that brought up points that we wanted to bring out to clinch an argument. That could not be done in the public. We are operating under a republican form of government. The people delegate their authority to members of the legislature and they trust those members of the legislature to do their business for them and do it the best way possible, which sometimes should not be open to the public. It is said that the State of Nebraska, the one state that has a unicameral legislature which works very well. I am not well acquainted with Nebraska. Very likely it does, but a state more unlike Alaska could not have been pointed out. The geography is different, the terrain is different, the people are different. We have different races up here, different industries, most of the people in Nebraska are farmers or cattle raisers. They are all very conservative and while every Alaskan that I ever met was a distinct individual. Also it was brought up that it works in Canada and Europe. Well, it probably does. Our forefathers came to this country to get away from the European system of government. Don't let us import it to Alaska. Now it was said also that the closer relationship could be had between the governor and a unicameral legislature. I believe that is so, especially if the governor was trying to control them and also perhaps if the governor was of the opposite political faith then the majority of the legislature there would be more wrangling, more confusion and less done. A one-house legislature also might be more easily controlled by a special interest group or lobbyists. It would be very difficult to control two houses. Now, when we are granted statehood, we are going to launch our ship of state on her maiden voyage -- an untried ship with an untried crew. What system of navigation shall we use? Shall we try the old tried and true system that has steered 47 states through these past years or shall we try a new system advanced by theorists that has no system of checks and balances and one in which we would not know where we are going? I don't believe that the people of Alaska would want to try that. It is too early in the game when we are starting our state, and we want everything to work and work properly.

CHAIRMAN RILEY: Mr. Peratrovich.

PERATROVICH: Mr. Chairman, what I have to say will be very brief, but I want to get up, as Mrs. Hermann suggested, to be counted. I have expressed my view to quite a number of delegates here upon my arrival. Much to my surprise this has been a primary question in this Convention, and I am glad we gathered here tonight to try to arrive at some conclusions and with that thought in mind I wish to offer my conclusions tonight.

I gather from what has been said here, the primary concern is the true representation of all areas, and I can sympathize with Mr. Hinckel, because I am more or less representing people of this type. However, I made it very plain when I was approached on this topic that I would never obstruct any constructive move. I am here to see that if I can contribute, in my own little way, to draw up a constitution acceptable to the people of the Territory. I might add, friends, that I worked mighty hard for statehood of Alaska and I'm still plugging. My area is limited, but there are voters there too. They are very much concerned, and I think it is only fair that they should have a voice in the state of Alaska, and I am very much encouraged after I listened to two or three speakers here tonight. Perhaps there will be reapportionment. I think that is the solution. My mind has been open on this thing and it is just about made up tonight. If that angle is thrashed out, I am sure they will forget about everything else. We will go back to the two-house system. That is all I have to offer.

CHAIRMAN RILEY: Mr. White.

WHITE: Mr. Chairman, I am on the fence on this proposition, so as not to frustrate the team who are checking off one side or the other, I lean toward bicameralism, but I have the feeling that a much better case can be made by more people for unicameralism than has been made tonight. I have just jotted down a few notes here that I would like to go over at random with a preface that I am not the one to make the case for unicameralism. I don't know enough about it. But in the two examples given by Mr. Barr, as to the legislature, it seems to me, the one in regard to the placer mining bill and the other the luxury tax, it seems to me it could be argued equally well that if there had been a one-house legislature in those two instances it would not have come to pass. I have heard that argued before here by people who were in the legislature at the time and particularly in the case of the luxury tax -- that that was designed to jar something loose from the other house. That makes sense to me. In the other case of a bill slipping through with a mistake in it, I think it might be argued equally well that if you had the one-house legislature, it would tend to make that one house considerably more careful in what it does than would be the case with the two-house legislature. Each member would be well aware his action is final and not subject to revision or review by another house. In that same vein I think it is equally logical to argue that when you give a person, properly qualified, additional responsibilities you generally get a better performance, a better qualified person running for the office or applying for the job. We have heard a good deal on the subject of representation. I don't know how you can get better representation than you would have in a one-house legislature. The point has been brought up that the lower house in a two-house legislature is

generally representative of the people and the upper house, representative of areas. I am not sure that that is too good an argument for maintaining two houses. It seems to me that one of our primary problems in Alaska in the past has been the problem of sectionalism. I wonder if in having a single house we might not tend to reduce that problem, make each member of a one-house in Alaska more conscious of the fact that he represents all of the Territory. In this case I submit that a system of checks and balances could equally well be called a "deadlock system". If one house represents the people and the other house represents areas and you have an irreconcilable problem, you get nowhere. I am not particularly impressed by the argument either, as to tradition. This will probably startle some of my friends. There is always friction when you suggest a change. There is always resistance to change. I think it has been made amply clear here the reason why there has been resistance to change in this particular matter. I think it is a rare case indeed when a body votes to do away with itself or to radically change its form, and it has been shown to my satisfaction that the death of most of the one-house unicameral bills that have been introduced, can be laid at the door of the Senate, which would be abolished were you to have one house. Also, I think we sometimes make a mistake of viewing a new idea in the context of the old. By that I mean that merely because certain procedures have been followed in the past with a certain system, we should not assume that the same rules, same customs, same reactions to problems, are going to apply in the future in the new system. I think that is a mistake often made. These are just random thoughts. The last one -- I think it would be very proper for us, should we decide to stick with the two-house system, to provide for an automatic referendum at some stated time or stated intervals so the matter could be brought up before the people. I think the reason for that is amply clear again, because once you start out with a two-house system you are never going to change it except by vote of the people. The legislature itself is not going to vote. Conversely, perhaps if we should decide on a one-house system, some of the fears of the people who don't like to experiment could be allayed by a similar provision to submitting the one-house legislature to a referendum after a stated interval of years. Two arguments given by one of the proponents of unicameralism impressed me as possibly worthy of further amplification. If they could do so I would like to have it. One of them was that a one-house legislature tends to reduce the effectiveness of lobbyists. I would like to have that amplified if that is possible. Secondly, that a one-house legislature tends to reduce the log jam of bills that plagues all legislatures at the last minute. I think those are two problems that have been very much before us here in Alaska in the past and if it can be shown that a unicameral legislature would eliminate or substantially reduce those problems, I think we should give it careful attention.

CHAIRMAN RILEY: Mr. Buckalew.

BUCKALEW: Mr. Chairman, I did not intend to address this body tonight, but I feel that I am compelled to speak, probably because we have such an attentive audience is another compelling factor. To begin with, as I recall the campaign of all of the delegates about the general nature of their campaigning was that the constitution should be clear, concise, short, confine itself to fundamentals. I don't recall even one candidate addressing any particular remarks to bicameral and unicameral. I got the impression that we were going to have a bicameral house, and I frankly did not give it much thought until Mr. McNees talked to me several times. My thought is that if we went ahead and adopted a unicameral house, we will be taking the voters of Alaska by surprise. I mean this was a nonparty election and I think we would be more or less slipping the people a gimmick which they did not expect. Then we are going to have the burden, and I don't care how fine this new system is, we are going to have the burden of selling this new idea to the people of Alaska, and I don't think it will do us any good. I think it will put an additional burden on the ratification of the constitution. I want to say a few things about the evils of the two houses. Mr. McNealy said that he was thankful that we had a Senate. I can recall on several occasions that I would have leaped to an opportunity to abolish the Senate during the last session of the legislature. I disagree with Mr. McNealy in that one particular. I think I should for the purpose of the public, clarify this luxury tax, this progressive fish tax and this property tax. Now this is a result of a conflict which developed between the two houses, and that is the most controlling and compelling argument that I see for the unicameral house. It will make it awfully difficult for the lobbyists to get control of the one house. If it was not for the fact that we hadn't put this idea to the people beforehand, I would vote for the unicameral house. The only reason I am not going to vote for it is that I think we are taking the people by surprise. It puts an additional burden on us to sell the constitution. Now, back to this luxury tax, this progressive fish tax and property tax, the idea of the House was to get a progressive fish tax or property tax. We figured we would put the luxury tax through and we were hoping that the Senate rather than tax the individual Alaskan, would tax the traps. I have only been in one session of the legislature, but the thing that shocked me and something I was never aware of was when I was in the halls there in Juneau and I observed a lobbyist by the name of Mr. Gilmore writing amendments on House bills. Right then I said if we could do away with that Senate, I am for it. Now I would be for the unicameral house except I think we are taking the people of Alaska by surprise and it is not fair to the people of Alaska but Mr. McNees certainly convinced me with the lobby argument.

CHAIRMAN RILEY: Mr. Collins.

COLLINS: Mr. Chairman, I have sat here and listened with a great deal of interest to the statements pro and con for the one-house and two-house legislature. Personally, I am in favor of a two-house legislature, and Delegate Barr brought to my attention a happening in favor of the two-house. I had presented a health bill in '45, ten years ago, and in that it had to do with the pollution of the streams of Alaska. It was a health bill, and we passed it, not thinking, not realizing the danger that might happen to the mining industry throughout the Territory of Alaska. After that bill had passed the Senate and went to the House, my attention was drawn to that dangerous provision in that bill, had it passed. I immediately contacted the committee in the House and presented the fact that if they did not amend that bill to protect the mining industry of the Territory of Alaska, 90 percent of all the mines in the Territory of Alaska would be shut down. It gave us that time to reconsider that, brought to our attention. It was inadvertently on the part of the drafters of that bill that it would affect one industry in Alaska. Mr. Barr brought that to my attention. I had forgotten it. Now, the question of one-house or two-house. We have if we pass the one-house proposition and have that in our constitution and present that to the Territory of Alaska for the voters to ratify, we have two hurdles to make. We have got to make that hurdle and then that bill of the constitution is sent on to the Congress of the United States. One state in the United States is practicing the one-house proposition. Each state is given two Senators throughout the states. What will they think of us if we present this constitution to the Congress of the United States? Will we make that hurdle? Can we sell our constitution under those conditions? Those gentlemen in Congress of the United States have been practicing under the proposition of the old tradition of a two-house legislature. Shall we break that strong thread of tradition with admission of our constitution for the coming state of Alaska? I say no, and I am very much in favor of a two-house legislature.

CHAIRMAN RILEY: Mr. Nolan.

NOLAN: Mr. Chairman, I am for the bicameral system. Now you have just heard an argument by Delegate Buckalew that it would probably be easier to control lobbyists under a one-house system. I have served in both houses over quite a few years, and if Mr. Buckalew had been down there a few years ago he would have seen a lobbyist passing notes in the House. Now I have found in my terms in the House and the Senate, that there has never been a time that the lobbyists have been able to control both houses.

CHAIRMAN RILEY: Mr. Stewart.

STEWART: Mr. Chairman, I am in a position to make an observation or two on that myself. I have attended nearly every session of the legislature since the first and often. Session after session I have seen measures that were for the benefit of the people as a whole pass through the House with a heavy majority, come up to the Senate, which in the earlier days had eight members, two of those members were employees of one large mining company, one of them their chief attorney. If those two men alone with one other could persuade a fourth person to join them, they would kill any beneficial legislation for the benefit of the whole people by producing a tie. I have seen that happen over and over again. I don't know that the unicameral system is the cure for that. It may be that with better representation from all the districts those things can be controlled, but the history of the past I think demonstrates that something should be done to eliminate that, not control it but eliminate it. It may be that with the representation of the apportionment being provided in a way that will give representation from all districts in a fairer way. It may be also that having more frequent sessions of the legislature so that measures originating at one session cannot be passed on finally but held over between two sessions, and thereby giving a chance for the people to express themselves on what has gone on in the first session. That may help, but anything we can do to eliminate the painful effects of the lobbying I have seen in the legislature ever since I have been here, I am for.

CHAIRMAN RILEY: Mr. Ralph Rivers.

R. RIVERS: Mr. Stewart, did not that situation improve when they enlarged the Senate to 16 members?

STEWART: To a degree.

R. RIVERS: Do you think that if we had a larger Senate so that not such a small group of people could cause a tie, that that would minimize the lobby effect?

STEWART: It might improve it, I wouldn't say that it would eliminate it. I think to eliminate it, some means should be provided whereby the people throughout the Territory, maybe that's possible now with the communications the way they are, let the people know what is going on in those halls, the way we who live in Juneau and attend the legislature observe.

R. RIVERS: I would like to observe, Mr. Chairman, that one of the historic reasons for increasing the Territorial Senate was that that closeknit group of eight men could kill any measure coming up from the House was the reason for increasing the Territorial Senate to 16 members.

CHAIRMAN RILEY: Mr. Johnson.

JOHNSON: Mr. President, it seems to me that Mr. Rivers' observation is a perfectly good answer to Mr. Stewart's objections of the bicameral system on the ground that it is too easily controlled by lobbyists. Certainly with the question of a proper proportionment being once settled by this Convention, then I think we have found the answer that is necessary to give every person in Alaska the proper representation in the legislature. I am unqualifiedly in favor of the bicameral system. I was in the House when in 1945 and '46, when these matters were before us by way of a joint memorial. I recall distinctly that I voted against those projects at that time, and I think the record will substantiate that, and I certainly feel no differently today, or I feel no differently after having listened to all the arguments here tonight. Mr. McNees argues that the unicameral system would still provide us with the so-called checks and balances and he says by way of illustrating that that we would have the supreme court to check us on faulty legislation. However, he did not point out that the supreme court rules, not on wise legislation, but only on illegal legislation. And besides that, every once in awhile the supreme court can make a mistake. In addition, he argues the check of the veto power. I have seen many times the veto power overridden by the legislature, and when it can be overridden by two houses with a two-thirds vote in each house, it certainly stands to reason it could be overridden in one house. So the two checks and balances he talks about do not seem to be sound. He made some reference, or rather comparison, to the one-house system with our courts. Well, everybody has his day in court, he gets a fair hearing, and if he does not like it he has an appeal. That is exactly the same as the Senate. This litigant appeals to the supreme court. The House perhaps has a bill that is not proper and the appeal is taken to the Senate and vice versa, so I don't believe there is any comparison between the unicameral system and the court system. He made reference to the fact that many countries have the unicameral system. He did not mention the name of a single country that I would trade for the United States of America, and he made reference to the fact that this bicameral system was, as he put it, "an illogical procedure" and yet it seems to me that that is not a very tenuous argument because if this bicameral system is such an illogical procedure, then the United States of America acting under that system for 175 or odd years could never have reached its present position of economic, political and military strength. I am unalterably opposed to the unicameral system. I believe that if we are going to keep faith with the people who sent us here to write the constitution that we should write it on the basis that was set out in the federal Constitution so many years ago so wisely by 55 men.

CHAIRMAN RILEY: Mr. McNees?

MCNEES: Mr. Chairman, I don't like to hear myself misquoted as I have two or three times tonight. I am going to pass over

most of them but this latest one I am going to have to take up. I am going to quote directly as I quoted before. I referred very closely to my notes tonight due to the time limitation that was politically pulled on me here, but my quotation, Mr. Johnson, was this: "If the legislature exceeded its constitutional authority in the enactment of any law, it would be set aside by the supreme court." I did not say a supreme court would pass upon the measure of a good bill or a bad bill. I have another point I would like to make if no one else would desire the floor right now.

CHAIRMAN RILEY: You may have the floor, Mr. McNees.

MCNEES: Thank you. Mr. Barrie White asked a question awhile ago about control of the lobbying in a one-house legislature as compared to that in the bicameral legislature. There are six points at which the lobbyist can gain very effective control in the two-house system. First, and I pointed that out rather graphically and spent a little time on it, the conference committee where he may gain control. We know session after session of the legislature where there is the constant battle over who is going to be speaker of the House. Why does that battle take place? It is a jockeying for position, so to speak, and don't think the lobbyists don't have their hands in that. Control of the election of the speaker is an important point. By control of the Senate at large, which Mr. Stewart pointed out here awhile ago, or by control of the House, the larger body and the hardest one to control, or getting down basically, if he can control the speaker of the House or the presiding officer of the Senate he might be in a position as a lobbyist, to name those two members to that conference committee from either the House or the Senate. If he only named those two he would have control of the conference committee. That I think is the important point to make here is that we have a conference committee squeezed in between two houses where everything is out of sight and where you can get at one, two or three men to maintain very, very effective control. If I were to make a rebuttal it would be this -- there is a committee known as the Committee of State Government made up of a very fine list of the top political scientists, statesmen, in our nation today, and those men recognize, as I do, the beauty of the theory of the unicameral system. I too feel the people of Alaska sent us here to represent them. I knew when I took hold of this issue that I was representing a minority group, but I believe that minority group should have a right to be heard. I got a very good hearing tonight and I am very pleased with it. I know that during the course of these many discussions we have had, there have been some of you won over but there have been a lot more of you have modified your thinking. During the course of the last 20 years or better, paralleling the growth or the interest, the information so to speak, of the unicameralistic theory of thought has been a group that I think is to be reckoned with, and that is

your Legislative Council. Today there are 35 states of the 48 that have active legislative councils. Prior to Nebraska switching to the unicameral system in 1937, there was a total of two legislative councils in the nation. Today there are 35. If you could have traced, as I did, over a period of many weeks running into months, the story that I painted to you tonight of the introduction of bills in favor of unicameralism and how they died, you would have seen this parallelism that I would like to draw your attention to tonight, and that is that prior to 1943 now we had 10 legislative councils. Today there are 35. Since the war ended there has been a very, very great increase in it and primarily that increase has been in the interest of more efficient government. The legislative council is a policy-making group. The usual size of the group -- we have to take a median number -- that median number across the nation as a whole is 18. That is hardly a fair number to reckon with because many states make the provision that every member of their legislature is on that legislative council. But the main thinking behind the idea of the legislative council is that here is a board of experts that sits through the year or meets quarterly, at least much more frequently than your biannual sessions of your legislature. There is a great trend of thought here on the present conference floor for an annual session, and I would not be at all surprised to see it come up with an annual session and more easily called special sessions because we must survey our laws constantly. We must introduce new laws constantly. We must revise laws constantly. The general policy of these legislative councils across the nation is that they meet not less than four times a year, some of them meet in continuous sessions. We have here in the Territory a Legislative Council that is very active and very fine, but the point I want to make and stress particularly is the fact that with the growth of the legislative council, we have a greater interest, greater participation judged primarily by the number of bills introduced in the unicameral system. I might say there has been only one state ever to repeal their legislative council. The principal thing that I think stands out in my thinking on this is that in a one-house system you have immediate reflection of how your public is going to react, how they feel, and if we have an annual session of our legislature meet annually instead of biannually as we have in the past, you are going to see that reflected in the voting, and in time it will give you a house that truly represents your people to the very best of their ability. I don't think I would have anything more to say except this -- that if 28 people, which is the number it will take to swing this issue one way or the other, go for a bicameral session, which I probably might weaken my own cause by saying that, I rather think that is the trend that will take place, but if 28 people here in the present Constitutional Convention vote for bicameral legislature, I will be one of the first to go out and try to help sell this constitution to the people of Alaska, will give my full efforts for it just as I would hope and feel sure

that if it went the other way you would do likewise. (Applause)

CHAIRMAN RILEY: Mr. Walsh.

WALSH: Mr. Chairman, I want to compliment my colleague from the Second Division, Mr. McNeese, for the very able, earnest, and efficient manner in which he presented his case for unicameralism. I know that Mr. McNeese has put a lot of time and research into that subject. He has studied it. I have talked with him prior to tonight many times, and I have great admiration for the amount of work and the intelligent approach that he has made to present his case here tonight. I think he did an excellent job. I regret, however, that I cannot agree with him for a unicameral legislature. I am not going to bring in the State of Nebraska, or I am not going to take up any time of the members here and go into details. I look to our Federal Constitution, and from there I take my views. It has withstood the test of time. It has gone past 150 years and today it is respected the world over as the greatest form of government known to man. We have, of course, 47 states to counteract the one lone State of Nebraska. That has been gone over by other people. I rise here principally on the statement made by Mrs. Hermann that I think we should stand up and be counted. I want to be counted for bicameralism.

CHAIRMAN RILEY: Mr. Lonsborg.

LONSBORG: Mr. Chairman, I would like to say a few words at this time. I don't wish to condemn unicameralism as such. In theory it may be good. I have not had a chance to study it through and through. I would like to say that as far as Alaska is concerned, I believe it is just good for the theorists. I had a chance to observe unicameralism to a small degree, having been raised in the State of Nebraska. I had the privilege of seeing it come into effect. I remember in high school we were very much interested in it, and as we noted this morning the interest in this one school grade here in Fairbanks in our Convention, we took a similar interest in our little part of Nebraska and had a chance to see it come into effect and also see it operate. I attended a few sessions sitting in the gallery at Lincoln when I lived there. One argument that we have heard over and over again, not just here but elsewhere, is that it works in Nebraska. I believe it was adopted there to simplify the government and also to give representation. However, they were able to sell it to the Nebraskans or Nebraska adopted it because at that time, in the 1930's, Nebraska was largely a rural population. According to Mr. McNeely who is also from Nebraska, he said that the largest city according to proportion would be about 10 percent of the total population. Now that is not too bad a proportion, city versus rural population, taking your largest city, but now due to the larger farms, many of the farmers moving to the cities, etc., Omaha has grown and the rural areas have declined in

Population so that Omaha has about 20 percent of the population. The metropolitan area around there is close to 33 percent. The representation that some people in the outer regions of Nebraska thought they were getting, is slipping away. It is slipping away because the population is moving toward the cities, and I believe now that it is largely impossible for Nebraska to return to the bicameral system because the heavily populated area is not likely to turn back the representation to the rest of Nebraska. So much for the state at this time. I don't think, as has been mentioned, that we can really compare Nebraska and Alaska except they sound similar at the end of the names. We have, as has been mentioned, the larger area, the floating population, many who will not vote, but I believe will be counted in apportionment. They will of course be in the larger areas, giving more representation to the areas -- I don't mean larger areas but the more populated areas yet they will not take an active part in voting. Representation in Alaska, I think we find that about 50 percent of our Alaskan people live in just a few of the larger cities and if we go on that basis we are going to have representation by the cities alone, if we go to direct population apportionment. Taking it on the national scales when we become a state, if the United States was on apportionment in the Senate and the House, we would have probably one senator out of 1000 less representation than we now have in our non-voting Delegate Bartlett. Take some of the fairness now and apply it to Alaska. Each division should be entitled to equal representation. That would be playing fair on that standpoint just as we expect the United States of America to play fair with us and give us two full-fledged voting senators. The argument of cost -- it may cost a little less to operate with one house, but if the two houses give us better government I think it is worth it. There was mention of the log jam of bills that seemed to flood in the two-house system at the end of the session. I don't know much about that. I think we will probably have something like that here in our one-house if we keep on, toward the end of the session, but I think one reason that Nebraska gets their bills in early is that their congressmen, I believe they're called, I think are paid \$200 for the whole session, stay as long as they like. You can be sure they get their bills in early to get back home again. As far as the lobbyist system, I think the lobbyists would have an open house if they had just one house because they would have all their eggs in one basket and only the one house to worry about. I think the way to get rid of the undue and unfair lobbying is the suggestion that we received from Dr. Gruening yesterday to educate the people of Alaska in our school system and on up to whatever is necessary, that they take more interest in the government, more schools with teachers in the schools as we were privileged to observe this morning, teachers training the youngsters to really get interested in the government of Alaska. Last year in our high school at Unalakleet we requested that all the proposals in the House

and the Senate be sent to us. We did not get a chance to read through them all, but it stimulated some good interest among the students. I think that should be done all over to create an interest among the students so that when they grow up they will take an interest in their government and then the men and women in legislature will vote for the people and not for the lobbyists, because they will know the people are watching them. As far as tradition is concerned, I don't particularly like tradition as such. I like to start out on something new. Yet I will never forget the advice that was given to me once. "Be not the last to leave the old nor the first to try the new." Now it is true that we would not be the first in one sense of the word, as Nebraska now has unicameral legislature but we would be the first state to start with unicameralism in the last 150 years. I don't believe we dare take such a gamble as to put unicameralism into the constitution that we will operate under when we first become a state.

CHAIRMAN RILEY: Is there further comment? Mr. Robertson?

ROBERTSON: Mr. Chairman, I would like to announce I am strongly for bicameralism. I doubt if it is necessary to state so because I have introduced two proposals to this Convention based upon the bicameral system, but I would like to emphasize one thing. Views have been expressed by so many which accord with my own views, but I would like to emphasize the fact that I don't think we should discard the nearly 42 or 43 years of experience in the two-house system in Alaska. We don't want to discard the experience that our government is based on a two-party system and we don't want to risk the chance that Congress will say that those Alaskans are simply trying to experiment in a new kind of legislation. Therefore, I hope this Convention adopts the bicameral system

CHAIRMAN RILEY: Is there further discussion? Mr. Armstrong.

ARMSTRONG: Mr. Riley, I think I can make this very brief. I would want to be counted for the bicameral system because I believe that this constitution will correct any error that has been perpetrated on the people of Alaska under our Territorial form of government. We will have adequate representation, we will provide for an annual meeting where we will not have all these log jams which have cluttered up the halls and wastebaskets of Juneau. I did not come here feeling that I had any mandate to change the form of government under which we are to operate. I believe that we would have a terrific job in the 120 days to educate the public to a change of form. I doubt that we would have the acceptance of the right kind of publicity from press, radio and TV that would be necessary in this type of an endeavor. I am also aware too that we have people from every state in the Union who have come into the family of Alaska. I do not believe that we can at this time afford to confuse them by this type of change, and I would add

this one other word -- that I have been in the halls of the legislature of Juneau, and I can say personally that I have been blessed to see the checks and balances that have been made available there to the people of Alaska. So you know exactly how I stand and how I will vote when this comes out of the committee. I hope we won't tarry many days before this does come for final action.

CHAIRMAN RILEY: Mr. Metcalf?

METCALF: I want to make a few brief remarks along the line Mr. Londborg has made. I am for the bicameral legislature, though I came to this meeting tonight with an open mind. The meeting has been very educational. I certainly sympathize with folks that are in favor of a unicameral legislature. There are abuses there. There certainly are but I believe could be corrected with the system of reapportionment and whereby the people out in the rural areas will have more active interest in government affairs. There is one other angle that has not been mentioned in adjusting this system of checks and balances. If we become a state or after we set up this constitution we would also have the initiative, referendum, amendments and revision clauses plus the recall which will give the common man further checks and balances on his legislature. I mention this because I don't believe it has been mentioned before.

CHAIRMAN RILEY: Mr. Cross.

CROSS: Mr. Chairman, we came here to build a constitution. This constitution has two basic requirements -- one is that it must be workable, the other that it must be acceptable. I believe Alaska could work a constitution with either form of legislature. . I doubt very much that we could sell one with any but a two-house legislature. I am for the two-house legislature.

CHAIRMAN RILEY: Mr. Rosswog.

ROSSWOG: Mr. Chairman, I would like to say just a few words. I have not served in the legislature but I have served on city councils and quite a few other boards, and I am in favor of a two-house system. I know at times on these boards we would have been glad to have some other check so that we would not have had to reverse ourselves. There is another thing that I think I am concerned about is the distribution of our representation, but I am sure that this Convention and the committees can work out distribution of representation so the areas are represented.

CHAIRMAN RILEY: Mr. Sundborg.

SUNDBORG: Mr. Chairman, we have heard this evening thus far

from 29 delegates and if my box score is correct, 23 of them have spoken in favor of a bicameral system and only six against. The six who were against, and this bears out something that appeared in the reference work that we had from the technical services which were employed by the Statehood Committee, were all men who had never served in any session of the legislature. By men that are against, I mean men who are for a unicameral system. The 23 who were for included six delegates here who had served in the Alaska Senate, and everyone of those men was in favor of a bicameral system. It included five men who have served in the Alaska House of Representatives, and every such representative who has been heard has been in favor of a bicameral system. We have heard from "the two great Rivers of the North", from Senator Barr, Senator Collins who served in the very first Territorial legislature and in many others, from Senator Nolan who was the President in our most recent Alaska Senate and from our own President, Bill Egan who is held I know in as high respect by every one here as any member among us and probably in higher respect. We owe much to the judgment of these men, and yet I feel that in exploring a problem of this kind that we should look at the problem itself and not necessarily only at those who advocate one course or the other. As for my own views on this subject, I was one, I found out after I got here, of a relatively few who answered a poll from the Associated Press after we were elected and before we had come here to serve, which asked a number of questions including the one, "Do you favor a one or two-house legislature?" I answered very readily that I favored a two-house legislature. The other evening I had the privilege of watching a television show. It was a televised committee meeting of our Committee on the Legislative Branch, and because of that show and the things that were said there I was pretty well convinced by a presentation that was made, particularly by Mr. McNees and also by another member who has not been heard from tonight, but who was very eloquent and persuasive on that occasion, Mrs. Helen Fischer, that a unicameral system had much to recommend it. Tonight, as I think has been the case with most of the delegates here, I have been pretty well won back to the other view that a bicameral system is the thing for us. This argument, if it is an argument, is not over yet. We are still going to hear from a Committee. We are going to debate the Committee's recommendations on the floor. We are going to arrive at some kind of decision and then after that there is still a whole lot more. For example, I think the Committee of which I happen to be Chairman, Style and Drafting, might conceivably drop out the second house as a matter of redundancy in the language. The best purpose served I think by this discussion tonight has not been at helping us to arrive at a decision in this one matter of whether we should have a one-house or two-house legislature. It has been most valuable because it has thrown light on so many other problems which will concern us. There is this great problem of representation, supreme in the minds of so many of our delegates.

This body I believe is the first ever elected in Alaska where we had actual representative districts. I think the result is commendable. We have a fine Constitutional Convention here which I think represents all sections and all elements of the economy and all interests of the people. It is a unicameral body. Let's look for a moment at what kind of a body it would be if on that same election day last September, we had been electing, the people of Alaska had been electing, not a one-house but a two-house body. Let us look at what it would be -- first of all there were 19 members elected from separate representative districts. Those districts did not overlap and they covered the whole Territory. So every area of our great Alaska is represented here. Then in addition to that we elected 36 from larger areas, we elected a number of them from the Territory at large. We elected another number of them from each of the judicial divisions, and the results of those elections if we look at them are as follows: one member came here from each of six small places, Wrangell, Klawock, Haines, Sitka, Unalakleet and Valdez. Three came from Nome, seven came from Juneau, eight came from Fairbanks and twelve came from Anchorage. Just from those at large elected. Now that would be your Senate if this were a two-house body, and if the election had been held on that same day and we were a bicameral Constitutional Convention. The delegates here from Anchorage and Fairbanks alone would control more than one-half of the upper house, and it does not matter how preponderant the sentiment may be in the body that has representatives from all over the Territory, nothing is ever finally passed through a two-house legislature unless it passes both houses. Getting through one house is not getting half-way there, it isn't getting any place. You have to get through both of them or you haven't got a law, you haven't got a bill or an act. So I think we need to give some thought to the matter of representation. It is supremely important and I hope we have another session such as this, with attendance such as this and with as eloquent expressions of opinion from the delegates as we've had tonight on that subject, in a Committee of the Whole. The matter of checks and balances has been mentioned. In my view, there is a need in government for checks and balances among the three coordinate equal bodies of any government. There needs to be checks between the legislative on the one hand and the judicial and the executive on the other, and between those three we do not find any system of checks and balances within any of the coordinate branches except in the legislature. We don't find that we have two courts on an equal level trying the same case and that there will never be a verdict unless the two courts come up with exactly the same decision on any matter. We have one court and when it decides something, that is it. There is a court on another level to which an appeal is possible in some cases, but only one. You don't go to two more and have no verdict unless both of them happen to decide the same thing. If it is good to have two houses of the legislature why is it not good to have two governors? Indeed, if it is good to have

two houses of the legislature why is it not good to have three houses, to make it even more certain that no bad legislation will get through, or four and let's be perfect. I believe that responsibility is the thing and that responsibility will be developed by placing the responsibility upon a number of people, whether that may be a one-house legislature or in a two-house legislature. There would be no five percent luxury tax passed by a one-house Alaska legislature if we had had a unicameral system, at the last session. I am convinced of that. I was close to it and watched what happened. I think that there is no argument either in tradition. The reason we have a two-house legislature in our national government, in our Congress, is because there was need of a compromise. There never would have been a nation, there never would have been a Congress, or Constitution if we had not been able to have one house which would be based upon representation of people and the other that would be based upon areas. We would not have had a nation. Now this matter of lobbyists of which Mr. Stewart spoke so feelingly. I can speak feelingly of that too. It was mentioned here a few minutes ago that one of the members who has had long legislative experience has never seen a lobby control both houses. A lobby doesn't have to control both houses. It has to control only one house, it doesn't even have to control a whole house. When we have a situation such as we have in Alaska at the present time where perhaps the executive is on a different side of the fence from the preponderant feeling of expression in a legislature and something comes up on a measure to override a veto, all that the lobby has had to do and all that the lobby had to do in the last session of our legislature was control just five members and no piece of legislation which the governor opposed could ever get through that legislature, although there were 40 members there, the lobby that could control five members (and believe me they did) can stop it. It was mentioned here too that somebody once saw a lobbyist pass a note to a member of the House. Of course, that happens all the time. It would happen in a one-house legislature. But what is the real meaning of that? In order to control a house, even if the house were only as large as that of our Alaska at present, the lobby would have to control 13 members. If we had a lobby trying to control this body, it would have to control 28 members, vastly more difficult than controlling a little group even if we doubled the size of our present Senate, the lobby would still only have to control 10 members.

CHAIRMAN RILEY: I'm sorry Mr. Sundborg but your time is past. Mr. Buckalew?

BUCKALEW: If there is no further discussion, I move that we report progress.

CHAIRMAN RILEY: Mr. Buckalew has made the motion that the Committee rise and report progress.

HARRIS: Point of order, did the motion come before the house that the visitors would be allowed to speak?

CHAIRMAN RILEY: That was discussed a few minutes ago. We will have two minutes of recess. The Convention is at recess.

RECESS

CHAIRMAN RILEY: The Committee will come to order. Mr. Doogan?

DOOGAN: Mr. Chairman, I think that most of the Committee, all of the Convention delegates who want to be heard have been heard from. I would like to move and ask unanimous consent that if there is anybody in the gallery that wishes to be heard, that they be granted the privilege.

CHAIRMAN RILEY: Without objection it is ordered that anyone in the audience who wishes to comment on the subject under discussion this evening may step forward and do so.

DR. HUGH FATE: I feel that this group should be represented and if others are too timid to do so, I shall pass a few remarks. We have heard the pros and cons of this debate. If I were to judge the debate I would say on the basis of brilliant presentation, the pros resolved that the unicameral system be adopted, would have won. On the basis of solid argument, I feel that the negative side would have won. We have had a classic example of how, if this house were evenly divided, one brilliant speaker might change the whole complexion of the house and a measure be passed, and that would be your unicameral system. It could be, and if that one brilliant speaker, which does not exist here, happened to be under the thumb of a lobbyist you might have a law that you did not want. I want to remark also that if this body thinks that the people of Alaska are not watching you, you are mistaken. We expect you to come up with something good, and we believe you will do so, and the attentiveness of your audience I think proves that point. It might be a good idea to take a straw vote among the audience. That is all, sir.

DOOGAN: Mr. Chairman, may I ask that the people that speak from the audience state their name for the benefit of those people who are not from Fairbanks and where they are from. That was Dr. Hugh Fate.

CHAIRMAN RILEY: Are there others who care to address any remarks?

MR. KOPONNEN: My name is Neil Koponnen. I am a homesteader on Chena Ridge and an electrician by trade, an unsuccessful candidate for the last election and I stuck my neck out on the unicameral issue. Nobody knows me very well. I don't belong to any party, I don't belong to any lodges, I don't have much

voted for me and I think largely because I stuck my neck out, so I guess that is about what I would be said to represent. I never could see any sense in the taxpayers hiring two bunches of politicians to go off in to opposite ends of a big building and argue the same bloody question and take twice as long to come to an answer and then finally disagree. But as it was pointed out, the control is always in the joint committees and if the lobby controls the joint committees, they control everything. I have heard a number of speeches by a number of people over the years, not necessarily running for this, but running for some other office, especially running for the legislature up here. They rant about the bureaucracy, they rant about executive, about how the government outside is doing something. One of the things that has lead to government by the executive and government by executive decree and judicial decree has been the fact that the legislature is unable to function. It is internally checked, I wouldn't say that there was very much balance to it. There are checks and balances but it's the complete brake on the system, on the legislature itself. It is unable to express itself, it is unable to act when it needs to act. Action has to be taken in a crisis sometimes, like during the depression or during a case of war, it is taken by the executive. To whom do we turn if something is wrong with that? Do we turn to the legislature for a good law? We don't give a damn, if we have enough money we go and hire a lawyer and go to the judges to secure relief. I don't think there is any argument in tradition as has been said or in the fact that the bicameral system has lasted 175 years. If you study history, the bicameral system is a simplification of what went before, when you had a four-part system. The medieval courts, the medieval legislatures were very often split amongst the nobles, the house of lords. You had a house of clergy, well let's have a third house if two houses are so good. I think that always we've tried to simplify our government so the people themselves can better express themselves through it. The government, I think I said, exists to do for us collectively that which we cannot individually do ourselves. If it cannot act, then how can we act in a question which concerns us? I am glad I had some representation here even if it comes from Kodiak and Nome.

CHAIRMAN RILEY: Thank you Mr. Koponnen. Is there other comment? Mr. Barr?

BARR: I would suggest that the public here be informed that their remarks are being taped probably will be broadcast from a radio station. In any case if they are groping for words, they will at least look at a dictionary and use some words that are in the dictionary instead of something that I don't recognize as English.

CHAIRMAN RILEY: Is there further comment from the audience?

ALICE STUART: I am also a defeated candidate. I got 2616 votes at large. I also don't belong to either political party nor do I belong to any civic or fraternal groups. However, I thought we should have a good constitution that should be based on fundamental American principles. One book that I have read that has been of great interest to me is The Federalist. I haven't read it all but parts that I have read, I enjoyed. There is one I would like to refer you all to and that is No. 62, credited to either Hamilton or Madison. In it is refers to ". . . inquiring into the purposes which are to be answered by the senate and in order to ascertain these, it will be necessary to review the inconvenience . . ." You will find that many of these reasons, I think there are five or six of them, will apply equally to the State of Alaska and I think you would all, if you haven't read The Federalist No. 62 will find it of great interest. It is in favor of the two-house system.

CHAIRMAN RILEY: Thank you, Miss Stuart.

CONSTANCE GRIFFITH: I am one of the three that lost in spite of sticking my neck out for unicameral legislature but I don't think in all fairness it is fair to say that was the reason I lost. It seems to me that the three points that have been advanced against unicameral legislature -- the embarrassment of a member of the House or the Senate because something passed that he was sorry he voted on, I would say that in the unicameral legislature, you would take more time and that would save the groping around, the running back and forth and the embarrassment, and that that would perhaps make much better legislation because a bill would not have to be rushed through the other house. In taking more time, then people would have a chance to get their views to the one house and the deliberations would be more gratifying to all concerned. The other two things are ratification and tradition. Now the tradition of our government in having a two-house legislature is because we have states and then the government. We don't have anything comparable to states in a state that needs representation in a separate house, so I don't see that purpose is served and that tradition needs to be so clung to in this particular instance. As far as ratification, I think the people trust you and are willing to go along with anything that you at the Constitutional Convention devise for us to ratify, and I don't think you need to be afraid if you really think this thing through and come out with either unicameral legislature or bicameral legislature, I am pretty sure the people of Alaska are going to get behind you and will ratify anything you do. Thank you very much.

CHAIRMAN RILEY: Thank you, Miss Griffith.

UNIDENTIFIED MAN: It has impressed me tonight how many people have said we must sell the constitution to the people of Alaska, and sell it to Congress, but somehow that smacks of something small to me. Maybe that is wrong, but all the great theories that have come from history have been something new, something different, and they have not always been impractical, because they haven't been done before but quite often the thing that turned out to be the most practical as well as the most inspirational for most people. I think a lot of people came to Alaska because they felt the United States was not completely God's country, that it wasn't perfect, but no country is. Maybe it's strong but strength isn't everything. I love Alaska because I feel that there is so much wrong up here, but there is still so much that can be done and so much future and that we need to have the courage to step forward and that we need not rely and say that we must do everything because it is done in the states and always has been done in the states. That doesn't make it perfect. I know people that have the courage to believe in theories if they feel that the theories are right and good, because I think most of the progress in the United States originally and throughout history has been through people having the courage of their convictions.

CHAIRMAN RILEY: If there are no further comments from the audience, the Chair would entertain a motion to rise.

V. RIVERS: Mr. Chairman, I make a motion and ask unanimous consent that the Committee of the Whole now rise and report progress.

CHAIRMAN RILEY: I might state first that the bus has been called and should be here in a matter of about 15 minutes. without objection the Committee shall rise and report progress. So ordered.

RECESS

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

RILEY: Mr. President, your Committee of the Whole has met, risen, and reports progress.

PRESIDENT EGAN: Mr. Riley reports that the Committee of the Whole has risen and reports progress. Is there other business to come before the Convention?

HELLENTHAL: Mr. Chairman, I move the meeting be adjourned until 9 o'clock tomorrow morning.

PRESIDENT EGAN: Mr. Hellenenthal moves and asks unanimous consent that the Convention stand adjourned until 9 a.m. tomorrow. Is there objection? Hearing no objection it is so ordered.