

**ALASKA CONSTITUTIONAL CONVENTION**

January 23, 1956

SIXTY-SECOND DAY

PRESIDENT EGAN: The Convention will come to order. We have with us this morning Major Robert A. Wood of the Air Force at Ladd Field. Major Wood is a member of the Presidency of the Fairbanks branch of the Church of Jesus Christ of Latter-day Saints. Major Wood will give our daily invocation.

MAJOR WOOD: Our kind and gracious Heavenly Father, we come before Thee at the beginning of another week full of opportunity for the delegates at this Constitutional Convention, and we pray, Father, that Thy guiding Spirit will be with them, that the spirit of friendship which prevails here this morning will prevail throughout the remaining days of the Convention. It is likely, Father, that in the course of conducting the important business before this Convention there have been words said which have cut into the hearts of some of those present. We ask, Father, that those who have been hurt be struck with the true spirit of forgiveness and that they be moved to dig a grave deep in the depths of their soul, a spot where they can bury these hurts never to become forward again. We pray, Father, that we have Thy blessing on this meeting, and we do it in the name of Thy Son Jesus Christ. Amen.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll.)

PRESIDENT EGAN: Mr. Buckalew is here; Mr. Kilcher is here; Mr. McLaughlin is here; Mr. Emberg is here.

CHIEF CLERK: Four absent.

PRESIDENT EGAN: A quorum is present. The Convention will proceed with its regular order of business. Mr. Fischer is here. A pen has been found in the faculty lounge upstairs. If it belongs to any delegate they may come up and get it. Are there any communications, petitions or memorials from outside the Convention?

(The Chief Clerk read a telegram from Mr. William L. Paul, Grand President of the Alaska Native Brotherhood, opposing deletion of Section 5 from the resources article.)

PRESIDENT EGAN: The communication will be filed.

(The Chief Clerk read a letter from the Tanana Valley Sportsmen's Association, Fairbanks, expressing objection to and recommending corrective action in the case of certain constitutional matters. The Chief Clerk also read a letter from the University of Alaska Wildlife Club, recommending the inclusion of provision for wildlife administration in the constitution.)

PRESIDENT EGAN: The communications will be filed. Are there other communications? Are there reports of standing committees? Mr. Sundborg.

SUNDBORG: Mr. President, your Style and Drafting Committee would like to report to you that it needs more time in which to work on the many proposals which are now in that Committee. We worked throughout the weekend and we are about ready to report two or three more proposals to the floor, but we will need possibly five or six hours today, probably, in order to do that, and I was wondering if we could establish a schedule for the Convention for the plenary session that would let us have that time in which to proceed because, as I see our calendar, until the Style and Drafting Committee can get some more proposals out on the floor, there won't be too much for the Convention as a whole to do.

PRESIDENT EGAN: Mr. Sundborg, if the Chair may, are there one or two proposals in the boiler room at the present time?

SUNDBORG: There is one in the boiler room which should be out before noon.

PRESIDENT EGAN: The Chair was wondering if it might be -- we have in third reading Committee Proposal No. 2. If we could proceed with Committee Proposal No. 2 in third reading, then if it would be your wish to recess, say, until 1:30, and the other proposal would then be ready for our consideration in third reading. Would that help?

SUNDBORG: It would. It has been the policy of the Rules Committee that after a proposal is reported by the Style and Drafting Committee that there be an overnight period for consideration of it by the delegates before it is actually taken up on the floor, so we had in mind that if we could have, say, six hours today we could have possibly three others besides the one which will be ready at noon, and they could all be reported to you today and that would clear them all for consideration in the plenary session tomorrow.

PRESIDENT EGAN: We have a meeting scheduled for tonight, also, Mr. Sundborg. The Chairman of the Rules Committee is not here at this time.

SUNDOBRG: I haven't looked at the calendar. I don't know just what is on it.

PRESIDENT EGAN: It shows Committee Proposal No. 2 and Committee Proposal No. 16. Mrs. Hermann.

HERMANN: Mr. President, I am the Vice Chairman of the Rules Committee.

PRESIDENT EGAN: The Vice Chairman is present then. Mr. Smith.

SMITH: Mr. Riley was ill yesterday and probably was not able to make it this morning. He had rather a severe cold.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. President, what is wrong with recessing now until 7:00 o'clock? That will give the Committee all day.

PRESIDENT EGAN: If there is anything else that can be accomplished by the delegates, the Chair certainly doesn't feel that, unless it is absolutely necessary, to recess all day, why if there is anything else we might consider

BUCKALEW: Well, Mr. President, from what Mr. Sundborg says if we don't recess today and give them time to get these proposals in order, we are not accomplishing anything.

PRESIDENT EGAN: If there is no objection, the Convention will be at recess for a minute or two.

RECESS

PRESIDENT EGAN: The Convention will come to order. Are there any resolutions to come before us at this time? If not, we have Committee Proposal No. 2 as reported to the Convention by the Committee on Style and Drafting before us in third reading. The Chief Clerk will read the proposal.

(The Chief Clerk read the entire proposal at this time.)

PRESIDENT EGAN: Committee Proposal No. 2, the judiciary article, is now before us in third reading and open for debate prior to the vote that will be taken on its final passage to become a part of the constitution. Mr. Robertson.

ROBERTSON: I am going to vote "yes" for the adoption of the Committee Proposal No. 2. Personally, I fear very much its rejection by the people and also by Congress due to the failure of the Convention to change the words by law" to "by the

legislature" in accordance with Mr. Johnson's motion of last Saturday.

PRESIDENT EGAN: Is there further debate? Mr. Cooper.

COOPER: Mr. President, this isn't debate. I merely want to ask if in Section 4 licensed to practice law" means the same as "admitted to the bar"?

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: That was a change made in Style and Drafting. It was generally agreed that it meant the same thing.

PRESIDENT EGAN: Does any other delegate desire to be heard on this proposal? Mr. Smith.

SMITH: Mr. President, I would like to ask Mr. Robertson a question.

PRESIDENT EGAN: You may, if there is no objection.

SMITH: I would like to know on what you base your fears. Has any such action been taken in the past?

ROBERTSON: Well, I answer that question, Mr. President, by stating that is my personal thought on the matter, but I can't believe that Congress is going to agree to a proposal that submits to a mass vote the question of jurisdiction of the courts. That is a matter of scientific investigation and you can't campaign on that kind of an issue before the people. That is something that a small group of people, of men and women like the legislature, should give very careful thought and consideration to and decide entirely on a nonpolitical basis.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I am going to certainly vote for this. I think this article is a very fine coverage of the judiciary and represents the best in thinking and experience. Along these thoughts expressed by Mr. Robertson, I propose to advocate something under initiative and referendum whereby the jurisdiction of the courts shall not come under the initiative or referendum.

PRESIDENT EGAN: Mr. McNealy.

McNEALY: Mr. President, I could probably talk for two or three hours and there is ample material to talk against this bill for two or three hours or two or three days. I am going to be brief

and I hope that the proponents of the bill will find a way in their speaking so that they can be as brief as I intend to be. In fact, I could sum up all I have to say in two words, "no good". I do want to just hit a few of the high spots in this matter, though. It has been amusing to me to hear delegate after delegate come on the floor and talk about the rights of the people. They want to give the people this right; they want to give them the initiative and referendum; when it suits the purpose of the delegate speaking, then he is interested in the rights of the people. When it doesn't suit his purpose, then he doesn't believe the people should have the right. I think that is a foregone conclusion that in the Convention here, which has served its purpose not only in this, but in other matters that have been before the body. Now, if we are going to give the people any rights, we have gone along under this appointive judge system as far as Alaska is concerned since the beginning of the Territory; we want to give the people some rights; then give them the right to elect these judges because after all these judges are the people who are going to judge the people. This way the people, in no way you read it, or no matter how you state it, this article does not give the people any rights in regard to appointing these judges. The most ridiculous thing would be statements of the proponents of this bill that while these judges have to run against their records and the people have something to say. Well, it is an old maxim among lawyers that judges never die and seldom retire, and so you are not going to get rid of them that way, and when they run against themselves the greatest way to get them elected would be a little bit of opposition by a group. Supposing the bar association, the attorneys, knew that a judge was bad and wanted to get rid of him. If I were a judge, just before I was ready to run for re-election or to run against myself I would get the bar association good and burned up at me and ask them to come out in the papers against me and then the general public would vote me back in by probably the biggest vote that was ever cast in that particular type of election. We get into a matter that they say is nonpolitical. It is nonsense to say it is nonpolitical. It is the most political situation and fraught with all sorts of elements which make for politics here. You start out with three laymen appointed by the governor. Now, regardless of the governor, what party politics he has, he is going to certainly name the three laymen that are friendly to him, and in addition they are obligated to the governor for his appointment or for their appointment. Then when it comes to nominating the various judges, don't think the governor is not going to have something to say with these three laymen. Then we get down to the four lawyers, etc. Now these four

lawyers are going to make it a nonpolitical situation -- maybe that is the idea -- three lawyers chosen by the bar association. I am a member of the Alaska Bar Association; I should say that all are hearts and flowers in the Bar Association; no politics are going to be involved there. I hesitate in belonging to this closed corporation of union of attorneys, I don't want to comment too much on the politics that does and can go on within that body. But if you think that politics isn't going to be played with the Bar Association -- I grant the fact that the Bar Association is not going to stand for picking out some ignorant and inexperienced attorney and putting him up as one of the representatives. They are going to undoubtedly pick out good men, men with knowledge of law, but lawyers have politics, too, you know. They are Democrats and Republicans, and while the law is a jealous mistress, politics is also a jealous mistress, and any attorney who is a Republican and there is a Republican that he can see is going to be nominated and put in as a judge, he is certainly going to work toward that end. We get into the situation where you are going to have four lawyers including the chief justice controlling this judicial council, and I say this to you laymen in all fairness, that in my opinion four lawyers should be able to control this judicial council; but let's remember the chief justice is going to owe his appointment to the governor. He is going to owe obligations to the governor. All the governor is going to have to do, if he can control the chief justice and the three laymen, he makes all the appointments; if the bar association can control the chief justice and the three lawyers on this judicial council, they are going to make all the appointments. I sincerely hope that this judicial plan, as we have here, is considered seriously. The elective plan of judges has worked successfully in the states, all reports not to the contrary. We have had an offer here of something new, something different from the Committee, and, I am sorry to say, the lawyers have been carried away with the plan. My main purpose in speaking against it now is not because I believe that anything that I say is going to influence one single vote upon this floor, but I do want the members of this Convention, when you see politics in future years to come, if this constitution goes into effect, I want it remembered at least that I made the statement here when you see politics mixed up in your judges and the possibility of a Pendergast machine being set up here in the Territory, this Missouri Plan we have certainly makes it very possible, and at that time I will want to always remember, and thank the delegates for this, that they made it possible to amend this constitution fairly easy, at least within ten years after it is adopted, we will have a chance to amend this Missouri Plan out from the body of an otherwise good constitution. I would hope against hope that this judicial article would be forced to crawl back into the burrow from whence it came.

PRESIDENT EGAN: Is there further debate? Does any other delegate wish to be heard on this subject of Committee Proposal No. 2?

McCUTCHEON: Question.

PRESIDENT EGAN: If not, the question is, "Shall Committee Proposal No. 2, the article on the judiciary, be adopted as part of the Alaska state constitution?" The Chief Clerk will call the roll.

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

Yeas: 47 - Armstrong, Awes. Barr, Boswell, Collins, Cooper, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 6 - Coghill, Knight, Laws, Londborg, McNealy, Poulsen.

Absent: 2 - Buckalew, Riley.)

PRESIDENT EGAN: Mr. McCutcheon.

McCUTCHEON: Mr. President, I change my vote from "no" to "yes", please.

PRESIDENT EGAN: Mr. McCutcheon changes his vote from "no" to "yes".

CHIEF CLERK: 47 yeas, 6 nays and 2 absent.

PRESIDENT EGAN: So the "yeas" have it and the article on the judiciary has become a part of Alaska's state constitution. Mr. Sundborg.

SUNDBORG: Mr. President, I am wondering, in accordance with our rules is that now referred back to Style and Drafting for placement in the final constitution?

PRESIDENT EGAN: That is correct, Mr. Sundborg. Mr. Sundborg, did you wish the floor at this time?

SUNDBORG: Mr. President, I desire to bring up now and move that we rescind our action with respect to Section 1 of Committee Proposal No. 12. I gave notice on Saturday that I would make this motion, and the specific action which I moved that we rescind was that in which we changed the word "shall" to the word "may" in Section 1 which refers to the establishment of a merit system for state employees. I now move we rescind the action taken when we adopted that amendment.

PRESIDENT EGAN: Mr. Sundborg moves that the Convention rescind the action taken when it considered the amendment changing the word "shall" to "may" on the first line of Section 1 of Committee Proposal No. 12. Is there a second to the motion?

METCALF: I second the motion.

PRESIDENT EGAN: Mr. Metcalf seconds the motion. The question is, "Shall the Convention rescind its action taken in adopting the amendment referred to?" The Chief Clerk will call the roll. Mr. Londborg.

LONDBORG: Mr. President, is the article debatable?

PRESIDENT EGAN: A motion to rescind is debatable, yes, Mr. Londborg.

LONDBORG: It seems to me that if we change that to "shall" we are actually writing in here legislation, very definitely so. I think one of our purposes, and I think the mover of this rescinding action has reminded us of many a time, that we are to have this constitution as simple as possible and leave legislation out. Now the other day we failed to pass an amendment to the resources article to legislate in favor of a certain group of people known as the Natives of Alaska, because it would sort of protect a certain few people. We wanted to keep from showing partiality. I don't know what this does to put this mandatory in the constitution but legislate for a certain few people. They are employees, the same as probably the majority of the people here at this Convention. We go out and work on a job; we work at the pleasure of the one that hires us. If they don't want our services any more they can fire us. It is up to us to produce. Here we intend to legislate the writing in our constitution that the legislature must set up something. I think the legislature will take care of this anyway, but to write it in here that they must do it is setting up a sort of protective wall around a certain group of people that happen to be working for the state government. It is called a merit system, but very often it doesn't work that way. A man gets into office and he can have a whole staff under him that aren't even sympathetic with his ways and views. They know the ropes,

the ins and the outs, and they can work often very contrary to his wishes, make things pretty hard for him. He can't fire them, he can't replace them; he is stuck with them. But here in our constitution now if we rescind our action we are putting a protective wall around a certain group of people. We didn't do it the other day, I don't see why we should do it today.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, if I remember correctly, the other day we had a vote on deleting this section altogether from the proposal. That amendment was defeated and the section was left in. It seems to me that if we have something like this in the constitution, if we use these three lines we should keep the word "shall"; otherwise, we are just wasting three lines in the constitution altogether. The word "may" doesn't mean anything. The legislature has the power anyway. As long as we have in there that makes it completely senseless. If we believe in the merit principle we should put in "shall". Otherwise, this has no meaning.

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: I would just like to say that I think there is no intent to favor any small group of people. To me it is merely a matter of stating that we do not believe in a spoils system for our Territorial employees. And I think we would be very wise to rescind our action.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I don't think anybody is, in principle, opposed to the merit system. The merit system is incorporated into the federal scheme of things through the civil service. It is a system by which persons who are to be employed by the state are employed on the basis of their ability rather than who they might know or what pull they might have or how they voted in a recent election. I have had some personal experience with the merit principle as it is made to apply to three agencies in our Territorial government which it must do in accordance with federal law for such agencies as participate in federal funds. I was for a year and a half the supervisor of the Alaska Merit System, and I know that it can work and it does work. Persons who desire employment are treated alike. They are given written and oral examinations to determine whether they are qualified for the positions to which they aspire. There is a regular integrated program of salaries as between various positions so that not the legislature, not the head of an agency, can say that this person shall get so many dollars per year and that one so many, without any reference to what the person is doing

or what he is producing. The converse of the merit principle is the spoils system, and anyone who doesn't want to have a merit principle incorporated in our state government system must, I think, be in favor of a spoils system. I agree with Mr. Fischer that if we are going to say "may" we might as well drop that section entirely from the constitution because it is meaningless if the legislature already has the power to provide if it desires to do so. I would hope that instead of that we will direct through the constitution that the legislature "shall" provide such a system so that the state government in Alaska will be one in which all of the people who are working are people with ability and people who are entitled to hold the positions they have on the basis of their merits rather than on the basis of their politics.

PRESIDENT EGAN: Mr. Stewart?

STEWART: Mr. President, is this broad enough so that it includes not only commissioned officials in the Territory, or does it include laborers or anyone who works for the state in any capacity?

PRESIDENT EGAN: Mr. Sundborg, could you answer that question?

SUNDBORG: Every merit system, including the United States Civil Service, is set up so as to have certain exceptions from it. For instance, there is an exception usually for the top man, that is the head of each department. The governor, in the case of that man, can say who it is he wants because that is a man who is making policy and his policy should conform to that of the chief executive. There are usually also exceptions for those who work by the day, for those who have only temporary employment, and sometimes for the secretary or chief assistant of the head of the agency. The answer to Mr. Stewart's question is that in any such system there are exceptions, but the exceptions are governed by a system. That is, it isn't up to the agency head himself to say "I want this one governed by the merit system and this one not. It is set up so it is the same for every agency of the government, and I know it is workable; I know that it does not saddle any agency with people who are not able to perform their duties. On the contrary, it insures that those who are employed will be qualified to do the work for which they are being paid.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: I disagree with the answer that Mr. Sundborg just gave. I think that if you change the word to "shall" it becomes mandatory then for the legislature to provide a merit , principle system under which we have the employment of persons by the state. Now

that means everybody employed. There is no differentiation between one class of employees or the other. It covers person employed by the state. I think we ought to vote "no" on this rescind motion.

PRESIDENT EGAN: Mr. Stewart.

STEWART: Just to bring this question to a decision, I will move to amend it by saying employment other than temporary".

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, in writing the article on the executive branch the Committee always used the word "employees" meaning those employed under the department heads, and whenever they meant an appointed department head they said "public officer or "officeholder", and this merit principle is supposed to apply to the employees, meaning to permanent employees. I agree entirely with what Mr. Fischer said as to the necessity of this article. The Committee originally said the legislature "shall" provide for a merit system because they thought it was to the best interests of the public and to the employees. Mr. Londborg says that we are legislating for a select few. Well, I would like to point out this is an executive article and it deals with a select few. It is setting up a framework of government for the state and it is dealing with the employees and the officers of the state only; and it was felt that it would be better to have a merit system to keep the employees out of politics. It was recognized, of course, that the governor should have his appointees serve as department heads, so he could work with his own team.

McCUTCHEON: Point of order, Mr. President.

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

McCUTCHEON: How does Mr. Barr substantiate his assertion that this is keeping employees out of politics? I don't see anything in here that prevents employees from getting into politics clear up to his neck.

BARR: It keeps his position out of politics --

McCUTCHEON: You are not inferring that this is a small Hatch Act?

BARR: No, no, no. I meant that the security of his position is kept out of politics. He couldn't be fired for political reasons. It won't keep him personally out of politics. In fact, it is impossible to keep anybody out of politics that want to get in it, but his position is secure. The legislature

can provide for any kind of merit system; it depends on how they write it. I do not defend the type of merit system where an employee cannot be fired if he is inefficient, or if it takes a year to hold hearings in order to discharge him. That is not the proper kind of a merit system but we don't have to have that kind. We do want a merit system whereby a man's position is secure if he is efficient and does his work, and that will provide the state with experienced employees. It isn't a complete change of employees every time new governor gets in. I believe that we should use the word "shall"; it is to the benefit of the public and the benefit of the employees.

PRESIDENT EGAN: Mr. Nolan.

NOLAN: There is no question in my mind that if the word "shall" is not included in it you might just as well throw it out. It is useless. I was largely responsible a number of years ago for the introduction of a merit system bill in the house. It passed the house and went to the senate and was amended there to appropriate \$2,000 or \$2,500 to make a study. The study came back in which, as I recall, it was said there was a good reason to have a merit system in the Territory. At present the three largest departments we have in the Territory are under the merit system. It does work a certain hardship on those people due to the fact that other departments can pay higher salaries. Now, the Legislative Council, at the present time under instructions from the last legislature, is making a very thorough study of the merit system with the idea of introducing a bill at the next session of the legislature to take care of that, and therefore, if the word "shall" is deleted and the word "may" put in you might just as well throw it out, because you are just taking up space in the constitution.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I would like to speak on the point of law: would this necessarily cover temporary employees. Mr. Stewart is quite concerned about this and would it cover all employees? This language speaks only of the establishment of employment by a merit principle. Now, I regard that as a general directive to establish a merit system, but all the details would be spelled out by the legislature, and I want the record to show that if I vote for the word "shall" it is not on the theory that every temporary employee is going to be under the merit system. It is going to be on the theory that the legislature has the power to spell out the details.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I would like to speak in favor of retaining the word "may" because regardless of how we speak in the

record here, I read this section as saying that the employment of persons, all persons by the state shall be governed by the merit principle. I don't think that means a system that will allow large and varied exemptions. I think that was pointed out in debate the other day, and I think that is one reason why we voted to insert the word "may". I think the other reason we voted to insert the word "may" is that it was pointed out that passage of such a system has proven difficult and lengthy in the past and may well prove difficult and lengthy in the future and that in the meantime employees of the state could come back to this section and say, "Look here, I am supposed to be employed under the merit principle, and I am not so employed." I think, contrary to some of the debate here, that if the word "shall" is inserted, then we should vote to strike the section. I think, although the section is powerless with the word "may" in it, it serves a useful purpose in indicating to the future legislatures what the feelings of this body were as regards to the merit principle. It shows that we recognize the difficulty in dealing with it in the constitution. For that reason, and that reason alone, I feel that it serves a useful purpose as it stands with the word "may".

PRESIDENT EGAN: If there is no objection, the Convention will be at recess for a couple of minutes.

#### RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us the motion to rescind our action on the amendment to Section 1. Is there further discussion? Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, I would concur in the statement made by Mr. Sundborg as to the merit principle. If we substitute here the word "shall" all we are doing, in substance, is providing that we won't be under a spoils system. I think, perhaps, there is a misapprehension in the Convention as to what the merit principle consists of. The merit principle, in substance, merely determines that political considerations will not be the determinant for the selection, and all we are doing is repudiating the idea of the spoils system. From somewhat limited knowledge, I know in most states of the Union, not only do they have, if they so desire, if you adopt this can you have a large exempt class, but you can have many varieties of what they call classifications and not necessarily even that. But you can have classifications classifying all applicants for service into various categories, some of them not requiring examinations, some possibly limited, but you can adopt the merit principle without examination, and it is certainly not my intent when I vote for "shall" to blanket in any large group of individuals permanently into the civil service. Another problem that has

arisen is the question many people complain about embedding public employees into their jobs. You have poor civil service systems and you have good ones. That is something that should be left entirely to the legislature. When you vote for "shall" you merely vote for the principle that you are opposed to the spoils system, and if you are in favor of some method of selection whereby you won't have on your payrolls people whose only obligation to government is to vote for those in power on election day. They shall be secure in their jobs, and not subject to political dismissal.

PRESIDENT EGAN: Mr. White, you've had the floor once, is that correct?

WHITE: I want to ask a question of Mr. McLaughlin.

PRESIDENT EGAN: If there is no objection, Mr. White.

WHITE: Mr. McLaughlin, if we reinsert "shall" here and it takes, now let's say for the sake of argument, two sessions of the first state legislature to pass such a system, will any employees of the state who may have been discharged prior to the passage of such a system have any complaint against the state under this section?

McLAUGHLIN: I would normally say "no"; that they would not have as long as it was not by political consideration. I think that we have committed ourselves far more by having adopted Section 2 than we would ever commit ourselves by adopting Section 1. We have bound ourselves now by contract to these retirement funds under Section 2. We bind ourselves to very little under Section 1.

WHITE: Mr. President, the retirement system is something that now exists, is it not?

McLAUGHLIN: Yes, but the retirement system as it now exists can be repudiated, but we, by adopting this, as soon as it goes into effect, have, in substance, made it a contract which the state cannot break and cannot impair and, hence, we are stuck with it forever because we have made it a contractual relationship which the state cannot change. So, actually, we have gone for more, without the "may" in Section 2, and I agree with the action of the Convention, than we ever would by changing "may" to "shall" in Section 1. In fact, the other day I voted to have Section 1 stricken as it read because I frankly believe that it is just excess verbiage in the constitution, and I still believe that if you don't adopt "shall" the whole thing should be stricken as a mere pious exclamation meaning nothing.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Mr. President, may I ask Mr. Nolan a question?

PRESIDENT EGAN: You may ask your question.

LONDBORG: You mentioned a little while ago that they have at least a partial merit system and that the Legislative Council is working on a merit system now. Is that correct?

NOLAN: That is correct.

LONDBORG: Does it seem that within the next year, or two or three years, that there will be a merit system in the Territory?

NOLAN: As far as I can judge the sentiment in the legislature seems to be going that way, stronger all the time.

LONDBORG: In other words, whether this was in or not, you feel that with the growing sentiment that we will have a merit system?

NOLAN: Eventually I think we will by action of the legislature, but whether it will be at this session or the next one it is hard to tell.

LONDBORG: I think that is fine and that further substantiates the fact that I think this is legislative material here then.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: May I ask the Chairman of the Judiciary Committee, Mr. McLaughlin, a question?

PRESIDENT EGAN: If there is no objection, Mr. Coghill.

COGHILL: Under this Section 1, where we insert the word "may" for "shall", would that then bind the article that we have just passed on the judiciary on the incapacitation of the judges to the point of the merit system?

McLAUGHLIN: Definitely no. Definitely no, no more than it binds the government to provide a pension for the governor of the Territory, particularly after he is impeached. The merit principle does not necessarily mean retirement. It is merely the nature of your employment, how you secure it and how you hold it, and it is a repudiation of the Jacksonian theory that "To the victor belongs the spoils." And when you say "shall" you repudiate the theory that the spoils belong to the victor in terms of jobs in the government.

COGHILL: In other words, you feel then that in order to protect the future employees of the state we should have "shall" in there?

McLAUGHLIN: In order to protect the state itself we should have "shall" in there.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: May I close, briefly? Mr. President, I think practically everything that can be said about this has been said. I can say definitely that it is in language which I think is identical with this or at least is very similar to that of the three agencies which now operate on the merit principle in our Territory which were ordered to do so by the federal government, and that system, the Alaska Merit System does provide exemptions of all temporary employees, all part-time employees and the heads of agencies. I want to say that to my knowledge there has been discussion in the Alaska legislature, at least since the 1941 session, which is now 15 years ago, of shouldn't we have a merit system, and most of the members seem to think we should, but they never get around to doing it. They have not got around to doing it yet, even though they are making a study of it, and it's well advanced. I would like to see us direct that the legislature "shall" establish such a system so there will be no doubt about it. On this matter of perpetuating in their jobs, people who will not be sympathetic or will not be able to do the work as the heads of the agencies desire, any employee under a merit system can be discharged for cause. A man isn't frozen into his job permanently just because he is hired under a merit system. If he isn't working in the way that the head of the agency and the merit agency of the state requires, according to job specifications, he can be relieved of his responsibilities in very short order, and that is as it should be. I will move, unless we do change "may" to "shall", I will move to rescind our action on having this in the constitution at all, because it is absolutely meaningless as it stands. If we put "shall" back in, it is meaningful, and I think, speaks for the best aspirations and best standards for a good state government which we hope we are going to have in the future.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Could I ask Mr. Sundborg a question?

PRESIDENT EGAN: If there is no objection.

COGHILL: Mr. Sundborg, the merit principle, is there a legal definition for it like you take in our apportionment plan we

have a legal definition for the plan that we prescribe. Is there a legal definition or a given definition through government circles on the merit principle, or is it something that the legislature will devise themselves?

SUNDBORG: I believe there is a well-recognized meaning for this term "merit principle". I am not able to say what it is here in just so many words, but it is the principle of people being employed according to their merits, and the legislature would have wide discretion, I would say, in exactly what it shall include in the way of provisions in the system, but it would have to set up a system which would be governed by the merit principle.

PRESIDENT EGAN: If you vote "yes" on this motion to rescind you will return to Section 1, line 1, the word "shall" to that section; if you vote "no" you will retain the word "may". The question is, "Shall the Convention rescind its action taken in changing the word "shall" to "may" in line 1 of Section 1?" The Chief Clerk will call the roll.

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

Yeas: 40 - Armstrong, Awes, Barr, Boswell, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, King, Knight. Lee, McLaughlin, McNees, Metcalf, Nerland, Nolan, Nordale, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, Wien, Mr. President.

Nays: 13 - Coghill, Cooper, Hinckel, Johnson, Laws, Londborg, McCutcheon, Marston, Peratrovich, Poulsen, Reader, Robertson, White.

Absent: 2 - Buckalew, McNealy)

CHIEF CLERK: 40 yeas, 13 nays and 2 absent.

PRESIDENT EGAN: So the "yeas" have it and the Convention has rescinded the action on the amendment. Mr. Sundborg.

SUNDBORG: Mr. President, under notice which I gave Saturday, I would now like to move that the Convention rescind the action taken in striking Section 5 from Committee Proposal No. 8/a which is the article on resources.

PRESIDENT EGAN: Mr. Sundborg moves that the Convention rescind the action taken in deleting Section 5 from Committee Proposal

No. 8/a. Is there a second to the motion?

BOSWELL: I second the motion.

PRESIDENT EGAN: Seconded by Mr. Boswell. Mr. Sundborg.

SUNDBORG: Mr. President, I want to say and announce now that if we rescind the action, I will move to amend the section to strike the words "and administration" from line 10. As the section read before we struck it entirely from the article, it said: "Regulation and administration of the commercial fisheries and of the wildlife, including game fish shall be delegated to a commission or to separate commissions under such terms as the legislature shall prescribe." I will move to strike "and administration" so that we would say: "Regulation of commercial fisheries and of the wildlife...shall be delegated to a commission or commissions." I mention this because I think there are many here, perhaps a majority, who feel that in accordance with the provisions of our article on the executive that the administration of any agency should be integrated into the whole state picture and should not be allowed to run on its own; whereas, I think there is no one here who would contend that the regulation of such things as the fisheries and the wildlife should be done by a single individual or by an agency which would not have a commission.

KILCHER: Point of order, Mr. President.

PRESIDENT EGAN: Your point of order, Mr. Kilcher.

KILCHER: What is the debate now? Are we discussing the motion to rescind or are we discussing an amendment?

PRESIDENT EGAN: Mr. Kilcher, Mr. Sundborg was explaining that if the motion carries what he will do.

KILCHER: I think he is out of order.

PRESIDENT EGAN: You might have a point there.

SUNDBORG: I will drop that line of argument then and simply say that I do feel strongly, as I said the other day, that a section such as Section 5 belongs in our constitution. We do have wonderful fisheries and wildlife resources. They are not matched by any other area in North America. I believe they are in jeopardy unless we have a section such as this included in our constitution. We have been asked by representatives of thousands of the citizens of the Territory to include something of this nature. I might say I don't care one bit what the

Alaska Native Brotherhood, or the Alaskan Sportsmen's Association, Mr. William L. Paul or Mr. Boddy or anybody else who has communicated with us wants us to do, except insofar as I feel that the thing they ask us to do is right. I do feel that in this case the thing they are asking for is right and that this has a place in our constitution and that we are probably letting our sons and grandsons down if we do not include something which will insure that the wildlife heritage of Alaska will be perpetuated under the state government. It has happened in state after state after state. They have seen their wildlife and their fisheries exploited and decimated to where there was little left and then they have written something like this into their constitutions. In the case of Missouri they called a Constitutional Revision Convention just for the purpose of writing something like this in. We have the unique opportunity here of having it in from the beginning and seeing that we do not place these wonderful resources, one of the things that makes Alaska unique, in position where they might be destroyed. Now, I can't think of any other way that you could regulate such resources except by a commission or board. I can't foresee that we would ever want to place it in the hands of one man the right to say that the season on grouse shall be "such and such" and king salmon may be fished for in "such and such" inlet between these certain dates. I think you need a commission in order to administer wildlife of that kind, and I think it is being done everywhere, where it is being done successfully, by a commission. Why not write it right into the constitution since I think it is what we are going to have anyway, and see that we are protecting this invaluable resource.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, it was my thought that we had made certain amendments or adopted certain committee amendments to that Section 5 which Mr. Sundborg didn't read. I wonder if the Clerk would read us the section as it was before we struck it.

PRESIDENT EGAN: Would the Chief Clerk please read the section exactly as it was at the time the move was made to strike the section from the proposal.

CHIEF CLERK: I don't have it.

PRESIDENT EGAN: Had there been any amendments? There were many amendments offered but had there been any of those amendments adopted, Mr. Davis?

CHIEF CLERK: No.

DAVIS: I am sorry. I thought they had.

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

LONDBORG: Mr. President, I would like to rise on a point of order and find out when a motion to rescind is out of order on a particular proposal. It seems that this one should have passed from second reading about two or three days before notice of intention to rescind came up.

PRESIDENT EGAN: Mr. Londborg, a motion to rescind can be made after the time for a motion to reconsider has gone by. A motion to rescind can be made at any time that something has not been done that cannot be undone, and it would seem to the Chair that there are very few things that the Convention can do that could not be undone. Those things might arise but the motion to rescind would be in order prior to the time that a proposal had actually been adopted into the constitution.

LONDBORG: Is there anything we can do that we can't undo?

PRESIDENT EGAN: In this Convention, just offhand. the Chair cannot think of anything that we could do that we couldn't undo, no. If it would be the desire of the body, unless we had taken some action, ordered the Sergeant at Arms to go down and bring a delegate to the Convention from town, we could not undo that action if we brought the delegate here.

LONDBORG: I was just wondering, because if that is the case, it is clear that we can move to rescind anything all the way up, including and through third reading, because there is nothing actually that is being done that we can't undo. Is that right?

PRESIDENT EGAN: That would be the feeling of the Chair. If it is the wish of the body to rescind an action that is possible to rescind, why, it could be done at any time.

LONDBORG: I just wanted to have it clear because I know some of us were going on the assumption that when it passed from second reading officially on into Style and Drafting or Engrossment and Enrollment, that your moves for reconsideration and rescinding were passed then.

PRESIDENT EGAN: Reconsideration after the time it passed, but there is nothing in our rules that says -- Robert's Rules doesn't apply to the rescinding motion.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, I don't always agree with Delegate Sundborg, but today I am in complete agreement because I believe

that we have made a very serious mistake, and I think it is indicated pretty clearly by the fact that we have had a great many communications to that effect. While it may be true that these communications might be considered in a sense pressure, I still believe that they represent a great many people who one day will vote either for or against the ratification of this constitution when it goes before the people, and certainly if we could remove their objection now, which they have indicated very clearly by these communications, I think that we have taken a very great step forward in insuring the ultimate ratification of the constitution once it is submitted to the people. I am going to offer an amendment, if we rescind our action. I am going to offer a similar amendment that I did the other day which at that time I withdrew, but I certainly feel that this is a serious mistake and if we don't rescind our action the consequences might be considerable.

V. RIVERS: If we rescind on this action, is the matter then open for amending?

PRESIDENT EGAN: It is. It would be. Mr. Kilcher.

KILCHER: Point of information, Mr. President. Is Proposal 8/a in second reading now?

PRESIDENT EGAN: If the Convention votes to rescind the action, then it would be back in the amendment stage in the opinion of the Chair.

R. RIVERS: Point of order. I don't think that this article has been sent to Engrossment yet. I think it is still before us.

LONDBORG: Point of order, Mr. President.

PRESIDENT EGAN: This particular article, the Chair, unless it was directed on Saturday, the Chair had not directed that it be referred to the Committee on Engrossment and Enrollment, Mr. Kilcher, but if the motion to rescind carries, it then brings that legislation, or that proposal, back before us in the position that it was at that time.

KILCHER: If it has never been declared out of second reading, the whole proposal is in second reading yet in that case right? And amendable as such?

PRESIDENT EGAN: That is right, Mr. Kilcher. The Convention will be at recess for two minutes. If there is no objection the Convention will be at recess until 10:50.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chief Clerk may read the communications that have been received.

(The Chief Clerk read the following communications: a telegram from Senator Marcus Jensen urging reconsideration of the action striking Section 5 from the resources article; a telegram from Reuel M. Fleming, Secretary of the Juneau Vessel Owners, expressing their view that there should be inserted in the constitution an article setting up a commission for fisheries; a telegram from Louise Juhnke, Secretary of the Anchorage Chapter of the Izaak Walton League of America, asking for the inclusion of submitted fish and game management proposals in the constitution; a telegram from Albert S. Davis, President, ANB Camp No. 1, Sitka, recommending a commission to govern fish and another to govern game be inserted in the constitution; a memorandum from the Director of the Alaska Department of Fisheries on behalf of the Alaska Fisheries Board, submitting the Board's recommendations regarding fish and fisheries provisions in the constitution; a memorandum from the Director of the Alaska Department of Fisheries on behalf of the Alaska Fisheries Board, submitting the Board's recommendations regarding fish and fisheries provisions in the constitution.)

HELLENTHAL: Mr. President, these letters to my recollection have been read before.

PRESIDENT EGAN: This letter, the Chairman of the Resources Committee has requested that it be read.

HELLENTHAL: I wondered, but now the wires, are they current?

PRESIDENT EGAN: The wires are all wires that have been received this morning, Mr. Hellenthal.

HELLENTHAL: Except for this letter?

PRESIDENT EGAN: Yes. The communications will be filed. At this time the Chair will refer Committee Proposal No. 12 to the Engrossment and Enrollment Committee. That is the proposal that the first rescinding action was taken upon this morning. Mr. Coghill.

COGHILL: Mr. President, speaking on the Section 5, I voted the other day to delete it and I felt at the time that no reference to any board or commission should be in the constitution, as we have not provided for a health board or a health commission or an educational board or an educational commission; we have left it up in the executive article to a given pattern. However, I feel that in the regulation of our resources that

these people that are members of gun clubs, of conservation groups, and dedicated to the preservation of the wildlife in the Territory, that has become a great concern to them. I know that we in Nenana have a rod and gun club that we call the Moose-Goosers, and we practice conservation within our area and we are very proud of the fact that when we have a problem that the board lends a sympathetic ear. I don't make it a habit to change my vote very often on a particular issue, but I hope that the people of the Convention will reconsider this and do as I do -- vote for it. I think that by having this board for regulatory purposes would not particularly infringe upon the administrative part that would in turn hurt the strong executive.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Some weeks ago we had Mr. Gabrielson here who spoke to us at length about the problem of wildlife management. If you will think back to that time you will remember that he discussed the establishment of commissions for the purpose of managing the wildlife of the state. During his formal presentation, as well as during the questioning period afterwards, he brought out a number of points in regards to the commission. One of the points that struck me more than anything else, in view of all the pressure that was even then being brought to include a provision in the constitution to establish separate commissions, was his statement to the effect that in states where constitutional provision is made for management, they have good administration and in other states where no constitutional provisions are contained they also have good administration. In fact, he brought out, if I remember correctly, that some of the best states in this field are those that do not have any provision in the constitution. It seems to me that this issue has been thoroughly distorted. The charge is continuously being brought that if we provide for a commission in the constitution it will be nonpolitical, if a commission is set up by the legislature it will be political. I see no protection in Section 5 that will prevent this commission or commissions that would be set up from being completely politically dominated, being political footballs and being completely ineffective. The only way to make this matter subject to good management and regulation is to have the legislature behind it, to make sure that good laws are enacted. I don't think that Section 5 does that in any way. I think that the sportsmen of the Territory, certainly those in Anchorage, have not given this any thought. When we were home during recess I spent some time with the president of the Sportsmen's Association. He never even broached the subject; it didn't seem to concern him. Certainly, individually, if they have been given the impression that if the commission is not provided for in the constitution, it certainly

seems to me that they have been given the wrong impression if they have been made to believe that our wildlife will be mismanaged under the state. I don't think that has anything to do with it. I think that there is no need to provide for it and I think we will probably have better administration of management under the state if we leave it to the legislature. Another point I would like to bring out is that we have had a lot of concern on the subject of fisheries. Where has been the greatest amount of abuse of natural resources in the history of the state? It has not been in the field of wildlife; it has not been in the field of fisheries; it has been in land management and forest management. If we want to be sincere about it, and if we believe that commissions are the solution, that is where we should provide for commissions, because anyone who reads the history of the states can look at the tremendous land steals that were perpetrated, the tremendous desecration of the forests, that is where the real mismanagement occurred. I think if we are to be consistent the whole matter of resources must be treated as one broad over-all subject and as such be left to the legislature.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: I cannot agree with Mr. Fischer. As Dr. Gabrielson also pointed out the necessity in the states for a commission, and under this we merely set up this or something similar -- if Section 5 is reinstated -- we merely set up a directive to the legislature to act on it, and I certainly feel that the sportsmen and commercial fishermen in the Territory are entitled to that. It was brought out on the floor before, early in the session, that when the Federal Constitution was drawn it was drawn in secret session to prevent anyone from presenting their views or from any of the news of it leaking out; but we have adopted, and even under the bill enabling this Convention to be held, provided for public hearings. Now, if on the one hand we provide for public hearings; and incidentally in the public hearing, at least in Fairbanks, the organized sportsmen requested an even stronger section in the constitution than this Section 5, but if we provide for public hearings and want an expression of the public, then we certainly shouldn't object when the public expresses their opinion and supports something of this kind in the constitution. To me it isn't any matter of pressure or anything of the kind, it is simply an expression of a large body of people as to their desires, and I, for one, feel that it is up to me to vote now to rescind our action.

PRESIDENT EGAN: Mr. Marston.

MARSTON: After the war, back in 1946, I made many pictures of the Arctic Alaska game. I showed them to the National Geographic Society, 3,400 people, and I found the whole 165 million

people out there much interested in the game of Alaska. They're not coming, only a few are coming, but they want a dream of a land where there are moose, caribou, sheep, ducks, and geese and bear, and it would be a sad world if we didn't have it. I understand Sweden has only seven moose left. I think it is a sad story; and these 165 million people want a dream of this land where there are populated forests, and I hope they always have the dream, and if by putting this in the constitution they can keep that dream alive, I am for it. I also found those same people, and I want to tell the mover of this motion, Mr. Sundborg, they were also interested in the Native people and their lands and the ground they had. I am for this move that Mr. Sundborg makes.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I would also like to support the people, and I am always interested to hear their views on any subject; I don't feel that we have been subject to undue pressures here, but I would remind the delegates that if you have listened carefully to all the communications that have been read to us, a lot of them are contradictory. Also a lot of them, most of them, go way beyond Section 5 as it was originally in the resources article, and I submit to you that Section 5 does not solve the problem so far as the Alaska Sportsmen's Council or any other organizations are concerned. As it came out, it merely stated there would be a commission or commissions without the rest of the plan that these groups are supporting, and that, as such, I do not think it necessarily represents their current opinion. When you strip their plan of everything except the mention of the word "commission", I don't think that you can say that Section 5 represents what the Sportsmen's Council or any other group wants to see in the constitution. Now, Mr. Sundborg mentioned the revision of the Constitution of the State of Missouri. You will all recall before we came here we had addressed to us a letter enclosing those sections of the Constitution of the State of Missouri, and if you want to go all the way toward supporting the views of these groups you should insert all these sections in our constitution because it is a complete plan of which the commission idea is only a small part. And I think if we are to consider their views fully, I think I will read these sections of the Constitution of the State of Missouri. Section 40 says: "The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes and the acquisition and establishment thereof, and the administration or all laws pertaining thereto, shall be vested in a conservation commission consisting of four members appointed by the governor

not more than two of whom shall be of the same political party. The members shall have knowledge of and interest in wildlife conservation. The members shall hold office for terms of six years beginning on the first day of July of consecutive odd years. Two of the terms shall be concurrent, one shall begin two years before and one two years after the concurrent terms. If the governor fails to fill a vacancy within thirty days, the remaining members shall fill the vacancy for the unexpired term. The members shall receive no salary or other compensation for their services as members, but shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties." Section 41. Commission may acquire by purchase, gift, eminent domain, or otherwise, all property necessary, useful or convenient for its purposes, and shall exercise the right of eminent domain as provided by law for the highway commission." Section 42. "The commission shall appoint a director of conservation who, with its approval, shall appoint the assistants and other employees deemed necessary by the commission. The commission shall fix the qualifications and salaries of the director and all appointees and employees, and none of its members shall be an appointee or employee." Section 43. "The fees, moneys, or funds arising from the operation and transactions of the commission and from the application and the administration of the laws and regulations pertaining to the bird, fish, game, forestry and wildlife resources of the state and from the sale of property used for said purposes, shall be expended and used by the commission for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto, and for no other purpose." Section 44. "Section 40-43, inclusive, of this article shall be self-enforcing, and laws not inconsistent therewith may be enacted in aid thereof. All existing laws inconsistent with this article shall no longer remain in force or effect." Section 45. "The rules and regulations of the commission not relating to its organization and internal management shall become effective not less than ten days after being filed with the secretary of state as provided in Section 16 of this article, and such final rules and regulations affecting private rights as are judicial or quasi-judicial in nature shall be subject to the judicial review provided in Section 22 of Article V." Section 46. "The commission shall supply to all persons on request, printed copies of its rules and regulations not relating to organization or internal management." Now you see how far we are removed from that plan and that plan is what they want, and moreover it has been indicated here that if we reinstate Section 5 we are going to get further removed from what they want and remove the words "and administration" from the article. I think that we

have taken the proper action, that the state is going to need a department of natural resources, that all natural resources should come under that department, and that if in the study and review of the entire subject, a commission for the purpose of regulations is found to be necessary under that department it will be established. And I think that if the sportsmen, with all the support they obviously have, including my own, are as strong as they have indicated, that there will be no abuse of the management of the fish and wildlife in Alaska. But I do not think we are helping them any by reinserting Section 5 and that we may be unnecessarily restricting the study and the properly setting up of the whole subject of resources under the future state.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, most of what I had intended to say has been said. I can agree with Mr. Sundborg that both game fish, wildlife and commercial fisheries lend themselves to the commission type of regulation. The only question is, in my mind, is it necessary that those commissions be established in the constitution? I would like to point out that we have, under our Territorial government at the present time, an Alaska Fisheries Board and an Alaska Game Commission. Under the transitory provisions those commissions will be carried forward into the new state government. It would take action by the legislature to set up any other type of regulation. I am convinced, in my own mind, that whether we take this action in putting these provisions in the constitution or whether we do not, we are going to have both our commercial fisheries and our game fish and wildlife regulated by commissions. Now, I stretched my conscience just as far as I could in not dissenting in the committee report which provided for the establishment of a commission or commissions in the constitution, for I could foresee that if this provision were retained, when I go home and talk to the people, especially those dedicated to the cause of education, labor, health, and other things, the first question they were going to ask is, "Why did you refuse to establish in the constitution those various departments and then put in a provision in the constitution providing for commissions for game fish and fisheries?" The only honest answer that I could make would be: "We submitted to the pressures brought by a special interest group," and to have been compelled to make such an answer I am sure would have taken something from the pride and the satisfaction which I have had in the work of the Convention to date. Now, I think probably, being as so much has been said on this subject, that it might be well to go a little further. I think again that the appropriate answer to the criticisms aimed at the delegates and at the Convention would be to say, "Forgive them for they know not what they do." The demands of

this group have been founded largely on the theory that constitutional establishment of a game commission would remove that commission from the reach of political pressure groups. Nothing could be further from the truth, as has been clearly demonstrated in the State of Florida. Florida had a situation somewhat similar to that which exists in Alaska. They attempted, by constitutional action, to set up a commission which they thought would be free from politics. They went much further than the sportsmen in Alaska have asked. The rulings of this commission were beyond the reach of the legislature and they really thought they had set up a commission which was beyond the reach of political pressures. After a few years, according to Professor Ernest Bartley of the University of Florida, this commission has become one of the greatest political footballs in the history of the state. Actually, in my opinion, what the leaders of the sportsmen group want is not complete freedom from political pressures, what they want is freedom from political pressures other than their own. From my observation of this Convention I would rate it as completely free and an independent body insofar as political pressures are concerned. Yet the leaders of the sportsmen's group are very unhappy that this body is independent. Now, would it not follow that if by some magic method they could establish a game commission free from all political pressures, they could find themselves in a very similar position in connection with the very amendment they had created. Apparently the sportsmen's leaders have based their arguments for the establishment of separate commissions by constitutional provisions on the fact that such a provision appears in the Constitution of the State of Missouri and that this commission, as so provided, has done a good job. They apparently have ignored the all-important fact that conditions in Missouri do not bear the slightest resemblance to those in Alaska. Missouri has no appreciable commercial fishery, and apparently insofar as I have been able to determine, and this is only from a superficial examination, they have not had the conflicts of interests between the game and the game fish advocates and the representatives of other resources such as oil, timber, water, etc. Now, those things have occurred in other states. Louisiana, just very recently, in fact, is embroiled at the present time in conflict between the game people and the oil interests. Arizona has had problems in connection with its water resources and game resources, and the point that I would make here is that the very thing which most of us favor, the establishment of an over-all resources commission and conservation commission, wherein there can be full and complete coordination and cooperation between all of the administrators of the resources, is the desirable end. Game commissions, like all other commissions, are made up of people; and people, however they may be selected, are susceptible to political pressure. The delegates have shown time and time again that their one concern is to protect the interests

of all the people. They have resisted, time after time, pressures brought by what could only be termed special interest groups, and I should say here in using the term "special interest groups" I refer to those groups who have concentrated all of their thoughts in connection with the constitution on one interest. Here we have had to look at all of the interests as a whole, not as any single entity. I think I have pointed out the main things which have been in my mind. I have regretted the fact that the various statements made have created what could be a very serious breach between the commercial fishermen and the sports and wildlife advocates. I hope that we can all look at this thing from our individual standpoints, both as our conscience dictates, and I hope that everyone will, after the vote is taken, accept it in good grace as the majority thinking of the group, and I can assure you that that is exactly how I look at it.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, I also feel constrained to speak on this subject. I was in the legislature when we established the existing department of fisheries and we established it as a department. It seems to me we have a parallel situation here, very close to that of the department of education and other departments, and we provided in the executive article for multiheaded departments. Now, I have heard a number of discussions here in connection with the problem of conservation and of fish and wildlife in the various states. It seems to me that they hold small parallel to the situation in Alaska. I have heard the situation of Missouri compared with Alaska. There they have a state with an area of approximately 100,000 miles, most generally, characteristically a prairie state; they have no shore line; they are in the agricultural and agrarian economy, which takes and uses a lot of land. Their problem of getting proper conservation of game by getting an amendment into their constitution was probably because the problem of conservation of fish and wildlife and game was not of great enough importance to the general public. But here we have a situation with 28,000 miles of shore line, 586,000 miles of area where I cannot help but see that we have a problem that is greater than any probable five or six states combined. It is an asset and a resource that I consider to be one of the most, if not the most, important resource that all the people in Alaska will have in Alaska for all time. And it is my desire to see that resource administered to the benefit and to the best interests of all the people so that it will grow and expand and be a source of economic wealth, prosperity, and happiness to all the people. Now, I feel that here we have heard a great many interesting arguments and discussions and debate that represent the honest opinions of each individual speaking, but I for one, and I am a sportsman, and have been a member of two sporting associations,

and have hunted in Alaska and fished in Alaska as a sportsman since I was a boy, feel that we would be doing a grave injustice to all the people if we set up a commission which would be dissevered from all of the other resources of the State of Alaska in the handling of this one resource. The argument that a commission is the ideal form of government for this resource might apply in the states. It might also apply in Alaska. We have provided for multiheaded boards to head departments and I believe that this department should be nothing less than a full department of government and not a commission of the third grade hanging off on the fringe. I believe that this department should have a voice in the policy-making and in the budget-making problems of the new state, and if the resource, as we now have it, is as valuable as it is now and gets more valuable, that is more and more reason why all of the people will have a firm interest in seeing that it is administered to the best interests of all the people by representatives of all the people. So, I come then to this matter of similar problems that have arisen in this Constitutional Convention. We had a considerable discussion, and I personally discussed this matter as a Chairman of the Executive with the Commissioner of Education, and he wanted to know for sure that the constitution would provide for a department of which could be headed by a multiheaded group or a board which would have overlapping terms for members and which would insure continuity of policy and which would insure the least possible intervention by any one political group, and in that section on multiheaded departments we provide for just that. So, as we look at this picture we have here one of the prime, or the prime resource, one of the most important parts of the state patrimony now to be administered by a commission if we put this matter into the constitution. I for one want to see it in a most important place as a full department, and if this rescission motion carries, I am going to fight hard to get into that word "commission", [the words] "multiheaded department of government", because I don't think it should be anything less. Now, we have heard the voice of a small group of people interested, and wholly interested and sincerely interested, in a resource. But that does not mean that their interest is the over-all picture: as Delegate White read to you, the so-called Missouri Plan includes a whole department of conservation, and I do not see how, under a commission regulating sport and game fishing and commercial fishing, they could have the proper coordination with the agencies such as the forestry group, and the fire prevention group, and other groups, in order to properly insure the protection of the game and wildlife unless they were a full department. I for one feel that we have made the provision in the constitution and the people of Alaska will desire and the representatives of the legislature will carry out a program which will make this department of our fish and wildlife and conservation probably

the most important and probably the largest and most powerful commission on that same subject of all the states, or of any five states combined. I want the delegates to note that in the Enabling Act, HR 2535, that half of the proceeds from the Pribilof seal fisheries will come to the new state. It is inevitable, I believe, that amount is now approximately \$1 million in slightly over a year, it is inevitable in my opinion that that money will be diverted and handled in the manner of preservation and development of our fish, game, wildlife, and our fur. It seems to me that as the situation improves out there that that money itself will increase. They will soon begin to take sea otter and half of that money will come into this department on conservation. I believe it will be not only one of the most important departments of government, but I believe it will also be one of the best financed, with the licenses that could be earmarked under the present setup into this department; with the appropriations of the legislature; with the vast interest in both the commercial, the fish and wildlife interests; and with the other related interests such as the tourist trade, the outside hunter and fishermen groups that come in, the protection of the forests, the protection of the forests by fire protection. It seems to me that we must not lose sight of the fact that this is one part of a great big picture that means a great deal to all of the people of Alaska, and I am perfectly glad and will be happy to meet with any sportsmen's group and express my views and state the reason why I oppose freezing into this constitution a commission. I have looked up the interpretation of commissions. An interpretation of a commission is something that generally operates something. A board is generally something that regulates something, but a department of government has the full power to do all of those things and also to approach the governor and his cabinet, to be a part of that cabinet, to approach the board of the budget, to approach the legislature as a full department of government, and I think we would sell the people of Alaska terribly short if we don't allow this conservation department to be a full department of government, and I can readily foresee it will doubtless be a multiheaded department.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I would like to ask Mr. Victor Rivers a question.

PRESIDENT EGAN: If there is no objection.

R. RIVERS: I have been thinking that if this went through, the commission -- it is still in the hands of the legislature to decide what kind of commission it would be, or commissions it would be. Would this language, as it is, prevent the legislature making the commission a multiheaded

group, or a multiheaded department is what I mean, and would you object to this if we did substitute the words "multiheaded department" instead of the word "commission"?

V. RIVERS: I would still object, Mr. President, to freezing it into the constitution but I think it would be much preferable. If we say "commission" we doubtless mean "commission"; if we say "department of government", we doubtless mean that. I would think it would be much more acceptable as a multiheaded department, but to my way of thinking that should be a matter of legislative and executive prerogative so they could adjust and change as the condition and need arose. Does that answer your question?

R. RIVERS: Yes, thank you.

PRESIDENT EGAN: Mr. King.

KING: Mr. Chairman, the eloquence here of the greatest orators in the Territory of Alaska has impressed me very much; also the fact that the political winds have been blowing. I want to say here that I am not running for anything, the political winds haven't affected me any. In this department business, talking about departments in the Missouri Plan, now Section 5 to me, the one we are trying to rescind or the deletion of it, I don't see anything about the Missouri Plan in that. The Missouri Plan was read in great detail; it doesn't say anything about the Missouri Plan at all. Now the exceptions taken here -- of course I will have to take exceptions to what Mr. Fischer said because I don't believe Mr. Gabrielson talked in those terms -- the exceptions here, nobody seems to believe in the Hoover Commission which was 12 members, the federal government, nonpartisan, who definitely stated that they wanted a division of commercial and sport fishing interests. The Pacific Fisheries Conference which is represented on the Pacific Coast, including Alaska, also went on record for a division of commercial fisheries and game and wildlife. The reasons for that, of course, are many. Commercial fishing is purely commercial; that pertains to the sea; that is the sea. Land mass pertains to wildlife and sport fish; that is completely separated. One is social; has aesthetic features, has economic features; the other one is purely economical. Now as you know, Mr. President, the last tax returns in 1955 show fisheries, the sport stamp tax alone brought into the Territorial treasury \$65,000; \$65,000 against \$45,000 from the mining industry. Commercial fisheries at its lowest ebb last year brought in \$2,300,000 worth of tax money. Now we are talking about a resource that is valuable to the people of Alaska. These people of our tundra, one of our delegates talked so much about his 30,000 people -- that is not only aesthetic to them -- that is social.

They use that meat in the Arctic to eat; they use that ivory to carve; that is their livelihood. Now, we are not talking about light things here, Mr. President, we are talking about something very important. It was important enough to the Pacific Fisheries Commission to ask that a separate assistant secretary of the Department of Commerce be appointed to take care of fisheries alone. That is how important it was. I am not a very good orator, Mr. President, but my timidity here has been overcome by my conscience. I feel very deeply about this. I am not talking only about the sporting association either; I am talking about a background of five years on fish traps, owning my own seine boat, gill netting, and I am at present a registered guide. I am not talking out of mere technical aspects, I am talking from experience and I believe the proper place to put the regulation of these departments, to make it successful, is right into the constitution. That is the will -- now we have been talking about pressure here all the time. Pressure from what? Pressure to me is a man going and sticking a gun in my back and saying, "King, you had better vote this way." Or the storekeeper says, "King, if you don't vote this way, I'm going to stop your credit." That's pressure to me. What I am seeing in telegrams is the wishes and will of the people. If that is pressure, I certainly don't understand pressure, and that has been explained to me in great detail by the great orators of this Convention. I just want to say further that the Missouri Plan as we talked about here, has nothing to do with Section 5, it doesn't say anything about it. It still leaves the power with the legislature. There is no quarrel with the governor appointing this commission or these commissions. There is no quarrel with that. They are also going to be approved by the legislature. The members of the commission are going to be approved by the legislature of our new state and they will provide the rules to work under in that commission. I don't think I have to say anything further on this. The arguments against it, Mr. President, have been very inconsistent all the way through and certainly a lot of them are not statements of fact.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I rise to make my usual speech in favor of the legislature, which I have made many times before on the floor of this Convention. I am not opposed to one commission or two commissions or three commissions or even five commissions or a hydra-headed board for the administration of our fish and wildlife. I am opposed to putting it in the constitution of the new State of Alaska. I think the power resides in the legislature, and I am going to say again what I have said many many times before on the floor of this Convention: we who are writing the Constitution of Alaska must have some faith and trust

in the future legislatures of Alaska for we are not going to be able to ride herd on them from the vantage point of this Convention hall any time at all. Now, I was among all of the rest of you who heard Dr. Gabrielson speak and who greatly enjoyed hearing him speak, and one sentence that Dr. Gabrielson said has stayed in my memory ahead of everything else that he said, and that was, "This is undoubtedly legislation but you are probably justified in putting it in the constitution." Now, if it is legislation, if it is statutory law that we are expected to set up here, it does not belong in the constitution. I am unable to understand this fear of the legislature that is constantly voiced in this assembly. Nineteen members of this group have been members of former legislatures and every one of them should feel a deep resentment at that expression of distrust. There are doubtless 19 other people or more, who are planning to be members of a legislature in the future, and rightly so, and I hope that they too feel that feeling of resentment at the distrust that is here being manifested in the legislature. I have never been a member of the legislature but I know pressure when I see it. I have observed enough sessions of the legislature to be fully conversant with that topic and I have never seen a better organized system of pressure than has been applied to this Convention to get what the Sportsmen Association wants, or thinks it wants, or thinks it wants, into this constitution. When you get telegram after telegram and letter after letter saying: "We endorse the program that the Alaska Sportsmen's Association proposes; we endorse the plan that has been adopted and promulgated by the Alaska Sportsmen's Association; we have 20,000 members," or 10,000 members; or whatever number it is, "We control so many votes and you are in danger of not being ratified if you don't give us what we want." I don't believe that the Alaska Sportsmen's Association is going out and vote against ratification because they may lose one little point that they are especially interested in. That is neither the part of good sportsmanship or good citizenship and I hope that they will vote for candidates for office and vote for ratification on the basis of the merit of the candidates and the merit of the constitution and not on personal grudges. I do not believe further, and I may say it with all due respect, that William L. Paul can control 2,000 votes in the Alaska Native Brotherhood, and I am telling that here and I am sure Mr. Peratrovich who has himself been a grand president of the Alaska Native Brotherhood knows that the Alaska Native Brotherhood does not control votes as has been indicated. And if they do, what does it matter? At a recess here a few moments ago we had active lobbying on the floor of this house, this Convention hall, this side of the gallery by members of the Sportsmen's Association. I could point them out to you and I can tell you who they talked to, and I know what they said because I was near enough to hear some of it. That is what we have to guard against. Whenever, in the balmy days of the legislature, have

I seen a more flagrant piece of lobbying on the salmon industry than we saw here this morning on this floor. I don't say they control the votes; I don't say they influenced any member on here, but I do say that the attempt was being made, and that is something that I resent. My resentment to the legislature, when I have criticized it in the past, has been because it was amenable to these pressure groups. My resentment at the lobbying that has been done here, both by telegram and letter and by personal solicitation, goes to the same point. We have had several people here say very eloquently today that they did not feel that they were able to put everything in the constitution that the department of education wanted, that other departments of government wanted, and naturally we cannot, but I want it clearly shown here that my objection to the inclusion of this section in the constitution which has been proposed by the Resources Committee is due to the fact that I think it belongs in the legislature, the power to determine those things belong in the legislature, and we can do no greater disservice to this country than to abridge and curtail and disparage the rights of the legislature to make the laws for the State of Alaska, and I shall be opposed to it not only because it belongs in the legislature, but because such a tremendous effort has been made, and as I said before, blatantly made to take it out of the hands of the legislature, and as Mr. McCutcheon said the other day, "enshrine it in the constitution". I shall vote "no" to rescission; I shall vote "no" to any effort at this time or any other time to include in the constitution of the State of Alaska material that is properly legislative functions.

PRESIDENT EGAN: Mr. McCutcheon.

McCUTCHEON: Mr. President, I find that I am in this particular position, much like the attorneys. We have some 14 attorneys here and we find them lined up in a multitude of fashions from time to time. Their thought is split -- they interpret in this fashion and another fashion. I am not sure how many registered guides there are in this room, but I am one, and have been for several years, and I find perhaps myself in opposition to this matter to Mr. King over here whom I admire a great deal. Mr. King has observed that the licenses that came from the fishing stamps and amounting to some \$65,000 had been put in the Territorial treasury. What he failed to state was that that \$65,000 worth of money, as I remember, unless the law has been changed, was particularly earmarked for the propagation, generation, stream clearance of sports fish. There is no question in my mind that when our new state government is set up with the type of department that we visualize at this time for natural resources and other particular arms of the government, that ample and adequate administration will be provided by a governor who will be sensitive to the wants of the sporting

groups. He will also be sensitive to the wants of the fishing groups who earn their livelihood in that fashion. There is one thing that rather impresses me in this matter and it is a fact that we have in our public school, 21,940 little natural resources, the men and women of our future State of Alaska; and we have dealt with them in this fashion under our Health, Education and Welfare Committee Proposal No. 7, "The state shall establish and maintain by general law a system of public schools which shall be open to all children of the State and may provide for other public educational institutions." If we can influence the destiny of our future citizens in such a fashion, with one broad sentence, left and place the responsibility upon the legislature to create an entire educational system which may be different than the one we have, which may as some have said, be subject to political pressures, then certainly I don't see why the game animals and the game fishes or the commercial fishes of this great new state are in any different position than our future citizens. I think that our legislature will provide amply, not only for the game but for our future citizens, and consequently I am opposed to rescission.

PRESIDENT EGAN: The Convention will be at ease for a few minutes.

#### RECESS

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

TAYLOR: Mr. President, I thought the other day when we were arguing this matter that I had said all I could say on it, and I was very glad to see that this article or this section of an article was chopped out, not because I do not believe in game conservation, for I do, but I did not believe and I do not now believe that this Convention should set up in the constitution a particular section establishing a commission for the conservation and the regulation of fish and game. Now, I think Mrs. Hermann has very aptly expressed her sentiments on this, perhaps more articulate than I can, but I will say that my sentiments are the same as hers. Mr. McCutcheon has given you a very good example or illustration of how we treated perhaps the greatest problem confronting us of the future of our children, through the Health, Welfare and Education. We do not set up any commission for those children. Now, throughout the years we have had a number of boards and commissions in the Territory. We have had the Board of Education; we have had the Board of Health; and the Board of Welfare. Well, I have not heard anybody who has talked and wanted this particular section in the constitution say that those boards were inefficient, that they were not conscientious, because it would be an untruth if they did say so. Those boards have been very conscientious;

they have done a good job; and they were boards that were set up by the legislature and the personnel of those boards were appointed by the governor. Now, also, I believe that practically every one of the speakers has referred to the unique position of game in Alaska. I think we have the greatest fishing and hunting potentials of any state in the United States, or perhaps many of them put together. We have a great variety of game; it is a resource of incalculable value. We want to preserve it, but I don't want to preserve it by putting into the constitution that we must establish a commission or two commissions or three commissions. I think, as Mr. Rivers believes, Victor Rivers, that this should be a department of resources, and they will have control of all the resources, such forest lands as we get, such game and the fisheries, and the clam beds, and every other thing which is going to affect the economic value of Alaska and to the recreation of the people through fishing and hunting. Now, I might say that being in agreement with Mrs. Hermann in her statement that this is a pressure group, ostensibly our sportsmen are supposed to be sportsmen. Well, now are these sportsmen who are pressuring us, are they potential members of this board that is going to be set up? Do they want to be the board? Do they want to control the fisheries? Do they want to say that certain licenses and taxes are going to be put under their control? They know that if this commission is not established by the constitution it will be established by the legislature, so what have they to fear? Perhaps the same persons, if we could look into the future, who will possibly be on a game fish or game commission, game fish commission, would be the same persons who will be appointed by the governor as they would be appointed under this commission basis. Now, I can say that from several of the speakers who have talked here, and maybe they have been subjected to pressure, and now I might say in substantiating the statements of Mrs. Hermann, that the day following our action upon Section 5, I was approached by one of the leaders of the pressure group, and he was in a very irate manner, and he berated me for my stand on this question and also upon my vote on this question. Also, he threatened me that if I run for the legislature I would not receive one vote from the sportsmen. Those are sportsmen? Because a person conscientiously worked for something they are going to take it out on him by not voting for him. I told the man it was one of my principles; I was not in favor of boards unless they were necessary. I didn't want a board set up blindly by the constitution. I felt a board similar to the Alaska Game Commission board would be a necessity, and if I went to the legislature, I would work for such a board, a good efficient board, manned by men who know the game and fish problem. It may be that I, possibly, if I run for the legislature, I maybe will lose by the fact that these people in the game commission, or the game associations, are going to vote against me. Well, that is well and good. If I do not go down there I am just not

going, and it doesn't make a bit of difference to me one way or another, but it will be because I have taken a stand antagonistic to the game bodies for a matter of procedure, not for a matter of substance, because I believe in the conservation of the game. I have been here 47 years, and I have always felt we must conserve our game and fish. I think my reputation in the legislature will indicate that. Now, from some of the remarks by other members of the body and possibly those same threats have been made to them because it appears to me that they have hit for the hurricane cellar, going to change their vote upon this matter. I don't know whether they are going to run for the legislature or not. It appears that possibly they are. I feel that we should hold up and maintain our previous stand on this question.

PRESIDENT EGAN: Mr. Emberg.

EMBERG: Mr. President, I notice the noon recess is approaching, so I will be brief. I am a commercial fisherman by trade and I didn't come here to lobby for the commercial fisherman, but I tell you, fellow delegates, I believe if we yield to this lobby, if we bring this matter back on the floor where it will be open to further amendment by a lobby group, then I am going to have to submit two amendments to take care of the commercial interests of the fishermen in Alaska as I see it. I believe, as Delegate Hermann has said before, that we can trust the legislature. I am willing to go along on that basis, but I am willing to fight, too, if it is necessary.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Mr. Sundborg, would you care to take the Chair for a moment before you close?

(Mr. Sundborg took the Chair.)

CHAIRMAN SUNDBORG: Mr. Egan.

EGAN: Mr. President, I would like to say that I voted to delete Section 5 from this proposal. I would also like to say that I don't believe that there is anyone else in the Territory who could be more interested in the conservation of the commercial fisheries or the game fish and wildlife of the Territory than I am, or as are all the members of this Constitutional Convention. But it is my sincere feeling that those people who have caused this great deluge of telegrams, letters, and pressure, if you may, upon this Convention, to come upon us, have not properly digested what is contained in Proposal No. 8/a with the deletion of Section 5. It appears to me that Section 5 is only a repetition of the basic principles that are laid out in

other sections of Committee Proposal No. 8/a. I just have the feeling that many of these people have not even properly perused Committee Proposal No. 8/a. In Section 3, as it remains in the proposal, it says, "Forests, fish, wildlife, grasslands and other replenishable resources belonging to the State shall be administered, utilized and maintained on the sustained yield principle." And I ask you, Mr. President, how that could be done if the people of the Territory, the Sportsmen's Association, the commercial fisheries organizations through their legislature, Mr. President, how that could be done unless through their legislature, the establishment of a particular procedure with relation to departments or commissions would cause the sustained yield principle with relation to these natural resources, be they game fish, or game wildlife, or commercial fisheries, how that could be done without the establishment of the proper agencies? Also, in the new Section 5, originally it was Section 6, it says, "Facilities, improvements and services may be provided to assure greater utilization, development, reclamation and settlement of lands, and fuller utilization and development of the fisheries, wildlife, and waters." To me that is adequate provision, and it will also give the groups who are vitally interested, the sportsmen's group, the commercial fisheries groups, the right, and over a sufficient period of time, to come up with a proper and fine method of administering these important resources of our great state-to-be. I think that this whole question has been nothing more than poor judgment on the part of some in causing the question to become one of such great proportions, and I hope that we properly look at this proposal in its proper perspective and vote the motion to rescind our action down.

STEWART: Mr. President.

CHAIRMAN SUNDBORG: Mr. Stewart.

STEWART: In connection with this subject in which I was deeply concerned, I wired Delegate Bartlett after adjournment the other day and asked him his position on the matter. I got a telephone message back in which he expressed thorough disapproval of putting into the constitution this clause which we are now discussing, and he authorized me to quote him to that effect. He had written a letter on the subject which I think is now in the hands of Mr. Smith and which he authorized me to have read before the Convention in this connection, and he authorized me over the phone to quote him as being thoroughly opposed to putting this provision into the constitution under the circumstances that it should be left as a part of our legislative process, and he authorized me to quote him to that extent.

CHAIRMAN SUNDBORG: Mr. McNees.

McNEES: Mr. President, I too was one of the 34 who joined here on the floor the other day to vote for the striking of Section 5. In the days that have passed since that time I have had many approach me, laymen as well as organized members of our resources division in the Territory at the present time. The principal reason that I had for striking Section 5 in my own thinking was the fact that it was legislative law. I made many pledges during the summer and fall months, both to organized groups as well as to individuals, that within my power I would do everything I could to keep legislative law out of the constitution. I well recognize the fine line that can be drawn between legislative and constitutional law. Many times it appears quite broad. I think most of us in our thinking are just as sincere in feeling that we are trying to write an ample and adequate constitution for the new State of Alaska, whether we voted with the 34 to strike No. 5 or whether we voted with the 21 to retain it. I think it is quite indicative of the feeling of this group, judging from the fact that the entire body was present at that particular vote, I think they are all present here this morning. In order to be true to the convictions that I came to the Convention with, knowing full well that the many friends I have in the audience this morning, as well as the many friends on the floor, certainly could not appreciate my sincerity or my stand if I were to take a reversal upon the position that I held the other day. Therefore, I urge that we vote down any rescission of Section 5, the matter under discussion this morning.

CHAIRMAN SUNDBORG: Mr. Doogan.

DOOGAN: I move that we stand at recess.

UNIDENTIFIED DELEGATE: No.

CHAIRMAN SUNDBORG: Mr. President, would you resume the Chair?

(The President took the Chair.)

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

SUNDBORG: Mr. President, if no one else desires to speak, I would like to close and I will do so briefly. I think that we have heard here in the last hour some of the finest debate we have ever had in the session of the Alaska Constitutional Convention. I listened with particular attention to the eloquent pleas of Mr. Smith. I think his speech was a great speech, and I know it was given with complete conviction. I listened with

equal attention to the fine remarks of Mrs. Hermann who does not speak often here but who, when she does, has something to say and says it well, and she said it well on this occasion and I think she expressed, perhaps, perfectly the point of view of those who are against the recision of our action taken in striking Section 5. Of course, I listened with great attention to the remarks of our President, who I think on only two other occasions in the entire Convention has felt called upon to relinquish the Chair in order to have his opinions heard in a matter before the Convention; and I was reminded as I listened to him that probably we have been deprived of a great deal of expression of wisdom by the fact that he has occupied the Chair rather than be free on the floor to let us have the benefit of that wisdom. Although, of course I think I speak the words, the feeling of everyone here when I say we are fortunate indeed to have had him presiding over the Constitutional Convention. Now, it has been said we could leave this matter to the legislature and we could. Mrs. Hermann has said that she has time and again urged that we leave matters to the legislature. I think she has done that except perhaps in the case of a library board when she was urging that we should write into the constitution a provision that a board of that kind would be desirable. I submit, of course, I don't think I even have to submit, that a board to regulate the fisheries and game of Alaska would be somewhat more important and somewhat more deserving of a place in our constitution than a library board.

HERMANN: Point of order, Mr. President.

PRESIDENT EGAN: Your point of order, Mrs. Hermann.

HERMANN: I. did not advocate a library board, I advocated a Territorial library service. Nothing was said about a board.

SUNDBORG: I stand corrected, Mrs. Hermann. I'm sorry if I misquoted you, but at least you did want to write into the constitution something about a matter which I think many of us felt was rather frivolous. I think none of us feel that this matter of the regulation of the fish and game of Alaska is frivolous. We differ on the means by which we should get to the desirable end of seeing that those resources are perpetuated. If we leave it to the legislature it is altogether likely that the legislature would set up a commission or commissions which is altogether likely again would meet with the desires of the sportsmen and of the commercial fishermen, but what a legislature can do at one session, the legislature at the very next session can undo, and we have seen that time and again through our Territorial history. Unless we have some

clear lines drawn in the constitution which tells the legislature what kind of a system we want set up for the regulation of our fish and game, we are just throwing it out blindly, trusting to the future when we know not what that future may be. Now, the Missouri constitutional provision about fish and game was read to us here and it was a very long one. I might mention to you that the Missouri Constitution is a long constitution, and the fact that we do not propose putting in the Alaska constitution quite as much as they have about fish and game is only consistent with our desire that we don't have as much about anything in our constitution as they do. I believe it runs about ten times as long as the Alaska constitution will run, and I could mention to you that we have done a little computing in Style and Drafting and it appears that our constitution will be one of the shortest of any state. It will be shorter than Hawaii by a little bit, shorter than New Jersey by a little bit, but still I feel it will be the finest constitution, whether or not we have Section 5 in the resources article, that has ever been drawn by any state. Mr. Fischer mentioned that at the hearings held in Anchorage there was no desire expressed to have a provision of this kind written into the constitution. I wasn't at the Anchorage hearings, but I was at the Juneau hearings and everyone who participated in those hearings from this Convention I think will bear me out when I say that fully one-half of the statements which were made at that hearing were on this very matter, and the exact language which was incorporated in the report of the Resources Committee as Section 5 was proposed by the sportsmen themselves. This is what they want; they have said it again and again; they are saying it in telegrams to us; they are not saying they want a whole article in as the Missouri Constitution would have it; this is what they want. Now, it would not be unique for us to provide, at this point in the constitution, that a commission or commissions should be set up for this very desirable purpose. We have written into the constitution already in three or four other places, to my knowledge, provisions that there shall be commissions and boards of one kind or another. None of them I think were quite as important in what they would do as the commission that would regulate the fish and the wildlife. Education has been mentioned as another subject where we did not provide for a commission or board in spite of the fact that some of the members were urging that we do so. I think education is an entirely different kind of problem from fish and game regulations. There is no regulation required at all in education, and I might say also that we have a background in Alaska of a board of education. We have no such background, we have no precedent in the field of fish and game management. The Alaska Game Commission which has been mentioned here time and again, is not a Territorial body, it is a federal body. It will not be continued

under our state system. The problem will be up to us entirely then. We will then have the entire management and regulation of the fish and the game which we have never had and the Alaska Fisheries Board, the Alaska Department of Fisheries which we have now, has not one iota of authority to regulate the fisheries as I think most of you know. We are striking out into a new field here and as we strike I think that we should see we are setting up a proper type of government in which to regulate this very important field of resources. Now, I want to say that I have not been in contact with those sports people. I have not tried to stimulate any barrage of wires. Following the meeting of last week when we struck Section 5, I wrote a circumstantial account of exactly what happened, what Section 5 provided, and what the vote on it was, and I sent that to one individual who had written to me about it. I think I should say, too, in fairness to our President, and perhaps in fairness to myself, that the resources proposal was not held in second reading in order to accommodate me, or anyone else, on a motion to rescind our action with respect to fish and game commissions. It was held up, as I understand it, on the request of the Committee which has some amendments of its own which they desire still to propose for incorporation in that proposal. I am not ashamed to bow to pressure when it is pressure from the people. I am proud to bow to such pressure. This is not a blatant attempt or a selfish attempt or an underhanded or a shady attempt to do something which is wrong. These people in my judgment are only asking for something which is right, they want good government. This is a wise provision and we should consider it in that light rather than in whether we have been asked by this or that many to be for or against this thing, but I would point out that until it was mentioned here a few moments ago that Delegate Bartlett had urged that we do not include something such as Section 5, I think we had not had a single communication, I think not a single member of the Convention had been approached by any individual asking us to leave out Section 5 as a provision. All of the wires and all of the desires --

SMITH: Point of order, Mr. President.

PRESIDENT EGAN: Your point of order, Mr. Smith.

SMITH: My point of order is that there have been quite a number of wires opposing the inclusion of Section 5, and I think if Mr. Sundborg will refer to the record he will find that that is correct.

SUNDBORG: I stand corrected if that is so, but at least the great preponderance of them have been in the other direction; and we have had wires from both commercial fishermen and from

fish and wildlife and sports people asking us to include Section 5 which takes care of both sets of interests. Now, I know that from the standpoint of pure theory it isn't good to have something like Section 5 in our constitution. The people who sit in an ivory tower and look at our constitution will say, "It would have been better if you had left this out, boys." But we are not drawing a constitution in an ivory tower, we are writing a constitution which will deal with realities on the Alaska scene. I submit there is no better way of dealing with this particular reality, that of fish and wildlife management and regulation, than by putting back into the resources article the provision incorporated in Section 5, and so I hope that I will have a number of delegates go along with me who will vote "yes" to rescind our action taken last week in this matter.

UNIDENTIFIED DELEGATE: Question.

PRESIDENT EGAN: Now, on this motion that will now be placed before the Convention if you vote "yes" you vote to restore Section 5 to Committee Proposal No. 8/a. If you vote "no" the section will remain deleted from the proposal. The question is, "Shall the Convention rescind its action taken when Section 5 was deleted from the proposal?" The Chief Clerk will call the roll.

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

Yeas: 20 - Boswell, Coghill, Cooper, H. Fischer, Gray, Johnson, King, Knight, Laws, Lee, McNealy, Marston, Nolan, Peratrovich, Riley, Sundborg, Sweeney, VanderLeest, Walsh, Wien.

Nays: 35 - Armstrong, Awes, Barr, Buckalew, Collins, Cross, Davis, Doogan, Emberg, V. Fischer, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Kilcher, Londborg, McCutcheon, McLaughlin, McNees, Metcalf, Nerland, Nordale, Poulsen, Reader, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Taylor, White, Mr. President.)

PRESIDENT EGAN: The Convention will come to order while the Chief Clerk tallies the ballot.

CHIEF CLERK: 20 yeas, 35 nays.

PRESIDENT EGAN: So the "nays" have it and the proposed motion has failed of adoption. Mr. Sundborg.

SUNDBORG: Subject to committee and other announcements, Mr. President, I would like to move and ask unanimous consent that we recess until 1:45 p.m.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: For a point of information, first, will the Committee on Ordinances and Transitional Measures meet before the action on their report? And secondly, is this five-minute rule on talking in effect at the present time?

PRESIDENT EGAN: No, it is not.

HELLENTHAL: When is it supposed to go into effect?

PRESIDENT EGAN: There is nothing before the Convention on a five-minute rule. Mr. McNealy, do you have a Committee announcement?

McNEALY: A meeting of the Ordinance Committee; I believe we will hold it in the gallery here at 1:00 o'clock.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: The committee on Style and Drafting will meet at 1:00 o'clock in the ping pong room.

PRESIDENT EGAN: Committee on Style and Drafting in the ping pong room. Mrs. Sweeney.

SWEENEY: Mr. President, I spoke to you earlier this morning concerning bringing out the engrossed copy of Committee Proposal No. 14. I believe that you are in favor of having it brought out.

PRESIDENT EGAN: Is that the proposal on apportionment?

SWEENEY: Yes, sir. The metes and bounds description is going to take a little while, and I just don't like to have it kept in the Committee and you did not seem to have objection to it, so I would like your permission to bring it out at this time.

PRESIDENT EGAN: The Engrossment and Enrollment Committee want to release that portion of their report, they have completed their work. Do you have objection, Mr. Hellenthal?

HELLENTHAL: We have no objection. The other portion will be ready this afternoon.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: I would like to bring it out and then I'll bring that out when we have a chance. So, Mr. President, your Committee on Engrossment and Enrollment to whom was referred Committee Proposal No. 14 have compared same with the original and find it correctly engrossed and that portion of it which is ready has been mimeographed and the first enrolled copies will be placed on the delegates' desks immediately, and the balance will be brought out as soon as it is through the Committee, and I ask unanimous consent that the report be adopted.

PRESIDENT EGAN: Mrs. Sweeney asks unanimous consent that the report of the Committee on Engrossment and Enrollment be adopted. Is there objection? Hearing no objection, it is so ordered. Are there other committee announcements to be made at this time? Miss Awes.

AWES: Mr. President, is there a meeting of the committee chairmen this noon?

PRESIDENT EGAN: There is a meeting scheduled at 12:30, Miss Awes, of the committee chairmen. Are there other committee reports? The Chair would like to state before putting the question for recess that the Ordinance Committee has scheduled having Mr. George Lehleitner at the Convention this evening at 7:00 p.m., in order that all delegates would hear Mr. Lehleitner. Mr. Coghill.

COGHILL: I rise to a point of information. It seems that at the outset of our plenary session this morning the Chairman of the Style and Drafting Committee had made a request for about six hours of time. I thought maybe that we might be able to use this afternoon instead of in plenary session, I know the Apportionment Committee has work to do, and I am quite sure all other committees would be busy.

PRESIDENT EGAN: We have Committee Proposal No. 16, a proposal on ordinance and transitional measures, that is before us, is it not, in second reading at this time? There is another proposal from that Committee, Committee Proposal No. 17 that is not yet before us. Is that right, Mr. McNealy?

MCNEALY: That is right, Mr. President.

PRESIDENT EGAN: Is it the wish of the body to come back after recess and continue with Committee Proposal No. 16 or would you desire a longer recess? What is the feeling of the delegates? Mr. McNealy.

MCNEALY: As to Committee Proposal No. 16, I believe that should be passed, maybe in five minutes time. I think the only one we

are concerned with here is the disclaimer of public lands, which is a necessary part of the constitution, and I believe the other two -- one clause there is probably not necessary, and I believe the other regarding the University has already been passed on so it shouldn't take over five minutes of the Convention time.

SUNDBORG: In view of that, Mr. President, I would like to withdraw my unanimous consent request made earlier and to request that we recess now until 7:00 o'clock this evening.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: The Apportionment Committee will take about five minutes, so I don't want to leave the impression here that the Apportionment Committee wants to stand in the way of continuing progress. It will take five minutes during a recess for us to do what we want to do.

PRESIDENT EGAN: Mr. Sundborg moves and asks unanimous consent that the Convention stand at recess until 7:00 p.m. Mr. Sundborg, if the Chair may, what is going to be the situation tomorrow? Are we going to be able to have several proposals before us from the Style and Drafting Committee, in order to utilize our full day of time?

SUNDBORG: Dependent upon the speed with which the boiler room can produce mimeographed copies of what we will be feeding to them, I would say that it is certain that we can have at least three proposals mimeographed and back on the desks of the delegates by this evening's session, which would let us handle that many of them tomorrow.

PRESIDENT EGAN: Mr. McNealy.

McNEALY: Mr. President, I am sorry I should have mentioned this before. If there would be a possibility of adjourning for the benefit of the Rules Committee, I would like, if I am not out of order, I would like the possibility of getting in order to introduce Committee Proposal 17 and if that can be assigned under the calendar I assure the Convention that it will take up some time because it covers the state capital, Delegate Buckalew's fish trap proposal, and at least those two items are involved in this.

PRESIDENT EGAN: Mr. McNealy, if there is no objection, are you offering Committee Proposal No. 17 to be read for the first time now? Is there objection to receiving Committee Proposal No. 17? If not, the Clerk will read Committee Proposal No. 17 for the first time.

CHIEF CLERK: "Committee Proposal No. 17, introduced by the Committee on Ordinances and Transitional Measures, SCHEDULE."

PRESIDENT EGAN: The proposal is referred to the Rules Committee for assignment to the calendar. If we do recess until 7:00 p.m. it probably will not be necessary to have the committee chairmen's meeting this afternoon. We could schedule that meeting for tomorrow afternoon at 12:30 p.m. Mr. Ralph Rivers.

R. RIVERS: If we adjourn to 7:00 o'clock tonight, would this Ordinance Committee have its 1:00 o'clock meeting, because I want to meet with it again?

McNEALY: The Ordinance Committee will meet all afternoon in fact.

PRESIDENT EGAN: The Ordinance Committee will begin its meeting at 1:00 p.m. Unanimous consent is asked that the Convention stand at recess until 7:00 p.m. Is there objection?

UNIDENTIFIED DELEGATE: Object.

PRESIDENT EGAN: Objection is heard. Do you so move?

SUNDBORG: I so move.

PRESIDENT EGAN: Mr. Sundborg so moves.

COGHILL: I second the motion.

PRESIDENT EGAN: Mr. Coghill seconds the motion. The question is. "Shall the Convention stand at recess until 7:00 p.m.? All those in favor of standing at recess until 7:00 p.m. will signify by saying "aye", all opposed by saying "no". The "ayes" seem to have it and the Convention stands at recess until 7:00 p.m.

#### RECESS

PRESIDENT EGAN: The Convention will come to order. It is not often we Alaskans have an opportunity to extend our gratitude to one who has so unselfishly dedicated a considerable portion of his life's endeavors towards fulfillment of a principle and purpose solely for us. Such, however, is our good fortune this evening for with us on this rostrum is a young man who over the past few years has expended a considerable part of his time and personal fortune in an unyielding determination to secure a rightful place in the brotherhood of states for Alaska and Hawaii. This man is recognized as one of the most successful and outstanding personalities of the business field in the entire South. Because of his

devoted interest to our statehood cause, one of the committees of our Convention and your President extended to him an invitation to appear before us. Traveling at his own expense he arrived in Fairbanks three days ago. We are fortunate indeed to have him with us. I deem it a great honor as an Alaskan and as a delegate to this Constitutional Convention to present to you George H. Lehleitner of New Orleans, Louisiana.  
(Standing ovation)

(Mr. Lehleitner then delivered his prepared address, a copy of which may be found in the Appendix.)

PRESIDENT EGAN: Thank you, Mr. Lehleitner. We really enjoyed and appreciated your presentation. The Convention will be at recess for ten minutes.

#### RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us Committee Proposal No. 16 in second reading. The Chief Clerk will please read Committee Proposal No. 16 for the second time.

(The Chief Clerk read Proposal No. 16 for the second time.)

PRESIDENT EGAN: Does the Chairman of the Ordinance Committee have an explanation or any remarks to make at this time regarding this proposal? Mr. McNealy.

McNEALY: Mr. President, the Committee has a committee amendment to offer to this, and if the Committee amendment is adopted it will then leave simply the language that is contained in the enabling act of Congress, and this section, incidentally, was transferred to the Committee on Ordinances from the Committee on the Legislative, and it was lifted out in its entirety also from that section. It is one of the requirements of Congress that it is necessary that this be in. I do wish to speak -- Mr. Hellenthal presented the Committee with a very shortened version of this which the Committee took no action upon and thought if Mr. Hellenthal so desired, he could present it to the Convention. Mr. President, might I offer at this time a proposed amendment?

PRESIDENT EGAN: You are offering an amendment that you wish to become a part of Committee Proposal No. 16?

McNEALY: Yes, sir.

PRESIDENT EGAN: You may present the proposed amendment, Mr. McNealy.

McNEALY: I see that we made an error in writing out the amendment. I could give it orally on page 2, line 11.

PRESIDENT EGAN: Page 2, line 11.

McNEALY: "After the word 'alienation' delete the semicolon, insert a period and strike the balance of the section."

PRESIDENT EGAN: Do you so move the adoption?

McNEALY: I so move, Mr. President.

PRESIDENT EGAN: Mr. McNealy moves the adoption of the proposed amendment.

R. RIVERS: I ask unanimous consent.

McCUTCHEON: I object.

PRESIDENT EGAN: Is there a second to the motion?

BUCKALEW: I second the motion.

PRESIDENT EGAN: Mr. Buckalew seconds the motion. The motion is open for discussion. Is there discussion on the proposed amendment? Mr. McNealy.

McNEALY: Mr. President, with this deletion the language then contains the same language as in House Bill 2535 and no other language. It is merely the required language that Congress required us to set out in the constitution. As to the items stricken, possibly Mr. McCutcheon or someone from the Legislative Committee could explain why they were there. The explanations were given to the Committee this afternoon. We propose under this amendment to only retain the language required under the enabling act.

PRESIDENT EGAN: Is there further discussion of the proposed amendment? Mr. McCutcheon.

McCUTCHEON: Mr. President, insofar as from line 16 on. "The foregoing ordinances," etc., "shall be irrevocable." I don't recognize that type of terminology in the legislative act. I do, however, recognize the terminology that "Nothing in this section shall prevent this state from accepting any payments in lieu of taxes, and I don't see why it would be necessary to strike even that particular section of this particular section here, for the reason that it may be that in some date in the future, taxes, or payments in lieu of taxes, will be provided by

the United States for these certain lands, and we wish it to be specific that the Territory or the new State of Alaska, rather, is not in any way proscribed from accepting such payments in lieu of taxes, and I feel it might be prejudicial to the new state to strike this particular sentence. Insofar as the sentence that begins on line 16, page 2, of Section 1, I am not concerned necessarily with that particular sentence, but I do feel that it might be essential that we retain the previous sentence to that for the benefit of the new state.

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

HELLENTHAL: Yes. Mr. President, the insistence upon the language that would authorize payments in lieu of taxes is based, in my opinion, upon a misconception of the reasons for the language in the Act of Congress or rather in the bill pending before Congress. The reason why Congress requires that the new state does not interfere with the lands or other property including fishing rights, title to which is held by Indians, Eskimos, or Aleuts; that is the first category, or the second category which is land held by the United States in trust for the Natives. The reason why Congress in this bill requires that no disposition be made of those lands is simply because Congress wants to give those lands to the people for whom they have held them all these many years. Congress has no intention of keeping those lands in a tax-exempt status or in holding the title forevermore. The bill merely enunciates the old principle that Congress desires to take care of the Indians and Aleuts and Eskimos itself. That is the reason for the language. So this language about accepting payments in lieu of taxes is out of place in this section, completely out of place. It isn't necessary anyway in the constitution, but its use, coupled with the bill and the language of the bill, shows clearly that we have misconstrued and have not read the Act of Congress and do not understand its intention. Therefore, I think the Committee acted very wisely, very wisely in deleting the last seven lines of Section 1.

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: All the things that Mr. Hellenenthal said may be true, but if he or someone else can show me that it is not necessary for that language to be in there, or that it is in the wrong place, that is quite all right. I am not able to say whether it is in the right place or not, but I do know that this particular section says that "No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives," etc., and I do know that in Kodiak we have Indian reservations all through the town, so to speak, right downtown on the main street, business property, etc., which is

exempt from tax, and I was the one that asked that this be put in -- this section when the article on legislation was being drafted, and upon advice of consultants who were with us at that time, we put it in, and the language was theirs and not mine. I only want to be assured that if the time comes that the United States decides that they should compensate small communities in Alaska in some way for the taxes that they are not permitting them to collect right downtown, in the business sections of the town in particular, I would like to be able to have the various communities accept it and not just because we have made a disclaimer be unable to take advantage of any advantage that is offered us, so if somebody can show me where that is taken care of someplace else, then I withdraw my objection to it in this particular place.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. Hinckel, I don't know whether I can explain it to you or not, but the reason that language is unnecessary in my opinion is in line 8, speaking of Congress, it says "...except to such extent as the Congress has prescribed or may hereafter prescribe." If Congress changed the law and provided that they would make refund payments, there is the language that will do it, and there is no necessity for language in here which looks like the state is going to accept the money, because if Congress so passed an act and said that they could give the money to the city of Kodiak, I am sure that the city of Kodiak would accept it, and the language in my opinion is unnecessary.

PRESIDENT EGAN: Mr. McNees.

MCNEES: I find myself at difference with Mr. Hellenthal and Mr. Buckalew on particularly this two and one-half lines to be found here in lines 13, 14, 15 of Section 1 on page 2. I feel definitely that this should be included as part of the constitution. I join with Mr. Hinckel in his observation that if you can show us where it is adequately covered otherwise in the article on ordinance and transitional measures, or otherwise in the constitution itself, I too would withdraw my objection, but I do feel it is a very important part of the present measure. I will address that to you, Mr. Hellenthal, as a question.

PRESIDENT EGAN: Do you care to answer that, Mr. Hellenthal?

HELLENTHAL: Yes, Mr. President. Now, we are dealing now with the requirement in the enabling bill that reads as follows: "No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States," that is the first class of property; then the second, "...or which as hereinabove set forth, may belong to the said Natives,"

-- two classes of property. Now, as to the first, it does not take any language whatsoever in the constitution to authorize the new state to accept the payment in lieu of taxes; no language is necessary at all to accomplish that purpose: if Congress decides to make us a payment in lieu of taxes, which the 48 states have been trying to get Congress to do for the last 25 years in connection with federally owned properties within the states, and which Congress for 25 years has refused to let get out of committee. So that isn't much of a problem. Now, as to the second class which are the Native lands, and the Native fishing rights and the Native properties; in Mr. Hinckel's case those Native claims are protected by a treaty. It is because of the treaty with Russia that the city of Kodiak cannot tax the Native lands in Kodiak, and that was the subject of a recent decision in the Third Judicial Division, and this language in here, permitting the state to accept a payment in lieu of taxes, certainly wouldn't give Kodiak any consolation, and it is unnecessary anyway, because if Congress decides to give it to Kodiak or to the new state in lieu of taxes, we can always accept it and we don't need anything in the constitution to permit it.

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

V. RIVERS: Mr. President, I would like to ask a question of Mr. Hellenenthal. We have various parcels of land around throughout the Territory in which there are reservations and these reservations have been set up for the Native peoples and they have accepted title to them and they are tax-exempt, but I know of some cases in which they would like to participate in municipal activities. Now, in the fact that they live on and reside on tax-exempt lands, they cannot be taxed. Could they accept or pay, if they expressed a desire voluntarily in lieu of taxes, the payments that would be proportionate we'll say to the taxes in that area, and then participate in the government as full citizens? The problem arises there that they do not want to be discriminated against, and I was thinking that the line and the words "here exempt" or the words "that may be authorized by Congress" might well be stricken because that might limit the payment in lieu of taxes to action taken by Congress where there might be a desire on the part of the people themselves to make payments in lieu of taxes so they can participate in their local government.

HELLENTHAL: What property situations do you have in mind, Mr. Rivers?

V. RIVERS: I have a number of small reservation areas up around in the Second Division, up near Unalakleet is one and farther

on over to the Westward in the Northcentral part of Alaska, there are some in that area.

HELLENTHAL: Mr. President, may I address a question to Mr. Rivers?

PRESIDENT EGAN: If there is no objection, Mr. Hellenthal.

HELLENTHAL: Do you know of any situation where there is a Native reservation in Alaska within the confines of a taxing authority, a property-taxing authority?

V. RIVERS: Not at the moment, but our thought is that there will be, and they do not want to be excluded by such language we might adopt here.

HELLENTHAL: Another question. Who is going to create them?

V. RIVERS: Doubtless the State of Alaska. We have provided for it in our local government.

HELLENTHAL: For the creation of Indian reservations?

V. RIVERS: No, for the creation of local government units within which will lie Indian reservations that want to participate in the local government.

HELLENTHAL: Well, if that is a form of a question, I think it is highly improbable and I don't think it presents any problem at all. If someone wants to make a payment in lieu of taxes they can always do it, and it does not require any constitutional language to accept it.

V. RIVERS: Of course we have constitutional language here that says "may be authorized by Congress." They might have to take an act of Congress under this wording before they could do so.

HELLENTHAL: That is why it should all be stricken.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, another point here is that this says "The state may accept such payments in lieu of taxes as Congress may authorize." This says nothing about the political subdivisions of the state, and it says nothing about individual Natives paying something in lieu of taxes for fire protection or other services that the individual Native might want. I think that any sovereign state has the authority to accept money which is granted to it by Congress in lieu of taxes, so I support the Committee's amendment, and this is not necessary.

PRESIDENT EGAN: Mr. McCutcheon.

McCUTCHEON: Mr. President, I feel I speak at least for the majority of the Committee. It says in the first three lines of this article, "The State of Alaska and its people do agree that they forever disclaim all right and title to any lands or other property. etc." We felt that in the face of that absolute disclaimer, because there were two different categories of property set up in this particular section, that it would be necessary for us to make some sort of provision whereby the state could accept, in the event that Congress saw fit to make such payments to the state, because otherwise we had agreed to forever disclaim any right or title, any right as far as our Committee felt might be some sort of a payment in lieu of taxes. Now, in face of the argument, I, as the Chairman of the Committee, am still not convinced that this committee amendment should carry. It may be that they are in all justice, correct, but I feel constrained to vote against it because as far as I am concerned, we must make some sort of provision to abrogate this disclaimer in the event that the agency of the government may feel that because of certain circumstances and because of the ownership of the government in certain state lands, or otherwise, that they may wish to make a certain type of a payment in lieu of taxes, that we must have some sort of a situation here which will permit the state to accept it in the face of this absolute disclaimer.

PRESIDENT EGAN: Mr. McNealy.

McNEALY: I consider this a closing speech --

PRESIDENT EGAN: Is there any other delegate who wishes to be heard?

McNEALY: I would like to waive the right, if any other delegate after I speak wishes to speak, this will be my closing speech. Mr. McCutcheon, it was not the desire of our Committee to substantially alter your committee proposal, and I am only going to read this in line with what Mr. Buckalew stated, and if you and if the Convention feel that the Ordinance Committee interpretation of this is wrong, then we certainly would have no objections to this particular sentence, "in lieu of taxes", remaining in the article. As to this particular proposal, starting at the semicolon on line 4, page 2, and just reading the highlights here, "...and that no taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe," and the thought of the Committee there simply, in offering this amendment, was that Congress could prescribe payment, or taxes, hereafter if they so desired.

PRESIDENT EGAN: Is there further discussion? If not, the question is, "Shall the proposed amendment as offered by the Committee on Ordinances be adopted by the Convention?" All those in favor of adopting the proposed amendment will signify by saying "aye", all opposed by saying "no". The Chief Clerk will call the roll.

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

Yeas: 30 - Awes, Boswell, Buckalew, Collins, Cross, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, Kilcher, King, Knight, Laws, McLaughlin, McNealy, Marston, Nerland, Nordale, R. Rivers, Rosswog, Smith, Stewart, Sundborg, White, Wien, Mr. President.

Nays: 22 - Armstrong, Barr, Coghill, Cooper, Davis, Doogan, H. Fischer, Hinckel, Johnson, Lee, Londborg, McCutcheon, McNees, Metcalf, Nolan, Peratrovich, Poulsen, Reader, V. Rivers, Sweeney, Taylor, Walsh.

Absent: 3 - Riley, Robertson, VanderLeest.)

PRESIDENT EGAN: The Convention will come to order.

CHIEF CLERK: 30 yeas, 22 nays and 3 absent.

PRESIDENT EGAN: So the "yeas" have it, and the proposed amendment is ordered adopted. Are there other committee amendments to be proposed for Committee Proposal No. 16? Mr. McNealy.

McNEALY: Mr. President, we have a committee proposed amendment to Section 2.

PRESIDENT EGAN: The Chief Clerk may read the proposed committee amendment.

CHIEF CLERK: "Page 2, strike Section 2."

PRESIDENT EGAN: What is your pleasure, Mr. McNealy?

McNEALY: I move the adoption of the amendment.

PRESIDENT EGAN: Mr. McNealy moves the adoption of the proposed amendment. Is there a second?

BARR: I second the motion.

PRESIDENT EGAN: Mr. Barr seconds the motion. The motion is open for discussion. Mr. Smith.

SMITH: I would like to ask a question of the Chairman of the Committee if I may.

PRESIDENT EGAN: If there is no objection, Mr. Smith.

SMITH: Mr. McNealy, did the Committee propose to substitute a new Section 2 after the deletion of the present Section 2?

McNEALY: There was no proposal as such by the Committee. Our thought -- we couldn't arrive definitely at a decision in the Committee, and in this matter I want to bring the matter out on the floor for discussion.

SMITH: Mr. President, I would like to ask a question if I might. After this section is deleted, it would be possible to introduce an amendment for a new Section 2, would it?

PRESIDENT EGAN: That is correct, Mr. Smith. Mr. McNealy.

McNEALY: Mr. President, in the Committee and with the consultants today -- however, I believe they came in after the Committee had fairly well decided whether it was advisable for us or not to attempt to approve something that wasn't in existence, and the purpose of the Committee preparing this in the first place comes from House Bill 2535, and it is one of the required provisions that Congress called for in this enabling act under Section 5 which reads as follows: "That all the provisions of this Act reserving rights or powers to the United States, as well as those prescribing the terms or conditions of grants of lands or other property made to the state are consented to fully by said state and its people." Now, Mr. President, your Committee realizes that if we were drawing this constitution under the enabling act then we would have no problem, we simply would write in the provision out of the enabling act. But in the section we have adopted we have given a carte blanche approval here -- if this section is not deleted we would be giving carte blanche approval to any enabling act that Congress might write -- and they could very well, say, write up a bill there, partitioning Alaska and putting the Second and Fourth Divisions in the military reserve and granting statehood to the rest, and then at least we up here would be opposed to statehood under those terms. That may be a little farfetched, but there may be other matters which Congress could write in which we would not want to approve in advance. The Committee felt under the language here that if we wrote this in we would be buying a "pig in a poke" possibly.

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

SMIHT: Perhaps I should wait until this proposed amendment is acted on. I had intended to ask 8 question, but it would not be pertinent.

PRESIDENT EGAN: Is there further discussion of the proposed amendment?  
Mr. Barr.

BARR: Mr. President, I agree with everything that Mr. McNealy says. This section right here is a blank check for all future enabling acts. Now, we can't say we will obtain statehood this year or next, and this says that we agree to accept all conditions imposed upon us by any enabling act written within the next 50 or 100 years in case we don't have statehood by that time. It is not necessary in this constitution because, as you know, every committee in writing up their proposals, their committee reports, have continually looked at the present enabling act and have written up these different articles and different sections to agree with that enabling act, so we have conformed to all the conditions imposed on us by the present enabling act. We have done that in the constitution, so this is merely restating the same thing, but it is holding us to the same conditions on all future enabling acts, and I don't propose to write any blank checks like that.

PRESIDENT EGAN: Is there further discussion? If not, the question is, "Shall the proposed committee amendment be adopted by the Convention?" All those in favor of adopting the proposed amendment will signify by saying "aye", all opposed by saying "no". The "ayes have it and the proposed amendment is ordered adopted. Mr. Smith.

SMITH: Mr. President, I have an amendment to offer as a new Section 2 to Committee Proposal No. 16.

PRESIDENT EGAN: Mr. Smith, the Chair would first like to inquire of the Chairman of the Committee whether the Committee has any other proposed amendments to the proposal before we accept amendments from the floor. Mr. McNealy?

MCNEALY: Mr. President, we do have to the committee proposal if the Chair would care to pass on to Section 3.

PRESIDENT EGAN: Yes, on Section 3, Mr. McNealy.

MCNEALY: I would like to make it orally; it is very brief. "Strike Section 3."

PRESIDENT EGAN: Mr. McNealy moves that Section 3 be deleted from the proposal. Is that a committee amendment, Mr. McNealy?

MCNEALY: That is a committee amendment.

BUCKALEW: I second the motion.

PRESIDENT EGAN: Mr. Buckalew seconds the motion. Mr. McNealy.

McNEALY: Mr. President, this was drawn prior to the time the proposal was on the floor with regard to the University of Alaska, and since the other proposal has already been passed by this body, why we should ask unanimous consent.

PRESIDENT EGAN: Is there objection to the unanimous consent request that the amendment be adopted? Hearing no objection the proposed amendment is ordered adopted. Mr. McNealy, would you wish a recess at this time or are you willing to accept the other proposed amendments now to the proposal?

McNEALY: If we could, Mr. President, have just a one minute recess, so I could talk to Mr. Smith.

PRESIDENT EGAN: If there is no objection, the Convention will be at recess for two minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chief Clerk will read the proposed amendment as offered by Mr. Smith.

CHIEF CLERK: "Section 2. All provisions of the Act admitting Alaska to the Union which reserves rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property made to Alaska, are consented to fully by the State of Alaska and its people."

SMITH: Mr. President, I move the adoption of the proposed amendment.

JOHNSON: I second the motion.

PRESIDENT EGAN: Mr. Smith moves the adoption of the proposed amendment, seconded by Mr. Johnson. Mr. Smith.

SMITH: Mr. President, this amendment contains the exact wording of the latest enabling bills. The omission of this provision in the Hawaiian Constitution has resulted in the fact that the people of Hawaii are going to have to amend their constitution before it will be acceptable to Congress. Now, this has been referred to as merely an enabling bill and it has been intimated that this wording may be changed. However, this exact wording has been carried forward in every enabling bill presented to Congress since 1950, and I feel that if we are going to meet the requirements of the enabling acts that this provision must go into our constitution.

PRESIDENT EGAN: Mr. McCutcheon.

McCUTCHEON: Mr. President, unfortunate as it may appear, I am inclined to disagree with Mr. Smith. I don't believe that Alaskans should accept statehood under any circumstances. There are some conditions under which I don't believe we should bow down or stoop so low as to accept statehood. Statehood isn't the only thing in this world. We have survived some 70 or 80 years as a territory. Unless we can have some respectable type of offer from Congress we shouldn't just bow our heads and say, "O.K., we will take statehood under any circumstances." Consequently, I am opposed to this type of thing. It is possible there can be some kind of terminology worked out whereby Alaska is willing to concede that we are asking for statehood and that we shall accept it, but to say that under any circumstances, after we have adopted this constitution, we will accept whatever Congress gives us, I don't think is a fair offer to our own people, and consequently, predicated on those arguments, I am inclined to oppose this particular section as it is stated.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, I am wondering if there is not a way out where we could eventually adopt this section but not grant a blank check to Congress. If you consider the time schedule for statehood, the constitution will be ratified, we may elect two senators and a representative. The next step is up to Congress; Congress passes an enabling bill. Under that bill before we actually become a state we will have to elect a governor and the members of our legislature, and their election will have to be certified to the President of the United States, and then he issues the proclamation under which we actually become a state. Would it not be possible to leave this provision out of our constitution, out of the schedule of ordinances, and provide that an ordinance of this type be submitted to the voters of Alaska after Congress passes the enabling bill, and be up for ratification at the same time that we vote on the governor and the members of the legislature, which will be our final action prior to becoming a state?

PRESIDENT EGAN: Does anyone know the answer to that question? Mr. White.

WHITE: Mr. President, I would like to rise in support of the same vein of thought that Mr. Fischer was developing here. I think we not only have to strike Section 2 such as we have done, which in effect was signing a blank check, but it appears to me that we have got to reserve some way of passing on an enabling act that might be passed in the future and that the method Mr. Fischer suggests might be one way of doing it. In the case of Hawaii, Hawaii left out a couple of things that Congress thought ought to be in there and Congress merely provided that at the time of

going through their voting procedure they would vote on two items that Congress felt should be in the constitution, and should those items be passed the constitution would be deemed amended and everything would be O.K., and it says, "In the event the foregoing propositions are not adopted at said election by a majority of the legal votes cast on said submission the provisions of this Act shall thereupon cease to be effective." It appears to me we might be well advised to retain some way of voting directly on whether we like the enabling act that might be presented to us sometime in the future or not. There is one other objection I have to the inclusion of Mr. Smith's proposed amendment, and that is throughout the Territory of Alaska today many people object strenuously to the provisions in the current enabling act requiring the state to retain titles to all the minerals, and the only answer we have been able to make is, "It is in the enabling act; there is nothing we can do about it." But I feel by including the language of Section 5 of HR 2535 here, we are going a little further than we ought to indicating to the Congress that we like that provision.

PRESIDENT EGAN: Mr. White, are you suggesting, perhaps, we defer action on this question that Mr. Smith now has before us until a later time in which, perhaps, all the interested delegates could confer with consultants or others who might have an answer to this problem? Is that your suggestion?

WHITE: In my opinion, Mr. President, that would be the best method of procedure.

PRESIDENT EGAN: And would you have objection, Mr. Smith?

SMITH: I would have no objection, Mr. President. This matter was discussed rather thoroughly by the Committee and some of the consultants, and I merely put this amendment before the group to bring out the very discussion which is taking place. The wording if this provision is not radical, it is not new; it has appeared in several state constitutions, but I don't know of any other states who have drawn constitutions and ratified constitutions before the passage of their enabling acts. I have not the history of any states that might have followed that procedure, but if Congress followed the same procedure in the case of Alaska as they have followed in the case of Hawaii, then I would favor leaving this section or some requirement out of the constitution for the very reason that Mr. White has pointed out. So, it is a matter that this group will have to decide, and I will say again that my reason for presenting this amendment was to bring out the very discussion which has taken place, and I have no objection to further discussion with the Committee or on the floor.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Here is my thinking on this, Mr. President. Congress could make us take statehood whether we wanted it or not because we don't have control over our destinies at all. If Congress wanted to divide it up into six states and so did, I guess we would be divided into six states. The only thing we could do is holler about it, maybe refuse to go ahead and function as a state, but we would be six states if Congress so directed. And I wondered if we could pass a resolution, and in the resolution memorialize Congress, and direct our Senators and Delegates that we won't accept statehood on any terms unless they are substantially the same as in this house bill and then we could instruct our Senators to tell the Congressmen if they give us less than this last house bill, we won't take it. I think that would probably cure the problem and it wouldn't be a blank check because the Senators would say. "We won't accept it." Now, we wouldn't have the authority to do it but it would certainly show Congress and our elected representatives under what terms we would take statehood, and it would probably save us the trouble of going back to the people. I don't think that Congress is going to pass any enabling bill that is less generous than the one they have had on the books. The tendency is to give us more as we go along. I don't think we have any real danger and if we passed a resolution I think our elected representatives could protect us enough. They could certainly tell Congress that the people in Alaska are not going to take it. Of course, it wouldn't mean anything because we would have to take it if they gave it to us. As a matter of fact, I don't think that language is operative anyway, because I believe Congress could shove anything down our throats they want. They might give us an elective governor bill and never give us statehood. If that is what they decide to do, I guess we'll have to take it; and we have decided that we are not going to secede, or anything like that, or issue butternutgray uniforms, so I think we are sort of stuck.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: Mr. President. I suspect that we are, perhaps, exhibiting not humility but \$300,000 worth of gall when we suggest that we are not going to consent to the Act of Congress admitting us, and that it will only be on our own terms. The whole debate here during the past three months has been how to get in rather than how to stay out. We have obligingly, under one of the current enabling acts, we have obligingly conformed because the said Convention has provided, first, that no law shall be enacted respecting establishment of religion; second, that we have a disclaimer in there to the properties of the United States, we have abided by that; and we have said the state will assume the debts and liabilities of the Territory. We have made provision

for an establishment and maintenance of a system of public schools, and we have assured them that the lands and other property belonging to the citizens of the United States residing without the State will never be taxed at a higher rate than lands or other property belonging to the residents thereof, and then on the most vital condition and requirement in this act we blithely say, "Well, no, we have to see what they are offering us." Frankly, Hawaii made the mistake and it will probably cost them \$300,000. And what the answer is, possibly Mr. White's solution is an excellent one. I would recommend, under the circumstances, rather than possibly fall into a \$300,000 boner, that we put the matter over and discuss it further.

PRESIDENT EGAN: If there is no objection this proposed amendment will be held in abeyance until a later time and perhaps after adequate discussion -- Mr. Hellenthal.

HELLENTHAL: I have one question I would like to ask Mr. Smith.

LEE: May I have the floor.

PRESIDENT EGAN: Mr. Lee.

LEE: I don't have very much to say. I concur with Mr. McLaughlin. I would like to quote a classic statement made by an eminent advocate of statehood some years ago. He said, "We will cut the pattern to fit the cloth," and he also said. "If we can't eat steak we will eat beans." Is that correct? (Laughter)

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

KILCHER: Mr. President, I suggest we have a two-minute recess at this time.

PRESIDENT EGAN: If there is no objection the Convention will stand at recess for two or three minutes.

#### RECESS

PRESIDENT EGAN: The Convention will come to order. We have before us Mr. Smith's proposed amendment. The Chief Clerk will please read the proposed amendment. Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, I ask unanimous consent that the consideration of this motion be put over for at least 24 hours.

PRESIDENT EGAN: Is there objection to the unanimous consent request made by Mr. McLaughlin? Miss Awes.

AWES: I don't want to object, but would it be in order for me to make a comment?

PRESIDENT EGAN: If there is no objection, Miss Awes, you might make a comment.

AWES: I was just thinking that it seems to me that certain other states must have met this same problem. I should think that all of those who have gone in under the Tennessee Plan that we heard tonight must have gone in before an enabling act was passed, and I should think that before we decide what to do, that somebody ought to look into the matter of how it was handled by the other states.

PRESIDENT EGAN: Well, then is there objection to the unanimous consent request to hold this over until tomorrow evening?

HERMANN: May we have it read again?

PRESIDENT EGAN: The Chief Clerk will please read the proposed amendment.

CHIEF CLERK: "Section 2. All provisions of the Act admitting Alaska to the Union which reserves rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property made to Alaska, are consented to fully by the State of Alaska and its people."

PRESIDENT EGAN: Is there objection to Mr. McLaughlin's unanimous consent request? If there is no objection, the proposed amendment will be held over until tomorrow evening. Mr. Taylor.

TAYLOR: Mr. President, to put that off for 24 hours will be 9:18 o'clock tomorrow night.

PRESIDENT EGAN: Will you remember that, Mr. Taylor, please. The Convention will come to order. (Laughter)

EMBERG: May I request we be furnished mimeographed copies of that?

PRESIDENT EGAN: If there is no objection, the Chief Clerk will furnish all delegates with mimeographed copies of the proposed amendment. Mr. Sundborg.

SUNDBORG: May I have permission to make a comment on this same matter?

PRESIDENT EGAN: If there is no objection. Mr. Sundborg.

SUNDBORG: I believe we should perhaps give a little attention to something that Mr. Buckalew said a moment ago and review it because I am sure it was not correct, and that was that Congress, whether we wanted to be a state or not, could force statehood upon us. I know that in the history of the United States, statehood was never forced upon any territory. A state can only be formed by the people of that state. All Congress can do is pass what is called an enabling act. The enabling act is an act which permits the people, if they desire to do so, to become a state. Congress could not force statehood upon us on their own terms. We would have to consent to those terms. We, the people of Alaska, would have to form the state. It could not be formed for us by anyone else.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I would like to make a brief comment, too. I would like to point out that we have already departed from the Act of Congress that I hold in my hands, in connection with the provisions of Mr. Smith's Committee with respect to mineral lands. Nowhere in the natural resources article that we adopted did we follow the language of the house bill as contained on page 39 where it is required that, "...all grants of mineral lands be made upon the express condition that all sales, grants, deeds, or patents shall be subject to and contain a reservation to the state of all of the minerals in the lands so sold, granted, deeded, or patented." If we are going to get consistent we should then change the natural resources article, and it is for that reason that I think this unanimous consent request was very wise.

PRESIDENT EGAN: Mr. McNealy, do you or your Committee have other amendments to offer to this proposal?

McNEALY: No further amendments.

PRESIDENT EGAN: Do you have objection to other amendments being offered from the floor, if there are any, at this time?

McNEALY: No objections.

PRESIDENT EGAN: Are there other amendments to Section 1? Mr. Johnson.

JOHNSON: Mr. President, I move that the Convention stand adjourned until tomorrow morning at 9:00 o'clock.

PRESIDENT EGAN: Mr. Johnson moves that the Convention stand adjourned until tomorrow morning at 9:00 o'clock. Mr. Sundborg.

SUNDBORG: I wonder if Mr. Johnson would consent to withhold his motion so that we might revert to the topic of committee reports, briefly?

JOHNSON: I will be glad to, Mr. President.

PRESIDENT EGAN: If there is no objection the Convention will revert to the order of business of introduction of committee reports at this time. Mr. Sundborg.

SUNDBORG: Mr. President, your Committee on Style and Drafting reports back to the Convention two articles which were referred to us. One is the article embraced in Committee Proposal No. 3 having to do with the initiative, referendum and recall. The other is the article embraced in Committee Proposal No. 1 on the subject of suffrage and elections. We would suggest, Mr. President, that our report, which has been placed on the desk of each delegate, be referred to the Rules Committee for a place on the calendar.

PRESIDENT EGAN: The reports of the Committee on Style and Drafting are referred to the Rules Committee for assignment to the calendar. Are there committee announcements or other reports of committees to be made at this time? Mr. Hellenthal.

HELLENTHAL: Mr. President, I should like that the description of election districts consisting of nine pages, numbered 2 to 9, inclusive, be considered in first reading.

PRESIDENT EGAN: The Chief Clerk will read Committee Proposal No. 14 for the first time.

CHIEF CLERK: It is just the description part. The proposal is just the description of election districts.

PRESIDENT EGAN: The proposal itself was read for the first time?

CHIEF CLERK: It is in Engrossment and Enrollment.

PRESIDENT EGAN: The description of the election districts, could you read those titles for the first time? Mr. Sundborg.

SUNDBORG: Mr. President, if I may, I believe the proposal itself was read for the first time and referred, the whole proposal has been read for the second time with the exception of this schedule, and I believe that what is in order now is the reading of this in second reading.

PRESIDENT EGAN: Have these titles been read previously?

CHIEF CLERK: This part has, you see. It is just the description that hasn't been read.

PRESIDENT EGAN: Then the description of election districts is referred to the Rules Committee for assignment to the calendar. Mr. Rosswog.

ROSSWOG: Is this section in first reading now or must it go on to second reading?

PRESIDENT EGAN: It will be in second reading when the Rules Committee assigns it to the calendar, yes, Mr. Rosswog. Are there other committee announcements to be made at this time?

McCUTCHEON: Question.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Well, I guess I can't tell because I don't know when we will recess, so I can't make my announcement.

PRESIDENT EGAN: Mrs. Sweeney, it appears that the maker of the motion to adjourn is about ready to renew his request. Mrs. Sweeney.

SWEENEY: I will adjourn if that is what you want, but I was going to make a committee announcement. Mr. President, I move and ask unanimous consent that we recess until 9:00 o'clock tomorrow morning.

PRESIDENT EGAN: Mrs. Sweeney moves and asks unanimous consent that the Convention stand adjourned until 9:00 a.m. tomorrow morning. Are there committee announcements to be made prior to that time that the question is put? If not, the question is, "Shall the Convention stand adjourned until 9:00 a.m. tomorrow?" All those in favor will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the Convention stands adjourned.